

THE
NATIONAL LAW REVIEW

Beyond the Horizon: Proposed New Jersey Bills Pave Way for Legalizing Cannabis

Monday, September 10, 2018

Since 1970, the federal government has maintained a strict prohibition on cannabis, but in recent years, that prohibition has been bypassed by a growing number of states that have legalized medical and adult use marijuana. New Jersey is now poised to join the green revolution sweeping the nation. Learning from the successes and follies of California, Colorado, Washington State, Nevada, Oregon and others, New Jersey is aptly positioned to create, regulate, and tax a robust cannabis market.

As of June 2018, two New Jersey state Senate bills have been introduced by Senator Nicholas Scutari, [S2702](#) and [S2703](#). If passed, the legislation would allow consumers over the age of 21 to obtain and personally use up to one ounce of marijuana.

Additionally, a new Division of Marijuana and Enforcement would be created and regulations put in place to provide a new process for businesses looking to obtain a dispensary license. The proposed legislation envisions a rising tax burden over four years to fund regulation and enforcement efforts.

Senate bill S2703, is similar to Senate bill S2702, and allows for more opportunities in the medical marijuana space. Previously, only people diagnosed with specific debilitating medical conditions could obtain a recommendation for medical marijuana. Qualifying conditions included, and still include, Lou Gehrig's disease, muscular dystrophy, terminal cancer, Crohn's disease, or other severe or chronic pain conditions.

In March of 2018, Governor Phil Murphy expanded the list of qualifying conditions to include migraines, anxiety, Tourette's syndrome, and chronic pain related to musculoskeletal disorders like rheumatoid arthritis, lupus, and fibromyalgia. This allowed more patients access to medical marijuana treatment and, as a result, the medical program has seen an influx of new patients over the last few months. With more than 100 patients being added every day, there are now over 25,000 participants in New Jersey's medical marijuana program.

With bill S2702, not only would marijuana usage be legalized for adults over 21 and would create the Division of Marijuana and Enforcement as in bill S2703, it would also expand existing medical marijuana regulations specifically related to the administering of medical marijuana prescriptions. This bill would establish requirements for institutional caregivers to allow healthcare professionals to administer medical marijuana to their ill patients. Currently, only an individual with a prescription for medical marijuana can administer the drug to themselves.

In this bill, an "institutional caregiver" would be designated as a person over the age of 18 who:

- has never been convicted of the purchase or sale of an illegal drug;
- is the employee of a health care industry or organization and is authorized within the scope of said facility to administer "controlled dangerous substances in connection with the care and treatment of patients and residents pursuant to applicable State and federal laws;"
- is authorized by the health care to which they are employed to assist patients or residents of the facility with the medical use of marijuana; and
- has registered with the Division of Marijuana and Enforcement (once it is implemented).

STARK & STARK
ATTORNEYS AT LAW

Article By [Stark & Stark](#)
[Gene Markin New Jersey Law Blog](#)

[Biotech, Food, Drug](#)
[New Jersey](#)

A cannabis committee has been created by the New Jersey State Bar Association for the proper attentive understanding of the proposed legislations. The cannabis committee has already begun holding seminars and analyzing the legal issues and concerns about cannabis, which will be ongoing as legislation continues to develop in the state.

COPYRIGHT © 2019, STARK & STARK

Source URL: <https://www.natlawreview.com/article/beyond-horizon-proposed-new-jersey-bills-pave-way-legalizing-cannabis>