

49 N.J.R. 4013(a)

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RULE ADOPTIONS

Reporter

49 N.J.R. 4013(a)

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Agency

LAW AND PUBLIC SAFETY > *DIVISION OF CONSUMER AFFAIRS* > STATE BOARD OF MEDICAL EXAMINERS

Administrative Code Citation

Adopted Amendment: N.J.A.C. 13:35-7A.2

Text

Compassionate Use Medical Marijuana Definitions

Proposed: March 6, 2017, at 49 N.J.R. 401(a).

Adopted: August 9, 2017, by the State Board of Medical Examiners, George Scott, D.P.M., D.O., President.

Filed: November 14, 2017, as R.2017 d.230, **without change**.

Authority: N.J.S.A. 45:9-2 and 24:6I-1 et seq.

Effective Date: December 18, 2017.

Expiration Date: May 3, 2018.

Summary of Public Comment and Agency Response:

No comments were received.

Federal Standards Analysis

Under existing Federal law, the manufacture, possession, sale, or distribution of marijuana is prohibited. See 21 U.S.C. § 841 et seq. States, however, are not required to enforce Federal law. In enacting the New Jersey Compassionate Use Medical Marijuana Act, N.J.S.A. 24:6I-1 et seq., the New Jersey Legislature found that compliance with the Act does not put the State of

New Jersey in violation of Federal law. See N.J.S.A. 24:6I-2. Because the standards established in these rules conflict with requirements imposed under Federal law, a Federal standards analysis is required.

The amendment has been adopted because P.L. 2016, c. 53, revised the definition of "debilitating medical condition" to include post-traumatic stress disorder and would permit individuals who suffer from post-traumatic stress disorder to qualify to obtain and use marijuana for medicinal purposes. Although possession and use of marijuana is a violation of Federal law, the New Jersey Legislature drew a distinction between medical and non-medical use of marijuana, and determined that the medical use of marijuana is beneficial in treating or alleviating pain and symptoms associated with certain debilitating medical conditions. See N.J.S.A. 24:6I-2.

Regulations

Full text of the adoption follows:

SUBCHAPTER 2. COMPASSIONATE USE MEDICAL MARIJUANA

13:35-7A.2 Definitions

The following words and terms when used in this subchapter shall have the following meanings, unless the context indicates otherwise.

...

"Debilitating medical condition" means:

1. One of the following conditions, if resistant to, or if the patient is intolerant to, conventional medical therapy: seizure disorder, including epilepsy; intractable skeletal muscular spasticity; post-traumatic stress disorder; or glaucoma;
- 2.-5. (No change.)

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