

ASSEMBLY, No. 5211

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JANUARY 4, 2021

Sponsored by:

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

SYNOPSIS

Updates and clarifies recent legislation passed by both Houses of the Legislature addressing cannabis legalization, and marijuana and hashish decriminalization.

CURRENT VERSION OF TEXT

As introduced.



A5211 WIMBERLY, QUIJANO

2

1 AN ACT concerning cannabis, revising various parts of the statutory
2 law and supplementing Title 2C of the New Jersey Statutes and
3 Title 52 of the Revised Statutes.

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

7
8 1. Section 4 of P.L. , c. (C.) (passed both Houses on
9 December 17, 2020 as Third Reprint of the Assembly Committee
10 Substitute for Assembly Bill Nos. 1897 and 4269) is amended to
11 read as follows:

12 4. a. Except to the extent required to dismiss, withdraw, or
13 terminate the charge, no prosecutor shall pursue any charge,
14 including any charge of delinquency, based on crimes or offenses
15 pending with a court on the first day of the fifth month next
16 following the effective date of P.L. , c. (C.) (passed both
17 Houses on December 17, 2020 as Second Reprint of Assembly Bill
18 No. 21) that occurred prior to that effective date, involving
19 manufacturing, distributing, or dispensing, or possessing or having
20 under control with intent to manufacture, distribute, or dispense,
21 marijuana or hashish in violation of paragraph (12) of subsection b.
22 of N.J.S.2C:35-5, or obtaining, possessing, using, being under the
23 influence of, or failing to make lawful disposition of marijuana or
24 hashish in violation of paragraph (3) or (4) of subsection a., or
25 subsection b., or subsection c. of N.J.S.2C:35-10, or a violation
26 involving marijuana or hashish as described herein and a violation
27 of N.J.S.2C:36-2 for using or possessing with intent to use drug
28 paraphernalia with that marijuana or hashish, alone or in
29 combination with each other, or a violation involving marijuana or
30 hashish and a violation of section 1 of P.L.1964, c.289 (C.39:4-
31 49.1) for possession of a controlled dangerous substance while
32 operating a motor vehicle, alone or in combination with each other,
33 or any disorderly persons offense or petty disorderly persons
34 offense subject to conditional discharge pursuant to N.J.S.2C:36A-
35 1. These non-prosecutable charges and cases shall be expeditiously
36 dismissed, which may be accomplished by appropriate action by the
37 prosecutor based upon guidelines issued by the Attorney General,
38 or the court's own motion based upon administrative directives
39 issued by the Administrative Director of the Courts.

40 b. (1) **[On]** As soon as practicable but no later than the first
41 day of the fifth month next following the effective date of
42 P.L. , c. (C.) (passed both Houses on December 17, 2020 as
43 Second Reprint of Assembly Bill No. 21), any guilty verdict, plea,
44 placement in a diversionary program, or other entry of guilt on a
45 matter that was entered prior to that effective date, but the judgment

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.

1 of conviction or final disposition on the matter was not entered
2 prior to that date, and the guilty verdict, plea, placement in a
3 diversionary program, or other entry of guilt solely involved one or
4 more crimes or offenses, or delinquent acts which if committed by
5 an adult would constitute one or more crimes or offenses,
6 enumerated in subsection a. of this section, that guilty verdict, plea,
7 placement in a diversionary program, or other entry of guilt shall be
8 vacated by operation of law. The Administrative Director of the
9 Courts, in consultation with the Attorney General, may take any
10 administrative action as may be necessary to vacate the guilty
11 verdict, plea, placement in a diversionary program, or other entry of
12 guilt.

13 (2) **【On】** As soon as practicable but no later than the first day of
14 the fifth month next following the effective date of
15 P.L. , c. (C.) (passed both Houses on December 17, 2020 as
16 Second Reprint of Assembly Bill No. 21), any conviction,
17 remaining sentence, ongoing supervision, or unpaid court-ordered
18 financial assessment as defined in section 8 of P.L.2017, c.244
19 (C.2C:52-23.1) of any person who, on that effective date, is or will
20 be serving a sentence of incarceration, probation, parole or other
21 form of community supervision as a result of the person's
22 conviction or adjudication of delinquency solely for one or more
23 crimes or offenses, or delinquent acts which if committed by an
24 adult would constitute one or more crimes or offenses, enumerated
25 in subsection a. of this section, shall have the conviction, remaining
26 sentence, ongoing supervision, or unpaid court-ordered financial
27 assessment vacated by operation of law. The Administrative
28 Director of the Courts, in consultation with the Attorney General,
29 may take any administrative action as may be necessary to vacate
30 the conviction, remaining sentence, ongoing supervision, or unpaid
31 court-ordered financial assessment.

32 (cf: P.L.2020, c. , s.4)

33

34 2. Section 3 of P.L. , c. (C.) (passed both Houses on
35 December 17, 2020 as Second Reprint of Assembly Bill No. 21) is
36 amended to read as follows:

37 3. Definitions.

38 As used in P.L. , c. (C.) (passed both Houses on
39 December 17, 2020 as Second Reprint of Assembly Bill No. 21)
40 regarding the personal use of cannabis, unless the context otherwise
41 requires:

42 "Alternative treatment center" means an organization issued a
43 permit pursuant to the "Jake Honig Compassionate Use Medical
44 Cannabis Act," P.L.2009, c.307 (C.24:6I-1 et al.) to operate as a
45 medical cannabis cultivator, medical cannabis manufacturer,
46 medical cannabis dispensary, or clinical registrant, as well as any
47 alternative treatment center deemed pursuant to section 7 of that act
48 (C.24:6I-7) to concurrently hold a medical cannabis cultivator

1 permit, a medical cannabis manufacturer permit, and a medical
2 cannabis dispensary permit.

3 “Cannabis” means all parts of the plant *Cannabis sativa* L.,
4 whether growing or not, the seeds thereof, and every compound,
5 manufacture, salt, derivative, mixture, or preparation of the plant or
6 its seeds, except those containing resin extracted from the plant,
7 which are cultivated and, when applicable, **【manufactured】**
8 manufactured in accordance with P.L. , c. (C.) (passed both
9 Houses on December 17, 2020 as Second Reprint of Assembly Bill
10 No. 21) for use in cannabis products as set forth in this act, but shall
11 not include the weight of any other ingredient combined with
12 cannabis to prepare topical or oral administrations, food, drink, or
13 other product. “Cannabis” does not include: any form of medical
14 cannabis **【dispensed to registered qualifying patients pursuant to the**
15 **“Jake Honig Compassionate Use Medical Cannabis Act,”】** as
16 defined in section 3 of P.L.2009, c.307 **【(C.24:6I-1 et al.) and**
17 **P.L.2015, c.158 (C.18A:40-12.22 et al.)】** (C.24:6I-3); marijuana as
18 defined in N.J.S.2C:35-2 and applied to any offense set forth in
19 chapters 33, 35, 35A, and 36 of Title 2C of the New Jersey Statutes,
20 or P.L.2001, c.114 (C.2C:35B-1 et seq.), or marihuana as defined in
21 section 2 of P.L.1970, c.226 (C.24:21-2) and applied to any offense
22 set forth in the “New Jersey Controlled Dangerous Substances Act,”
23 P.L.1970, c.226 (C.24:21-1 et al.); or hemp or a hemp product
24 cultivated, handled, processed, transported, or sold pursuant to the
25 “New Jersey Hemp Farming Act,” P.L.2019, c.238 (C.4:28-6 et al.).

26 “Cannabis consumption area” means, as further described in
27 section 28 of P.L.2019, c.153 (C.24:6I-21), a designated location
28 operated by a licensed cannabis retailer or permit holder for
29 dispensing medical cannabis, for which both a State and local
30 endorsement has been obtained, that is either: (1) an indoor,
31 structurally enclosed area of the cannabis retailer or permit holder
32 that is separate from the area in which retail sales of cannabis items
33 or the dispensing of medical cannabis occurs; or (2) an exterior
34 structure on the same premises as the cannabis retailer or permit
35 holder, either separate from or connected to the cannabis retailer or
36 permit holder, at which cannabis items or medical cannabis either
37 obtained from the retailer or permit holder, or brought by a person
38 to the consumption area, may be consumed.

39 “Cannabis cultivator” means any licensed person or entity that
40 grows, cultivates, or produces cannabis in this State, and sells, and
41 may transport, this cannabis to other cannabis cultivators, or usable
42 cannabis to cannabis manufacturers, cannabis wholesalers, or
43 cannabis retailers, but not to consumers. This person or entity shall
44 hold a Class 1 Cannabis Cultivator license.

45 “Cannabis delivery service” means any licensed person or entity
46 that provides courier services for consumer purchases of cannabis
47 items and related supplies fulfilled by a cannabis retailer in order to

1 make deliveries of the cannabis items and related supplies to that
2 consumer, and which services include the ability of a consumer to
3 purchase the cannabis items directly through the cannabis delivery
4 service, which after presenting the purchase order to the cannabis
5 retailer for fulfillment, is delivered to that consumer. This person
6 or entity shall hold a Class 6 Cannabis Delivery license.

7 “Cannabis distributor” means any licensed person or entity that
8 transports cannabis in bulk intrastate from one licensed cannabis
9 cultivator to another licensed cannabis cultivator, or transports
10 cannabis items in bulk intrastate from any one class of licensed
11 cannabis establishment to another class of licensed cannabis
12 establishment, and may engage in the temporary storage of cannabis
13 or cannabis items as necessary to carry out transportation activities.
14 This person or entity shall hold a Class 4 Cannabis Distributor
15 license.

16 “Cannabis establishment” means a cannabis cultivator, a
17 cannabis manufacturer, a cannabis wholesaler, or a cannabis
18 retailer.

19 “Cannabis extract” means a substance obtained by separating
20 resins from cannabis by: (1) a chemical extraction process using a
21 hydrocarbon-based solvent, such as butane, hexane, or propane; (2)
22 a chemical extraction process using the hydrocarbon-based solvent
23 carbon dioxide, if the process uses high heat or pressure; or (3) any
24 other process identified by the Cannabis Regulatory Commission by
25 rule or regulation.

26 “Cannabis flower” means the flower of the plant *Cannabis sativa*
27 L. within the plant family Cannabaceae.

28 “Cannabis item” means any usable cannabis, cannabis product,
29 cannabis extract, and any other cannabis resin. “Cannabis item”
30 does not include: any form of medical cannabis **【dispensed to**
31 **registered qualifying patients pursuant to the “Jake Honig**
32 **Compassionate Use Medical Cannabis Act,” P.L.2009, c.307**
33 **(C.24:6I-1 et al.) and P.L.2015, c.158 (C.18A:40-12.22 et al.)】** as
34 defined in section 3 of P.L.2009, c.307 (C.24:6I-3); or hemp or a
35 hemp product cultivated, handled, processed, transported, or sold
36 pursuant to the “New Jersey Hemp Farming Act,” P.L.2019, c.238
37 (C.4:28-6 et al.).

38 “Cannabis leaf” means the leaf of the plant *Cannabis sativa* L.
39 within the plant family Cannabaceae.

40 “Cannabis manufacturer” means any licensed person or entity
41 that processes cannabis items in this State by purchasing or
42 otherwise obtaining usable cannabis, manufacturing, preparing, and
43 packaging cannabis items, and selling, and optionally transporting,
44 these items to other cannabis manufacturers, cannabis wholesalers,
45 or cannabis retailers, but not to consumers. This person or entity
46 shall hold a Class 2 Cannabis Manufacturer license.

47 “Cannabis paraphernalia” means any equipment, products, or
48 materials of any kind which are used, intended for use, or designed

1 for use in planting, propagating, cultivating, growing, harvesting,
2 composting, manufacturing, compounding, converting, producing,
3 processing, preparing, testing, analyzing, packaging, repackaging,
4 storing, vaporizing, or containing cannabis, or for ingesting,
5 inhaling, or otherwise introducing a cannabis item into the human
6 body. “Cannabis paraphernalia” does not include drug
7 paraphernalia as defined in N.J.S.2C:36-1 and which is used or
8 intended for use to commit a violation of chapter 35 or 36 of Title
9 2C of the New Jersey Statutes.

10 “Cannabis product” means a product containing usable cannabis ,
11 cannabis extract, or any other cannabis resin and other ingredients
12 intended for human consumption or use, including a product
13 intended to be applied to the skin or hair, edible cannabis products,
14 ointments, and tinctures. “Cannabis product” does not include: (1)
15 usable cannabis by itself; or (2) cannabis extract by itself; or (3) any
16 other cannabis resin by itself .

17 “Cannabis resin” means the resin extracted from any part of the
18 plant Cannabis sativa L., including cannabis extract and resin
19 extracted using non-chemical processes, processed and used in
20 accordance with P.L. , c. (C.) (pending as Second Reprint
21 of Assembly Bill No. 21). “Cannabis resin” does not include: any
22 form of medical cannabis [dispensed to registered qualifying
23 patients pursuant to the “Jake Honig Compassionate Use Medical
24 Cannabis Act,” P.L.2009, c.307 (C.24:6I-1 et al.) and P.L.2015,
25 c.158 (C.18A:40-12.22 et al.)] as defined in section 3 of P.L.2009,
26 c.307 (C.24:6I-3); hashish as defined in N.J.S.2C:35-2 and applied
27 to any offense set forth in chapters 35, 35A, and 36 of Title 2C of
28 the New Jersey Statutes, or P.L.2001, c.114 (C.2C:35B-1 et seq.),
29 or as defined in section 2 of P.L.1970, c.226 (C.24:21-2) and
30 applied to any offense of the “New Jersey Controlled Dangerous
31 Substances Act,” P.L.1970, c.226 (C.24:21-1 et al.); or hemp or a
32 hemp product cultivated, handled, processed, transported, or sold
33 pursuant to the “New Jersey Hemp Farming Act,” P.L.2019, c.238
34 (C.4:28-6 et al.).

35 “Cannabis retailer” means any licensed person or entity that
36 purchases or otherwise obtains usable cannabis from cannabis
37 cultivators and cannabis items from cannabis manufacturers or
38 cannabis wholesalers, and sells these to consumers from a retail
39 store, and may use a cannabis delivery service or a certified
40 cannabis handler for the off-premises delivery of cannabis items
41 and related supplies to consumers. A cannabis retailer shall also
42 accept consumer purchases to be fulfilled from its retail store that
43 are presented by a cannabis delivery service which will be delivered
44 by the cannabis delivery service to that consumer. This person or
45 entity shall hold a Class 5 Cannabis Retailer license.

46 “Cannabis testing facility” means an independent, third-party
47 entity meeting accreditation requirements established by the
48 Cannabis Regulatory Commission that is licensed to analyze and

1 certify cannabis items and medical cannabis for compliance with
2 applicable health, safety, and potency standards.

3 “Cannabis wholesaler” means any licensed person or entity that
4 purchases or otherwise obtains, stores, sells or otherwise transfers,
5 and may transport, cannabis items for the purpose of resale or other
6 transfer to either another cannabis wholesaler or to a cannabis
7 retailer, but not to consumers. This person or entity shall hold a
8 Class 3 Cannabis Wholesaler license.

9 “Commission” means the Cannabis Regulatory Commission
10 established pursuant to section 31 of P.L.2019, c.153 (C.24:6I-24).

11 “Conditional license” means a temporary license designated as
12 either a Class 1 Cannabis Cultivator license, a Class 2 Cannabis
13 Manufacturer license, a Class 3 Cannabis Wholesaler license, a
14 Class 4 Cannabis Distributor license, a Class 5 Cannabis Retailer
15 license, or a Class 6 Cannabis Delivery license that allows the
16 holder to lawfully act as a cannabis cultivator, cannabis
17 manufacturer, cannabis wholesaler, cannabis distributor, cannabis
18 retailer, or cannabis delivery service as the case may be, which is
19 issued pursuant to an abbreviated application process, after which
20 the conditional license holder shall have a limited period of time in
21 which to become fully licensed by satisfying all of the remaining
22 conditions for licensure which were not required for the issuance of
23 the conditional license.

24 “Consumer” means a person 21 years of age or older who
25 purchases, directly or through a cannabis delivery service, acquires,
26 owns, holds, or uses cannabis items for personal use by a person 21
27 years of age or older, but not for resale to others.

28 “Consumption” means the act of ingesting, inhaling, or otherwise
29 introducing cannabis items into the human body.

30 “Delivery” means the transportation of cannabis items and
31 related supplies to a consumer. “Delivery” also includes the use by
32 a licensed cannabis retailer of any third party technology platform
33 to receive, process, and fulfill orders by consumers, which third
34 party shall not be required to be a licensed cannabis establishment,
35 distributor, or delivery service, provided that any physical acts in
36 connection with fulfilling the order and delivery shall be
37 accomplished by a certified cannabis handler performing work for
38 or on behalf of the licensed cannabis retailer, which includes a
39 certified cannabis handler employed or otherwise working on behalf
40 of a cannabis delivery service making off-premises deliveries of
41 consumer purchases fulfilled by that cannabis retailer.

42 “Department” means the Department of Health.

43 “Director” means the Director of the Office of Minority,
44 Disabled Veterans, and Women Cannabis Business Development in
45 the Cannabis Regulatory Commission.

46 “Executive director” means the executive director of the
47 Cannabis Regulatory Commission.

1 “Financial consideration” means value that is given or received
2 either directly or indirectly through sales, barter, trade, fees,
3 charges, dues, contributions, or donations.

4 “Immature cannabis plant” means a cannabis plant that is not
5 flowering.

6 “Impact zone” means any municipality, based on past criminal
7 marijuana enterprises contributing to higher concentrations of law
8 enforcement activity, unemployment, and poverty, or any
9 combination thereof, within parts of or throughout the municipality,
10 that:

11 (1) has a population of 120,000 or more according to the most
12 recently compiled federal decennial census as of the effective date
13 of P.L. , c. (C.) (passed both Houses on December 17, 2020
14 as Second Reprint of Assembly Bill No. 21);

15 (2) based upon data for calendar year 2019, ranks in the top 40
16 percent of municipalities in the State for marijuana- or hashish-
17 related arrests for violation of paragraph (4) of subsection a. of
18 N.J.S.2C:35-10; has a crime index total of 825 or higher based upon
19 the indexes listed in the annual Uniform Crime Report by the
20 Division of State Police; and has a local average annual
21 unemployment rate that ranks in the top 15 percent of all
22 municipalities, based upon average annual unemployment rates
23 estimated for the relevant calendar year by the Office of Research
24 and Information in the Department of Labor and Workforce
25 Development;

26 (3) is a municipality located in a county of the third class, based
27 upon the county’s population according to the most recently
28 compiled federal decennial census as of the effective date of P.L. ,
29 c. (C.) (passed both Houses on December 17, 2020 as
30 Second Reprint of Assembly Bill No. 21), that meets all of the
31 criteria set forth in paragraph (2) other than having a crime index
32 total of 825 or higher; or

33 (4) is a municipality located in a county of the second class,
34 based upon the county’s population according to the most recently
35 compiled federal decennial census as of the effective date of P.L. ,
36 c. (C.) (passed both Houses on December 17, 2020 as Second
37 Reprint of Assembly Bill No. 21):

38 (a) with a population of less than 60,000 according to the most
39 recently compiled federal decennial census, that for calendar year
40 2019 ranks in the top 40 percent of municipalities in the State for
41 marijuana- or hashish-related arrests for violation of paragraph (4)
42 of subsection a. of N.J.S.2C:35-10; has a crime index total of 1,000
43 or higher based upon the indexes listed in the 2019 annual Uniform
44 Crime Report by the Division of State Police; but for calendar year
45 2019 does not have a local average annual unemployment rate that
46 ranks in the top 15 percent of all municipalities, based upon average
47 annual unemployment rates estimated for the relevant calendar year

1 by the Office of Research and Information in the Department of
2 Labor and Workforce Development; or

3 (b) with a population of not less than 60,000 or more than 80,000
4 according to the most recently compiled federal decennial census;
5 has a crime index total of 650 or higher based upon the indexes
6 listed in the 2019 annual Uniform Crime Report; and for calendar
7 year 2019 has a local average annual unemployment rate of 3.0
8 percent or higher using the same estimated annual unemployment
9 rates.

10 “License” means a license issued under P.L. , c. (C.)
11 (passed both Houses on December 17, 2020 as Second Reprint of
12 Assembly Bill No. 21), including a license that is designated as
13 either a Class 1 Cannabis Cultivator license, a Class 2 Cannabis
14 Manufacturer license, a Class 3 Cannabis Wholesaler license, a
15 Class 4 Cannabis Distributor license, a Class 5 Cannabis Retailer
16 license, or a Class 6 Cannabis Delivery license. The term includes
17 a conditional license for a designated class, except when the context
18 of the provisions of P.L. , c. (C.) (passed both Houses on
19 December 17, 2020 as Second Reprint of Assembly Bill No. 21)
20 otherwise intend to only apply to a license and not a conditional
21 license.

22 “Licensee” means a person or entity that holds a license issued
23 under P.L. , c. (C.) (passed both Houses on December 17,
24 2020 as Second Reprint of Assembly Bill No. 21), including a
25 license that is designated as either a Class 1 Cannabis Cultivator
26 license, a Class 2 Cannabis Manufacturer license, a Class 3
27 Cannabis Wholesaler license, a Class 4 Cannabis Distributor
28 license, a Class 5 Cannabis Retailer license, or a Class 6 Cannabis
29 Delivery license, and includes a person or entity that holds a
30 conditional license for a designated class, except when the context
31 of the provisions of P.L. , c. (C.) (passed both Houses on
32 December 17, 2020 as Second Reprint of Assembly Bill No. 21)
33 otherwise intend to only apply to a person or entity that holds a
34 license and not a conditional license.

35 “Licensee representative” means an owner, director, officer,
36 manager, employee, agent, or other representative of a licensee, to
37 the extent that the person acts in a representative capacity.

38 “Manufacture” means the drying, processing, compounding, or
39 conversion of usable cannabis into cannabis products or cannabis
40 resins. “Manufacture” does not include packaging or labeling.

41 “Mature cannabis plant” means a cannabis plant that is not an
42 immature cannabis plant.

43 “Medical cannabis” means “medical cannabis” [dispensed to
44 registered qualifying patients pursuant to the “Jake Honig
45 Compassionate Use Medical Cannabis Act,” P.L.2009, c.307
46 (C.24:6I-1 et al.) and P.L.2015, c.158 (C.18A:40-12.22 et al.).
47 “Medical cannabis” does not include any cannabis or cannabis item
48 which is cultivated, produced, processed, and consumed in

1 accordance with P.L. , c. (C.) (passed both Houses on
2 December 17, 2020 as Second Reprint of Assembly Bill No. 21] as
3 defined in section 3 of P.L.2009, c.307 (C.24:6I-3).

4 “Microbusiness” means a person or entity licensed under P.L. ,
5 c. (C.) (passed both Houses on December 17, 2020 as Second
6 Reprint of Assembly Bill No. 21) as a cannabis cultivator, cannabis
7 manufacturer, cannabis wholesaler, cannabis distributor, cannabis
8 retailer, or cannabis delivery service that may only, with respect to
9 its business operations, and capacity and quantity of product: (1)
10 employ no more than 10 employees; (2) operate a cannabis
11 establishment occupying an area of no more than 2,500 square feet,
12 and in the case of a cannabis cultivator, grow cannabis on an area
13 no more than 2,500 square feet measured on a horizontal plane and
14 grow above that plane not higher than 24 feet; (3) possess no more
15 than 1,000 cannabis plants each month, except that a cannabis
16 distributor’s possession of cannabis plants for transportation shall
17 not be subject to this limit; (4) acquire each month, in the case of a
18 cannabis manufacturer, no more than 1,000 pounds of usable
19 cannabis; (5) acquire for resale each month, in the case of a
20 cannabis wholesaler, no more than 1,000 pounds of usable cannabis,
21 or the equivalent amount in any form of manufactured cannabis
22 product or cannabis resin, or any combination thereof; and (6)
23 acquire for retail sale each month, in the case of a cannabis retailer,
24 no more than 1,000 pounds of usable cannabis, or the equivalent
25 amount in any form of manufactured cannabis product or cannabis
26 resin, or any combination thereof.

27 “Noncommercial” means not dependent or conditioned upon the
28 provision or receipt of financial consideration.

29 “Premises” or “licensed premises” includes the following areas
30 of a location licensed under P.L. , c. (C.) (passed both
31 Houses on December 17, 2020 as Second Reprint of Assembly Bill
32 No. 21): all public and private enclosed areas at the location that
33 are used in the business operated at the location, including offices,
34 kitchens, rest rooms, and storerooms; all areas outside a building
35 that the Cannabis Regulatory Commission has specifically licensed
36 for the production, manufacturing, wholesaling, distributing, retail
37 sale, or delivery of cannabis items; and, for a location that the
38 commission has specifically licensed for the production of cannabis
39 outside a building, the entire lot or parcel that the licensee owns,
40 leases, or has a right to occupy.

41 “Produce” means the planting, cultivation, growing or harvesting
42 of cannabis. “Produce” does not include the drying of cannabis by a
43 cannabis manufacturer, if the cannabis manufacturer is not
44 otherwise manufacturing cannabis.

45 “Public place” means any place to which the public has access
46 that is not privately owned; or any place to which the public has
47 access where alcohol consumption is not allowed, including, but not
48 limited to, a public street, road, thoroughfare, sidewalk, bridge,

1 alley, plaza, park, playground, swimming pool, shopping area,
2 public transportation facility, vehicle used for public transportation,
3 parking lot, public library, or any other public building, structure, or
4 area.

5 “Radio” means a system for transmitting sound without visual
6 images, and includes broadcast, cable, on-demand, satellite, or
7 Internet programming. “Radio” includes any audio programming
8 downloaded or streamed via the Internet.

9 “Significantly involved person” means a person or entity who
10 holds at least a five percent investment interest in a proposed or
11 licensed cannabis cultivator, cannabis manufacturer, cannabis
12 wholesaler, cannabis distributor, cannabis retailer, or cannabis
13 delivery service, or who is a decision making member of a group
14 that holds at least a 20 percent investment interest in a proposed or
15 licensed cannabis cultivator, cannabis manufacturer, cannabis
16 wholesaler, cannabis distributor, cannabis retailer, or cannabis
17 delivery service, in which no member of that group holds more
18 than a five percent interest in the total group investment interest,
19 and the person or entity makes controlling decisions regarding the
20 proposed or licensed cannabis cultivator, cannabis manufacturer,
21 cannabis wholesaler, cannabis distributor, cannabis retailer, or
22 cannabis delivery service operations.

23 “Television” means a system for transmitting visual images and
24 sound that are reproduced on screens, and includes broadcast, cable,
25 on-demand, satellite, or Internet programming. “Television”
26 includes any video programming downloaded or streamed via the
27 Internet.

28 “THC” means delta-9-tetrahydrocannabinol and its precursor,
29 tetrahydrocannabinolic acid, the main psychoactive chemicals
30 contained in the cannabis plant.

31 “Usable cannabis” means the dried leaves and flowers of the
32 female plant *Cannabis sativa* L. , and does not include the seedlings,
33 seeds, stems, stalks, or roots of the plant.

34 (cf: P.L.2020, c. , s.3)

35

36 3. The title of P.L.1979, c.264 is amended to read as follows:

37 **AN ACT** concerning certain **【alcoholic beverage and cannabis item】**
38 offenses by persons under the legal age to purchase **【alcoholic**
39 **beverages and cannabis】** various regulated items, and
40 supplementing chapter 33 of Title 2C of the New Jersey Statutes.

41 (cf: P.L.2020, c. , s.72)

42

43 4. Section 1 of P.L.1979, c.264 (C.2C:33-15) is amended to
44 read as follows:

45 1. a. (1) Any person under the legal age to purchase alcoholic
46 beverages who knowingly possesses without legal authority or who
47 knowingly consumes any alcoholic beverage in any school, public
48 conveyance, public place, or place of public assembly, or motor

1 vehicle, is guilty of a petty disorderly persons offense, and shall, in
2 the case of an adult under the legal age to purchase alcoholic
3 beverages, be fined not less than \$250.

4 (2) (a) Any person under the legal age to purchase cannabis
5 items who knowingly possesses without legal authority marijuana
6 or any cannabis item, the amount of which may be lawfully
7 possessed by a person of the legal age to purchase cannabis items
8 pursuant to section 46~~].~~ of P.L. , c. (C.) (passed both
9 Houses on December 17, 2020 as Second Reprint of Assembly Bill
10 No. 21), in any school, public conveyance, public place, or place
11 of public assembly, or motor vehicle ~~],~~ is guilty of a petty
12 disorderly persons offense, and~~]~~ shall~~],~~ in the case of an adult
13 under the legal age to purchase cannabis items,~~]~~ be fined not less
14 than \$250 but any person under the legal age who has not reached
15 the age of 18 years shall not be subject to a fine of not less than
16 \$250 but shall be subject to the “New Jersey Code of Juvenile
17 Justice” with respect to dispositions provided under section 24 of
18 P.L.1982, c.77 (C.2A:4A-43); the purposes set forth in section 2 of
19 P.L.1982, c.77 (C.2A:4A-21); and the considerations set forth in
20 section 25 of P.L.1982, c.77 (C.2A:4A-44).

21 (b) Any person under the legal age to purchase cannabis items
22 who knowingly possesses without legal authority any cannabis
23 item, the amount of which exceeds what may be lawfully possessed
24 by a person of the legal age to purchase cannabis items pursuant to
25 section 46 of P.L. , c. (C.) (passed both Houses on
26 December 17, 2020 as Second Reprint of Assembly Bill No. 21), or
27 who knowingly consumes any marijuana or cannabis item in any
28 school, public conveyance, public place, or place of public
29 assembly, or motor vehicle ~~],~~ is guilty of a disorderly persons
30 offense, and~~]~~ shall ~~],~~ in the case of an adult under the legal age to
31 purchase cannabis items,~~]~~ be fined not less than \$500, but any
32 person under the legal age who has not reached the age of 18 years
33 shall not be subject to a fine of not less than \$500 but shall be
34 subject to the “New Jersey Code of Juvenile Justice” with respect to
35 dispositions provided under section 24 of P.L.1982, c.77 (C.2A:4A-
36 43); the purposes set forth in section 2 of P.L.1982, c.77 (C.2A:4A-
37 21); and the considerations set forth in section 25 of P.L.1982, c.77
38 (C.2A:4A-44).

39 b. Whenever this offense is committed in a motor vehicle, the
40 court shall, in addition to the sentence authorized for the offense,
41 suspend or postpone for six months the driving privilege of the
42 defendant. Upon the conviction of any person under this section,
43 the court shall forward a report to the New Jersey Motor Vehicle
44 Commission stating the first and last day of the suspension or
45 postponement period imposed by the court pursuant to this section.
46 If a person at the time of the imposition of a sentence is less than 17
47 years of age, the period of license postponement, including a

1 suspension or postponement of the privilege of operating a
2 motorized bicycle, shall commence on the day the sentence is
3 imposed and shall run for a period of six months after the person
4 reaches the age of 17 years.

5 If a person at the time of the imposition of a sentence has a valid
6 driver's license issued by this State, the court shall immediately
7 collect the license and forward it to the commission along with the
8 report. If for any reason the license cannot be collected, the court
9 shall include in the report the complete name, address, date of birth,
10 eye color, and sex of the person as well as the first and last date of
11 the license suspension period imposed by the court.

12 The court shall inform the person orally and in writing that if the
13 person is convicted of operating a motor vehicle during the period
14 of license suspension or postponement, the person shall be subject
15 to the penalties set forth in R.S.39:3-40. A person shall be required
16 to acknowledge receipt of the written notice in writing. Failure to
17 receive a written notice or failure to acknowledge in writing the
18 receipt of a written notice shall not be a defense to a subsequent
19 charge of a violation of R.S.39:3-40.

20 If the person convicted under this section is not a New Jersey
21 resident, the court shall suspend or postpone, as appropriate, the
22 non-resident driving privilege of the person based on the age of the
23 person and submit to the commission the required report. The court
24 shall not collect the license of a non-resident convicted under this
25 section. Upon receipt of a report by the court, the commission shall
26 notify the appropriate officials in the licensing jurisdiction of the
27 suspension or postponement.

28 c. In addition to the general penalty prescribed for a disorderly
29 persons offense, the court may require any person who violates this
30 act to participate in an alcohol or drug abuse education or treatment
31 program, authorized by the Division of Mental Health and
32 Addiction Services in the Department of Human Services, for a
33 period not to exceed the maximum period of confinement
34 prescribed by law for the offense for which the individual has been
35 convicted.

36 d. Nothing in this act shall apply to possession of alcoholic
37 beverages by any such person while actually engaged in the
38 performance of employment pursuant to an employment permit
39 issued by the Director of the Division of Alcoholic Beverage
40 Control, or for a bona fide hotel or restaurant, in accordance with
41 the provisions of R.S.33:1-26, or while actively engaged in the
42 preparation of food while enrolled in a culinary arts or hotel
43 management program at a county vocational school or post-
44 secondary educational institution; and nothing in this section shall
45 apply to possession of cannabis items by any such person while
46 actually engaged in the performance of employment by a cannabis
47 establishment, distributor, or delivery service as permitted pursuant
48 to the "New Jersey Cannabis Regulatory, Enforcement Assistance,

A5211 WIMBERLY, QUIJANO

14

1 and Marketplace Modernization Act,” P.L. , c. (C.) (passed
2 both Houses on December 17, 2020 as Second Reprint of Assembly
3 Bill No. 21).

4 e. The provisions of section 3 of P.L.1991, c.169 (C.33:1-
5 81.1a) shall apply to a parent, guardian or other person with legal
6 custody of a person under 18 years of age who is found to be in
7 violation of this section.

8 f. An underage person and one or two other persons shall be
9 immune from prosecution under this section if:

10 (1) one of the underage persons called 9-1-1 and reported that
11 another underage person was in need of medical assistance due to
12 alcohol consumption or the consumption of a cannabis item;

13 (2) the underage person who called 9-1-1 and, if applicable, one
14 or two other persons acting in concert with the underage person
15 who called 9-1-1 provided each of their names to the 9-1-1
16 operator;

17 (3) the underage person was the first person to make the 9-1-1
18 report; and

19 (4) the underage person and, if applicable, one or two other
20 persons acting in concert with the underage person who made the 9-
21 1-1 call remained on the scene with the person under the legal age
22 in need of medical assistance until assistance arrived and
23 cooperated with medical assistance and law enforcement personnel
24 on the scene.

25 The underage person who received medical assistance also shall
26 be immune from prosecution under this section.

27 g. For purposes of this section, an alcoholic beverage includes
28 powdered alcohol as defined by R.S.33:1-1, **and** a cannabis item
29 includes any item available for lawful consumption pursuant to the
30 “New Jersey Cannabis Regulatory, Enforcement Assistance, and
31 Marketplace Modernization Act,” P.L. , c. (C.) (passed both
32 Houses on December 17, 2020 as Second Reprint of Assembly Bill
33 No. 21), and the term “marijuana” has the same meaning as set forth
34 in N.J.S.2C:35-2.

35 (cf: P.L.2020, c. , s.73)

36

37 5. The title of P.L.1981, c.197 is amended to read as follows:

38 **AN ACT** concerning the unauthorized bringing of **alcoholic**
39 **beverages or cannabis** various regulated items onto school
40 premises, and supplementing chapter 33 of Title 2C of the New
41 Jersey Statutes.

42 (cf: P.L.2020, c. , s.74)

43

44 6. Section 1 of P.L.1981, c.197 (C.2C:33-16) is amended to
45 read as follows:

46 1. Any person of legal age to purchase alcoholic beverages or
47 cannabis items, who, in the case of alcoholic beverages, knowingly
48 and without the express written permission of the school board, its

1 delegated authority, or any school principal, brings or possesses any
2 alcoholic beverages, or in the case of marijuana or cannabis items,
3 brings, possesses, or consumes, including by smoking, vaping, or
4 aerosolizing, marijuana or any cannabis items, on any property used
5 for school purposes which is owned by any school or school board,
6 is guilty of a disorderly persons offense. For purposes of this
7 section, an alcoholic beverage includes powdered alcohol as defined
8 by R.S.33:1-1, **[and]** a cannabis item includes any item available
9 for lawful consumption pursuant to the “New Jersey Cannabis
10 Regulatory, Enforcement Assistance, and Marketplace Modernization
11 Act,” P.L. , c. (C.) (passed both Houses on December 17,
12 2020 as Second Reprint of Assembly Bill No. 21)), and the term
13 “marijuana” has the same meaning as set forth in N.J.S.2C:35-2.
14 (cf: P.L.2020, c. , s.75)

15

16 7. N.J.S.2C:35-2 is amended to read as follows:

17 2C:35-2. As used in this chapter:

18 "Administer" means the direct application of a controlled
19 dangerous substance or controlled substance analog, whether by
20 injection, inhalation, ingestion, or any other means, to the body of a
21 patient or research subject by: (1) a practitioner, or, in his presence,
22 by his lawfully authorized agent, or (2) the patient or research
23 subject at the lawful direction and in the presence of the
24 practitioner.

25 "Agent" means an authorized person who acts on behalf of or at
26 the direction of a manufacturer, distributor, or dispenser but does
27 not include a common or contract carrier, public warehouseman, or
28 employee thereof.

29 "Controlled dangerous substance" means a drug, substance, or
30 immediate precursor in Schedules I through V, marijuana and
31 hashish as defined in this section, any substance the distribution of
32 which is specifically prohibited in N.J.S.2C:35-3, in section 3 of
33 P.L.1997, c.194 (C.2C:35-5.2), in section 5 of P.L.1997, c.194
34 (C.2C:35-5.3), in section 2 of P.L.2011, c.120 (C.2C:35-5.3a), or in
35 section 2 of P.L.2013, c.35 (C.2C:35-5.3b), and any drug or
36 substance which, when ingested, is metabolized or otherwise
37 becomes a controlled dangerous substance in the human body.
38 When any statute refers to controlled dangerous substances, or to a
39 specific controlled dangerous substance, it shall also be deemed to
40 refer to any drug or substance which, when ingested, is metabolized
41 or otherwise becomes a controlled dangerous substance or the
42 specific controlled dangerous substance, and to any substance that
43 is an immediate precursor of a controlled dangerous substance or
44 the specific controlled dangerous substance. The term shall not
45 include distilled spirits, wine, malt beverages, as those terms are
46 defined or used in R.S.33:1-1 et seq., tobacco and tobacco products,
47 or cannabis and cannabis items as defined in section 3 of P.L. ,
48 c. (C.) (passed both Houses on December 17, 2020 as Second

1 Reprint of Assembly Bill No. 21). The term, wherever it appears in
2 any law or administrative regulation of this State, shall include
3 controlled substance analogs.

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

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

22 "Deliver" or "delivery" means the actual, constructive, or
23 attempted transfer from one person to another of a controlled
24 dangerous substance or controlled substance analog, whether or not
25 there is an agency relationship.

26 "Dispense" means to deliver a controlled dangerous substance or
27 controlled substance analog to an ultimate user or research subject
28 by or pursuant to the lawful order of a practitioner, including the
29 prescribing, administering, packaging, labeling, or compounding
30 necessary to prepare the substance for that delivery. "Dispenser"
31 means a practitioner who dispenses.

32 "Distribute" means to deliver other than by administering or
33 dispensing a controlled dangerous substance or controlled substance
34 analog. "Distributor" means a person who distributes.

35 "Drugs" means (1) substances recognized in the official United
36 States Pharmacopoeia, official Homeopathic Pharmacopoeia of the
37 United States, or official National Formulary, or any supplement to
38 any of them; and (2) substances intended for use in the diagnosis,
39 cure, mitigation, treatment, or prevention of disease in man or other
40 animals; and (3) substances, other than food, intended to affect the
41 structure or any function of the body of man or other animals; and
42 (4) substances intended for use as a component of any substance
43 specified in (1), (2), and (3) of this definition; but does not include
44 devices or their components, parts, or accessories. The term "drug"
45 also does not include: hemp and hemp products cultivated, handled,
46 processed, transported, or sold pursuant to the "New Jersey Hemp
47 Farming Act," P.L.2019, c.238 (C.4:28-6 et al.); cannabis as defined
48 in section 3 of P.L. , c. (C.) (pending as Second Reprint of

1 Assembly Bill No. 21) which is cultivated and produced for use in a
2 cannabis item, as defined in that section, in accordance with the
3 “New Jersey Cannabis Regulatory, Enforcement Assistance, and
4 Marketplace Modernization Act,” P.L. , c. (C.) (passed both
5 Houses on December 17, 2020 as Second Reprint of Assembly Bill
6 No. 21); and cannabis resin as defined in that section 3 (C.)
7 which is extracted for use in a cannabis item, as defined in that
8 section, in accordance with that act.

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

19 "Hashish" means the resin extracted from any part of the plant
20 Cannabis sativa L. and any compound, manufacture, salt,
21 derivative, mixture, or preparation of such resin. "Hashish" shall
22 not mean: hemp and hemp products cultivated, handled, processed,
23 transported, or sold pursuant to the “New Jersey Hemp Farming
24 Act,” P.L.2019, c.238 (C.4:28-6 et al.); any form of medical
25 cannabis as defined in section 3 of P.L.2009, c.307 (C.24:6I-3); or
26 cannabis resin as defined in section 3 of P.L. , c. (C.)
27 (pending as Second Reprint of Assembly Bill No. 21) which is
28 extracted for use in a cannabis item, as defined in that section, in
29 accordance with the “New Jersey Cannabis Regulatory,
30 Enforcement Assistance, and Marketplace Modernization Act,”
31 P.L. , c. (C.) (passed both Houses on December 17, 2020 as
32 Second Reprint of Assembly Bill No. 21).

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

1 "Marijuana" means all parts of the plant *Cannabis sativa* L.,
2 whether growing or not; the seeds thereof, and every compound,
3 manufacture, salt, derivative, mixture, or preparation of the plant or
4 its seeds, except those containing resin extracted from the plant.
5 "Marijuana" shall not mean: hemp and hemp products cultivated,
6 handled, processed, transported, or sold pursuant to the "New
7 Jersey Hemp Farming Act," P.L.2019, c.238 (C.4:28-6 et al.);
8 medical cannabis as defined in section 3 of P.L.2009, c.307
9 (C.24:6I-3); or cannabis as defined in section 3 of P.L. ,
10 c. (C.) (passed both Houses on December 17, 2020 as Second
11 Reprint of Assembly Bill No. 21) which is cultivated and produced
12 for use in a cannabis item, as defined in that section, in accordance
13 with the "New Jersey Cannabis Regulatory, Enforcement
14 Assistance, and Marketplace Modernization Act," P.L. ,
15 c. (C.) (passed both Houses on December 17, 2020 as Second
16 Reprint of Assembly Bill No. 21).

17 "Narcotic drug" means any of the following, whether produced
18 directly or indirectly by extraction from substances of vegetable
19 origin, or independently by means of chemical synthesis, or by a
20 combination of extraction and chemical synthesis:

- 21 (1) Opium, coca leaves, and opiates;
- 22 (2) A compound, manufacture, salt, derivative, or preparation of
23 opium, coca leaves, or opiates;
- 24 (3) A substance, and any compound, manufacture, salt,
25 derivative, or preparation thereof, which is chemically identical
26 with any of the substances referred to in (1) and (3) of this
27 definition, except that the words "narcotic drug" as used in this act
28 shall not include decocainized coca leaves or extracts of coca
29 leaves, which extracts do not contain cocaine or ecogine.

30 "Opiate" means any dangerous substance having an addiction-
31 forming or addiction-sustaining liability similar to morphine or
32 being capable of conversion into a drug having such addiction-
33 forming or addiction-sustaining liability. It does not include, unless
34 specifically designated as controlled pursuant to the provisions of
35 section 3 of P.L.1970, c.226 (C.24:21-3), the dextrorotatory isomer
36 of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan).
37 It does include its racemic and levorotatory forms.

38 "Opium poppy" means the plant of the species *Papaver*
39 *somniferum* L., except the seeds thereof.

40 "Person" means any corporation, association, partnership, trust,
41 other institution or entity, or one or more individuals.

42 "Plant" means an organism having leaves and a readily
43 observable root formation, including, but not limited to, a cutting
44 having roots, a rootball or root hairs.

45 "Poppy straw" means all parts, except the seeds, of the opium
46 poppy, after mowing.

47 "Practitioner" means a physician, dentist, veterinarian, scientific
48 investigator, laboratory, pharmacy, hospital, or other person

1 licensed, registered, or otherwise permitted to distribute, dispense,
2 conduct research with respect to, or administer a controlled
3 dangerous substance or controlled substance analog in the course of
4 professional practice or research in this State. As used in this
5 definition:

6 (1) "Physician" means a physician authorized by law to practice
7 medicine in this or any other state and any other person authorized
8 by law to treat sick and injured human beings in this or any other
9 state.

10 (2) "Veterinarian" means a veterinarian authorized by law to
11 practice veterinary medicine in this State.

12 (3) "Dentist" means a dentist authorized by law to practice
13 dentistry in this State.

14 (4) "Hospital" means any federal institution, or any institution
15 for the care and treatment of the sick and injured, operated or
16 approved by the appropriate State department as proper to be
17 entrusted with the custody and professional use of controlled
18 dangerous substances or controlled substance analogs.

19 (5) "Laboratory" means a laboratory to be entrusted with the
20 custody of narcotic drugs and the use of controlled dangerous
21 substances or controlled substance analogs for scientific,
22 experimental, and medical purposes and for purposes of instruction
23 approved by the Department of Health.

24 "Production" includes the manufacture, planting, cultivation,
25 growing, or harvesting of a controlled dangerous substance or
26 controlled substance analog.

27 "Immediate precursor" means a substance which the Division of
28 Consumer Affairs in the Department of Law and Public Safety has
29 found to be and by regulation designates as being the principal
30 compound commonly used or produced primarily for use, and
31 which is an immediate chemical intermediary used or likely to be
32 used in the manufacture of a controlled dangerous substance or
33 controlled substance analog, the control of which is necessary to
34 prevent, curtail, or limit such manufacture.

35 "Residential treatment facility" means any facility licensed and
36 approved by the Department of Human Services and which is
37 approved by any county probation department for the inpatient
38 treatment and rehabilitation of drug or alcohol dependent persons.

39 "Schedules I, II, III, IV, and V" are the schedules set forth in
40 sections 5 through 8 of P.L.1970, c.226 (C.24:21-5 through 24:21-
41 8) and in section 4 of P.L.1971, c.3 (C.24:21-8.1) and as modified
42 by any regulations issued by the Director of the Division of
43 Consumer Affairs in the Department of Law and Public Safety
44 pursuant to the director's authority as provided in section 3 of
45 P.L.1970, c.226 (C.24:21-3).

46 "State" means the State of New Jersey.

47 "Ultimate user" means a person who lawfully possesses a
48 controlled dangerous substance or controlled substance analog for

1 his own use or for the use of a member of his household or for
2 administration to an animal owned by him or by a member of his
3 household.

4 "Prescription legend drug" means any drug which under federal
5 or State law requires dispensing by prescription or order of a
6 licensed physician, veterinarian, or dentist and is required to bear
7 the statement "Rx only" or similar wording indicating that such
8 drug may be sold or dispensed only upon the prescription of a
9 licensed medical practitioner and is not a controlled dangerous
10 substance or stramonium preparation.

11 "Stramonium preparation" means a substance prepared from any
12 part of the stramonium plant in the form of a powder, pipe mixture,
13 cigarette, or any other form with or without other ingredients.

14 "Stramonium plant" means the plant *Datura Stramonium* Linne,
15 including *Datura Tatula* Linne.

16 (cf: P.L.2020, c. , s.54)

17

18 8. N.J.S.2C:35-5 is amended to read as follows:

19 2C:35-5. Manufacturing, Distributing or Dispensing. a. Except
20 as authorized by P.L.1970, c.226 (C.24:21-1 et seq.), it shall be
21 unlawful for any person knowingly or purposely:

22 (1) To manufacture, distribute or dispense, or to possess or have
23 under his control with intent to manufacture, distribute or dispense,
24 a controlled dangerous substance or controlled substance analog; or

25 (2) To create, distribute, or possess or have under his control
26 with intent to distribute, a counterfeit controlled dangerous
27 substance.

28 b. Any person who violates subsection a. with respect to:

29 (1) Heroin, or its analog, or coca leaves and any salt, compound,
30 derivative, or preparation of coca leaves, and any salt, compound,
31 derivative, or preparation thereof which is chemically equivalent or
32 identical with any of these substances, or analogs, except that the
33 substances shall not include decocainized coca leaves or extractions
34 which do not contain cocaine or ecogine, or 3,4-
35 methylenedioxyamphetamine or 3,4-
36 methylenedioxyamphetamine, in a quantity of five ounces or more
37 including any adulterants or dilutants is guilty of a crime of the first
38 degree. The defendant shall, except as provided in N.J.S.2C:35-12,
39 be sentenced to a term of imprisonment by the court. The term of
40 imprisonment shall include the imposition of a minimum term
41 which shall be fixed at, or between, one-third and one-half of the
42 sentence imposed, during which the defendant shall be ineligible for
43 parole. Notwithstanding the provisions of subsection a. of
44 N.J.S.2C:43-3, a fine of up to \$500,000 may be imposed;

45 (2) A substance referred to in paragraph (1) of this subsection,
46 in a quantity of one-half ounce or more but less than five ounces,
47 including any adulterants or dilutants is guilty of a crime of the
48 second degree;

1 (3) A substance referred to paragraph (1) of this subsection in a
2 quantity less than one-half ounce including any adulterants or
3 dilutants is guilty of a crime of the third degree except that,
4 notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, a
5 fine of up to \$75,000 may be imposed;

6 (4) A substance classified as a narcotic drug in Schedule I or II
7 other than those specifically covered in this section, or the analog of
8 any such substance, in a quantity of one ounce or more including
9 any adulterants or dilutants is guilty of a crime of the second
10 degree;

11 (5) A substance classified as a narcotic drug in Schedule I or II
12 other than those specifically covered in this section, or the analog of
13 any such substance, in a quantity of less than one ounce including
14 any adulterants or dilutants is guilty of a crime of the third degree
15 except that, notwithstanding the provisions of subsection b. of
16 N.J.S.2C:43-3, a fine of up to \$75,000 may be imposed;

17 (6) Lysergic acid diethylamide, or its analog, in a quantity of
18 100 milligrams or more including any adulterants or dilutants, or
19 phencyclidine, or its analog, in a quantity of 10 grams or more
20 including any adulterants or dilutants, is guilty of a crime of the
21 first degree. Except as provided in N.J.S.2C:35-12, the court shall
22 impose a term of imprisonment which shall include the imposition
23 of a minimum term, fixed at, or between, one-third and one-half of
24 the sentence imposed by the court, during which the defendant shall
25 be ineligible for parole. Notwithstanding the provisions of
26 subsection a. of N.J.S.2C:43-3, a fine of up to \$500,000 may be
27 imposed;

28 (7) Lysergic acid diethylamide, or its analog, in a quantity of
29 less than 100 milligrams including any adulterants or dilutants, or
30 where the amount is undetermined, or phencyclidine, or its analog,
31 in a quantity of less than 10 grams including any adulterants or
32 dilutants, or where the amount is undetermined, is guilty of a crime
33 of the second degree;

34 (8) Methamphetamine, or its analog, or phenyl-2-propanone
35 (P2P), in a quantity of five ounces or more including any
36 adulterants or dilutants is guilty of a crime of the first degree.
37 Notwithstanding the provisions of subsection a. of N.J.S.2C:43-3, a
38 fine of up to \$300,000 may be imposed;

39 (9) (a) Methamphetamine, or its analog, or phenyl-2-propanone
40 (P2P), in a quantity of one-half ounce or more but less than five
41 ounces including any adulterants or dilutants is guilty of a crime of
42 the second degree;

43 (b) Methamphetamine, or its analog, or phenyl-2-propanone
44 (P2P), in a quantity of less than one-half ounce including any
45 adulterants or dilutants is guilty of a crime of the third degree
46 except that notwithstanding the provisions of subsection b. of
47 N.J.S.2C:43-3, a fine of up to \$75,000 may be imposed;

1 (10) (a) Marijuana in a quantity of 25 pounds or more
2 including any adulterants or dilutants, or 50 or more marijuana
3 plants, regardless of weight, or hashish in a quantity of five pounds
4 or more including any adulterants or dilutants, is guilty of a crime
5 of the first degree. Notwithstanding the provisions of subsection a.
6 of N.J.S.2C:43-3, a fine of up to \$300,000 may be imposed;

7 (b) Marijuana in a quantity of five pounds or more but less than
8 25 pounds including any adulterants or dilutants, or 10 or more but
9 fewer than 50 marijuana plants, regardless of weight, or hashish in a
10 quantity of one pound or more but less than five pounds, including
11 any adulterants and dilutants, is guilty of a crime of the second
12 degree;

13 (11) (a) Prior to the effective date of P.L. , c. (C.)
14 (passed both Houses on December 17, 2020 as Second Reprint of
15 Assembly Bill No. 21), marijuana in a quantity of one ounce or
16 more but less than five pounds including any adulterants or
17 dilutants, or hashish in a quantity of five grams or more but less
18 than one pound including any adulterants or dilutants, is guilty of a
19 crime of the third degree except that, notwithstanding the provisions
20 of subsection b. of N.J.S.2C:43-3, a fine of up to \$25,000 may be
21 imposed;

22 (b) On and after the effective date of P.L. , c. (C.)
23 (passed both Houses on December 17, 2020 as Second Reprint of
24 Assembly Bill No. 21), marijuana in a quantity of more than one
25 ounce but less than five pounds including any adulterants or
26 dilutants, or hashish in a quantity of more than five grams but less
27 than one pound including any adulterants or dilutants, is guilty of a
28 crime of the third degree except that, notwithstanding the provisions
29 of subsection b. of N.J.S.2C:43-3, a fine of up to \$25,000 may be
30 imposed;

31 (12) (a) Prior to the effective date of P.L. , c. (C.)
32 (passed both Houses on December 17, 2020 as Second Reprint of
33 Assembly Bill No. 21), marijuana in a quantity of less than one
34 ounce including any adulterants or dilutants, or hashish in a
35 quantity of less than five grams including any adulterants or
36 dilutants, is guilty of a crime of the fourth degree;

37 (b) On and after the effective date of P.L. , c. (C.)
38 (passed both Houses on December 17, 2020 as Second Reprint of
39 Assembly Bill No. 21), marijuana in a quantity of one ounce or less
40 including any adulterants or dilutants, or hashish in a quantity of
41 five grams or less including any adulterants or dilutants, is, for a
42 first offense, subject to a written warning, which also indicates that
43 any subsequent violation is a crime punishable by a term of
44 imprisonment, a fine, or both, and for a second or subsequent
45 offense, is guilty of a crime of the fourth degree;

46 **[(i)]** The odor of marijuana or hashish, or burnt marijuana or
47 hashish, shall not constitute reasonable articulable suspicion to
48 initiate a search of a person to determine a violation of

1 subparagraph (b) of paragraph (12) of this subsection. A person
2 who violates this subparagraph shall not be subject to arrest,
3 detention, or otherwise be taken into custody, unless the person is
4 being arrested, detained, or otherwise taken into custody for also
5 committing another violation of law for which that action is legally
6 permitted or required;

7 **[(ii) A person shall not be deprived of any legal or civil right,**
8 **privilege, benefit, or opportunity provided pursuant to any law**
9 **solely by reason of committing a violation of subparagraph (b) of**
10 **paragraph (12) of this subsection, nor shall committing one or more**
11 **violations modify any legal or civil right, privilege, benefit, or**
12 **opportunity provided pursuant to any law, including, but not limited**
13 **to, the granting, renewal, forfeiture, or denial of a license, permit,**
14 **or certification, qualification for and the receipt, alteration,**
15 **continuation, or denial of any form of financial assistance, housing**
16 **assistance, or other social services, rights of or custody by a**
17 **biological parent, or adoptive or foster parent, or other legal**
18 **guardian of a child or newborn infant, or pregnant woman, in any**
19 **action or proceeding by the Division of Child Protection and**
20 **Permanency in the Department of Children and Families, or**
21 **qualification, approval, or disapproval to serve as a foster parent or**
22 **other legal guardian;**

23 (iii) All local and county law enforcement authorities shall,
24 following the submission process used for the uniform crime
25 reporting system established by P.L.1966, c.37 (C.52:17B-
26 5.1 et seq.), submit a quarterly report to the Uniform Crime
27 Reporting Unit, within the Division of State Police in the
28 Department of Law and Public Safety, or to another designated
29 recipient determined by the Attorney General, containing the
30 number of violations of subparagraph (b) of paragraph (12) of this
31 subsection committed within their respective jurisdictions, plus the
32 race, ethnicity, gender, and age of each person committing a
33 violation, and the disposition of each person's violation. These
34 violations and associated information, along with a quarterly
35 summary of violations investigated, and associated information
36 collected, by the Division of State Police for the same period shall
37 be summarized by county and municipality in an annual report, and
38 both quarterly summaries and annual reports shall be made
39 available at no cost to the public on the Division of State Police's
40 Internet website;】

41 (13) Any other controlled dangerous substance classified in
42 Schedule I, II, III or IV, or its analog, is guilty of a crime of the
43 third degree, except that, notwithstanding the provisions of
44 subsection b. of N.J.S.2C:43-3, a fine of up to \$25,000 may be
45 imposed; or

46 (14) Any Schedule V substance, or its analog, is guilty of a
47 crime of the fourth degree except that, notwithstanding the

1 provisions of subsection b. of N.J.S.2C:43-3, a fine of up to
2 \$25,000 may be imposed.

3 c. Where the degree of the offense for violation of this section
4 depends on the quantity of the substance, the quantity involved
5 shall be determined by the trier of fact, other than with respect to a
6 first violation of subparagraph (b) of paragraph (12) of subsection
7 b. of this section which is subject to a written warning as set forth in
8 that subparagraph. Where the indictment or accusation so provides,
9 the quantity involved in individual acts of manufacturing,
10 distribution, dispensing or possessing with intent to distribute may
11 be aggregated in determining the grade of the offense, whether
12 distribution or dispensing is to the same person or several persons,
13 provided that each individual act of manufacturing, distribution,
14 dispensing or possession with intent to distribute was committed
15 within the applicable statute of limitations.

16 (cf: P.L.2020, c. , s.55)

17

18 9. N.J.S.2C:35-10 is amended to read as follows:

19 2C:35-10. Possession, Use or Being Under the Influence, or
20 Failure to Make Lawful Disposition.

21 a. It is unlawful for any person, knowingly or purposely, to
22 obtain, or to possess, actually or constructively, a controlled
23 dangerous substance or controlled substance analog, unless the
24 substance was obtained directly, or pursuant to a valid prescription
25 or order form from a practitioner, while acting in the course of his
26 professional practice, or except as otherwise authorized by
27 P.L.1970, c.226 (C.24:21-1 et seq.). Any person who violates this
28 section with respect to:

29 (1) A controlled dangerous substance, or its analog, classified in
30 Schedule I, II, III or IV other than those specifically covered in this
31 section, is guilty of a crime of the third degree except that,
32 notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, a
33 fine of up to \$35,000 may be imposed;

34 (2) Any controlled dangerous substance, or its analog, classified
35 in Schedule V, is guilty of a crime of the fourth degree except that,
36 notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, a
37 fine of up to \$15,000 may be imposed;

38 (3) (a) Prior to the effective date of P.L. , c. (C.) (passed
39 both Houses on December 17, 2020 as Second Reprint of Assembly
40 Bill No. 21), possession of more than 50 grams of marijuana,
41 including any adulterants or dilutants, or more than five grams of
42 hashish is guilty of a crime of the fourth degree, except that,
43 notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, a
44 fine of up to \$25,000 may be imposed;

45 (b) On and after to the effective date of P.L. , c. (C.)
46 (passed both Houses on December 17, 2020 as Second Reprint of
47 Assembly Bill No. 21), possession of more than six ounces of
48 marijuana, including any adulterants or dilutants, or more than 17

1 grams of hashish is guilty of a crime of the fourth degree, except
2 that, notwithstanding the provisions of subsection b. of
3 N.J.S.2C:43-3, a fine of up to \$25,000 may be imposed;

4 **【(i)】** The odor of marijuana or hashish, or burnt marijuana or
5 hashish, shall not constitute reasonable articulable suspicion to
6 initiate a search of a person to determine a violation of
7 subparagraph (b) of paragraph (3) of this subsection. A person
8 who violates this paragraph shall not be subject to arrest, detention,
9 or otherwise be taken into custody, unless the person is being
10 arrested, detained, or otherwise taken into custody for also
11 committing another violation of law for which that action is legally
12 permitted or required;

13 **【(ii)】** A person shall not be deprived of any legal or civil right,
14 privilege, benefit, or opportunity provided pursuant to any law
15 solely by reason of committing a violation of subparagraph (b) of
16 paragraph (3) of this subsection, nor shall committing one or more
17 violations modify any legal or civil right, privilege, benefit, or
18 opportunity provided pursuant to any law, including, but not limited
19 to, the granting, renewal, forfeiture, or denial of a license, permit,
20 or certification, qualification for and the receipt, alteration,
21 continuation, or denial of any form of financial assistance, housing
22 assistance, or other social services, rights of or custody by a
23 biological parent, or adoptive or foster parent, or other legal
24 guardian of a child or newborn infant, or pregnant woman, in any
25 action or proceeding by the Division of Child Protection and
26 Permanency in the Department of Children and Families, or
27 qualification, approval, or disapproval to serve as a foster parent or
28 other legal guardian;

29 (iii) All local and county law enforcement authorities shall,
30 following the submission process used for the uniform crime
31 reporting system established by P.L.1966, c.37 (C.52:17B-
32 5.1 et seq.), submit a quarterly report to the Uniform Crime
33 Reporting Unit, within the Division of State Police in the
34 Department of Law and Public Safety, or to another designated
35 recipient determined by the Attorney General, containing the
36 number of violations of subparagraph (b) of paragraph (3) of this
37 subsection committed within their respective jurisdictions, plus the
38 race, ethnicity, gender, and age of each person committing a
39 violation, and the disposition of each person's violation. These
40 violations and associated information, along with a quarterly
41 summary of violations investigated, and associated information
42 collected, by the Division of State Police for the same period shall
43 be summarized by county and municipality in an annual report, and
44 both quarterly summaries and annual reports shall be made
45 available at no cost to the public on the Division of State Police's
46 Internet website;】 or

47 (4) (a) Prior to the effective date of P.L. , c. (C.)
48 (passed both Houses on December 17, 2020 as Second Reprint of

1 Assembly Bill No. 21), possession of 50 grams or less of
2 marijuana, including any adulterants or dilutants, or five grams or
3 less of hashish is a disorderly person;

4 (b) On and after the effective date of P.L. , c. (C.)
5 (passed both Houses on December 17, 2020 as Second Reprint of
6 Assembly Bill No. 21), except as otherwise set forth in section 1 of
7 P.L.1979, c.264 (C.2C:33-15) and section 1 of P.L.1981, c.197
8 (C.2C:33-16), possession of six ounces or less of marijuana,
9 including any adulterants or dilutants, or 17 grams or less of hashish
10 is not subject to any punishment, as this possession is not a crime,
11 offense, act of delinquency, or civil violation of law;

12 Any person who commits any offense set forth in paragraphs (1)
13 through (3) of this subsection while on any property used for school
14 purposes which is owned by or leased to any elementary or
15 secondary school or school board, or within 1,000 feet of any such
16 school property or a school bus, or while on any school bus, and
17 who is not sentenced to a term of imprisonment, shall, in addition to
18 any other sentence which the court may impose, be required to
19 perform not less than 100 hours of community service.

20 b. (1) Any person who uses or who is under the influence of
21 any controlled dangerous substance, or its analog, not including
22 marijuana or hashish, for a purpose other than the treatment of
23 sickness or injury as lawfully prescribed or administered by a
24 physician is a disorderly person.

25 In a prosecution under this subsection, it shall not be necessary
26 for the State to prove that the accused did use or was under the
27 influence of any specific, prohibited drug, but it shall be sufficient
28 for a conviction under this subsection for the State to prove that the
29 accused did use or was under the influence of some prohibited
30 controlled dangerous substance, counterfeit controlled dangerous
31 substance, or controlled substance analog, by proving that the
32 accused did manifest physical and physiological symptoms or
33 reactions caused by the use of any prohibited controlled dangerous
34 substance or controlled substance analog.

35 (2) Notwithstanding that using or being under the influence of
36 marijuana or hashish is not a punishable crime, offense, act of
37 delinquency, or civil violation pursuant to this subsection, the
38 smoking, vaping, or aerosolizing of marijuana or hashish may be
39 prohibited or otherwise regulated on or in any property by the
40 person or entity that owns or controls that property, including
41 multifamily_housing that is a multiple dwelling as defined in section
42 3 of P.L.1967, c.76 (C.55:13A-3), the structure or specific units of
43 the structure of a cooperative as defined in section 3 of P.L.1987,
44 c.381 (C.46:8D-3), the units of a condominium, as those terms are
45 defined by section 3 of P.L.1969, c.257 (C.46:8B-3), or a site in a
46 mobile home park as defined in section 3 of P.L.1983, c.386
47 (C.40:55D-102), which site is leased to the owner of a

1 manufactured home, as defined in that section, that is installed
2 thereon.

3 c. Any person who knowingly obtains or possesses a controlled
4 dangerous substance or controlled substance analog in violation of
5 paragraph (1) or (2) of subsection a. of this section and who fails to
6 voluntarily deliver the substance to the nearest law enforcement
7 officer is guilty of a disorderly persons offense. Nothing in this
8 subsection shall be construed to preclude a prosecution or
9 conviction for any other offense defined in this title or any other
10 statute.

11 (cf: P.L.2020, c. , s.56)

12

13 10. Section 3 of P.L.2009, c.307 (C.24:6I-3) is amended to read
14 as follows:

15 3. As used in P.L.2009, c.307 (C.24:6I-1 et al.) and P.L.2015,
16 c.158 (C.18A:40-12.22 et al.):

17 "Academic medical center" means (1) an entity located in New
18 Jersey that, on the effective date of P.L.2019, c.153 (C.24:6I-5.1 et
19 al.), has an addiction medicine faculty practice or is in the same
20 health care system as another facility located in New Jersey that
21 offers outpatient medical detoxification services or inpatient
22 treatment services for substance use disorder; has a pain
23 management faculty practice or a facility-based pain management
24 service located in New Jersey; has graduate medical training
25 programs accredited, or pending accreditation, by the Accreditation
26 Council for Graduate Medical Education or the American
27 Osteopathic Association in primary care and medical specialties; is
28 the principal teaching affiliate of a medical school based in the
29 State; and has the ability to conduct research related to medical
30 cannabis. If the entity is part of a system of health care facilities,
31 the entity shall not qualify as an academic medical center unless the
32 health care system is principally located within the State; or

33 (2) an accredited school of osteopathic medicine that: is located
34 in a state that shares a common border with this State; has an
35 articulation agreement or similar memorandum of understanding,
36 plus an agreement to establish and maintain an apprenticeship
37 program in this State to train workers in the cannabis industry,
38 which training would earn college credit, with any State college or
39 university located in a county of the first class with a college of
40 nursing or nursing degree program accredited by the Commission
41 on Collegiate Nursing Education on the effective date of P.L. ,
42 c. (C.) (passed both Houses on December 17, 2020 as Second
43 Reprint of Assembly Bill No. 21) ; and has an institutional review
44 board that has, on the effective date of P.L. , c. (C.) (passed
45 both Houses on December 17, 2020 as s Second Reprint of
46 Assembly Bill No. 21), previously approved a clinical research
47 study in this State involving medical cannabis; and has the ability

1 and will conduct all research and development in the county in
2 which the partner State college or university is located.

3 "Adverse employment action" means refusing to hire or employ
4 an individual, barring or discharging an individual from
5 employment, requiring an individual to retire from employment, or
6 discriminating against an individual in compensation or in any
7 terms, conditions, or privileges of employment.

8 **["Cannabis" has the meaning given to "marihuana" in section 2
9 of the "New Jersey Controlled Dangerous Substances Act,"
10 P.L.1970, c.226 (C.24:21-2).]**

11 "Clinical registrant" means an entity that has a written
12 contractual relationship with an academic medical center in the
13 region in which it has its principal place of business, which includes
14 provisions whereby the parties will engage in clinical research
15 related to the use of medical cannabis and the academic medical
16 center or its affiliate will provide advice to the entity regarding
17 patient health and safety, medical applications, and dispensing and
18 managing controlled dangerous substances, among other areas.

19 "Commission" means the Cannabis Regulatory Commission
20 established pursuant to section 31 of P.L.2019, c.153 (C.24:6I-24).

21 "Commissioner" means the Commissioner of Health.

22 "Common ownership or control" means:

23 (1) between two for-profit entities, the same individuals or
24 entities own and control more than 50 percent of both entities;

25 (2) between a nonprofit entity and a for-profit entity, a majority
26 of the directors, trustees, or members of the governing body of the
27 nonprofit entity directly or indirectly own and control more than 50
28 percent of the for-profit entity; and

29 (3) between two nonprofit entities, the same directors, trustees,
30 or governing body members comprise a majority of the voting
31 directors, trustees, or governing body members of both nonprofits.

32 "Department" means the Department of Health.

33 "Designated caregiver" means a resident of the State who:

34 (1) is at least 18 years old;

35 (2) has agreed to assist with a registered qualifying patient's
36 medical use of cannabis, is not currently serving as a designated
37 caregiver for more than one other qualifying patient, and is not the
38 qualifying patient's health care practitioner;

39 (3) subject to the provisions of paragraph (2) of subsection c. of
40 section 4 of P.L.2009, c.307 (C.24:6I-4), has never been convicted
41 of possession or sale of a controlled dangerous substance, unless
42 such conviction occurred after the effective date of P.L.2009, c.307
43 (C.24:6I-1 et al.) and was for a violation of federal law related to
44 possession or sale of cannabis that is authorized under P.L.2009,
45 c.307 (C.24:6I-1 et al.) or P.L.2015, c.158 (C.18A:40-12.22 et al.);

46 (4) has registered with the commission pursuant to section 4 of
47 P.L.2009, c.307 (C.24:6I-4), and, except in the case of a designated
48 caregiver who is an immediate family member of the patient, has

1 satisfied the criminal history record background check requirement
2 of section 4 of P.L.2009, c.307 (C.24:6I-4); and

3 (5) has been designated as a designated caregiver by the patient
4 when registering or renewing a registration with the commission or
5 in other written notification to the commission.

6 "Dispense" means the furnishing of medical cannabis to a
7 registered qualifying patient, designated caregiver, or institutional
8 caregiver by a medical cannabis dispensary or clinical registrant
9 pursuant to written instructions issued by a health care practitioner
10 pursuant to the requirements of P.L.2009, c.307 (C.24:6I-1 et al.).
11 The term shall include the act of furnishing medical cannabis to a
12 medical cannabis handler for delivery to a registered qualifying
13 patient, designated caregiver, or institutional caregiver, consistent
14 with the requirements of subsection i. of section 27 of P.L.2019,
15 c.153 (C.24:6I-20).

16 "Health care facility" means a general acute care hospital,
17 nursing home, long term care facility, hospice care facility, group
18 home, facility that provides services to persons with developmental
19 disabilities, behavioral health care facility, or rehabilitation center.

20 "Health care practitioner" means a physician, advanced practice
21 nurse, or physician assistant licensed or certified pursuant to Title
22 45 of the Revised Statutes who:

23 (1) possesses active registrations to prescribe controlled
24 dangerous substances issued by the United States Drug
25 Enforcement Administration and the Division of Consumer Affairs
26 in the Department of Law and Public Safety;

27 (2) is the health care practitioner responsible for the ongoing
28 treatment of a patient's qualifying medical condition, the symptoms
29 of that condition, or the symptoms associated with the treatment of
30 that condition, provided, however, that the ongoing treatment shall
31 not be limited to the provision of authorization for a patient to use
32 medical cannabis or consultation solely for that purpose; and

33 (3) if the patient is a minor, is a pediatric specialist.

34 "Immediate family" means the spouse, domestic partner, civil
35 union partner, child, sibling, or parent of an individual, and shall
36 include the siblings, parents, and children of the individual's spouse,
37 domestic partner, or civil union partner, and the parents, spouses,
38 domestic partners, or civil union partners of the individual's parents,
39 siblings, and children.

40 "Institutional caregiver" means a resident of the State who:

41 (1) is at least 18 years old;

42 (2) is an employee of a health care facility;

43 (3) is authorized, within the scope of the individual's
44 professional duties, to possess and administer controlled dangerous
45 substances in connection with the care and treatment of patients and
46 residents pursuant to applicable State and federal laws;

47 (4) is authorized by the health care facility employing the person
48 to assist registered qualifying patients who are patients or residents

1 of the facility with the medical use of cannabis, including, but not
2 limited to, obtaining medical cannabis for registered qualifying
3 patients and assisting registered qualifying patients with the
4 administration of medical cannabis;

5 (5) subject to the provisions of paragraph (2) of subsection c. of
6 section 4 of P.L.2009, c.307 (C.24:6I-4), has never been convicted
7 of possession or sale of a controlled dangerous substance, unless
8 such conviction occurred after the effective date of P.L.2009, c.307
9 (C.24:6I-1 et al.) and was for a violation of federal law related to
10 possession or sale of cannabis that is authorized under P.L.2009,
11 c.307 (C.24:6I-1 et al.) or P.L.2015, c.158 (C.18A:40-12.22 et al.);
12 and

13 (6) has registered with the commission pursuant to section 4 of
14 P.L.2009, c.307 (C.24:6I-4).

15 "Integrated curriculum" means an academic, clinical, or research
16 program at an institution of higher education that is coordinated
17 with a medical cannabis cultivator, medical cannabis manufacturer,
18 or medical cannabis dispensary to apply theoretical principles,
19 practical experience, or both involving the cultivation,
20 manufacturing, dispensing, delivery, or medical use of cannabis to a
21 specific area of study, including, but not limited to, agriculture,
22 biology, business, chemistry, culinary studies, ecology,
23 environmental studies, health care, horticulture, technology, or any
24 other appropriate area of study or combined areas of study.
25 Integrated curricula shall be subject to approval by the commission
26 and the Office of the Secretary of Higher Education.

27 "Integrated curriculum permit" or "IC permit" means a permit
28 issued to a medical cannabis cultivator, medical cannabis
29 manufacturer, or medical cannabis dispensary that includes an
30 integrated curriculum approved by the commission and the Office
31 of the Secretary of Higher Education.

32 "Medical cannabis" means all parts of the plant *Cannabis sativa*
33 L., whether growing or not, the seeds thereof, and every compound,
34 manufacture, salt, derivative, mixture, or preparation of the plant or
35 its seeds, which are cultivated, produced, manufactured or
36 transported in accordance with, or dispensed in any form to
37 registered qualifying patients pursuant to, the "Jake Honig
38 Compassionate Use Medical Cannabis Act," P.L.2009, c.307
39 (C.24:6I-1 et al.) and P.L.2015, c.158 (C.18A:40-12.22 et al.).
40 "Medical cannabis" does not include: any cannabis or cannabis item
41 which is cultivated, produced, manufactured, and consumed in
42 accordance with P.L. , c. (C.)(passed both Houses on
43 December 17, 2020 as Second Reprint of Assembly Bill No. 21);
44 "marijuana" as defined in N.J.S.2C:35-2 and applied to any offense
45 set forth in chapters 33, 35, 35A, and 36 of Title 2C of the New
46 Jersey Statutes, or P.L.2001, c.114 (C.2C:35B-1 et seq.);
47 "marihuana" as defined in section 2 of P.L.1970, c.226 (C.24:21-2)
48 and applied to any offense set forth in the "New Jersey Controlled

1 Dangerous Substances Act,” P.L.1970, c.226 (C.24:21-1 et al.); or
2 hemp or a hemp product cultivated, handled, processed, transported,
3 or sold pursuant to the “New Jersey Hemp Farming Act,” P.L.2019,
4 1 c.238 (C.4:28-6 et al.).

5 "Medical cannabis alternative treatment center" or "alternative
6 treatment center" means an organization issued a permit, including
7 a conditional permit, by the commission to operate as a medical
8 cannabis cultivator, medical cannabis manufacturer, medical
9 cannabis dispensary, or clinical registrant. This term shall include
10 the organization's officers, directors, board members, and
11 employees.

12 "Medical cannabis cultivator" means an organization holding a
13 permit issued by the commission that authorizes the organization to:
14 possess and cultivate cannabis and deliver, transfer, transport,
15 distribute, supply, and sell medical cannabis and related supplies to
16 other medical cannabis cultivators and to medical cannabis
17 manufacturers, clinical registrants, and medical cannabis
18 dispensaries, as well as to plant, cultivate, grow, and harvest
19 medical cannabis for research purposes. A medical cannabis
20 cultivator permit shall not authorize the permit holder to
21 manufacture, produce, or otherwise create medical cannabis
22 products, or to deliver, transfer, transport, distribute, supply, sell, or
23 dispense medical cannabis, medical cannabis products,
24 paraphernalia, or related supplies to qualifying patients, designated
25 caregivers, or institutional caregivers.

26 "Medical cannabis dispensary" means an organization issued a
27 permit by the commission that authorizes the organization to:
28 purchase or obtain medical cannabis and related supplies from
29 medical cannabis cultivators; purchase or obtain medical cannabis
30 products and related supplies from medical cannabis manufacturers;
31 purchase or obtain medical cannabis, medical cannabis products,
32 and related supplies and paraphernalia from other medical cannabis
33 dispensaries and from clinical registrants; deliver, transfer,
34 transport, distribute, supply, and sell medical cannabis and medical
35 cannabis products to other medical cannabis dispensaries; furnish
36 medical cannabis, including medical cannabis products, to a
37 medical cannabis handler for delivery to a registered qualifying
38 patient, designated caregiver, or institutional caregiver consistent
39 with the requirements of subsection i. of section 27 of P.L.2019,
40 c.153 (C.24:6I-20); and possess, display, deliver, transfer, transport,
41 distribute, supply, sell, and dispense medical cannabis, medical
42 cannabis products, paraphernalia, and related supplies to qualifying
43 patients, designated caregivers, and institutional caregivers. A
44 medical cannabis dispensary permit shall not authorize the permit
45 holder to cultivate medical cannabis, to produce, manufacture, or
46 otherwise create medical cannabis products.

47 "Medical cannabis manufacturer" means an organization issued a
48 permit by the commission that authorizes the organization to:

1 purchase or obtain medical cannabis and related supplies from a
2 medical cannabis cultivator or a clinical registrant; purchase or
3 obtain medical cannabis products from another medical cannabis
4 manufacturer or a clinical registrant; produce, manufacture, or
5 otherwise create medical cannabis products; and possess, deliver,
6 transfer, transport, distribute, supply, and sell medical cannabis
7 products and related supplies to other medical cannabis
8 manufacturers and to medical cannabis dispensaries and clinical
9 registrants. A medical cannabis manufacturer permit shall not
10 authorize the permit holder to cultivate medical cannabis or to
11 deliver, transfer, transport, distribute, supply, sell, or dispense
12 medical cannabis, medical cannabis products, paraphernalia, or
13 related supplies to registered qualifying patients, designated
14 caregivers, or institutional caregivers.

15 "Medical use of cannabis" means the acquisition, possession,
16 transport, or use of cannabis or paraphernalia by a registered
17 qualifying patient as authorized by P.L.2009, c.307 (C.24:6I-1
18 et al.) and P.L.2015, c.158 (C.18A:40-12.22 et al.).

19 "Minor" means a person who is under 18 years of age and who
20 has not been married or previously declared by a court or an
21 administrative agency to be emancipated.

22 "Paraphernalia" has the meaning given in N.J.S.2C:36-1.

23 "Pediatric specialist" means a physician who is a board-certified
24 pediatrician or pediatric specialist, or an advanced practice nurse or
25 physician assistant who is certified as a pediatric specialist by an
26 appropriate professional certification or licensing entity.

27 "Primary care" means the practice of family medicine, general
28 internal medicine, general pediatrics, general obstetrics, or
29 gynecology.

30 "Qualifying medical condition" means seizure disorder,
31 including epilepsy; intractable skeletal muscular spasticity; post-
32 traumatic stress disorder; glaucoma; positive status for human
33 immunodeficiency virus; acquired immune deficiency syndrome;
34 cancer; amyotrophic lateral sclerosis; multiple sclerosis; muscular
35 dystrophy; inflammatory bowel disease, including Crohn's disease;
36 terminal illness, if the patient has a prognosis of less than 12
37 months of life; anxiety; migraine; Tourette's syndrome;
38 dysmenorrhea; chronic pain; opioid use disorder; or any other
39 medical condition or its treatment that is approved by the
40 commission.

41 "Qualifying patient" or "patient" means a resident of the State
42 who has been authorized for the medical use of cannabis by a health
43 care practitioner.

44 "Registration with the commission" means a person has met the
45 qualification requirements for, and has been registered by the
46 commission as, a registered qualifying patient, designated
47 caregiver, or institutional caregiver. The commission shall establish
48 appropriate means for health care practitioners, health care

1 facilities, medical cannabis dispensaries, law enforcement, schools,
2 facilities providing behavioral health services or services for
3 persons with developmental disabilities, and other appropriate
4 entities to verify an individual's status as a registrant with the
5 commission.

6 "Significantly involved person" means a person or entity who
7 holds at least a five percent investment interest in an entity issued,
8 or applying for a permit to operate as, a medical cannabis cultivator,
9 medical cannabis manufacturer, medical cannabis dispensary, or
10 clinical registrant, or who is a decision making member of a group
11 that holds at least a 20 percent investment interest in an entity
12 issued, or applying for a permit to operate as, a medical cannabis
13 cultivator, medical cannabis manufacturer, medical cannabis
14 dispensary, or clinical registrant, in which no member of that group
15 holds more than a five percent interest in the total group investment
16 interest, and the person or entity makes controlling decisions
17 regarding the operations of the entity issued, or applying for a
18 permit to operate as, a medical cannabis cultivator, medical
19 cannabis manufacturer, medical cannabis dispensary, or clinical
20 registrant.

21 "Terminally ill" means having an illness or condition with a
22 prognosis of less than 12 months of life.

23 "Usable cannabis" means the dried leaves and flowers of
24 cannabis, and any mixture or preparation thereof, and does not
25 include the seeds, stems, stalks, or roots of the plant.

26 (cf: P.L.2020, c. , s.4)

27

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

30 2. As used in P.L.1970, c.226 (C.24:21-1 et seq.):

31 "Administer" means the direct application of a controlled
32 dangerous substance, whether by injection, inhalation, ingestion, or
33 any other means, to the body of a patient or research subject by: (1)
34 a practitioner or, in the practitioner's presence, by the practitioner's
35 lawfully authorized agent, or (2) the patient or research subject at
36 the lawful direction and in the presence of the practitioner.

37 "Agent" means an authorized person who acts on behalf of or at
38 the direction of a manufacturer, distributor, or dispenser but does
39 not include a common or contract carrier, public warehouseman, or
40 employee thereof.

41 "Commissioner" means the Commissioner of Health.

42 "Controlled dangerous substance" means a drug, substance, or
43 immediate precursor in Schedules I through V of article 2 of
44 P.L.1970, c.226 (C.24:21-1 et seq.), marijuana, and hashish as
45 defined in this section. The term shall not include distilled spirits,
46 wine, malt beverages, as those terms are defined or used in
47 R.S.33:1-1 et seq., tobacco and tobacco products, and cannabis and
48 cannabis items as those terms are defined in section 3 of P.L. ,

1 c. (C.) (passed both Houses on December 17, 2020 as Second
2 Reprint of Assembly Bill No. 21).

3 "Counterfeit substance" means a controlled dangerous substance
4 which, or the container or labeling of which, without authorization,
5 bears the trademark, trade name, or other identifying mark, imprint,
6 number or device, or any likeness thereof, of a manufacturer,
7 distributor, or dispenser other than the person or persons who in fact
8 manufactured, distributed, or dispensed such substance and which
9 thereby falsely purports or is represented to be the product of, or to
10 have been distributed by, such other manufacturer, distributor, or
11 dispenser.

12 "Deliver" or "delivery" means the actual, constructive, or
13 attempted transfer from one person to another of a controlled
14 dangerous substance, whether or not there is an agency relationship.

15 "Director" means the Director of the Division of Consumer
16 Affairs in the Department of Law and Public Safety.

17 "Dispense" means to deliver a controlled dangerous substance to
18 an ultimate user or research subject by or pursuant to the lawful
19 order of a practitioner, including the prescribing, administering,
20 packaging, labeling, or compounding necessary to prepare the
21 substance for that delivery.

22 "Dispenser" means a practitioner who dispenses.

23 "Distribute" means to deliver other than by administering or
24 dispensing a controlled dangerous substance.

25 "Distributor" means a person who distributes.

26 "Division" means the Division of Consumer Affairs in the
27 Department of Law and Public Safety.

28 "Drug Enforcement Administration" means the Drug
29 Enforcement Administration in the United States Department of
30 Justice.

31 "Drugs" means (1) substances recognized in the official United
32 States Pharmacopoeia, official Homeopathic Pharmacopoeia of the
33 United States, or official National Formulary, or any supplement to
34 any of them; and (2) substances intended for use in the diagnosis,
35 cure, mitigation, treatment, or prevention of disease in man or other
36 animals; and (3) substances, other than food, intended to affect the
37 structure or any function of the body of man or other animals; and
38 (4) substances intended for use as a component of any article
39 specified in (1), (2), and (3) of this definition; but does not include
40 devices or their components, parts or accessories. "Drugs" shall not
41 mean: hemp and hemp products cultivated, handled, processed,
42 transported, or sold pursuant to the "New Jersey Hemp Farming
43 Act," P.L.2019, c.238 (C.4:28-6 et al.); any form of medical
44 cannabis as defined in section 3 of P.L.2009, c.307 (C.24:6I-
45 3); cannabis as defined in section 3 of P.L. ,
46 c. (C.) (pending as Second Reprint of Assembly Bill No. 21)
47 which is cultivated and produced for use in a cannabis item, as
48 defined in that section, in accordance with the "New Jersey

1 Cannabis Regulatory, Enforcement Assistance, and Marketplace
2 Modernization Act,” P.L. , c. (C.) (passed both Houses on
3 December 17, 2020 as Second Reprint of Assembly Bill No. 21);
4 and cannabis resin as defined in that section 3 (C.) which is
5 extracted for use in a cannabis item, as defined in that section, in
6 accordance with that act.

7 "Hashish" means the resin extracted from any part of the plant
8 Cannabis sativa L. and any compound, manufacture, salt,
9 derivative, mixture, or preparation of such resin. "Hashish" shall
10 not mean: hemp and hemp products cultivated, handled, processed,
11 transported, or sold pursuant to the "New Jersey Hemp Farming
12 Act," P.L.2019, c.238 (C.4:28-6 et al.); any form of medical
13 cannabis as defined in section 3 of P.L.2009, c.307 (C.24:6I-3); and
14 cannabis resin as defined in section 3 of P.L. , c. (C.)
15 (passed both Houses on December 17, 2020 as Second Reprint of
16 Assembly Bill No. 21) which is extracted for use in a cannabis item,
17 as defined in that section, in accordance with the “New Jersey
18 Cannabis Regulatory, Enforcement Assistance, and Marketplace
19 Modernization Act,” P.L. , c. (C.) (passed both Houses on
20 December 17, 2020 as Second Reprint of Assembly Bill No. 21).

21 "Marihuana" means all parts of the plant Cannabis sativa L.,
22 whether growing or not; the seeds thereof; and every compound,
23 manufacture, salt, derivative, mixture, or preparation of the plant or
24 its seeds, except those containing resin extracted from the plant.
25 "Marihuana" shall not mean: hemp and hemp products cultivated,
26 handled, processed, transported, or sold pursuant to the "New Jersey
27 Hemp Farming Act," P.L.2019, c.238 (C.4:28-6 et al.); any form of
28 medical cannabis as defined in section 3 of P.L.2009, c.307
29 (C.24:6I-3); and cannabis as defined in section 3 of P.L. ,
30 c. (C.) (passed both Houses on December 17, 2020 as Second
31 Reprint of Assembly Bill No. 21) which is cultivated and produced
32 for use in a cannabis item, as defined in that section, in accordance
33 with the “New Jersey Cannabis Regulatory, Enforcement
34 Assistance, and Marketplace Modernization Act,”
35 P.L. , c. (C.) (passed both Houses on December 17, 2020 as
36 Second Reprint of Assembly Bill No. 21).

37 "Manufacture" means the production, preparation, propagation,
38 compounding, conversion, or processing of a controlled dangerous
39 substance, either directly or by extraction from substances of
40 natural origin, or independently by means of chemical synthesis, or
41 by a combination of extraction and chemical synthesis, and includes
42 any packaging or repackaging of the substance or labeling or
43 relabeling of its container, except that this term does not include the
44 preparation or compounding of a controlled dangerous substance by
45 an individual for the individual's own use or the preparation,
46 compounding, packaging, or labeling of a controlled dangerous
47 substance: (1) by a practitioner as an incident to the practitioner's
48 administering or dispensing of a controlled dangerous substance in

1 the course of the practitioner's professional practice, or (2) by a
2 practitioner, or under the practitioner's supervision, for the purpose
3 of, or as an incident to, research, teaching, or chemical analysis and
4 not for sale.

5 "Medical cannabis" means "medical cannabis" as defined in
6 section 3 of P.L.2009, c.307 (C.24:6I-3).

7 "Narcotic drug" means any of the following, whether produced
8 directly or indirectly by extraction from substances of vegetable
9 origin, or independently by means of chemical synthesis, or by a
10 combination of extraction and chemical synthesis:

11 (1) Opium, coca leaves, and opiates;

12 (2) A compound, manufacture, salt, derivative, or preparation of
13 opium, coca leaves, or opiates;

14 (3) A substance, and any compound, manufacture, salt,
15 derivative, or preparation thereof, which is chemically identical
16 with any of the substances referred to in (1) and (2) of this
17 definition, except that the words "narcotic drug" as used in
18 P.L.1970, c.226 (C.24:21-1 et seq.) shall not include decocainized
19 coca leaves or extracts of coca leaves, which extracts do not contain
20 cocaine or ecgonine.

21 "Official written order" means an order written on a form
22 provided for that purpose by the Attorney General of the United
23 States or his delegate, under any laws of the United States making
24 provisions therefor, if such order forms are authorized and required
25 by the federal law, and if no such form is provided, then on an
26 official form provided for that purpose by the division. If authorized
27 by the Attorney General of the United States or the division, the
28 term shall also include an order transmitted by electronic means.

29 "Opiate" means any dangerous substance having an addiction-
30 forming or addiction-sustaining liability similar to morphine or
31 being capable of conversion into a drug having such addiction-
32 forming or addiction-sustaining liability. It does not include, unless
33 specifically designated as controlled under section 3 of P.L.1970,
34 c.226 (C.24:21-1 et seq.), the dextrorotatory isomer of 3-methoxy-
35 n-methylmorphinan and its salts (dextromethorphan). It does
36 include its racemic and levorotatory forms.

37 "Opium poppy" means the plant of the species *Papaver*
38 *somniferum* L., except the seeds thereof.

39 "Person" means any corporation, association, partnership, trust,
40 other institution or entity, or one or more individuals.

41 "Pharmacist" means a registered pharmacist of this State.

42 "Pharmacy owner" means the owner of a store or other place of
43 business where controlled dangerous substances are compounded or
44 dispensed by a registered pharmacist; but nothing in this chapter
45 contained shall be construed as conferring on a person who is not
46 registered or licensed as a pharmacist any authority, right, or
47 privilege that is not granted to the person by the pharmacy laws of
48 this State.

1 "Poppy straw" means all parts, except the seeds, of the opium
2 poppy, after mowing.

3 "Practitioner" means a physician, dentist, veterinarian, scientific
4 investigator, laboratory, pharmacy, hospital, or other person
5 licensed, registered, or otherwise permitted to distribute, dispense,
6 conduct research with respect to, or administer a controlled
7 dangerous substance in the course of professional practice or
8 research in this State. As referred to in this definition:

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

11 (2) "Veterinarian" means a veterinarian authorized by law to
12 practice veterinary medicine in this State.

13 (3) "Dentist" means a dentist authorized by law to practice
14 dentistry in this State.

15 (4) "Hospital" means any federal institution, or any institution
16 for the care and treatment of the sick and injured, operated or
17 approved by the appropriate State department as proper to be
18 entrusted with the custody and professional use of controlled
19 dangerous substances.

20 (5) "Laboratory" means a laboratory to be entrusted with the
21 custody of narcotic drugs and the use of controlled dangerous
22 substances for scientific, experimental, and medical purposes and
23 for purposes of instruction approved by the Department of Health.

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

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

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

42 "Ultimate user" means a person who lawfully possesses a
43 controlled dangerous substance for the person's own use or for the
44 use of a member of the person's household or for administration to
45 an animal owned by the person or by a member of the person's
46 household.

47 (cf: P.L.2020, c. , s.43)

1 12. Section 5 of P.L.1970, c.226 (C.24:21-5) is amended to read
2 as follows:

3 5. Schedule I.

4 a. Tests. The director shall place a substance in Schedule I if he
5 finds that the substance: (1) has high potential for abuse; and (2)
6 has no accepted medical use in treatment in the United States; or
7 lacks accepted safety for use in treatment under medical
8 supervision.

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

14 c. Any of the following opiates, including their isomers, esters,
15 and ethers, unless specifically excepted, whenever the existence of
16 such isomers, esters, ethers and salts is possible within the specific
17 chemical designation:

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

- 1 (32) Normethadone
- 2 (33) Norpipanone
- 3 (34) Phenadoxone
- 4 (35) Phenampromide
- 5 (36) Phenomorphan
- 6 (37) Phenoperidine
- 7 (38) Piritramide
- 8 (39) Proheptazine
- 9 (40) Properidine
- 10 (41) Racemoramide
- 11 (42) Trimeperidine.

12 d. Any of the following narcotic substances, their salts, isomers
13 and salts of isomers, unless specifically excepted, whenever the
14 existence of such salts, isomers and salts of isomers is possible
15 within the specific chemical designation:

- 16 (1) Acetorphine
- 17 (2) Acetylcodone
- 18 (3) Acetyldihydrocodeine
- 19 (4) Benzylmorphine
- 20 (5) Codeine methylbromide
- 21 (6) Codeine-N-Oxide
- 22 (7) Cyprenorphine
- 23 (8) Desomorphine
- 24 (9) Dihydromorphine
- 25 (10) Etorphine
- 26 (11) Heroin
- 27 (12) Hydromorphenol
- 28 (13) Methyldesorphine
- 29 (14) Methylhydromorphine
- 30 (15) Morphine methylbromide
- 31 (16) Morphine methylsulfonate
- 32 (17) Morphine-N-Oxide
- 33 (18) Myrophine
- 34 (19) Nicocodeine
- 35 (20) Nicomorphine
- 36 (21) Normorphine
- 37 (22) Phoclodine
- 38 (23) Thebacon.

39 e. Any material, compound, mixture or preparation which
40 contains any quantity of the following hallucinogenic substances,
41 their salts, isomers and salts of isomers, unless specifically
42 excepted, whenever the existence of such salts, isomers, and salts of
43 isomers is possible within the specific chemical designation:

- 44 (1) 3,4-methylenedioxy amphetamine
- 45 (2) 5-methoxy-3,4-methylenedioxy amphetamine
- 46 (3) 3,4,5-trimethoxy amphetamine
- 47 (4) Bufotenine
- 48 (5) Diethyltryptamine

- 1 (6) Dimethyltryptamine
- 2 (7) 4-methyl-2,5-dimethoxylamphetamine
- 3 (8) Ibogaine
- 4 (9) Lysergic acid diethylamide
- 5 (10) Marihuana; except that on and after the effective date of the
- 6 “New Jersey Cannabis Regulatory, Enforcement Assistance, and
- 7 Marketplace Modernization Act,” P.L. , c. (C.) (passed both
- 8 Houses on December 17, 2020 as Second Reprint of Assembly Bill
- 9 No. 21), marihuana shall no longer be included in Schedule I, and
- 10 shall not be designated or rescheduled and included in any other
- 11 schedule by the director pursuant to the director’s designation and
- 12 rescheduling authority set forth in section 3 of P.L.1970, c.226
- 13 (C.24:21-3).
- 14 (11) Mescaline
- 15 (12) Peyote
- 16 (13) N-ethyl-3-piperidyl benzilate
- 17 (14) N-methyl-3-piperidyl benzilate
- 18 (15) Psilocybin
- 19 (16) Psilocyn
- 20 (17) Tetrahydrocannabinols, except when found in hemp or a
- 21 hemp product cultivated, handled, processed, transported, or sold
- 22 pursuant to the "New Jersey Hemp Farming Act," P.L.2019, c.238
- 23 (C.4:28-6 et al.), medical cannabis as defined in section 3 of
- 24 P.L.2009, c.307 (C.24:6I-3), or cannabis or a cannabis item, as
- 25 those terms are defined in section 3 of P.L. , c. (C.) (passed
- 26 both Houses on December 17, 2020 as Second Reprint of Assembly
- 27 Bill No. 21), that is grown, cultivated, produced, or manufactured in
- 28 accordance with the “New Jersey Cannabis Regulatory,
- 29 Enforcement Assistance, and Marketplace Modernization Act,”
- 30 P.L. , c. (C.) (passed both Houses on December 17, 2020 as
- 31 Second Reprint of Assembly Bill No. 21).
- 32 (cf: P.L.2020, c. , s.44)
- 33
- 34 13. Section 48 of P.L. , c. (C.) (passed both Houses on
- 35 December 17, 2020 as the Second Reprint of Assembly Bill No. 21)
- 36 is amended to read as follows:
- 37 48. Employers, Driving, Minors and Control of Property.
- 38 a. (1) No employer shall refuse to hire or employ any person
- 39 or shall discharge from employment or take any adverse action
- 40 against any employee with respect to compensation, terms,
- 41 conditions, or other privileges of employment because that person
- 42 does or does not smoke, vape, aerosolize or otherwise use cannabis
- 43 items, and an employee shall not be subject to any adverse action by
- 44 an employer solely due to the presence of cannabinoid metabolites
- 45 in the employee’s bodily fluid from engaging in conduct permitted
- 46 under P.L. , c. (C.) (passed both Houses on December 17,
- 47 2020 as Second Reprint of Assembly Bill No. 21). However, an
- 48 employer may require an employee to undergo a drug test upon

1 reasonable suspicion of an employee's usage of a cannabis item
2 while engaged in the performance of the employee's work
3 responsibilities, or upon finding any observable signs of
4 intoxication related to usage of a cannabis item, or following a
5 work-related accident subject to investigation by the employer. A
6 drug test may also be done randomly by the employer, or as part of
7 a pre-employment screening, or regular screening of current
8 employees to determine use during an employee's prescribed work
9 hours. The drug test shall include scientifically reliable objective
10 testing methods and procedures, such as testing of blood, urine, or
11 saliva, and a physical evaluation in order to determine an
12 employee's state of impairment. The physical evaluation shall be
13 conducted by an individual with the necessary certification to opine
14 on the employee's state of impairment, or lack thereof, related to
15 the usage of a cannabis item in accordance with paragraph (2) of
16 this subsection. The employer may use the results of the drug test
17 when determining the appropriate employment action concerning
18 the employee, including, but not limited to dismissal, suspension,
19 demotion, or other disciplinary action.

20 (2) (a) In order to better ensure the protections for prospective
21 employees and employees against refusals to hire or employ, or
22 against being discharged or having any other adverse action taken
23 by an employer, while simultaneously supporting the authority of
24 employers to require employees undergo drug tests under the
25 circumstances set forth in paragraph (1) of this subsection, as well
26 as employer efforts to maintain a drug- and alcohol-free workplace
27 or other drug- or alcohol workplace policy as described in
28 paragraph (1) of subsection b. of this section, the commission, in
29 consultation with the Police Training Commission established
30 pursuant to section 5 of P.L.1961, c.56 (C.52:17B-70), shall
31 prescribe standards in regulation for a Workplace Impairment
32 Recognition Expert certification, to be issued to full- or part-time
33 employees, or others contracted to perform services on behalf of an
34 employer, based on education and training in detecting and
35 identifying an employee's usage of, or impairment from, a cannabis
36 item or other intoxicating substance, and for assisting in the
37 investigation of workplace accidents. The commission's
38 regulations shall also prescribe minimum curriculum courses of
39 study for the certifications, as well as standards for the
40 commission's approval and continuation of approval of non-profit
41 and for-profit programs, organizations, or schools and their
42 instructors to offer courses of study, and may include the use of a
43 Police Training Commission approved school as that term is
44 defined in section 2 of P.L.1961, c.56 (C.52:17B-67) if consented to
45 by the Police Training Commission.

46 (b) Any person who demonstrates to the commission's
47 satisfaction that the person has successfully completed a Drug
48 Recognition Expert program provided by [a Police Training

1 Commission approved school] the New Jersey State Police, or
2 another program or course conducted by any federal, State, or other
3 public or private agency, the requirements of which are
4 substantially equivalent to the requirements established by the
5 commission pursuant to subparagraph (a) of this paragraph for a
6 Workplace Impairment Recognition Expert certification, may, at the
7 discretion of the commission, be issued this certification, subject to
8 subsequent continuation of certification approval by the
9 commission.

10 b. Nothing in P.L. , c. (C.) (passed both Houses on
11 December 17, 2020 as Second Reprint of Assembly Bill No. 21):

12 (1) (a) Requires an employer to amend or repeal, or affect,
13 restrict or preempt the rights and obligations of employers to
14 maintain a drug- and alcohol-free workplace or require an employer
15 to permit or accommodate the use, consumption, being under the
16 influence, possession, transfer, display, transportation, sale, or
17 growth of cannabis or cannabis items in the workplace, or to affect
18 the ability of employers to have policies prohibiting use of cannabis
19 items or intoxication by employees during work hours;

20 (b) If any of the provisions set forth in this paragraph or
21 subsection a. of this section result in a provable adverse impact on
22 an employer subject to the requirements of a federal contract, then
23 the employer may revise their employee prohibitions consistent
24 with federal law, rules, and regulations;

25 (2) Is intended to allow driving under the influence of cannabis
26 items or driving while impaired by cannabis items or to supersede
27 laws related to driving under the influence of marijuana or cannabis
28 items or driving while impaired by marijuana or cannabis items;

29 (3) Is intended to permit the transfer of cannabis items, with or
30 without remuneration, to a person under 21 years of age or to allow
31 a person under 21 years of age to purchase, possess, use, transport,
32 grow, or consume cannabis items, unless the person is under 21
33 years of age, but at least 18 years of age, and an employee of a
34 cannabis establishment, distributor, or delivery service acting in the
35 person's employment capacity;

36 (4) Shall, consistent with subsection c. of section 46 of P.L. ,
37 c. (C.) (passed both Houses on December 17, 2020 as
38 Second Reprint of Assembly Bill No. 21), prohibit a person or
39 entity that owns or controls a property from prohibiting or
40 otherwise regulating the consumption, use, display, transfer,
41 distribution, sale, or transportation of cannabis items on or in that
42 property, or portion thereof, including a hotel property that is a
43 casino hotel facility as defined in section 19 of P.L.1977, c.110
44 (C.5:12-19), a casino as defined in section 6 of P.L.1977, c.110
45 (C.5:12-6), or casino simulcasting facility authorized pursuant to
46 the "Casino Simulcasting Act," P.L.1992, c.19 (C.5:12-191 et al.),
47 provided that a person or entity that owns or controls multifamily
48 housing that is a multiple dwelling as defined in section 3 of

1 P.L.1967, c.76 (C.55:13A-3), the structure or specific units of the
2 structure of a cooperative as defined in section 3 of P.L.1987, c.381
3 (C.46:8D-3), a unit of a condominium as defined in section 3 of
4 P.L.1969, c.257 (C.46:8B-3), or a site in a mobile home park as
5 defined in section 3 of P.L.1983, c.386 (C.40:55D-102), which site
6 is leased to the owner of a manufactured home, as defined in that
7 section, that is installed thereon, may only prohibit or otherwise
8 regulate the smoking, vaping, or aerosolizing, but not other
9 consumption, of cannabis items, and further provided that
10 municipalities may not prohibit delivery, possession, or
11 consumption of cannabis items by a person 21 years of age or older
12 as permitted by section 46 of P.L. , c. (C.) (passed both
13 Houses on December 17, 2020 as Second Reprint of Assembly Bill
14 No. 21);

15 (5) Is intended to permit any person to possess, consume, use,
16 display, transfer, distribute, sell, transport, or grow or manufacture
17 cannabis or cannabis items in a school, hospital, detention facility,
18 adult correctional facility, or youth correctional facility;

19 (6) Is intended to permit the smoking, vaping, or aerosolizing of
20 cannabis items in any place that any other law prohibits the
21 smoking of tobacco, including N.J.S.2C:33-13 and the “New Jersey
22 Smoke-Free Air Act,” P.L.2005, c.383 (C.26:3D-55 et seq.). Except
23 as otherwise provided by P.L. , c. (C.) (passed both Houses
24 on December 17, 2020 as Second Reprint of Assembly Bill No. 21),
25 any fines or civil penalties that may be assessed for the smoking of
26 tobacco in designated places shall be applicable to the smoking,
27 vaping, or aerosolizing of cannabis items.

28 (cf: P.L.2020, c. , s.48)

29

30 14. Section 6 of P.L.1961, c.56 (C.52:17B-71) is amended to
31 read as follows:

32 6. The commission is vested with the power, responsibility and
33 duty:

34 a. To prescribe standards for the approval and continuation of
35 approval of schools at which police training courses authorized by
36 this act and in-service police training courses shall be conducted,
37 including but not limited to currently existing regional, county,
38 municipal, and police chief association police training schools or at
39 which basic training courses and in-service training courses shall be
40 conducted for State and county juvenile and adult correctional
41 police officers and juvenile detention officers;

42 b. To approve and issue certificates of approval to these
43 schools, to inspect the schools from time to time, and to revoke any
44 approval or certificate issued to the schools;

45 c. To prescribe the curriculum, the minimum courses of study,
46 attendance requirements, equipment and facilities, and standards of
47 operation for these schools. Courses of study in crime prevention
48 may be recommended to the Police Training Commission by the

- 1 Crime Prevention Advisory Committee, established by section 2 of
2 P.L.1985, c.1 (C.52:17B-77.1). The Police Training Commission
3 may prescribe psychological and psychiatric examinations for
4 police recruits while in the schools;
- 5 d. To prescribe minimum qualifications for instructors at these
6 schools and to certify, as qualified, instructors for approved police
7 training schools and to issue appropriate certificates to the
8 instructors;
- 9 e. To certify police officers, correctional police officers,
10 juvenile correctional police officers, and juvenile detention officers
11 who have satisfactorily completed training programs and to issue
12 appropriate certificates to the police officers, correctional police
13 officers, juvenile correctional police officers, and juvenile detention
14 officers;
- 15 f. To advise and consent in the appointment of an
16 administrator of police services by the Attorney General pursuant to
17 section 8 of P.L.1961, c.56 (C.52:17B-73);
- 18 g. (Deleted by amendment, P.L.1985, c.491)
- 19 h. To make rules and regulations as may be reasonably
20 necessary or appropriate to accomplish the purposes and objectives
21 of this act;
- 22 i. To make a continuous study of police training methods and
23 training methods for correctional police officers, juvenile
24 correctional police officers, and juvenile detention officers and to
25 consult and accept the cooperation of any recognized federal or
26 State law enforcement agency or educational institution;
- 27 j. To consult and cooperate with universities, colleges, and
28 institutes in the State for the development of specialized courses of
29 study for police officers in police science and police administration;
- 30 k. To consult and cooperate with other departments and
31 agencies of the State concerned with police training or the training
32 of correctional police officers, juvenile correctional police officers,
33 and juvenile detention officers;
- 34 l. To participate in unified programs and projects relating to
35 police training and the training of correctional police officers,
36 juvenile correctional police officers, and juvenile detention officers
37 sponsored by any federal, State, or other public or private agency;
- 38 m. To perform other acts as may be necessary or appropriate to
39 carry out its functions and duties as set forth in this act;
- 40 n. To extend the time limit for satisfactory completion of police
41 training programs or programs for the training of correctional police
42 officers, juvenile correctional police officers, and juvenile detention
43 officers upon a finding that health, extraordinary workload, or other
44 factors have, singly or in combination, effected a delay in the
45 satisfactory completion of the training program;
- 46 o. (1) To furnish approved schools, for inclusion in their
47 regular police training courses and curriculum, with information

1 concerning the advisability of high speed chases, the risk caused by
2 them, and the benefits resulting from them;

3 (2) To **review and approve new standards and course curricula**
4 **for** consult with the New Jersey State Police with respect to its
5 administration of police training courses or programs **to be offered**
6 **by approved schools** for the training of police officers to be
7 certified as a Drug Recognition Expert for detecting, identifying,
8 and apprehending drug-impaired motor vehicle operators **].** The
9 commission shall **]** and to consult with the Cannabis Regulatory
10 Commission established by 31 of P.L.2019, c.153 (C.24:6I-24) with
11 respect to **any aspects of the course curricula that focus on**
12 **impairment from the use of cannabis items as defined by section 3**
13 **of P.L. , c. (C.) (passed both Houses on December 17, 2020**
14 **as Second Reprint of Assembly Bill No. 21) or marijuana**
15 developing standards and course curricula for certification as a
16 Workplace Impairment Recognition Expert in detecting and
17 identifying an employee’s usage of, or impairment from, a cannabis
18 item or other intoxicating substance, and for assisting in the
19 investigation of workplace accidents. **Any police officer certified**
20 **and recognized by the commission as a Drug Recognition Expert**
21 **prior to the effective date of this section, as amended by the “New**
22 **Jersey Cannabis Regulatory, Enforcement Assistance, and**
23 **Marketplace Modernization Act,” P.L. , c. (C.) (passed both**
24 **Houses on December 17, 2020 as Second Reprint of Assembly Bill**
25 **No. 21), shall continue to be recognized as certified until that**
26 **certification has expired or is no longer considered valid as**
27 **determined by the commission, or the certification is replaced by**
28 **the police officer with a new certification in accordance with the**
29 **new standards and course curricula for certification described in**
30 **this paragraph.]**

31 p. To review and approve new standards and course curricula
32 developed by the Department of Corrections for both basic and in-
33 service training of State and county correctional police officers and
34 juvenile detention officers. These courses for the State correctional
35 police officers and juvenile detention officers shall be centrally
36 provided at the Corrections Officers' Training Academy of the
37 Department of Corrections. Courses for the county correctional
38 police officers and juvenile detention officers shall also be centrally
39 provided at the Corrections Officers' Training Academy unless an
40 off-grounds training program is established by the county. A
41 county may elect to establish and conduct a basic training program
42 for correctional police officers and juvenile detention officers
43 seeking permanent appointment in that county. The Corrections
44 Officers' Training Academy shall develop the curriculum of the
45 basic training program to be conducted by a county;

46 q. To administer and distribute the monies in the Law
47 Enforcement Officers Training and Equipment Fund established by

1 section 9 of P.L.1996, c.115 (C.2C:43-3.3) and make rules and
2 regulations for the administration and distribution of the monies as
3 may be necessary or appropriate to accomplish the purpose for
4 which the fund was established.

5 (cf: P.L.2020, c. , s.85)

6
7 15. (New section) Notwithstanding any other law to the
8 contrary, a person shall not be deprived of any legal or civil right,
9 privilege, benefit, or opportunity provided pursuant to any law
10 solely by reason of committing a violation of paragraph (3) or (4) of
11 subsection a. of N.J.S. 2C:35-5 or paragraph (12) of subsection b. of
12 N.J.S.2C:35-10, nor shall committing one or more such violations
13 modify any legal or civil right, privilege, benefit, or opportunity
14 provided pursuant to any law, including, but not limited to, the
15 granting, renewal, forfeiture, or denial of a license, permit, or
16 certification, qualification for and the receipt, alteration,
17 continuation, or denial of any form of financial assistance, housing
18 assistance, or other social services, rights of or custody by a
19 biological parent, or adoptive or foster parent, or other legal
20 guardian of a child or newborn infant, or pregnant woman, in any
21 action or proceeding by the Division of Child Protection and
22 Permanency in the Department of Children and Families, or
23 qualification, approval, or disapproval to serve as a foster parent or
24 other legal guardian.

25
26 16. (New section) All local and county law enforcement
27 authorities shall, following the submission process used for the
28 uniform crime reporting system established by P.L.1966, c.37
29 (C.52:17B-5.1 et seq.), submit a quarterly report to the Uniform
30 Crime Reporting Unit, within the Division of State Police in the
31 Department of Law and Public Safety, or to another designated
32 recipient determined by the Attorney General, containing the
33 number of violations of paragraph (3) and (4) of subsection a. of
34 N.J.S. 2C:35-5 and paragraph (12) of subsection b. of N.J.S.2C:35-
35 10 committed within their respective jurisdictions, plus the race,
36 ethnicity, gender, and age of each person committing a violation,
37 and the disposition of each person's violation. These violations and
38 associated information, along with a quarterly summary of
39 violations investigated, and associated information collected, by the
40 Division of State Police for the same period shall be summarized by
41 county and municipality in an annual report, and both quarterly
42 summaries and annual reports shall be made available at no cost to
43 the public on the Division of State Police's Internet website.

44
45 17. This act shall take effect immediately, including section 13
46 which shall take effect immediately but shall only become operative
47 upon adoption of the Cannabis Regulatory Commission's initial
48 rules and regulations pursuant to subparagraph (a) of paragraph (1)

1 of subsection d. of section 6 of P.L. 2020, c. (C.) (passed
2 both Houses on December 17, 2020 as Second Reprint of Assembly
3 Bill No. 21).

4

5

6

STATEMENT

7

8 This bill updates and clarifies recent legislation passed by both
9 Houses of the Legislature on December 17, 2020 concerning
10 cannabis legalization, and marijuana and hashish decriminalization.

11 Section 1 is amended to permit vacating, by operation of law,
12 (1) various existing entries of guilty or placements in a diversionary
13 program for matters without a judgment of conviction or final
14 disposition, and (2) various existing convictions, remaining
15 sentences, ongoing supervision, and unpaid court-ordered financial
16 assistance, as soon as may be practicable but no later than the first
17 day of the fifth month following the effective date of the Second
18 Reprint of Assembly Bill No. 21, titled the “New Jersey Cannabis
19 Regulatory, Enforcement Assistance, and Marketplace
20 Modernization Act.” The “as soon as practicable” language added
21 by this bill creates the possibility of earlier resolution of these
22 matters.

23 Section 2 makes changes in the definitions section of the “New
24 Jersey Cannabis Regulatory, Enforcement Assistance, and
25 Marketplace Modernization Act.” The definitions of “cannabis
26 item” and “cannabis resin” are amended to reference the definition
27 of “medical cannabis” in section 3 of P.L.2009, c.307 (C.24:6I-3),
28 which applies to the “Jake Honig Compassionate Use Medical
29 Cannabis Act,” P.L.2009, c.307 (C.24:6I-1 et al.). The reference is
30 done to clarify that medical cannabis is excluded from these
31 definitions.

32 Section 3 amends the title of the act which is being amended in
33 section 4, concerning underage possession of marijuana or cannabis
34 items. The bill provides that any person under the legal age to
35 purchase cannabis items who knowingly possesses marijuana or any
36 cannabis item in any school, public conveyance, motor vehicle or
37 public place shall be fined not less than \$250 if the amount
38 possessed would be legal if the possessor were of legal age. The
39 reference to a petty disorderly persons offense is omitted by this
40 bill. However, if the person is under the age of 18 years then they
41 are not subject to the fine but are subject to the juvenile
42 delinquency dispositions set forth in section 24 of P.L.1982, c.77
43 (C.2A:4A-43). If the amount of cannabis items possessed by the
44 underage person exceeds the amount which may be lawfully
45 possessed by a person of legal age then the fine is not less than
46 \$500. Again if the person is under the age of 18 years then they are
47 not subject to the fine but are subject to the juvenile delinquency
48 dispositions set forth in section 24 of P.L.1982, c.77 (C.2A:4A-43)

1 Section 5 of the bill amends the title of the act amended by
2 section 6 to include “marijuana” in section 1 of P.L.1981, c.197
3 (C.2C:33-16) concerning possession of certain regulated items on
4 school property by adults 21 years of age or older, including alcohol
5 or cannabis items. Such possession of marijuana or cannabis items
6 would be graded a disorderly persons offense, punishable by a term
7 of imprisonment of up to six months, a fine of up to \$1,000, or both.

8 Section 7 amends N.J.S.2C:35-2 which is the definitions section
9 for chapter 35 of the criminal code, the “Comprehensive Drug
10 Reform Act of 1987,” to make changes in the definition of
11 “hashish” and “marijuana” to reference and exclude medical
12 cannabis.

13 Section 8 amends N.J.S.2C:35-5, concerning unlawful
14 distribution, and section 9 amends N.J.S.2C:35-10, concerning
15 unlawful possession, to remove provisions pertaining to civil rights
16 protections and law enforcement informational reporting. The bill
17 does not alter these provisions but recodifies them as two separate
18 sections to be allocated outside of the criminal penalty
19 sections; these are sections 15 and 16 in this bill. The amendments
20 to N.J.S.2C:35-10 also cross-reference the new provisions
21 addressing unlawful underage possession and unlawful adult
22 possession on school property as described above, as otherwise the
23 recently passed legislation on cannabis legalization and marijuana
24 and hashish decriminalization make the act of small amount
25 possession of marijuana or hashish no longer a punishable crime,
26 offense, act of delinquency, or civil violation of law.

27 Section 10 amends section 3 of P.L. 2009, c. 307 (C. 24:6I-3) to
28 delete the definition of “cannabis” and include an expanded
29 definition of “medical cannabis” that is more parallel to the
30 definition of “cannabis” in the “New Jersey Cannabis Regulatory,
31 Enforcement Assistance, and Marketplace Modernization Act,” and
32 that includes clarifications that cannabis and cannabis items,
33 marijuana, and hemp and hemp products are excluded from the
34 updated definition.

35 Section 11 amends section 2 of P.L.1970, c.226 (C.24:2I-2) to
36 include medical cannabis within the definition of “drugs” and
37 “hashish,” clarifying that medical cannabis is excluded from those
38 definitions, and to include a cross-reference to the new definition of
39 “medical cannabis.”

40 Section 12 provides an exclusionary reference to medical
41 cannabis in the Schedule I definition of “tetrahydrocannabinols.”

42 Section 13 concerns employer and employee workplace policies
43 and protections, and includes guidance for drug testing by
44 employers using certified Workplace Impairment Recognition
45 Experts. The bill amends the section to make a correction
46 indicating that the State’s Drug Recognition Expert program, which
47 trains police officers to detect, identify, and apprehend drug-
48 impaired motor vehicle operators, is provided by the State Police,

1 not the Police Training Commission as originally stated, and any
2 certified Drug Recognition Expert may be eligible for immediate
3 certification as a Workplace Impairment Recognition Expert.

4 Section 14 amends section 6 of P.L.1984, c.56 (C.52:17B-71) to
5 make a similar corrective reference to the State Police concerning
6 the Drug Recognition Expert program, and provides that the State
7 Police will consult with the Cannabis Regulatory Commission
8 concerning the development of standards and curricula for
9 certification as a Workplace Impairment Recognition Expert.

10 As previously stated, sections 15 and 16 contain provisions
11 pertaining to civil rights protections and law enforcement
12 informational reporting, which are re-codifying language from
13 N.J.S.2C:35-5 and -10.

14 Section 17 is the effective date section. The bill takes effect
15 immediately, but section 13, concerning workplace policies and
16 protections, only becomes operative upon adoption of the initial
17 rules and regulations by the Cannabis Regulatory Commission,
18 which will cover workplace issues and a myriad of other aspects of
19 the creation of a legalized cannabis marketplace.