

# SENATE, No. 521

## STATE OF NEW JERSEY 220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

**Sponsored by:**

**Senator NILSA I. CRUZ-PEREZ**

**District 5 (Camden and Gloucester)**

**SYNOPSIS**

Expressly authorizes medical cannabis patients under 18 years of age to have up to four designated caregivers.

**CURRENT VERSION OF TEXT**

As reported by the Senate Health, Human Services and Senior Citizens Committee with technical review.



S521 CRUZ-PEREZ

2

1 AN ACT concerning medical cannabis and amending P.L.2009,  
2 c.307.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. Section 4 of P.L.2009, c.307 (C.24:6I-4) is amended to read  
8 as follows:

9 4. a. The commission shall establish a registry of qualifying  
10 patients and their designated caregivers and shall establish a means  
11 of identifying and verifying the registration status of patients and  
12 designated caregivers who are registered with the commission.  
13 Registration with the commission shall be valid for two years. A  
14 patient or designated caregiver shall be registered with the  
15 commission upon submitting the following, in accordance with  
16 regulations adopted by the commission:

17 (1) documentation of a health care practitioner's authorization  
18 for the patient for the medical use of cannabis;

19 (2) an application or renewal fee, which may be based on a  
20 sliding scale as determined by the commission;

21 (3) the name, home address, and date of birth of the patient and  
22 each designated caregiver, as applicable;

23 (4) the name, address, and telephone number of the patient's  
24 health care practitioner; and

25 (5) up to one alternate address for the patient, which may be  
26 used for delivery of medical cannabis to the patient pursuant to  
27 section 27 of P.L.2019, c.153 (C.24:6I-20).

28 Each qualifying patient younger than 18 years of age may  
29 concurrently have up to four designated caregivers, and each  
30 qualifying patient who is 18 years of age or older may concurrently  
31 have up to two designated caregivers. A qualifying patient younger  
32 than 18 years of age may petition the commission for approval to  
33 concurrently have more than four designated caregivers, and a  
34 qualifying patient who is 18 years of age or older may petition the  
35 commission for approval to concurrently have more than two  
36 designated caregivers **[, which]** . A petition for additional  
37 designated caregivers shall be approved if the commission finds that  
38 allowing the patient additional designated caregivers is necessary to  
39 meet the patient's treatment needs and is consistent with the  
40 provisions of P.L.2009, c.307 (C.24:6I-1 et al.).

41 The commission shall establish a registry of institutional  
42 caregivers and shall establish a means of identifying and verifying  
43 the registration status of institutional caregivers who are registered  
44 with the commission. Registration with the commission shall be

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 valid for one year. An institutional caregiver shall be registered  
2 with the commission upon submitting the name, address, and  
3 telephone number of the institutional caregiver and of the health  
4 care facility at which the individual will be serving as institutional  
5 caregiver and a certification that meets the requirements of  
6 subsection h. of this section. The application or renewal fee for the  
7 institutional caregiver shall be paid by the health care facility at  
8 which the institutional caregiver will be serving as institutional  
9 caregiver. An institutional caregiver shall not be limited in the  
10 number of qualifying patients for whom the institutional caregiver  
11 may serve as institutional caregiver at one time, provided that each  
12 qualifying patient served by the institutional caregiver is a current  
13 patient or resident at the health care facility at which the  
14 institutional caregiver is authorized to serve as institutional  
15 caregiver, and the number of qualifying patients served by the  
16 institutional caregiver is commensurate with the institutional  
17 caregiver's ability to fully meet the treatment and related needs of  
18 each qualifying patient and attend to the institutional caregiver's  
19 other professional duties at the health care facility without  
20 jeopardizing the health or safety of any patient or resident at the  
21 facility.

22 b. Before registering an individual, the commission shall verify  
23 the information contained in the application or renewal form  
24 submitted pursuant to this section. In the case of a designated or  
25 institutional caregiver, the commission shall provisionally approve  
26 an application pending the results of a criminal history record  
27 background check, if the caregiver otherwise meets the  
28 requirements of P.L.2009, c.307 (C.24:6I-1 et al.). The commission  
29 shall approve or deny an application or renewal and complete the  
30 registration process for successful applicants within 30 days of  
31 receipt of the completed application or renewal. The commission  
32 may deny an application or renewal only if the applicant fails to  
33 provide the information required pursuant to this section, or if the  
34 commission determines that the information was incorrect or  
35 falsified or does not meet the requirements of P.L.2009, c.307  
36 (C.24:6I-1 et al.). Denial of an application shall be a final agency  
37 decision, subject to review by the Superior Court, Appellate  
38 Division.

39 c. (1) The commission shall require each applicant seeking to  
40 serve as a designated or institutional caregiver to undergo a criminal  
41 history record background check; except that no criminal history  
42 record background check shall be required for an applicant seeking  
43 to serve as a designated caregiver if the applicant is an immediate  
44 family member of the patient, and no criminal history record  
45 background check shall be required for an applicant seeking to  
46 serve as an institutional caregiver if the applicant completed a  
47 criminal history record background check as a condition of  
48 professional licensure or certification. The commission is

1 authorized to exchange fingerprint data with and receive criminal  
2 history record background information from the Division of State  
3 Police and the Federal Bureau of Investigation consistent with the  
4 provisions of applicable federal and State laws, rules, and  
5 regulations. The Division of State Police shall forward criminal  
6 history record background information to the commission in a  
7 timely manner when requested pursuant to the provisions of this  
8 section.

9 An applicant seeking to serve as a designated or institutional  
10 caregiver who is required to complete a criminal history record  
11 background check pursuant to this section shall submit to being  
12 fingerprinted in accordance with applicable State and federal laws,  
13 rules, and regulations. No check of criminal history record  
14 background information shall be performed pursuant to this section  
15 unless the applicant has furnished the applicant's written consent to  
16 that check. An applicant who is required to complete a criminal  
17 history record background check pursuant to this section who  
18 refuses to consent to, or cooperate in, the securing of a check of  
19 criminal history record background information shall not be  
20 considered for inclusion in the registry as a designated or  
21 institutional caregiver. An applicant shall bear the cost for the  
22 criminal history record background check, including all costs of  
23 administering and processing the check.

24 (2) The commission shall not approve an applicant seeking to  
25 serve as a designated or institutional caregiver who is required to  
26 complete a criminal history record background check pursuant to  
27 this section if the criminal history record background information of  
28 the applicant reveals a disqualifying conviction. For the purposes  
29 of this section, a disqualifying conviction shall mean a conviction  
30 of a crime involving any controlled dangerous substance or  
31 controlled substance analog as set forth in chapter 35 of Title 2C of  
32 the New Jersey Statutes except paragraph (4) of subsection a. of  
33 N.J.S.2C:35-10, or any similar law of the United States or of any  
34 other state.

35 (3) Upon receipt of the criminal history record background  
36 information from the Division of State Police and the Federal  
37 Bureau of Investigation, the commission shall provide written  
38 notification to the applicant of the applicant's qualification or  
39 disqualification for serving as a designated or institutional  
40 caregiver.

41 If the applicant is disqualified because of a disqualifying  
42 conviction pursuant to the provisions of this section, the conviction  
43 that constitutes the basis for the disqualification shall be identified  
44 in the written notice.

45 (4) The Division of State Police shall promptly notify the  
46 commission in the event that an individual who was the subject of a  
47 criminal history record background check conducted pursuant to  
48 this section is convicted of a crime or offense in this State after the

1 date the background check was performed. Upon receipt of that  
2 notification, the commission shall make a determination regarding  
3 the continued eligibility of the applicant to serve as a designated or  
4 institutional caregiver.

5 (5) Notwithstanding the provisions of paragraph (2) of this  
6 subsection to the contrary, no applicant shall be disqualified from  
7 serving as a designated or institutional caregiver on the basis of any  
8 conviction disclosed by a criminal history record background check  
9 conducted pursuant to this section if the individual has affirmatively  
10 demonstrated to the commission clear and convincing evidence of  
11 rehabilitation. In determining whether clear and convincing  
12 evidence of rehabilitation has been demonstrated, the following  
13 factors shall be considered:

14 (a) the nature and responsibility of the position which the  
15 convicted individual would hold, has held, or currently holds;

16 (b) the nature and seriousness of the crime or offense;

17 (c) the circumstances under which the crime or offense  
18 occurred;

19 (d) the date of the crime or offense;

20 (e) the age of the individual when the crime or offense was  
21 committed;

22 (f) whether the crime or offense was an isolated or repeated  
23 incident;

24 (g) any social conditions which may have contributed to the  
25 commission of the crime or offense; and

26 (h) any evidence of rehabilitation, including good conduct in  
27 prison or in the community, counseling or psychiatric treatment  
28 received, acquisition of additional academic or vocational  
29 schooling, successful participation in correctional work-release  
30 programs, or the recommendation of those who have had the  
31 individual under their supervision.

32 d. A verification of registration issued by the commission shall  
33 contain the following information:

34 (1) (a) in the case of a patient or designated caregiver  
35 registration, the name, address, and date of birth of the patient and  
36 each designated caregiver, if applicable; and

37 (b) in the case of an institutional caregiver, the caregiver's name  
38 and date of birth and the name and address of the health care  
39 facility at which the caregiver is serving as institutional caregiver;

40 (2) the expiration date of the registration;

41 (3) photo identification of the registrant; and

42 (4) such other information that the commission may specify by  
43 regulation.

44 e. (1) A patient who has been registered by the commission  
45 shall notify the commission of any change in the patient's name,  
46 address, or health care practitioner or change in status of the  
47 patient's qualifying medical condition, within 10 days of such  
48 change, or the patient's registration shall be deemed null and void.

1 (2) A designated caregiver who has been registered by the  
2 commission shall notify the commission of any change in the  
3 caregiver's name or address within 10 days of such change, or the  
4 caregiver's registration shall be deemed null and void.

5 (3) An institutional caregiver who has been registered by the  
6 commission shall notify the commission of any change in the  
7 caregiver's name, address, employment by a health care facility at  
8 which the caregiver is registered to serve as institutional caregiver,  
9 or authorization from the health care facility to assist qualifying  
10 patients with the medical use of cannabis, within 10 days of such  
11 change, or the caregiver's registration shall be deemed null and void  
12 and the individual shall be deemed ineligible to serve as an  
13 institutional caregiver for a period of not less than one year.

14 f. The commission shall maintain a confidential list of the  
15 persons registered with the commission. Individual names and  
16 other identifying information on the list, and information contained  
17 in any application form, or accompanying or supporting document  
18 shall be confidential, and shall not be considered a public record  
19 under P.L.1963, c.73 (C.47:1A-1 et seq.), P.L.2001, c.404  
20 (C.47:1A-5 et al.), or the common law concerning access to  
21 government records, and shall not be disclosed except to:

22 (1) authorized employees of the commission and the Division of  
23 Consumer Affairs in the Department of Law and Public Safety as  
24 necessary to perform official duties of the commission and the  
25 division, as applicable; and

26 (2) authorized employees of State or local law enforcement  
27 agencies, only as necessary to verify that a person who is engaged  
28 in the suspected or alleged medical use of cannabis is lawfully  
29 registered with the commission.

30 g. Applying for registration or being registered by the  
31 commission does not constitute a waiver of the qualifying patient's  
32 practitioner-patient privilege.

33 h. An applicant seeking to serve as an institutional caregiver  
34 shall submit with the application a certification executed by the  
35 director or administrator of the health care facility employing the  
36 applicant attesting that:

37 (1) the facility has authorized the applicant to assist registered  
38 qualifying patients at the facility with the medical use of cannabis,  
39 including obtaining medical cannabis from a medical cannabis  
40 dispensary, accepting deliveries of medical cannabis on behalf of  
41 registered qualifying patients, and assisting registered qualifying  
42 patients with the administration of medical cannabis;

43 (2) the facility has established protocols and procedures and  
44 implemented security measures to ensure that any medical cannabis  
45 obtained by an institutional caregiver that is transported by the  
46 caregiver to the facility is transported in a safe and secure manner  
47 that prevents theft, diversion, adulteration, and access by  
48 unauthorized individuals, and that any medical cannabis present at

1 the facility is stored in a safe and secure manner that prevents theft,  
2 diversion, adulteration, and access by unauthorized individuals;

3 (3) the facility has established protocols and procedures to  
4 review the medications and treatment plans of registered qualifying  
5 patients at the facility to ensure that the patient's medical use of  
6 cannabis will not result in adverse drug interactions, side effects, or  
7 other complications that could significantly jeopardize the health or  
8 safety of the patient;

9 (4) the facility will not charge a registered qualifying patient for  
10 medical cannabis obtained on the registered qualifying patient's  
11 behalf in an amount that exceeds the actual cost of the medical  
12 cannabis, plus any reasonable costs incurred in acquiring the  
13 medical cannabis;

14 (5) the facility has established protocols and procedures  
15 concerning whether, and to what extent, designated caregivers are  
16 permitted to assist registered qualifying patients with the medical  
17 use of cannabis while at the facility; and

18 (6) the facility will promptly notify the commission in the event  
19 that:

20 (a) an institutional caregiver registered with the commission  
21 pursuant to this section ceases to be employed by the facility or  
22 ceases to be authorized by the facility to assist registered qualifying  
23 patients with the medical use of cannabis, in which case, upon  
24 receipt of the notification, the commission shall immediately revoke  
25 the institutional caregiver's registration; or

26 (b) an institutional caregiver registered with the commission  
27 pursuant to this section, who completed a criminal history record  
28 background check as a condition of professional licensure or  
29 certification, is convicted of a crime or offense in this State after the  
30 date the criminal history background check was performed, in  
31 which case, upon receipt of that notification, the commission shall  
32 make a determination regarding the continued eligibility of the  
33 applicant to serve as an institutional caregiver.

34 Nothing in this section shall be deemed to require any facility to  
35 authorize any employee of the facility to serve as an institutional  
36 caregiver or to issue a certification that meets the requirements of  
37 this subsection.

38 (cf: P.L.2019, c.153, s.4)

39

40 2. This act shall take effect immediately.