

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 4287

STATE OF NEW JERSEY

DATED: OCTOBER 15, 2026

The Senate Judiciary Committee reports favorably Senate Bill No. 4287.

This bill criminalizes certain sales of marijuana and vapor products.

Under the bill, any person, who owns, operates, controls, manages or maintains a business concern that sells, offers for sale, or distributes for commercial purpose marijuana to any person without a license is guilty of a crime of the third degree and subject to a fine of not less than \$10,000 nor more than \$50,000 and in the case of a partnership, joint venture, association, corporation, or any other legal entity, to a fine of not less than \$100,000 nor more than \$250,000. The bill defines “business concern” to mean any corporation, association, firm, partnership, sole proprietorship, trust, or other form of commercial organization or enterprise.

The bill provides that any person, except for a licensed vapor business or a licensed limited vapor product retailer (a newly created license category) authorized pursuant to current law, P.L.2019, c.147 (C.54:40B-3.3 et al.), or an employee or agent of any such licensee acting within the scope of that licensee’s authorization, who owns, operates, controls, manages or maintains a business concern that at retail sells, offers for sale, or distributes for commercial purpose, to any other person any vapor product is guilty of a crime of the third degree, and subject to a fine of not less than \$10,000 nor more than \$50,000; and in the case of a partnership, joint venture, association, corporation, or any other legal entity, to a fine of not less than \$100,000 nor more than \$250,000.

Both of the above described unlicensed marijuana and vapor product activities would be included in the definition of “racketeering activity” set forth in N.J.S.2C:41-1 and thus fall within the scope of the State’s Racketeer Influenced and Corrupt Organizations (RICO) Act, which generally makes it a crime for someone to be employed or associated with an “enterprise” or have any interest or control of such “through a pattern of racketeering activity.” See N.J.S.2C:41-2, subsections b. and c. A prosecution under the RICO Act would allow for additional criminal and civil penalties to be imposed for the unlicensed marijuana and vapor product activities.

The bill also provides that any person who knowingly sells, offers for sale, distributes for commercial purpose at no cost or minimal cost

or with coupons or rebate offers, gives or furnishes, to another person any vapor product that has a characterizing flavor, described in the bill as a distinguishable flavor, taste, or aroma other than tobacco, or vapor product which is represented in any manner, by word or deed, including but not limited to labeling, as having a characterizing flavor, is guilty of an offense according to the schedule provided for in the bill, ranging from a petty disorderly persons offense for a violation involving a quantity of less than five packages or units of vapor products to a crime of the second degree for a violation involving a quantity of 500 or more packages or units of vapor products. A second-degree offense would also be listed in the definition of “racketeering activity,” which, as stated above, could subject a convicted person to additional criminal and civil penalties under the RICO Act.

Products sold in violation of the bill’s provisions are declared to be prima facie contraband goods and may be seized without a warrant. In addition to the criminal penalties authorized under the bill, a business concern found to have committed more than two violations of the new offenses created by the bill within a two-year period is deemed a public nuisance, providing the municipality in which the business concern is located the power to impose restrictions on the operation, including closure, of the business.