

## MEDICAL MARIJUANA USE IN PUBLIC HOUSING AND HOUSING CHOICE VOUCHER PROGRAMS

### New Admissions

Based on federal law, users of medical marijuana are prohibited from admission to the Public Housing (PH) and Housing Choice Voucher (HCV) programs. The Controlled Substances Act (CSA) lists marijuana as a Schedule I drug, a substance with a very high potential for abuse and no accepted medical use in the United States. The Quality Housing and Work Responsibility Act (QHWRA) of 1998 (42 U.S.C. 13661) requires that PHA's administering the Department's rental assistance programs establish standards and lease provisions that prohibit admission into the PH and HCV programs based on the illegal use of controlled substances, including state legalized medical marijuana. State laws that legalize medical marijuana directly conflict with the admission requirements set forth in QHWRA and are thus subject to federal preemption.

The Food and Drug Administration (FDA) has approved drugs for medical uses which are comprised of marijuana synthetics, such as Marinol and Cesamet. These drugs are not medical marijuana and are legal under federal laws. These products have been approved by the FDA and have been determined to be safe and effective for their indications. Therefore, use of these approved drugs by applicants would not preclude them from participation in either the public housing or voucher program.

### Current Residents

For existing residents, QHWRA requires Public Housing Authorities (PHAs) to establish occupancy standards and lease provisions that will allow the PHA to terminate assistance for use of a controlled substance. However, the law does not compel such action and PHA's have the discretion to determine continued occupancy policies that are most appropriate for their local communities.

The State of New Jersey, in 2010, signed into law the NJ Compassionate Use Medical Marijuana Act NJSA 24:61-1 et seq. The law allows for State-licensed Alternative Treatment Centers to dispense medical marijuana for use by patients who are registered with the NJ Department of Health. These patients are authorized under the law to possess and use this controlled dangerous substance to treat certain specified debilitating medical conditions in accordance with certifications made by their physicians who must also register with the Health Department's Medicinal Marijuana Program and who must have an ongoing responsibility for the care and treatment of these patients.

The Highland Park Housing Authority (HPHA) will not seek to terminate the residency of any tenant or participant due solely to their physician approved use of medicinal marijuana. However, smoking has been prohibited in each of our buildings over two stories high. Therefore, medicinal marijuana must be consumed in a form other than smoking.