
NEW JERSEY ADMINISTRATIVE CODE
TITLE 13
LAW AND PUBLIC SAFETY
CHAPTER 35
SUBCHAPTER 7A
COMPASSIONATE USE MEDICAL
MARIJUANA

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 7A. COMPASSIONATE USE MEDICAL MARIJUANA3

13:35-7A.1 Purpose and scope 3

13:35-7A.2 Definitions 3

13:35-7A.3 Requirement for physician participation 4

13:35-7A.4 Certification requirements..... 4

13:35-7A.5 Written instruction requirements; reassessment; records 5

13:35-7A.6 Duty to report information to the Division..... 8

**SUBCHAPTER 7A.
COMPASSIONATE USE MEDICAL MARIJUANA**

13:35-7A.1 PURPOSE AND SCOPE

- a) The rules in this subchapter implement certain provisions of the Jake Honig Compassionate Use Medical Cannabis Act, P.L. 2009, c. 307 (N.J.S.A. 24:6I-1 et seq.).

- b) The rules in this subchapter shall apply to physicians who provide certifications and written instructions for patients seeking marijuana for medical use pursuant to rules adopted by the Board and by the New Jersey Cannabis Regulatory Commission.

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.

"Bona fide physician-patient relationship" means a relationship in which the physician has ongoing responsibility for the assessment, care and treatment of a patient's debilitating medical condition, consistent with the requirements of N.J.A.C. 13:35-7A.5. For purposes of this definition, "ongoing responsibility" means:

- 1) The physician-patient relationship has existed for at least one year;

- 2) The physician has seen and/or assessed the patient for the debilitating medical condition on at least four visits; or

- 3) The physician assumes responsibility for providing management and care of the patient's debilitating medical condition after conducting a comprehensive medical history and physical examination, including a personal review of the patient's medical record maintained by other treating physicians reflecting the patient's reaction and response to conventional medical therapies.

"Certification" means a statement signed by a physician with whom a patient has a bona fide physician-patient relationship, which attests to the physician's authorization for the patient to be registered to use marijuana.

"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) One of the following conditions, if severe or chronic pain, severe nausea or vomiting, cachexia or wasting syndrome results from the condition or its treatment: positive status for human immunodeficiency virus, acquired immune deficiency syndrome or cancer;
- 3) Amyotrophic lateral sclerosis, multiple sclerosis, terminal cancer, muscular dystrophy or inflammatory bowel disease, including Crohn's disease;
- 4) Terminal illness, if the physician has determined a prognosis of less than 12 months of life; or
- 5) Any other medical condition or its treatment that is approved by the New Jersey Cannabis Regulatory Commission by rule.

"Medical use of marijuana" means the acquisition, possession, transport or use of marijuana or paraphernalia by a qualified patient registered with the New Jersey Cannabis Regulatory Commission pursuant to P.L. 2009, c. 307 and P.L. 2019, c. 153.

13:35-7A.3 REQUIREMENT FOR PHYSICIAN PARTICIPATION

- a) A physician shall provide a certification and written instructions for a patient for the medical use of marijuana only if:
 - 1) The physician holds an active New Jersey license in good standing issued by the Board and possesses an active controlled dangerous substances registration issued by the Division of Consumer Affairs that is not subject to limitation; and
 - 2) The physician has a bona fide physician-patient relationship with the patient.

13:35-7A.4 CERTIFICATION REQUIREMENTS

- a) Prior to issuing a certification for the medical use of marijuana, the physician shall have conducted a comprehensive medical history and physical examination of the patient to determine whether the patient suffers from a debilitating medical condition that qualifies the patient to receive marijuana pursuant to N.J.S.A. 24:61-3.

- b) The certification shall be signed and dated by the physician and shall attest to the physician's authorization for the patient to be registered with the New Jersey Cannabis Regulatory Commission for the medical use of marijuana. If authorized by the New Jersey Cannabis Regulatory Commission, the certification shall be electronically transmitted to the New Jersey Cannabis Regulatory Commission. The certification shall include the following information:
- 1) Physician name, address and telephone number;
 - 2) Physician license number and CDS registration number;
 - 3) Patient name, address, telephone number and date of birth;
 - 4) If applicable, caregiver name, address, telephone number and date of birth;
 - 5) Diagnosis of debilitating medical condition; and
 - 6) Any other information required by the New Jersey Cannabis Regulatory Commission by rule.
- c) Prior to issuing a certification for the medical use of marijuana for a minor patient, a physician shall:
- 1) Obtain written confirmation from a physician trained in the care of pediatric patients and from a psychiatrist, establishing that, in their respective professional opinions, following review of the minor patient's medical record or examination of the minor patient, the minor patient is likely to receive therapeutic or palliative benefits from the medical use of marijuana to treat or alleviate symptoms associated with his or her debilitating medical condition. If the certifying physician is trained in the care of pediatric patients, he or she shall only be required to obtain written confirmation from a psychiatrist; and
 - 2) Explain the potential risks and benefits of the medical use of marijuana to the minor patient and to a parent, guardian or person having legal custody of the minor patient. Such explanation shall be documented in the minor patient's medical record.

13:35-7A.5 WRITTEN INSTRUCTION REQUIREMENTS; REASSESSMENT; RECORDS

- a) A physician may provide written instructions for the medical use of marijuana for a qualified patient registered with the New Jersey Cannabis Regulatory Commission, provided the requirements in this

section are satisfied. If authorized by the New Jersey Cannabis Regulatory Commission, the physician may provide the written instruction by electronic or other means directly to an alternative treatment center on behalf of a registered qualifying patient.

- b) The physician's written instructions shall include the following information:
- 1) Physician name, address and telephone number;
 - 2) Physician license number and CDS registration number;
 - 3) Patient name, address, telephone number, date of birth and registry identification number;
 - 4) If applicable, caregiver name, address, telephone number, date of birth and registry identification number;
 - 5) Name of the permitted alternative treatment center;
 - 6) Quantity of marijuana to be dispensed; and
 - 7) Any other information required by the New Jersey Cannabis Regulatory Commission by rule.
- c) A physician authorizing the medical use of marijuana shall review, at a minimum of every three months, the course of treatment for the patient's debilitating medical condition, and the patient's progress toward treatment objectives as a result of the use of medical marijuana, including whether the patient is achieving the therapeutic results intended, has developed significant untoward side effects, or is experiencing any physical or psychological problems associated with marijuana use. If the physician determines that the patient is achieving treatment objectives, and is not experiencing untoward side effects or physical or psychological problems associated with marijuana use, the physician may continue the patient's treatment with medical marijuana without alteration.
- d) If treatment objectives for the patient's debilitating medical condition are not being met as a result of the use of medical marijuana, or the patient is experiencing untoward side effects or physical or psychological problems associated with marijuana use, the physician shall:
- 1) Modify the dosage of medical marijuana or mode of delivery authorized, provided the authorized amount does not exceed two ounces in a 30-day period consistent with (g) below,

undertake a trial of other drugs or treatment modalities, or discontinue the use of medical marijuana; and

- 2) Consider referring the patient for independent evaluation or treatment in order to achieve treatment objectives.
- e) The physician shall remain alert to the possibility that marijuana may be misused or diverted. A physician issuing written instructions for a patient with a history of substance abuse shall exercise extra care by way of monitoring, documentation and possible consultation with addiction medicine specialists, and should consider the use of an agreement between the physician and the patient concerning the medical use of marijuana and consequences for misuse.
- f) The physician shall keep accurate and complete records that include:
 - 1) The medical history and physical examination of the patient;
 - 2) The diagnosis of the debilitating medical condition, including the patient's symptoms and their severity and the patient's reaction and response to conventional medical therapies, which qualify the patient for the medical use of marijuana;
 - 3) Other evaluations and consultations;
 - 4) Treatment plan objectives;
 - 5) Evidence of informed consent. In obtaining informed consent, the physician shall advise the patient about the lack of scientific consensus for the medical use of marijuana, its sedative properties and the risks for addiction;
 - 6) Treatments and other drugs prescribed or provided;
 - 7) Any agreements with the patient; and
 - 8) Periodic reviews conducted.

- g) A physician shall not issue written instructions authorizing a patient to receive more than two ounces of marijuana in a 30-day period.
- h) A physician may issue multiple written instructions at one time authorizing the patient to receive a total of up to a 90-day supply of marijuana, provided that the following conditions are met:
 - 1) Each separate set of instructions is issued for the treatment of the patient's documented debilitating medical condition;
 - 2) Each separate set of instructions indicates the earliest date on which the alternative treatment center may dispense the marijuana, except for the first dispensation if it is to be filled immediately; and
 - 3) The physician has determined that providing the patient with multiple instructions in this manner does not create an undue risk of diversion or abuse.
- i) The physician shall keep a copy of the patient's, or if applicable, the caregiver's registry identification card, in the patient's medical record.
- j) If the physician determines that the patient's underlying debilitating medical condition no longer exists or that the patient's continued use of marijuana is no longer appropriate, the physician shall notify the New Jersey Cannabis Regulatory Commission of his or her findings.

13:35-7A.6 DUTY TO REPORT INFORMATION TO THE DIVISION

- a) A physician shall comply with all requests for information from the Division of Consumer Affairs concerning the issuance of certifications and written instructions for the medical use of marijuana as provided in N.J.A.C. 13:45A-33.
- b) Failure on the part of a physician to comply with the requirements of N.J.A.C. 13:45A-33 may subject the physician to disciplinary action pursuant to N.J.S.A. 45:1-21 et seq.