

Medicinal Cannabis Access in Healthcare Facilities

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Recently, a woman told me about her 90-year-old father who is in an assisted living facility in central New Jersey (1).

This woman's father suffers from chronic pain, and he is on opiates and cortisone injections. Her father's doctor recommended medical marijuana for him. So, the daughter got a caregiver card from the state's Medicinal Cannabis Program. She spent \$400 at an Alternative Treatment Center to purchase cannabis oil for her father. But the assisted living staff told her that she could not even bring the medical cannabis into the facility, let alone give it to her father. The director said their lawyers told him they could not have medical marijuana in their facility because this would place their federal funding in jeopardy.

This patient, and many patients like him, suffer needlessly by being deprived of their physician-recommended medicine due to fears that the federal government will interfere with New Jersey's medicinal cannabis program.

However, Congress has forbidden the Department of Justice to spend any money interfering with medical marijuana programs in any of the over three dozen such programs in the United States (2). Since 2014, there has not been a single instance of federal interference in any of the states with medical marijuana programs.

The state of California implemented Ryan's Law in 2022, which allows for the administration of medical cannabis to authorized Hospice patients (3) in all California health care facilities. There has been no federal interference with Ryan's Law.

Healthcare facilities that house medical marijuana patients must realize that they are not at risk of federal interference

when they allow those patients to participate in New Jersey's medicinal cannabis program (4).

Moreover, the 2019 "Jake Honig Compassionate Use Medical Cannabis Act" (5) called for implementation of "Institutional caregivers" in the state. Institutional caregivers are employees of a health care facility who are authorized to assist registered qualifying patients, or residents of the facility, with the medical use of cannabis. This includes obtaining medical cannabis and assisting these patients with the administration of medical cannabis.

However, six years later, the Institutional Caregiver program has yet to be implemented in New Jersey. This is a dangerous and potentially fatal situation. A patient who suffers from seizures may be admitted to a health care facility for a condition that is unrelated to the seizure condition. Then, when the patient is denied access to the only medicine that controls their seizures—medical cannabis—the result can be fatal.

Access to edible and topical medical cannabis products will improve health care in the state. It promises to reduce the costs by stabilizing multiple conditions and reducing the need for expensive pharmaceuticals. Medicinal cannabis also controls pain without oversedation, which is why it can be so important to patients like the 90-year-old father of the woman mentioned above.

The American Nurses Association has supported safe access to therapeutic marijuana for over 20 years (6) and said access is part of a patient's right. This right must not be denied. ■

References:

1. See my broader testimony to the New Jersey Cannabis Regulatory Commission on 6/17/24: <https://cmmnj.blogspot.com/2024/06/testimony-to-nj-cannabis-regulatory.html>
2. Congress Votes to Block Feds From Enforcing Marijuana Laws In Legal States <https://www.forbes.com/sites/tomangell/2019/06/20/congress-votes-to-block-feds-from-enforcing-marijuana-laws-in-legal-states/>; The House of Representatives voted in May 2014 to defund the federal war on medical marijuana. The U.S. Senate agreed, and President Obama signed the bill into law in December 2014. More at: <http://cmmnj.blogspot.com/2014/06/house-votes-to-end-war-on-medical.html> and https://www.govtrack.us/congress/votes/113-2014/h258?fbclid=IwZXh0bGhZOW0CMTAAR2L_5bABgPwTDxoS0FK-t7qrP_oTC6RGjhYCU1BCIVzAyAdydLWD740_WZg_aem_mxf_iTE8oz6Vd8sbYXhQ2A
3. Healthcare Facility Guide to Implementing Ryan's Law: https://www.safeaccessnow.org/ryanslaw_facilityresources#gsc.tab=0
4. NJ CRC: Prepare for Institutional Caregivers Now: <https://cmmnj.blogspot.com/search?q=ryan%27s+law>
5. New Jersey Cannabis Regulatory Commission Medicinal Cannabis Program: <https://www.nj.gov/cannabis/medicinalcannabis/> and the Jake Honig Compassionate Use Medical Cannabis Act: https://pub.njleg.gov/bills/2018/PL19/153_.HTM
6. ANA Position Statement: Therapeutic Use of Marijuana: <https://ojin.nursingworld.org/MainMenuCategories/ANAMarketplace/ANAPeriodicals/OJIN/TableofContents/Vol-27-2022/No1-Jan-2022/Therapeutic-Use-of-Marijuana.html#ANA3>