



State of New Jersey
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JUDITH M. PERSICILLI, RN, BSN, MA
Commissioner

**Certificate of Waiver for Medicinal Marijuana
Pursuant to the Provisions of the New Jersey Administrative Code Specifically,
N.J.A.C. 8:64, a waiver is issued to:**

Alternative Treatment Centers currently permitted to dispense medicinal marijuana

Granting relief from the following provision(s) of Chapter 8:64 of the New Jersey
Administrative Code:

N.J.A.C. 8:64-10.12 Home delivery prohibited

**An alternative treatment center shall not deliver marijuana to the home or
residence of a registered qualifying patient or primary caregiver.**

The waiver is subject to the following terms and conditions:

1. To help patients acquire medicinal marijuana safely and reduce trips to ATCs during the public health emergency, as approved by the Department, an ATC employee ("ATC Delivery Employee") may deliver medicinal marijuana to qualifying patients and designated caregivers on behalf of an ATC at their home addresses.
 - a. ATCs may deliver in any region and may institute geographic and hourly restrictions on where and when they opt to deliver to patients.
 - b. Any such restrictions shall be reported to the Department and listed on the ATC's webpage.
 - c. ATCs may change those restrictions, provided however that advance notice is given to the Department (7 days in advance of any change), patients are notified, and they are posted online.
 - d. If serving different geographies on different days or at different times, ATCs shall implement a regular schedule to the extent practicable.
2. Orders shall be placed in advance, and products shall be labeled in the ATC prior to an ATC Delivery Employee beginning a delivery.
 - a. When a patient or caregiver places an order for delivery for the first time with an ATC, the ATC may validate the patient or caregiver by phone or through online means, provided, however that an in-person verification

is conducted by the delivery driver prior to dispensing.

3. Products shall be locked and stored in a secure lockbox in the vehicle used for delivery ("Delivery Vehicle") until an ATC Delivery Employee arrives at the delivery address.
4. An ATC Delivery Employee shall lock the Delivery Vehicle, the lockbox, and equip the vehicle alarm system when conducting a delivery, or when leaving the vehicle for any other reason.
5. Deliveries may be conducted by a single ATC Delivery Employee provided, however, that another ATC employee, preferably a supervisor, has access to real time GPS tracking of the Delivery Vehicle.
6. ATCs shall only deliver to the physical addresses that are verified in the Patient Registry, and shall only deliver to verified patients and caregivers.
7. ATCs shall not leave product unattended (i.e. on a porch or stoop), shall not deliver in mailboxes, shall not deliver to PO Boxes, and shall not deliver to any addresses on federally owned property.
8. At the door of the patient or caregiver, an ATC Delivery Employee shall conduct an in-person visual verification of the registry identification card of the patient or caregiver prior to dispensing, which may be conducted without handling the card, for example through a window.
9. An ATC Delivery Employee may make multiple deliveries in one trip, and shall travel only between the ATC premises and delivery addresses, except in the event of emergency or dangerous road conditions or as necessary for sanitization, rest, fuel, or vehicle repair stops.
10. All transactions shall be appropriately logged in the registry and ATC inventory in accordance with N.J.A.C. 8:64-9.3, N.J.A.C. 8:64-9.9, and other corresponding rules.
11. ATCs shall maintain a delivery log, which includes the following information for every delivery conducted by the ATC:
 - a. Date & time that the delivery began (when vehicle leaves dispensary) and ended (when the product is delivered to the patient or caregiver);
 - b. Name & address of recipient;
 - c. Name & ATC identification card number of ATC Delivery Employee;
 - d. Form, amount, & tracking number(s) of medicinal marijuana delivered; and
 - e. Confirmation of registry identification card verification.

12. Where a delivery is attempted and not completed and the medicinal marijuana remains in the ATC Delivery Employee's possession, the ATC may repackage and restock the product, logging the product's amended status in the ATC inventory.
13. To the extent practicable, an ATC Delivery Employee shall implement protective measures to reduce the spread of COVID-19 and other communicable diseases as recommended by the Department, the Centers for Disease Control, or health care professionals, including but not limited to providing ATC Delivery Employees with hand sanitizer and personal protective equipment.
14. While conducting deliveries, an ATC Delivery Employee, who shall be at least 18 years of age, shall carry:
 - a. An ATC identification card;
 - b. A valid non-probationary driver's license;
 - c. A cellular telephone to communicate with the ATC; and
 - d. A GPS device, which may be a cellular telephone.
15. A Delivery Vehicle shall bear no markings that would indicate that it is used to transport medicinal marijuana.
16. An ATC shall maintain current hired and non-owned automobile liability insurance sufficient to insure each Delivery Vehicle in the amount of at least \$1,000,000 per occurrence or accident.
17. An ATC shall provide the Department with current information on all Delivery Vehicles including each vehicle's make, model, color, Vehicle Identification Number, license plate number, and vehicle registration.
18. An ATC shall provide the Department with a list of all employees that will be used as ATC Delivery Employees, documentation that they have received training for the position, and verification that they have valid non-probationary driver's licenses.
19. The ATC may charge a delivery fee which shall not exceed 10% of the pre-tax total for an order.
20. An ATC may sell wholesale bulk, packaged and/or labeled product to another ATC to conduct deliveries on its behalf.
21. Prior to initiating delivery services, ATCs shall provide the Department with a delivery plan for approval. The delivery plan shall include Standard Operating Procedures (SOPs) for:

- a. Taking orders, verifying registry identification cards and authorizations, and taking payment;
- b. Logging the transactions in the registry and ATC inventory;
- c. Conducting in-person deliveries, which shall include protocols for use of personal protective equipment (PPE) and regular sanitization if necessary;
- d. Maintaining privacy and confidentiality;
- e. Training ATC Delivery Employees;
- f. Tracking Delivery Vehicles and inventory;
- g. Security for ATC Delivery Employees, Delivery Vehicles and Inventory; and
- h. Emergency notification and response in the event of accidents, theft, equipment malfunction, or other emergency events.

22. To the extent practicable, ATC delivery processes shall comply with N.J.S.A. 24:6I-20(i).

Pursuant to N.J.A.C. 8:64-7.11, I find this waiver to be necessary to achieve the purpose of the Act and provide access to patients who would otherwise qualify for the use of medicinal marijuana, to alleviate suffering from debilitating medical conditions, and does not create a danger to the public health, safety or welfare.

FOR: Judith M. Persichilli, RN, BSN, MA
Commissioner



BY: Jeff Brown
Assistant Commissioner
Division of Medicinal Marijuana

DATE ISSUED: June 25, 2020