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### DHSS Releases Draft Rules for Medicinal Marijuana

The Department of Health and Senior Services released its draft rules today pending publication in the New Jersey Register outlining the registration and application process for patients, primary caregivers, physicians, cultivators and dispensaries to participate in New Jersey's Medicinal Marijuana Program.

"We have designed a clinically sound program that is unique to New Jersey. It is a physician-driven program that provides access to qualified patients for whom conventional treatment has failed and who may benefit from medicinal marijuana as a symptom reliever. The program is also designed to ensure that patients receive ongoing medical care from a physician who is managing their chronic debilitating illness," said Health and Senior Services Commissioner Dr. Poonam Alaigh.

New Jersey is the 14<sup>th</sup> state to implement the use of medicinal marijuana by qualified patients who are being treated for certain chronic debilitating conditions. In drafting the rules, the Department consulted with scientists and national experts, as well as, academicians, advocates and administrators in the 13 other states and the District of Columbia.

The Department discussed the draft rules with physicians, advocates and legislative sponsors prior to their release. A public hearing will be scheduled after the rules are published in the New Jersey Register.

Physicians will be able to register electronically with the Department later this month. After their credentials are verified, doctors will submit names of patients they are recommending for medicinal marijuana for debilitating medical conditions including cancer, MS, AIDS, muscular dystrophy, seizure disorders and Crohn's disease.

Patients whose names have been submitted by their physician will be able to register beginning next month and will be issued photo identification cards by the end of the year. Applications will be available next week for entities interested in applying as cultivators and dispensaries. The applications will be reviewed by a selection committee early next year. Cultivation and processing of medicinal marijuana is anticipated in March or April and should be available to qualified patients this summer.

Six Alternative Treatment Centers (ATCs) will be selected through a competitive process. Two of the ATCs will be cultivators and four will be dispensaries. All of the ATCs will be nonprofit. The ATCS would be located in each region of the State: north, central and south. The ATCs selected for dispensing medicinal marijuana will also have the ability to apply to the Department for satellite locations in their region.

The registration fee for patients is \$200 and will be valid for two years. Patients who qualify for certain state and federal assistance programs would pay a reduced registration fee of \$20.

Some key provisions of the draft rules include:

- Physicians must have a bona fide and ongoing relationship with qualified patients they are recommending for the program.
- Physicians are required to obtain informed consent from patients.
- ID cards are required of everyone in the program: Patients and caregivers, as well as owners, operators, board members, staff and volunteers of cultivation sites and dispensaries
- Non-profit principals, board members, owners, operators, and employees of ATCs and primary caregivers are required to undergo criminal background checks.
- Alternative Treatment Centers have to document a plan for record keeping, inventory control and security that ensures the confidentiality of patient information and maintains the security of the sites.
- Dispensaries have to provide educational materials and counsel patients on aspects of treatment including the risks and benefits of using medicinal marijuana.

"As a result of all of the work done by the Department and stakeholders, we are optimistic the program will provide for compassionate use of medicinal marijuana by qualified patients in a medical model," Commissioner Alaigh said.

Please visit the Department's web site at [http://www.nj.gov/health/med\\_marijuana.shtml](http://www.nj.gov/health/med_marijuana.shtml) to read the draft regulations and obtain additional information about applying to participate in the program.

To obtain information about other states' programs, visit: [www.medicalmarijuana.procon.org](http://www.medicalmarijuana.procon.org).

## Frequently Asked Questions

### **What conditions qualify someone to participate?**

Patients must be certified by their physicians as having a debilitating medical condition, such as amyotrophic lateral sclerosis, multiple sclerosis, terminal cancer, muscular dystrophy, or inflammatory bowel disease, including Crohn's disease. Terminal illness also qualifies if the physician determines the patient has less than 12 months to live.

The following conditions qualify if they are resistant to conventional medical therapy: seizure disorder, including epilepsy; intractable skeletal muscular spasticity; or glaucoma.

The following conditions qualify if severe or chronic pain, severe nausea or vomiting, cachexia, or wasting syndrome results from the condition or its treatment: positive status for AIDS, HIV or cancer.

### **How do I get approved to use medicinal marijuana?**

Your physician must register with DHSS to participate in the program, and must attest that you are undergoing treatment for an active debilitating medical condition, and may benefit from the use of medicinal marijuana to relieve symptoms. This must be a physician who has ongoing responsibility for your care.

### **What do I do once I get qualified by my physician?**

Your physician will submit your name to the Department registry electronically. Then you can register with the state manually or electronically and then the state will issue a photo identification card.

### **What is a bona fide physician relationship?**

A relationship in which the physician has an ongoing responsibility for the care of a patient defined as either having seen the patient for a year; documented four visits for the debilitating condition; or assumes responsibility for the care after a thorough clinical assessment, review of the patient's medical record and care plan.

### **It's too difficult for me to travel. Can someone help me get medicinal marijuana?**

Yes. A qualified patient can identify a primary caregiver, who will be registered with the Alternative Treatment Center that provides your medicinal marijuana. The caregiver must undergo a criminal background check.

### **Can dispensaries deliver?**

Yes, there will be home delivery.

### **How much medicinal marijuana can an approved patient get each month?**

A maximum of two ounces in any 30 day period.

### **Can I share or give away medicinal marijuana?**

No. Only qualifying patients may obtain, possess and use marijuana that has been lawfully obtained through an ATC. You may not share or give away your medicinal marijuana. Any person who obtains, possesses, uses or sells marijuana in any manner that is not authorized under the Compassionate Use Law will be subject to arrest and criminal prosecution.

### **Can patients consume medicinal marijuana on-site at the Alternative Treatment Center that supplies their marijuana?**

No.

### **Can dispensaries provide food products with marijuana in them?**

No.

### **Can I grow my own medicinal marijuana?**

No.

### **How soon can patients register and obtain medicinal marijuana?**

Registration begins in November. Patient photo ID cards will be issued by the end of the year. Marijuana should be available in July 2011.

### **Why do I have to wait until next July?**

New Jersey wants to implement a safe and secure program that avoids some of the unintended consequences seen in other states' programs. Our program includes a public, competitive application process for choosing the medicinal marijuana growers and dispensaries. That includes a criminal background check of applicants. Applications are due in January, and a selection committee will review applications in February. Then marijuana growing and processing can begin.

### **Is there a fee to register?**

Yes. The registration fee for patients and caregivers is \$200, which is valid for two years. A reduced fee of \$20 would be paid by patients who qualify for certain state or federal assistance programs.

### **Is medicinal marijuana covered by Medicaid?**

Medicinal marijuana is not a covered service under Medicaid.

### **Who will grow the medicinal marijuana?**

Nonprofit growers will be chosen through a public, competitive process.

### **How many Alternative Treatment Centers will there be?**

There will be 6 nonprofit ATCs chosen through a competitive process. Two ATCs will be selected for cultivation and four will be selected for dispensing medicinal marijuana. Each ATC selected for dispensing medicinal marijuana will also have the ability to apply to the Department to open a satellite office in their geographic region.

**Where will the ATCs be located?**

ATCs selected for dispensing medicinal marijuana will be located in the north, central and southern parts of the state.

**How do I become a grower or dispenser?**

DHSS will issue applications for growers and dispensers in October. Proposals will be due in January and will be reviewed by a selection committee in February.

**What other states have passed medicinal marijuana laws?**

New Jersey was the 14<sup>th</sup> state to enact a medicinal marijuana law. The other states are Alaska, California, Colorado, Hawaii, Maine, Michigan, Montana, Nevada, New Mexico, Oregon, Rhode Island, Vermont and Washington. The District of Columbia has also enacted a law.

**My condition is debilitating but it's not on that list. What can I do?**

After an initial assessment of the program, patients can file a petition with the program once a year.

**What will medicinal marijuana cost?**

The request for applications will require applicants to provide information on what they will charge for medicinal marijuana. When the Department is evaluating the applications, it will look at the fees charged for reasonableness.

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