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Despite No Recreational Marijuana, New Jersey Pushes Ahead with Expansion of Medical Marijuana

The New Jersey Department of Health announced on Monday, May 13, 2019, that there will be changes to the New Jersey Compassionate Use Medical Marijuana Act taking effect on May 20, 2019. The changes include granting authority to The Department of Health to devising a system for granting permits for cultivation, manufacturing and retail of the drug, which should promote growth and access to the medicine. Additionally, the new rules will allow the health commissioner to add additional health conditions to the list of qualifying conditions. These rules replace the current process that takes six months, wherein the Medical Marijuana Review Panel holds multiple public hearings on this issue before they can make a recommendation to the commissioner. The new rules also remove the requirement that a psychiatrist must recommend a minor before being enrolled in the program.

Adult use legalization is looking bleak, as political infighting between Governor Phil Murphy and Senate President Steve Sweeney appears to be escalating over a tax bill. Currently, New Jersey has six dispensaries open and operating with six more on the way. Since Governor Murphy made changes to the law last March, that included lowering costs and adding additional qualifying conditions (including chronic pain), the number of enrollees has jumped from around 16,000 at the end of 2017, to currently being around 46,000, with an estimated 2,000 more joining the program every month. It is also recently said that Governor Cuomo in New York is backing off of pushing for adult use legalization in New York at this time, given recent comments that he has made. Similarly to the situation in New Jersey, politicians in New York cannot agree on a bill, and Governor Cuomo doesn't appear to be interested in expending the political capital required to get the bill moving forward at present.

Comment: Despite recreational legalization seemingly being placed on the back burner in both NJ and NY, for the moment, the issue nationally continues to move ahead. With the ongoing expansion of New Jersey's medical use program, this will result in more enrollees and thus more controversy in the workplace. Having counsel who knows the law to assist in crafting policy will be essential in navigating these issues.

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