§1 –
C.18A:40-12.22
§2 - C.30:6D-5b
§5 - Note to §§1,2

P.L.2015, CHAPTER 158, approved November 9, 2015
Assembly, No. 4587

AN ACT concerning medical marijuana, supplementing chapter 40
of Title 18A of the New Jersey Statutes and chapter 6D of Title
30 of the Revised Statutes, and amending P.L.2009, c.307 and

BE IT ENACTED by the Senate and General Assembly of the State
of New Jersey:

1. (New section) a. A board of education or chief school
administrator of a nonpublic school shall develop a policy
authorizing parents, guardians, and primary caregivers to administer
medical marijuana to a student while the student is on school
grounds, aboard a school bus, or attending a school-sponsored
event.

b. A policy adopted pursuant to subsection a. of this section
shall, at a minimum:

(1) require that the student be authorized to engage in the
medical use of marijuana pursuant to P.L.2009, c.307 (C.24:6I-
1 et al.) and that the parent, guardian, or primary caregiver be
authorized to assist the student with the medical use of marijuana
pursuant to P.L.2009, c.307 (C.24:6I-1 et al.);

(2) establish protocols for verifying the registration status and
ongoing authorization pursuant to P.L.2009, c.307 (C.24:6I-1 et al.)
concerning the medical use of marijuana for the student and the
parent, guardian, or primary caregiver;

(3) expressly authorize parents, guardians, and primary
caregivers of students who have been authorized for the medical use
of marijuana to administer medical marijuana to the student while
the student is on school grounds, aboard a school bus, or attending a
school-sponsored event;

(4) identify locations on school grounds where medical
marijuana may be administered; and

(5) prohibit the administration of medical marijuana to a student
by smoking or other form of inhalation while the student is on
school grounds, aboard a school bus, or attending a school-
sponsored event.

c. Medical marijuana may be administered to a student while
the student is on school grounds, aboard a school bus, or attending
school-sponsored events, provided that such administration is

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.
consistent with the requirements of the policy adopted pursuant to
this section.

2. (New section) a. The chief administrator of a facility that
offers services for persons with developmental disabilities shall
develop a policy authorizing a parent, guardian, or primary
caregiver authorized to assist a qualifying patient with the use of
medical marijuana pursuant to P.L.2009, c.307 (C.24:6I-1 et al.) to
administer medical marijuana to a person who is receiving services
for persons with developmental disabilities at the facility.

b. A policy adopted pursuant to subsection a. of this section
shall, at a minimum:

1) require the person receiving services for persons with
developmental disabilities be a qualifying patient authorized for the
use of medical marijuana pursuant to P.L.2009, c.307 (C.24:6I-
1 et al.), and that the parent, guardian, or primary caregiver be
authorized to assist the person with the medical use of marijuana
pursuant to P.L.2009, c.307 (C.24:6I-1 et al.);

2) establish protocols for verifying the registration status and
ongoing authorization pursuant to P.L.2009, c.307 (C.24:6I-1 et al.)
concerning the medical use of marijuana for the person and the
parent, guardian, or primary caregiver;

3) expressly authorize parents, guardians, and primary
caregivers to administer medical marijuana to the person receiving
services for persons with developmental disabilities while the
person is at the facility; and

4) identify locations at the facility where medical marijuana
may be administered.

c. Medical marijuana may be administered to a person
receiving services for persons with developmental disabilities at a
facility that offers such services while the person is at the facility,
provided that such administration is consistent with the
requirements of the policy adopted pursuant to this section and the

d. Nothing in this section shall be construed to authorize
medical marijuana to be smoked in any place where smoking is
prohibited pursuant to N.J.S.2C:33-13.

3. N.J.S.2C:35-18 is amended to read as follows:

2C:35-18. Exemption; Burden of Proof. a. If conduct is
authorized by the provisions of P.L.1970, c.226 (C.24:21-1 et seq.)
(pending before the Legislature as this bill), that authorization shall,
subject to the provisions of this section, constitute an exemption
from criminal liability under this chapter or chapter 36, and the
absence of such authorization shall not be construed to be an
element of any offense in this chapter or chapter 36. It is an
affirmative defense to any criminal action arising under this chapter
or chapter 36 that the defendant is the authorized holder of an
appropriate registration, permit or order form or is otherwise
exempted or excepted from criminal liability by virtue of any
c.307 (C.24:6I-1 et al.), or P.L. , c. (C. ) (pending before
the Legislature as this bill). The affirmative defense established
herein shall be proved by the defendant by a preponderance of the
evidence. It shall not be necessary for the State to negate any
exemption set forth in this act or in any provision of Title 24 of the
Revised Statutes in any complaint, information, indictment or other
pleading or in any trial, hearing or other proceeding under this act.
b. No liability shall be imposed by virtue of this chapter or
chapter 36 upon any duly authorized State officer, engaged in the
enforcement of any law or municipal ordinance relating to
controlled dangerous substances or controlled substance analogs.
(cf: P.L.2009, c.307, s.12)

4. Section 6 of P.L.2009, c.307 (C.24:6I-6) is amended to read
as follows:

6. a. The provisions of N.J.S.2C:35-18 shall apply to any
qualifying patient, primary caregiver, alternative treatment center,
physician, or any other person acting in accordance with the
c. (C. ) (pending before the Legislature as this bill).
b. A qualifying patient, primary caregiver, alternative treatment
center, physician, or any other person acting in accordance with the
c. (C. ) (pending before the Legislature as this bill) shall not
be subject to any civil or administrative penalty, or denied any right
or privilege, including, but not limited to, civil penalty or
disciplinary action by a professional licensing board, related to the
medical use of marijuana as authorized under [this act] P.L.2009,
c.307 (C.24:6I-1 et al.) or P.L. , c. (C. ) (pending before
the Legislature as this bill).
c. Possession of, or application for, a registry identification
card shall not alone constitute probable cause to search the person
or the property of the person possessing or applying for the registry
identification card, or otherwise subject the person or his property
to inspection by any governmental agency.
d. The provisions of section 2 of P.L.1939, c.248 (C.26:2-82),
relating to destruction of marijuana determined to exist by the
department, shall not apply if a qualifying patient or primary
caregiver has in his possession a registry identification card and no
more than the maximum amount of usable marijuana that may be
obtained in accordance with section 10 of [this act] P.L.2009,
c.307 (C.24:6I-10).
e. No person shall be subject to arrest or prosecution for
constructive possession, conspiracy or any other offense for simply
being in the presence or vicinity of the medical use of marijuana as

f. No custodial parent, guardian, or person who has legal custody of a qualifying patient who is a minor shall be subject to arrest or prosecution for constructive possession, conspiracy or any other offense for assisting the minor in the medical use of marijuana as authorized under [this act] P.L.2009, c.307 (C.24:6I-1 et al.) or P.L. , c. (C. ) (pending before the Legislature as this bill).

(cf: P.L.2009, c.307, s.6)

5. The Commissioner of Human Services and the State Board of Education may, in consultation with the Commissioner of Health and pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules and regulations as may be necessary to implement the provisions of this act.

6. This act shall take effect immediately.

STATEMENT

This bill requires boards of education, chief school administrators of nonpublic schools, and chief administrators of facilities providing services to persons with developmental disabilities to adopt a policy authorizing parents, guardians, and primary caregivers to administer medical marijuana to qualifying patients under certain circumstances.

In the case of a public or nonpublic school, parents, guardians, and primary caregivers would be authorized to administer medical marijuana to a student in a nonsmokable form while the student is on school grounds, aboard a school bus, or attending a school-sponsored event, provided the administration is consistent with a school policy that: (1) requires the student to be authorized to engage in the medical use of marijuana pursuant to the "Compassionate Use Medical Marijuana Act" and the parent, guardian, or primary caregiver to be authorized to assist the student with the medical use of medical marijuana; (2) establishes protocols for verifying the registration status and ongoing authorization concerning the medical use of marijuana for the student and the parent, guardian, or primary caregiver; (3) expressly authorizes parents, guardians, and primary caregivers to administer medical marijuana to the student while the student is on school grounds, aboard a school bus, or attending a school-sponsored event; (4) identifies locations on school grounds where medical marijuana may be administered; and (5) prohibits the administration of medical marijuana by smoking or other form of inhalation.

The bill expressly authorizes parents, guardians, and primary caregivers to administer medical marijuana to a student while on school grounds, aboard a school bus, or attending a school event,
provided that such administration is consistent with the provisions of the school’s policy.

In the case of facilities providing services to persons with developmental disabilities, the chief administrator of the facility would be required to develop a policy authorizing a parent, guardian, or primary caregiver to administer medical marijuana to a qualifying patient who is receiving services at the facility. The policy would be required to: (1) require the person receiving services be a qualifying patient authorized for the use of medical marijuana, and that the parent, guardian, or primary caregiver be authorized to assist the person with the medical use of marijuana; (2) establish protocols for verifying the registration status and ongoing authorization concerning the medical use of marijuana for the person and the parent, guardian, or primary caregiver; (3) expressly authorize parents, guardians, and primary caregivers to administer medical marijuana to the person receiving services at the facility while at the facility; and (4) identify locations at the facility where medical marijuana may be administered. Nothing in the bill would permit medical marijuana to be smoked in a place where smoking is prohibited pursuant to N.J.S.2C:33-13.

The bill provides that conduct authorized under its provisions falls within the provisions of N.J.S.2C:35-18 and section 6 of P.L.2009, c.307 (C.24:6I-6) that provide immunity from civil and criminal liability and professional disciplinary action for persons acting in accordance with the “Compassionate Use Medical Marijuana Act.”

Requires facilities providing services to persons with developmental disabilities and schools to adopt policies permitting administration of medical marijuana to qualifying patients.