

SENATE, No. 3145

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED OCTOBER 22, 2018

Sponsored by:

Senator JAMES BEACH

District 6 (Burlington and Camden)

SYNOPSIS

Requires Dept. of Agriculture to establish pilot program concerning cultivation of industrial hemp.

CURRENT VERSION OF TEXT

As introduced.



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2

1 AN ACT creating a pilot program for the research and cultivation of
2 industrial hemp, supplementing Title 4 of the Revised Statutes,
3 and amending various parts of the statutory law.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. (New section) Sections 1 through 5 of P.L. , c. (C.)
9 (pending before the legislature as this bill) shall be known and may
10 be cited as the “New Jersey Industrial Hemp Pilot Program.”

11
12 2. (New section) The Legislature finds and declares that
13 industrial hemp is used in a wide variety of products including
14 textiles, construction materials, and foodstuffs, and the demand for
15 these goods is growing; that hemp can be a viable agricultural crop
16 in the State; that the ability to grow hemp on an industrial scale
17 would allow farmers to diversify their products by adding a
18 lucrative cash crop; that researching cultivation methods of
19 industrial hemp would greatly aid farmers seeking to grow hemp for
20 the first time; and that, therefore, it is fitting and proper that the
21 Legislature create an industrial hemp pilot program to promote the
22 research and cultivation of industrial hemp to the maximum extent
23 permitted by federal law.

24
25 3. (New section) As used in sections 1 through 5 of P.L. , c.
26 (C.) (pending before the legislature as this bill):

27 “Agricultural pilot program” means a pilot program conducted
28 by the department or Rutgers, The State University, to study
29 methods of cultivating industrial hemp pursuant to sections 1
30 through 5 of P.L. , c. (C.) (pending before the legislature as
31 this bill) and 7 U.S.C. s.5940.

32 “Cultivate” means to plant, grow, or harvest industrial hemp.

33 “Department” means the New Jersey Department of Agriculture.

34 “Industrial hemp” means the same as that term is defined in 7
35 U.S.C. s.5940.

36
37 4. (New section) a. The Department of Agriculture shall
38 establish an agricultural pilot program to study and promote the
39 cultivation of industrial hemp to the maximum extent permitted by
40 federal law.

41 b. The department shall partner with Rutgers, The State
42 University, to administer the agricultural pilot program.

43 c. Any person participating in the agricultural pilot program
44 shall demonstrate to the satisfaction of the Secretary of Agriculture
45 that the person has complied with all applicable federal
46 requirements pertaining to the cultivation of industrial hemp.

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.

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1 5. (New section) a. The department, in consultation with
2 Rutgers, The State University, shall adopt, pursuant to the
3 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et
4 seq.), such rules and regulations as may be necessary for the
5 purposes of:

- 6 (1) conducting the agricultural pilot program;
7 (2) licensing or contracting with persons who wish to participate
8 in the agricultural pilot program;
9 (3) prescribing sampling and testing procedures to ensure that
10 industrial hemp cultivated pursuant to sections 1 through 5 of P.L. ,
11 c. (C.) (pending before the legislature as this bill) complies
12 with federal law;
13 (4) establishing a schedule of fees to be paid by licensees, or
14 contracted growers to the department to cover the costs of
15 administering and implementing the agricultural pilot program;
16 (5) certifying seed cultivars that comply with federal law or
17 licensing distributors of hemp seed capable of germination, if the
18 department determines certification or licensure is necessary; and
19 (6) regulating the purchase, sale, and marketing of industrial
20 hemp.

21 b. Any rule or regulation adopted pursuant to this section shall
22 be consistent with federal law regarding industrial hemp.

23

24 6. N.J.S.2C:35-2 is amended to read as follows:

25 2C:35-2. As used in this chapter:

26 “Administer” means the direct application of a controlled
27 dangerous substance or controlled substance analog, whether by
28 injection, inhalation, ingestion, or any other means, to the body of a
29 patient or research subject by: (1) a practitioner (or, in his
30 presence, by his lawfully authorized agent), or (2) the patient or
31 research subject at the lawful direction and in the presence of the
32 practitioner.

33 “Agent” means an authorized person who acts on behalf of or at
34 the direction of a manufacturer, distributor, or dispenser but does
35 not include a common or contract carrier, public warehouseman, or
36 employee thereof.

37 “Controlled dangerous substance” means a drug, substance, or
38 immediate precursor in Schedules I through V, any substance the
39 distribution of which is specifically prohibited in N.J.S.2C:35-3, in
40 section 3 of P.L.1997, c.194 (C.2C:35-5.2), in section 5 of
41 P.L.1997, c.194 (C.2C:35-5.3), in section 2 of P.L.2011, c.120
42 (C.2C:35-5.3a), or in section 2 of P.L.2013, c.35 (C.2C:35-5.3b),
43 and any drug or substance which, when ingested, is metabolized or
44 otherwise becomes a controlled dangerous substance in the human
45 body. When any statute refers to controlled dangerous substances,
46 or to a specific controlled dangerous substance, it shall also be
47 deemed to refer to any drug or substance which, when ingested, is
48 metabolized or otherwise becomes a controlled dangerous substance

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1 or the specific controlled dangerous substance, and to any substance
2 that is an immediate precursor of a controlled dangerous substance
3 or the specific controlled dangerous substance. The term shall not
4 include distilled spirits, wine, malt beverages, as those terms are
5 defined or used in R.S.33:1-1 et seq., or tobacco and tobacco
6 products. The term, wherever it appears in any law or
7 administrative regulation of this State, shall include controlled
8 substance analogs.

9 “Controlled substance analog” means a substance that has a
10 chemical structure substantially similar to that of a controlled
11 dangerous substance and that was specifically designed to produce
12 an effect substantially similar to that of a controlled dangerous
13 substance. The term shall not include a substance manufactured or
14 distributed in conformance with the provisions of an approved new
15 drug application or an exemption for investigational use within the
16 meaning of section 505 of the “Federal Food, Drug and Cosmetic
17 Act,” 52 Stat. 1052 (21 U.S.C. s.355).

18 “Counterfeit substance” means a controlled dangerous substance
19 or controlled substance analog which, or the container or labeling of
20 which, without authorization, bears the trademark, trade name, or
21 other identifying mark, imprint, number, or device, or any likeness
22 thereof, of a manufacturer, distributor, or dispenser other than the
23 person or persons who in fact manufactured, distributed, or
24 dispensed the substance and which thereby falsely purports or is
25 represented to be the product of, or to have been distributed by,
26 such other manufacturer, distributor, or dispenser.

27 “Deliver” or “delivery” means the actual, constructive, or
28 attempted transfer from one person to another of a controlled
29 dangerous substance or controlled substance analog, whether or not
30 there is an agency relationship.

31 “Dispense” means to deliver a controlled dangerous substance or
32 controlled substance analog to an ultimate user or research subject
33 by or pursuant to the lawful order of a practitioner, including the
34 prescribing, administering, packaging, labeling, or compounding
35 necessary to prepare the substance for that delivery. “Dispenser”
36 means a practitioner who dispenses.

37 “Distribute” means to deliver other than by administering or
38 dispensing a controlled dangerous substance or controlled substance
39 analog. “Distributor” means a person who distributes.

40 “Drugs” means (a) substances recognized in the official United
41 States Pharmacopoeia, official Homeopathic Pharmacopoeia of the
42 United States, or official National Formulary, or any supplement to
43 any of them; and (b) substances intended for use in the diagnosis,
44 cure, mitigation, treatment, or prevention of disease in man or other
45 animals; and (c) substances (other than food) intended to affect the
46 structure or any function of the body of man or other animals; and
47 (d) substances intended for use as a component of any article

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1 specified in subsections (a), (b), and (c) of this section; but does not
2 include devices or their components, parts, or accessories.

3 “Drug or alcohol dependent person” means a person who as a
4 result of using a controlled dangerous substance or controlled
5 substance analog or alcohol has been in a state of psychic or
6 physical dependence, or both, arising from the use of that controlled
7 dangerous substance or controlled substance analog or alcohol on a
8 continuous or repetitive basis. Drug or alcohol dependence is
9 characterized by behavioral and other responses, including but not
10 limited to a strong compulsion to take the substance on a recurring
11 basis in order to experience its psychic effects, or to avoid the
12 discomfort of its absence.

13 “Hashish” means the resin extracted from any part of the plant
14 Genus Cannabis L. and any compound, manufacture, salt,
15 derivative, mixture, or preparation of such resin. “Hashish” shall
16 not mean industrial hemp cultivated pursuant to the New Jersey
17 Industrial Hemp Pilot Program established by P.L. , c. (C.)
18 (pending before the Legislature as this bill).

19 “Manufacture” means the production, preparation, propagation,
20 compounding, conversion, or processing of a controlled dangerous
21 substance or controlled substance analog, either directly or by
22 extraction from substances of natural origin, or independently by
23 means of chemical synthesis, or by a combination of extraction and
24 chemical synthesis, and includes any packaging or repackaging of
25 the substance or labeling or relabeling of its container, except that
26 this term does not include the preparation or compounding of a
27 controlled dangerous substance or controlled substance analog by
28 an individual for his own use or the preparation, compounding,
29 packaging, or labeling of a controlled dangerous substance: (1) by
30 a practitioner as an incident to his administering or dispensing of a
31 controlled dangerous substance or controlled substance analog in
32 the course of his professional practice, or (2) by a practitioner (or
33 under his supervision) for the purpose of, or as an incident to,
34 research, teaching, or chemical analysis and not for sale.

35 “Marijuana” means all parts of the plant Genus Cannabis L.,
36 whether growing or not; the seeds thereof, and every compound,
37 manufacture, salt, derivative, mixture, or preparation of the plant or
38 its seeds, except those containing resin extracted from the plant; but
39 shall not include the mature stalks of the plant, fiber produced from
40 the stalks, oil, or cake made from the seeds of the plant, any other
41 compound, manufacture, salt, derivative, mixture, or preparation of
42 mature stalks, fiber, oil, or cake, or the sterilized seed of the plant
43 which is incapable of germination. “Marijuana” shall not mean
44 industrial hemp cultivated pursuant to the New Jersey Industrial
45 Hemp Pilot Program established by P.L. , c. (C.) (pending
46 before the Legislature as this bill).

47 “Narcotic drug” means any of the following, whether produced
48 directly or indirectly by extraction from substances of vegetable

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1 origin, or independently by means of chemical synthesis, or by a
2 combination of extraction and chemical synthesis:

- 3 (a) Opium, coca leaves, and opiates;
4 (b) A compound, manufacture, salt, derivative, or preparation of
5 opium, coca leaves, or opiates;
6 (c) A substance (and any compound, manufacture, salt,
7 derivative, or preparation thereof) which is chemically identical
8 with any of the substances referred to in subsections (a) and (b),
9 except that the words “narcotic drug” as used in this act shall not
10 include decocainized coca leaves or extracts of coca leaves, which
11 extracts do not contain cocaine or ecogine.

12 “Opiate” means any dangerous substance having an addiction-
13 forming or addiction-sustaining liability similar to morphine or
14 being capable of conversion into a drug having such addiction-
15 forming or addiction-sustaining liability. It does not include, unless
16 specifically designated as controlled pursuant to the provisions of
17 section 3 of P.L.1970, c.226 (C.24:21-3), the dextrorotatory isomer
18 of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan).
19 It does include its racemic and levorotatory forms.

20 “Opium poppy” means the plant of the species *Papaver*
21 *somniferum* L., except the seeds thereof.

22 “Person” means any corporation, association, partnership, trust,
23 other institution or entity, or one or more individuals.

24 “Plant” means an organism having leaves and a readily
25 observable root formation, including, but not limited to, a cutting
26 having roots, a rootball or root hairs.

27 “Poppy straw” means all parts, except the seeds, of the opium
28 poppy, after mowing.

29 “Practitioner” means a physician, dentist, veterinarian, scientific
30 investigator, laboratory, pharmacy, hospital, or other person
31 licensed, registered, or otherwise permitted to distribute, dispense,
32 conduct research with respect to, or administer a controlled
33 dangerous substance or controlled substance analog in the course of
34 professional practice or research in this State.

35 (a) “Physician” means a physician authorized by law to practice
36 medicine in this or any other state and any other person authorized
37 by law to treat sick and injured human beings in this or any other
38 state.

39 (b) “Veterinarian” means a veterinarian authorized by law to
40 practice veterinary medicine in this State.

41 (c) “Dentist” means a dentist authorized by law to practice
42 dentistry in this State.

43 (d) “Hospital” means any federal institution, or any institution
44 for the care and treatment of the sick and injured, operated or
45 approved by the appropriate State department as proper to be
46 entrusted with the custody and professional use of controlled
47 dangerous substances or controlled substance analogs.

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1 (e) “Laboratory” means a laboratory to be entrusted with the
2 custody of narcotic drugs and the use of controlled dangerous
3 substances or controlled substance analogs for scientific,
4 experimental, and medical purposes and for purposes of instruction
5 approved by the Department of Health.

6 “Production” includes the manufacture, planting, cultivation,
7 growing, or harvesting of a controlled dangerous substance or
8 controlled substance analog.

9 “Immediate precursor” means a substance which the Division of
10 Consumer Affairs in the Department of Law and Public Safety has
11 found to be and by regulation designates as being the principal
12 compound commonly used or produced primarily for use, and
13 which is an immediate chemical intermediary used or likely to be
14 used in the manufacture of a controlled dangerous substance or
15 controlled substance analog, the control of which is necessary to
16 prevent, curtail, or limit such manufacture.

17 “Residential treatment facility” means any facility licensed and
18 approved by the Department of Human Services and which is
19 approved by any county probation department for the inpatient
20 treatment and rehabilitation of drug or alcohol dependent persons.

21 “Schedules I, II, III, IV, and V” are the schedules set forth in
22 sections 5 through 8 of P.L.1970, c.226 (C.24:21-5 through 24:21-
23 8) and in section 4 of P.L.1971, c.3 (C.24:21-8.1) and as modified
24 by any regulations issued by the Director of the Division of
25 Consumer Affairs in the Department of Law and Public Safety
26 pursuant to the director’s authority as provided in section 3 of
27 P.L.1970, c.226 (C.24:21-3).

28 “State” means the State of New Jersey.

29 “Ultimate user” means a person who lawfully possesses a
30 controlled dangerous substance or controlled substance analog for
31 his own use or for the use of a member of his household or for
32 administration to an animal owned by him or by a member of his
33 household.

34 “Prescription legend drug” means any drug which under federal
35 or State law requires dispensing by prescription or order of a
36 licensed physician, veterinarian, or dentist and is required to bear
37 the statement “Rx only” or similar wording indicating that such
38 drug may be sold or dispensed only upon the prescription of a
39 licensed medical practitioner and is not a controlled dangerous
40 substance or stramonium preparation.

41 “Stramonium preparation” means a substance prepared from any
42 part of the stramonium plant in the form of a powder, pipe mixture,
43 cigarette, or any other form with or without other ingredients.

44 “Stramonium plant” means the plant *Datura Stramonium* Linne,
45 including *Datura Tatula* Linne.

46 (cf: P.L.2013, c.35, s.1)

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1 7. Section 2 of P.L.1970, c.226 (C.24:21-2) is amended to read
2 as follows:

3 2. As used in this act:

4 “Administer” means the direct application of a controlled
5 dangerous substance, whether by injection, inhalation, ingestion, or
6 any other means, to the body of a patient or research subject by: (1)
7 a practitioner (or, in the practitioner’s presence, by the
8 practitioner’s lawfully authorized agent), or (2) the patient or
9 research subject at the lawful direction and in the presence of the
10 practitioner.

11 “Agent” means an authorized person who acts on behalf of or at
12 the direction of a manufacturer, distributor, or dispenser but does
13 not include a common or contract carrier, public warehouseman, or
14 employee thereof.

15 “Commissioner” means the Commissioner of Health.

16 “Controlled dangerous substance” means a drug, substance, or
17 immediate precursor in Schedules I through V of article 2 of
18 P.L.1970, c.226 (C.24:21-1 et seq.). The term shall not include
19 distilled spirits, wine, malt beverages, as those terms are defined or
20 used in R.S.33:1-1 et seq., or tobacco and tobacco products.

21 “Counterfeit substance” means a controlled dangerous substance
22 which, or the container or labeling of which, without authorization,
23 bears the trademark, trade name, or other identifying mark, imprint,
24 number or device, or any likeness thereof, of a manufacturer,
25 distributor, or dispenser other than the person or persons who in fact
26 manufactured, distributed, or dispensed such substance and which
27 thereby falsely purports or is represented to be the product of, or to
28 have been distributed by, such other manufacturer, distributor, or
29 dispenser.

30 “Deliver” or “delivery” means the actual, constructive, or
31 attempted transfer from one person to another of a controlled
32 dangerous substance, whether or not there is an agency relationship.

33 “Director” means the Director of the Division of Consumer
34 Affairs in the Department of Law and Public Safety.

35 “Dispense” means to deliver a controlled dangerous substance to
36 an ultimate user or research subject by or pursuant to the lawful
37 order of a practitioner, including the prescribing, administering,
38 packaging, labeling, or compounding necessary to prepare the
39 substance for that delivery.

40 “Dispenser” means a practitioner who dispenses.

41 “Distribute” means to deliver other than by administering or
42 dispensing a controlled dangerous substance.

43 “Distributor” means a person who distributes.

44 “Division” means the Division of Consumer Affairs in the
45 Department of Law and Public Safety.

46 “Drug Enforcement Administration” means the Drug
47 Enforcement Administration in the United States Department of
48 Justice.

1 “Drugs” means (a) substances recognized in the official United
2 States Pharmacopoeia, official Homeopathic Pharmacopoeia of the
3 United States, or official National Formulary, or any supplement to
4 any of them; and (b) substances intended for use in the diagnosis,
5 cure, mitigation, treatment, or prevention of disease in man or other
6 animals; and (c) substances (other than food) intended to affect the
7 structure or any function of the body of man or other animals; and
8 (d) substances intended for use as a component of any article
9 specified in subsections (a), (b), and (c) of this section; but does not
10 include devices or their components, parts or accessories. “Drugs”
11 shall not mean industrial hemp cultivated pursuant to the New
12 Jersey Industrial Hemp Pilot Program established by P.L. ,
13 c. (C.) (pending before the Legislature as this bill).

14 “Hashish” means the resin extracted from any part of the plant
15 genus Cannabis and any compound, manufacture, salt, derivative,
16 mixture, or preparation of such resin. “Hashish” shall not mean
17 industrial hemp cultivated pursuant to the New Jersey Industrial
18 Hemp Pilot Program established by P.L. , c. (C.) (pending
19 before the Legislature as this bill).

20 “Marihuana” means all parts of the plant genus Cannabis,
21 whether growing or not; the seeds thereof; and every compound,
22 manufacture, salt, derivative, mixture, or preparation of the plant or
23 its seeds, except those containing resin extracted from the plant; but
24 shall not include the mature stalks of the plant, fiber produced from
25 the stalks, oil or cake made from the seeds of the plant, any other
26 compound, manufacture, salt, derivative, mixture, or preparation of
27 such mature stalks, fiber, oil, or cake, or the sterilized seed of the
28 plant which is incapable of germination. “Marihuana” shall not
29 mean industrial hemp cultivated pursuant to the New Jersey
30 Industrial Hemp Pilot Program established by P.L. , c. (C.)
31 (pending before the Legislature as this bill).

32 “Manufacture” means the production, preparation, propagation,
33 compounding, conversion, or processing of a controlled dangerous
34 substance, either directly or by extraction from substances of
35 natural origin, or independently by means of chemical synthesis, or
36 by a combination of extraction and chemical synthesis, and includes
37 any packaging or repackaging of the substance or labeling or
38 relabeling of its container, except that this term does not include the
39 preparation or compounding of a controlled dangerous substance by
40 an individual for the individual’s own use or the preparation,
41 compounding, packaging, or labeling of a controlled dangerous
42 substance: (1) by a practitioner as an incident to the practitioner’s
43 administering or dispensing of a controlled dangerous substance in
44 the course of the practitioner’s professional practice, or (2) by a
45 practitioner (or under the practitioner’s supervision) for the purpose
46 of, or as an incident to, research, teaching, or chemical analysis and
47 not for sale.

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1 “Narcotic drug” means any of the following, whether produced
2 directly or indirectly by extraction from substances of vegetable
3 origin, or independently by means of chemical synthesis, or by a
4 combination of extraction and chemical synthesis:

5 (a) Opium, coca leaves, and opiates;

6 (b) A compound, manufacture, salt, derivative, or preparation of
7 opium, coca leaves, or opiates;

8 (c) A substance (and any compound, manufacture, salt,
9 derivative, or preparation thereof) which is chemically identical
10 with any of the substances referred to in subsections (a) and (b),
11 except that the words “narcotic drug” as used in this act shall not
12 include decocainized coca leaves or extracts of coca leaves, which
13 extracts do not contain cocaine or ecgonine.

14 “Official written order” means an order written on a form
15 provided for that purpose by the Attorney General of the United
16 States or his delegate, under any laws of the United States making
17 provisions therefor, if such order forms are authorized and required
18 by the federal law, and if no such form is provided, then on an
19 official form provided for that purpose by the division. If
20 authorized by the Attorney General of the United States or the
21 division, the term shall also include an order transmitted by
22 electronic means.

23 “Opiate” means any dangerous substance having an addiction-
24 forming or addiction-sustaining liability similar to morphine or
25 being capable of conversion into a drug having such addiction-
26 forming or addiction-sustaining liability. It does not include, unless
27 specifically designated as controlled under section 3 of this act, the
28 dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its
29 salts (dextromethorphan). It does include its racemic and
30 levorotatory forms.

31 “Opium poppy” means the plant of the species *Papaver*
32 *somniferum* L., except the seeds thereof.

33 “Person” means any corporation, association, partnership, trust,
34 other institution or entity, or one or more individuals.

35 “Pharmacist” means a registered pharmacist of this State.

36 “Pharmacy owner” means the owner of a store or other place of
37 business where controlled dangerous substances are compounded or
38 dispensed by a registered pharmacist; but nothing in this chapter
39 contained shall be construed as conferring on a person who is not
40 registered or licensed as a pharmacist any authority, right, or
41 privilege that is not granted to the person by the pharmacy laws of
42 this State.

43 “Poppy straw” means all parts, except the seeds, of the opium
44 poppy, after mowing.

45 “Practitioner” means a physician, dentist, veterinarian, scientific
46 investigator, laboratory, pharmacy, hospital, or other person
47 licensed, registered, or otherwise permitted to distribute, dispense,
48 conduct research with respect to, or administer a controlled

1 dangerous substance in the course of professional practice or
2 research in this State.

3 (a) "Physician" means a physician authorized by law to practice
4 medicine in this or any other state.

5 (b) "Veterinarian" means a veterinarian authorized by law to
6 practice veterinary medicine in this State.

7 (c) "Dentist" means a dentist authorized by law to practice
8 dentistry in this State.

9 (d) "Hospital" means any federal institution, or any institution
10 for the care and treatment of the sick and injured, operated or
11 approved by the appropriate State department as proper to be
12 entrusted with the custody and professional use of controlled
13 dangerous substances.

14 (e) "Laboratory" means a laboratory to be entrusted with the
15 custody of narcotic drugs and the use of controlled dangerous
16 substances for scientific, experimental, and medical purposes and
17 for purposes of instruction approved by the Department of Health.

18 "Production" includes the manufacture, planting, cultivation,
19 growing, or harvesting of a controlled dangerous substance.

20 "Immediate precursor" means a substance which the division has
21 found to be and by regulation designates as being the principal
22 compound commonly used or produced primarily for use, and
23 which is an immediate chemical intermediary used or likely to be
24 used in the manufacture of a controlled dangerous substance, the
25 control of which is necessary to prevent, curtail, or limit such
26 manufacture.

27 "Substance use disorder involving drugs" means taking or using
28 a drug or controlled dangerous substance, as defined in this chapter,
29 in association with a state of psychic or physical dependence, or
30 both, arising from the use of that drug or controlled dangerous
31 substance on a continuous basis. A substance use disorder is
32 characterized by behavioral and other responses, including, but not
33 limited to, a strong compulsion to take the substance on a recurring
34 basis in order to experience its psychic effects, or to avoid the
35 discomfort of its absence.

36 "Ultimate user" means a person who lawfully possesses a
37 controlled dangerous substance for the person's own use or for the
38 use of a member of the person's household or for administration to
39 an animal owned by the person or by a member of the person's
40 household.

41 (cf: P.L.2017, c.131, s.65)

42

43 8. Section 5 of P.L.1970, c.226 (C.24:21-5) is amended to read
44 as follows:

45 5. Schedule I.

46 a. Tests. The director shall place a substance in Schedule I if he
47 finds that the substance: (1) has high potential for abuse; and (2)
48 has no accepted medical use in treatment in the United States; or

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1 lacks accepted safety for use in treatment under medical
2 supervision.

3 b. The controlled dangerous substances listed in this section are
4 included in Schedule I, subject to any revision and republishing by
5 the director pursuant to subsection d. of section 3 of P.L.1970,
6 c.226 (C.24:21-3), and except to the extent provided in any other
7 schedule.

8 c. Any of the following opiates, including their isomers, esters,
9 and ethers, unless specifically excepted, whenever the existence of
10 such isomers, esters, ethers and salts is possible within the specific
11 chemical designation:

- 12 (1) Acetylmethadol
- 13 (2) Allylprodine
- 14 (3) Alphacetylmethadol
- 15 (4) Alphameprodine
- 16 (5) Alphamethadol
- 17 (6) Benzethidine
- 18 (7) Betacetylmethadol
- 19 (8) Betameprodine
- 20 (9) Betamethadol
- 21 (10) Betaprodine
- 22 (11) Clonitazene
- 23 (12) Dextromoramide
- 24 (13) Dextrophan
- 25 (14) Diampromide
- 26 (15) Diethylthiambutene
- 27 (16) Dimenoxadol
- 28 (17) Dimepheptanol
- 29 (18) Dimethylthiambutene
- 30 (19) Dioxaphetyl butyrate
- 31 (20) Dipipanone
- 32 (21) Ethylmethylthiambutene
- 33 (22) Etonitazene
- 34 (23) Etoxidine
- 35 (24) Furethidine
- 36 (25) Hydroxypethidine
- 37 (26) Ketobemidone
- 38 (27) Levomoramide
- 39 (28) Levophenacymorphan
- 40 (29) Morpheridine
- 41 (30) Noracymethadol
- 42 (31) Norlevorphanol
- 43 (32) Normethadone
- 44 (33) Norpipanone
- 45 (34) Phenadoxone
- 46 (35) Phenampromide
- 47 (36) Phenomorphan
- 48 (37) Phenoperidine

- 1 (38) Pir tramide
- 2 (39) Proheptazine
- 3 (40) Properidine
- 4 (41) Racemoramide
- 5 (42) Trimeperidine.
- 6 d. Any of the following narcotic substances, their salts, isomers
- 7 and salts of isomers, unless specifically excepted, whenever the
- 8 existence of such salts, isomers and salts of isomers is possible
- 9 within the specific chemical designation:
 - 10 (1) Acetorphine
 - 11 (2) Acetylcodeine
 - 12 (3) Acetyldihydrocodeine
 - 13 (4) Benzylmorphine
 - 14 (5) Codeine methylbromide
 - 15 (6) Codeine-N-Oxide
 - 16 (7) Cyprenorphine
 - 17 (8) Desomorphine
 - 18 (9) Dihydromorphine
 - 19 (10) Etorphine
 - 20 (11) Heroin
 - 21 (12) Hydromorphanol
 - 22 (13) Methyldesorphine
 - 23 (14) Methylhydromorphine
 - 24 (15) Morphine methylbromide
 - 25 (16) Morphine methylsulfonate
 - 26 (17) Morphine-N-Oxide
 - 27 (18) Myrophine
 - 28 (19) Nicocodeine
 - 29 (20) Nicomorphine
 - 30 (21) Normorphine
 - 31 (22) Phoclo dine
 - 32 (23) Thebacon.
- 33 e. Any material, compound, mixture or preparation which
- 34 contains any quantity of the following hallucinogenic substances,
- 35 their salts, isomers and salts of isomers, unless specifically
- 36 excepted, whenever the existence of such salts, isomers, and salts of
- 37 isomers is possible within the specific chemical designation:
 - 38 (1) 3,4-methylenedioxy amphetamine
 - 39 (2) 5-methoxy-3,4-methylenedioxy amphetamine
 - 40 (3) 3,4,5-trimethoxy amphetamine
 - 41 (4) Bufotenine
 - 42 (5) Diethyltryptamine
 - 43 (6) Dimethyltryptamine
 - 44 (7) 4-methyl-2,5-dimethoxylamphetamine
 - 45 (8) Ibogaine
 - 46 (9) Lysergic acid diethylamide
 - 47 (10) Marihuana
 - 48 (11) Mescaline

- 1 (12) Peyote
- 2 (13) N-ethyl-3-piperidyl benzilate
- 3 (14) N-methyl-3-piperidyl benzilate
- 4 (15) Psilocybin
- 5 (16) Psilocyn
- 6 (17) Tetrahydrocannabinols, except when found in industrial
- 7 hemp cultivated pursuant to the New Jersey Industrial Hemp Pilot
- 8 Program established by P.L. , c. (C.) (pending before the
- 9 Legislature as this bill).
- 10 (cf: P.L.2007, c.244, s.3)
- 11

12 9. Section 1 of P.L.1939, c.248 (C.26:2-81) is amended to read
13 as follows:

14 1. In order to protect the health, morals and welfare of the State
15 of New Jersey, whenever the county prosecutor **[of the pleas]** of
16 any county of the State of New Jersey receives information that
17 wild, cultivated or hidden growth or beds of alleged Marihuana
18 weed are located anywhere within **[his]** the county, **[he]** the
19 county prosecutor shall immediately communicate such information
20 to the **[State]** Department of Health**[, and the State].** The
21 Department of Health, upon receipt of such information, shall
22 immediately dispatch one of its agents to **[said]** the location who
23 shall make an examination and determination of the alleged
24 Marihuana weed so as to determine the existence or nonexistence of
25 Marihuana weed at **[said]** the location, and the **[State]** Department
26 of Health shall immediately communicate by writing its
27 determination to the aforesaid county prosecutor **[of pleas]**.
28 “Marihuana” shall not mean industrial hemp cultivated pursuant to
29 the New Jersey Industrial Hemp Pilot Program established by
30 P.L. , c. (C.) (pending before the Legislature as this bill).
31 (cf: P.L.1939, c.248, s.1)

32
33 10. Section 2 of P.L.1939, c.248 (C.26:2-82) is amended to read
34 as follows:

35 2. Upon certification by **[State]** the Department of Health of
36 the existence of Marihuana weed at the location examined by the
37 **[State]** Department of Health, then the county prosecutor **[of**
38 **pleas]** is hereby empowered to dispatch one of **[his]** the
39 prosecutor’s agents to the location so certified and **[said]** the agent
40 shall destroy **[said]** the Marihuana weed and **[said]** the county
41 prosecutor **[of pleas]** or **[his]** the agent shall not be civilly
42 responsible in any manner whatsoever for destruction of **[said]** the
43 Marihuana weed. “Marihuana” shall not mean industrial hemp
44 cultivated pursuant to the New Jersey Industrial Hemp Pilot
45 Program established by P.L. , c. (C.) (pending before the
46 Legislature as this bill).
47 (cf: P.L.1939, c.248, s.2)

1 11. This act shall take effect immediately.

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3

4

STATEMENT

5

6 This bill directs the Department of Agriculture to create an
7 industrial hemp agricultural pilot program that promotes the study
8 and cultivation of hemp to the maximum extent permitted by federal
9 law. The bill requires the department to partner with Rutgers, The
10 State University, to administer the program; however, any person
11 participating in the program must demonstrate to the satisfaction of
12 the Secretary of Agriculture that the person has complied with all
13 federal requirements related to the cultivation of industrial hemp.

14 The department is also required to adopt rules and regulations to
15 administer the program. These include creating requirements for
16 the licensing or contracting of growers participating in the program,
17 prescribing hemp testing procedures to ensure compliance with
18 federal law, creating a fee structure for administration of the
19 program, and certifying germinating seeds and hemp cultivars if
20 necessary. Any rule or regulation adopted by the department must
21 comply with federal law.

22 The bill also amends various sections of statutory law to ensure
23 that any person validly participating in the agricultural pilot
24 program is exempted from crimes and penalties related to the
25 purchase, sale, or cultivation of marijuana, as the statutory
26 definitions of “marijuana” frequently encompass hemp.

27 Industrial hemp is used in a wide variety of products including
28 textiles, construction materials, and foodstuffs. The demand for
29 these goods is growing at the State and national level and hemp can
30 be a viable agricultural crop in the State. The ability to grow hemp
31 on an industrial scale would allow farmers to diversify their
32 products by adding a lucrative cash crop and researching cultivation
33 methods of industrial hemp would greatly aid farmers seeking to
34 grow hemp for the first time.