Compassionate Use Medical Marijuana Definitions


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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