

[First Reprint]

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)

Co-Sponsored by:

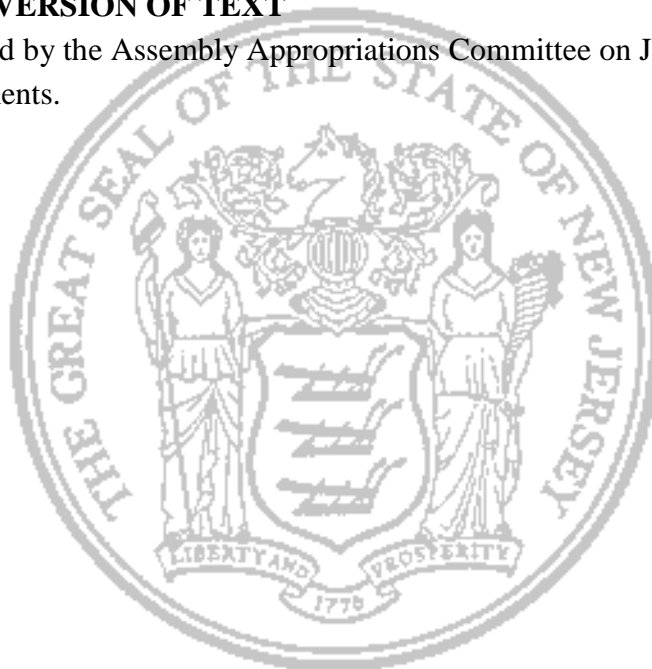
Assemblywomen McKnight and Jasey

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 reported by the Assembly Appropriations Committee on January 7, 2021, with amendments.



(Sponsorship Updated As Of: 1/29/2021)

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AAP committee amendments adopted January 7, 2021.

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 paraphernalia
7 as defined in N.J.S.2C:36-1 and which is used or intended for use to
8 commit a violation of chapter 35 or 36 of Title 2C of the New
9 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
29 of P.L. , c. (C.) (passed both Houses on December 17,
30 2020 as Second Reprint of Assembly Bill No. 21), that meets all of
31 the criteria set forth in paragraph (2) other than having a crime
32 index 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
36 P.L. , c. (C.) (passed both Houses on December 17, 2020 as
37 Second 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
4 80,000 according to the most recently compiled federal decennial
5 census; has a crime index total of 650 or higher based upon the
6 indexes listed in the 2019 annual Uniform Crime Report; and for
7 calendar year 2019 has a local average annual unemployment rate
8 of 3.0 percent or higher using the same estimated annual
9 unemployment 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
5 P.L. , c. (C.) (passed both Houses on December 17, 2020 as
6 Second Reprint of Assembly Bill No. 21) as a cannabis cultivator,
7 cannabis manufacturer, cannabis wholesaler, cannabis distributor,
8 cannabis retailer, or cannabis delivery service that may only, with
9 respect to its business operations, and capacity and quantity of
10 product: (1) employ no more than 10 employees; (2) operate a
11 cannabis establishment occupying an area of no more than 2,500
12 square feet, and in the case of a cannabis cultivator, grow cannabis
13 on an area no more than 2,500 square feet measured on a horizontal
14 plane and grow above that plane not higher than 24 feet; (3) possess
15 no more than 1,000 cannabis plants each month, except that a
16 cannabis distributor’s possession of cannabis plants for
17 transportation shall not be subject to this limit; (4) acquire each
18 month, in the case of a cannabis manufacturer, no more than 1,000
19 pounds of usable cannabis; (5) acquire for resale each month, in the
20 case of a cannabis wholesaler, no more than 1,000 pounds of usable
21 cannabis, or the equivalent amount in any form of manufactured
22 cannabis product or cannabis resin, or any combination thereof; and
23 (6) acquire for retail sale each month, in the case of a cannabis
24 retailer, no more than 1,000 pounds of usable cannabis, or the
25 equivalent amount in any form of manufactured cannabis product or
26 cannabis 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 ~~']~~ subject
14 to a civil penalty of¹ not less than ¹\$50 nor more than¹ \$250 ¹but
15 any¹ , and shall be recovered in a civil action by a summary
16 proceeding in the name of the municipality pursuant to the “Penalty
17 Enforcement Law of 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.),
18 except that a¹ person under the ¹legal age who has not reached
19 the¹ age of 18 years ¹who violates this subparagraph¹ shall not be
20 subject to a ¹fine of not less than \$250¹ civil penalty¹ but
21 instead¹ shall be subject to ¹the “New Jersey Code of Juvenile
22 Justice” with respect to dispositions provided under section 24 of
23 P.L.1982, c.77 (C.2A:4A-43); the purposes set forth in section 2 of
24 P.L.1982, c.77 (C.2A:4A-21); and the considerations set forth in
25 section 25 of P.L.1982, c.77 (C.2A:4A-44)] a law enforcement
26 curbside warning or stationhouse adjustment, as defined in this
27 section, and which is conducted in accordance with Attorney
28 General Law Enforcement Directive No. 2020-12 as if the violation
29 were to constitute a petty disorderly persons offense, without the
30 filing of a complaint with the court. The municipal court that has
31 territorial jurisdiction over the violation and the Superior Court
32 shall both have jurisdiction of proceedings for the enforcement of
33 the civil penalty provided by this subparagraph and of the
34 requirement, if so ordered by the court, for the person to participate
35 in an alcohol or drug abuse education or treatment program
36 pursuant to subsection c. of this section¹.

37 (b) Any person under the legal age to purchase cannabis items
38 who knowingly possesses without legal authority ¹marijuana or¹
39 any cannabis item, the amount of which exceeds what may be
40 lawfully possessed by a person of the legal age to purchase cannabis
41 items pursuant to section 46 of P.L. , c. (C.) (passed both
42 Houses on December 17, 2020 as Second Reprint of Assembly Bill
43 No. 21), or who knowingly consumes any marijuana or cannabis
44 item in any school, public conveyance, public place, or place of
45 public assembly, or motor vehicle ~~],~~ is guilty of a disorderly
46 persons offense, and] shall ~~],~~ in the case of an adult under the legal

1 age to purchase cannabis items,] be ¹**[fined]** subject to a civil
2 penalty of¹ not less than ¹\$100 nor more than¹ \$500, ¹**[but any]**
3 and shall be recovered in a civil action by a summary proceeding in
4 the name of the municipality pursuant to the “Penalty Enforcement
5 Law of 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.), except that a¹
6 person under the ¹**[legal age who has not reached the]**¹ age of 18
7 years ¹who violates this subparagraph¹ shall not be subject to a
8 ¹**[fine of not less than \$500]** civil penalty¹ but ¹instead¹ shall be
9 subject to ¹**[the “New Jersey Code of Juvenile Justice”** with respect
10 to dispositions provided under section 24 of P.L.1982, c.77
11 (C.2A:4A-43); the purposes set forth in section 2 of P.L.1982, c.77
12 (C.2A:4A-21); and the considerations set forth in section 25 of
13 P.L.1982, c.77 (C.2A:4A-44)] a law enforcement curbside warning
14 or stationhouse adjustment, as defined in this section, and which is
15 conducted in accordance with Attorney General Law Enforcement
16 Directive No. 2020-12 as if the violation were to constitute a petty
17 disorderly persons offense, without the filing of a complaint with
18 the court. The municipal court that has territorial jurisdiction over
19 the violation and the Superior Court shall both have jurisdiction of
20 proceedings for the enforcement of the civil penalty provided by
21 this subparagraph and of the requirement, if so ordered by the court,
22 for the person to participate in an alcohol or drug abuse education
23 or treatment program pursuant to subsection c. of this section.

24 As used in subparagraphs (a) and (b) of this paragraph:

25 “Curbside warning” means a brief, informal interaction between
26 a law enforcement officer and a person under the age of 18 years
27 who the officer observed engage in a violation of either
28 subparagraph. During the interaction, the officer shall counsel the
29 person to discontinue the conduct, warn the person about the
30 potential consequences of future delinquency, and then conclude the
31 interaction without taking any further action. For the purposes of
32 this definition, a curbside warning does not include interactions
33 between a person under the age of 18 years and a school resource
34 officer or other law enforcement officer assigned to a school, as
35 those interactions are governed by other statutes, and policies and
36 practices established between schools and law enforcement
37 agencies.

38 “Stationhouse adjustment” means a mechanism that allows law
39 enforcement agencies to resolve a violation of either subparagraph
40 by a person under the age of 18 years without formal court
41 proceedings. A stationhouse adjustment, which shall be
42 memorialized in a signed agreement, establishes one or more
43 conditions that the person shall meet in exchange for the law
44 enforcement agency declining to pursue a formal delinquency
45 complaint against the person¹.

46 b. Whenever ¹**[this offense]** a violation of subsection a. of this
47 section¹ is committed in a motor vehicle, the court shall, in addition

1 to the sentence authorized ¹**[for the offense]** under that subsection,¹
2 suspend or postpone for six months the driving privilege of the
3 defendant. Upon the conviction ¹of finding of guilt¹ of any person
4 under this section, the court shall forward a report to the New
5 Jersey Motor Vehicle Commission stating the first and last day of
6 the suspension or postponement period imposed by the court
7 pursuant to this section. If a person at the time of the imposition of
8 a sentence is less than 17 years of age, the period of license
9 postponement, including a suspension or postponement of the
10 privilege of operating a motorized bicycle, shall commence on the
11 day the sentence is imposed and shall run for a period of six months
12 after the person reaches the age of 17 years.

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

20 The court shall inform the person orally and in writing that if the
21 person is convicted of operating a motor vehicle during the period
22 of license suspension or postponement, the person shall be subject
23 to the penalties set forth in R.S.39:3-40. A person shall be required
24 to acknowledge receipt of the written notice in writing. Failure to
25 receive a written notice or failure to acknowledge in writing the
26 receipt of a written notice shall not be a defense to a subsequent
27 charge of a violation of R.S.39:3-40.

28 If the person convicted ¹or found guilty¹ under this section is not
29 a New Jersey resident, the court shall suspend or postpone, as
30 appropriate, the non-resident driving privilege of the person based
31 on the age of the person and submit to the commission the required
32 report. The court shall not collect the license of a non-resident
33 convicted under this section. Upon receipt of a report by the court,
34 the commission shall notify the appropriate officials in the licensing
35 jurisdiction of the suspension or postponement.

36 c. In addition to the general ¹**[penalty]** penalties¹ prescribed
37 ¹**[for a disorderly persons offense]** under this section¹, the court
38 may require any person who violates this act to participate in an
39 alcohol or drug abuse education or treatment program, authorized
40 by the Division of Mental Health and Addiction Services in the
41 Department of Human Services, for a period not to exceed the
42 ¹greater of 30 days or the¹ maximum period of confinement
43 prescribed by law for the ¹**[offense]** violation¹ for which the
44 individual has been convicted ¹or found guilty¹ .

45 d. Nothing in this act shall apply to possession of alcoholic
46 beverages by any such person while actually engaged in the
47 performance of employment pursuant to an employment permit

1 issued by the Director of the Division of Alcoholic Beverage
2 Control, or for a bona fide hotel or restaurant, in accordance with
3 the provisions of R.S.33:1-26, or while actively engaged in the
4 preparation of food while enrolled in a culinary arts or hotel
5 management program at a county vocational school or post-
6 secondary educational institution; and nothing in this section shall
7 apply to possession of cannabis items by any such person while
8 actually engaged in the performance of employment by a cannabis
9 establishment, distributor, or delivery service as permitted pursuant
10 to the “New Jersey Cannabis Regulatory, Enforcement Assistance,
11 and Marketplace Modernization Act,” P.L. , c. (C.) (passed
12 both Houses on December 17, 2020 as Second Reprint of Assembly
13 Bill No. 21).

14 e. The provisions of section 3 of P.L.1991, c.169 (C.33:1-
15 81.1a) shall apply to a parent, guardian or other person with legal
16 custody of a person under 18 years of age who is found to be in
17 violation of this section.

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

20 (1) one of the underage persons called 9-1-1 and reported that
21 another underage person was in need of medical assistance due to
22 alcohol consumption ^{1,1} or the consumption of ¹marijuana or¹ a
23 cannabis item;

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

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

30 (4) the underage person and, if applicable, one or two other
31 persons acting in concert with the underage person who made the 9-
32 1-1 call remained on the scene with the person under the legal age
33 in need of medical assistance until assistance arrived and
34 cooperated with medical assistance and law enforcement personnel
35 on the scene.

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

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

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

1 5. The title of P.L.1981, c.197 is amended to read as follows:
2 **AN ACT** concerning the unauthorized bringing of **【alcoholic**
3 **beverages or cannabis】** various regulated items onto school
4 premises, and supplementing chapter 33 of Title 2C of the New
5 Jersey Statutes.
6 (cf: P.L.2020, c. , s.74)

7
8 6. Section 1 of P.L.1981, c.197 (C.2C:33-16) is amended to
9 read as follows:
10 1. Any person of legal age to purchase alcoholic beverages or
11 cannabis items, who, in the case of alcoholic beverages, knowingly
12 and without the express written permission of the school board, its
13 delegated authority, or any school principal, brings or possesses any
14 alcoholic beverages, or in the case of marijuana or cannabis items,
15 brings, possesses, or consumes, including by smoking, vaping, or
16 aerosolizing, marijuana or any cannabis items, on any property used
17 for school purposes which is owned by any school or school board,
18 is guilty of a disorderly persons offense. For purposes of this
19 section, an alcoholic beverage includes powdered alcohol as defined
20 by R.S.33:1-1, **【and】** a cannabis item includes any item available
21 for lawful consumption pursuant to the “New Jersey Cannabis
22 Regulatory, Enforcement Assistance, and Marketplace Modernization
23 Act,” P.L. , c. (C.) (passed both Houses on December 17,
24 2020 as Second Reprint of Assembly Bill No. 21)), and the term
25 “marijuana” has the same meaning as set forth in N.J.S.2C:35-2.
26 (cf: P.L.2020, c. , s.75)

27
28 7. N.J.S.2C:35-2 is amended to read as follows:
29 2C:35-2. As used in this chapter:
30 "Administer" means the direct application of a controlled
31 dangerous substance or controlled substance analog, whether by
32 injection, inhalation, ingestion, or any other means, to the body of a
33 patient or research subject by: (1) a practitioner, or, in his presence,
34 by his lawfully authorized agent, or (2) the patient or research
35 subject at the lawful direction and in the presence of the
36 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 "Controlled dangerous substance" means a drug, substance, or
42 immediate precursor in Schedules I through V, marijuana and
43 hashish as defined in this section, any substance the distribution of
44 which is specifically prohibited in N.J.S.2C:35-3, in section 3 of
45 P.L.1997, c.194 (C.2C:35-5.2), in section 5 of P.L.1997, c.194
46 (C.2C:35-5.3), in section 2 of P.L.2011, c.120 (C.2C:35-5.3a), or in
47 section 2 of P.L.2013, c.35 (C.2C:35-5.3b), and any drug or
48 substance which, when ingested, is metabolized or otherwise

1 becomes a controlled dangerous substance in the human body.
2 When any statute refers to controlled dangerous substances, or to a
3 specific controlled dangerous substance, it shall also be deemed to
4 refer to any drug or substance which, when ingested, is metabolized
5 or otherwise becomes a controlled dangerous substance or the
6 specific controlled dangerous substance, and to any substance that
7 is an immediate precursor of a controlled dangerous substance or
8 the specific controlled dangerous substance. The term shall not
9 include distilled spirits, wine, malt beverages, as those terms are
10 defined or used in R.S.33:1-1 et seq., tobacco and tobacco products,
11 or cannabis and cannabis items as defined in section 3 of
12 P.L. , c. (C.) (passed both Houses on December 17, 2020 as
13 Second Reprint of Assembly Bill No. 21). The term, wherever it
14 appears in any law or administrative regulation of this State, shall
15 include controlled substance analogs.

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

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

34 "Deliver" or "delivery" means the actual, constructive, or
35 attempted transfer from one person to another of a controlled
36 dangerous substance or controlled substance analog, whether or not
37 there is an agency relationship.

38 "Dispense" means to deliver a controlled dangerous substance or
39 controlled substance analog to an ultimate user or research subject
40 by or pursuant to the lawful order of a practitioner, including the
41 prescribing, administering, packaging, labeling, or compounding
42 necessary to prepare the substance for that delivery. "Dispenser"
43 means a practitioner who dispenses.

44 "Distribute" means to deliver other than by administering or
45 dispensing a controlled dangerous substance or controlled substance
46 analog. "Distributor" means a person who distributes.

47 "Drugs" means (1) substances recognized in the official United
48 States Pharmacopoeia, official Homeopathic Pharmacopoeia of the

1 United States, or official National Formulary, or any supplement to
2 any of them; and (2) substances intended for use in the diagnosis,
3 cure, mitigation, treatment, or prevention of disease in man or other
4 animals; and (3) substances, other than food, intended to affect the
5 structure or any function of the body of man or other animals; and
6 (4) substances intended for use as a component of any substance
7 specified in (1), (2), and (3) of this definition; but does not include
8 devices or their components, parts, or accessories. The term “drug”
9 also does not include: hemp and hemp products cultivated, handled,
10 processed, transported, or sold pursuant to the "New Jersey Hemp
11 Farming Act," P.L.2019, c.238 (C.4:28-6 et al.); cannabis as defined
12 in section 3 of P.L. , c. (C.) (pending as Second Reprint of
13 Assembly Bill No. 21) which is cultivated and produced for use in a
14 cannabis item, as defined in that section, in accordance with the
15 “New Jersey Cannabis Regulatory, Enforcement Assistance, and
16 Marketplace Modernization Act,” P.L. , c. (C.) (passed both
17 Houses on December 17, 2020 as Second Reprint of Assembly Bill
18 No. 21); and cannabis resin as defined in that section 3 (C.)
19 which is extracted for use in a cannabis item, as defined in that
20 section, in accordance with that act.

21 "Drug or alcohol dependent person" means a person who as a
22 result of using a controlled dangerous substance or controlled
23 substance analog or alcohol has been in a state of psychic or
24 physical dependence, or both, arising from the use of that controlled
25 dangerous substance or controlled substance analog or alcohol on a
26 continuous or repetitive basis. Drug or alcohol dependence is
27 characterized by behavioral and other responses, including but not
28 limited to a strong compulsion to take the substance on a recurring
29 basis in order to experience its psychic effects, or to avoid the
30 discomfort of its absence.

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

45 "Manufacture" means the production, preparation, propagation,
46 compounding, conversion, or processing of a controlled dangerous
47 substance or controlled substance analog, either directly or by
48 extraction from substances of natural origin, or independently by

1 means of chemical synthesis, or by a combination of extraction and
2 chemical synthesis, and includes any packaging or repackaging of
3 the substance or labeling or relabeling of its container, except that
4 this term does not include the preparation or compounding of a
5 controlled dangerous substance or controlled substance analog by
6 an individual for his own use or the preparation, compounding,
7 packaging, or labeling of a controlled dangerous substance: (1) by
8 a practitioner as an incident to his administering or dispensing of a
9 controlled dangerous substance or controlled substance analog in
10 the course of his professional practice, or (2) by a practitioner, or
11 under his supervision, for the purpose of, or as an incident to,
12 research, teaching, or chemical analysis and not for sale.

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

29 "Narcotic drug" means any of the following, whether produced
30 directly or indirectly by extraction from substances of vegetable
31 origin, or independently by means of chemical synthesis, or by a
32 combination of extraction and chemical synthesis:

- 33 (1) Opium, coca leaves, and opiates;
34 (2) A compound, manufacture, salt, derivative, or preparation of
35 opium, coca leaves, or opiates;
36 (3) A substance, and any compound, manufacture, salt,
37 derivative, or preparation thereof, which is chemically identical
38 with any of the substances referred to in (1) and (3) of this
39 definition, except that the words "narcotic drug" as used in this act
40 shall not include decocainized coca leaves or extracts of coca
41 leaves, which extracts do not contain cocaine or ecogine.

42 "Opiate" means any dangerous substance having an addiction-
43 forming or addiction-sustaining liability similar to morphine or
44 being capable of conversion into a drug having such addiction-
45 forming or addiction-sustaining liability. It does not include, unless
46 specifically designated as controlled pursuant to the provisions of
47 section 3 of P.L.1970, c.226 (C.24:21-3), the dextrorotatory isomer

1 of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan).
2 It does include its racemic and levorotatory forms.

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

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

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

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

12 "Practitioner" means a physician, dentist, veterinarian, scientific
13 investigator, laboratory, pharmacy, hospital, or other person
14 licensed, registered, or otherwise permitted to distribute, dispense,
15 conduct research with respect to, or administer a controlled
16 dangerous substance or controlled substance analog in the course of
17 professional practice or research in this State. As used in this
18 definition:

19 (1) "Physician" means a physician authorized by law to practice
20 medicine in this or any other state and any other person authorized
21 by law to treat sick and injured human beings in this or any other
22 state.

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

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

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

32 (5) "Laboratory" means a laboratory to be entrusted with the
33 custody of narcotic drugs and the use of controlled dangerous
34 substances or controlled substance analogs for scientific,
35 experimental, and medical purposes and for purposes of instruction
36 approved by the Department of Health.

37 "Production" includes the manufacture, planting, cultivation,
38 growing, or harvesting of a controlled dangerous substance or
39 controlled substance analog.

40 "Immediate precursor" means a substance which the Division of
41 Consumer Affairs in the Department of Law and Public Safety has
42 found to be and by regulation designates as being the principal
43 compound commonly used or produced primarily for use, and
44 which is an immediate chemical intermediary used or likely to be
45 used in the manufacture of a controlled dangerous substance or
46 controlled substance analog, the control of which is necessary to
47 prevent, curtail, or limit such manufacture.

1 "Residential treatment facility" means any facility licensed and
2 approved by the Department of Human Services and which is
3 approved by any county probation department for the inpatient
4 treatment and rehabilitation of drug or alcohol dependent persons.

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

12 "State" means the State of New Jersey.

13 "Ultimate user" means a person who lawfully possesses a
14 controlled dangerous substance or controlled substance analog for
15 his own use or for the use of a member of his household or for
16 administration to an animal owned by him or by a member of his
17 household.

18 "Prescription legend drug" means any drug which under federal
19 or State law requires dispensing by prescription or order of a
20 licensed physician, veterinarian, or dentist and is required to bear
21 the statement "Rx only" or similar wording indicating that such
22 drug may be sold or dispensed only upon the prescription of a
23 licensed medical practitioner and is not a controlled dangerous
24 substance or stramonium preparation.

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

28 "Stramonium plant" means the plant *Datura Stramonium* Linne,
29 including *Datura Tatula* Linne.

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

31

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

33 2C:35-5. Manufacturing, Distributing or Dispensing. a. Except
34 as authorized by P.L.1970, c.226 (C.24:21-1 et seq.), it shall be
35 unlawful for any person knowingly or purposely:

36 (1) To manufacture, distribute or dispense, or to possess or have
37 under his control with intent to manufacture, distribute or dispense,
38 a controlled dangerous substance or controlled substance analog; or

39 (2) To create, distribute, or possess or have under his control
40 with intent to distribute, a counterfeit controlled dangerous
41 substance.

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

43 (1) Heroin, or its analog, or coca leaves and any salt, compound,
44 derivative, or preparation of coca leaves, and any salt, compound,
45 derivative, or preparation thereof which is chemically equivalent or
46 identical with any of these substances, or analogs, except that the
47 substances shall not include decocainized coca leaves or extractions
48 which do not contain cocaine or ecogine, or 3,4-

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

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

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

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

21 (b) Marijuana in a quantity of five pounds or more but less than
22 25 pounds including any adulterants or dilutants, or 10 or more but
23 fewer than 50 marijuana plants, regardless of weight, or hashish in a
24 quantity of one pound or more but less than five pounds, including
25 any adulterants and dilutants, is guilty of a crime of the second
26 degree;

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

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

45 (12) (a) Prior 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), marijuana in a quantity of less than one
48 ounce including any adulterants or dilutants, or hashish in a

1 quantity of less than five grams including any adulterants or
2 dilutants, is guilty of a crime of the fourth degree;

3 (b) On and after the effective date of P.L. , c. (C.)
4 (passed both Houses on December 17, 2020 as Second Reprint of
5 Assembly Bill No. 21), marijuana in a quantity of one ounce or less
6 including any adulterants or dilutants, or hashish in a quantity of
7 five grams or less including any adulterants or dilutants, is, for a
8 first offense, subject to a written warning, which also indicates that
9 any subsequent violation is a crime punishable by a term of
10 imprisonment, a fine, or both, and for a second or subsequent
11 offense, is guilty of a crime of the fourth degree;

12 **【(i)】** The odor of marijuana or hashish, or burnt marijuana or
13 hashish, shall not constitute reasonable articulable suspicion to
14 initiate a search of a person to determine a violation of
15 subparagraph (b) of paragraph (12) of this subsection. A person
16 who violates this subparagraph shall not be subject to arrest,
17 detention, or otherwise be taken into custody, unless the person is
18 being arrested, detained, or otherwise taken into custody for also
19 committing another violation of law for which that action is legally
20 permitted or required;

21 **【(ii)】** A person shall not be deprived of any legal or civil right,
22 privilege, benefit, or opportunity provided pursuant to any law
23 solely by reason of committing a violation of subparagraph (b) of
24 paragraph (12) of this subsection, nor shall committing one or more
25 violations modify any legal or civil right, privilege, benefit, or
26 opportunity provided pursuant to any law, including, but not limited
27 to, the granting, renewal, forfeiture, or denial of a license, permit,
28 or certification, qualification for and the receipt, alteration,
29 continuation, or denial of any form of financial assistance, housing
30 assistance, or other social services, rights of or custody by a
31 biological parent, or adoptive or foster parent, or other legal
32 guardian of a child or newborn infant, or pregnant woman, in any
33 action or proceeding by the Division of Child Protection and
34 Permanency in the Department of Children and Families, or
35 qualification, approval, or disapproval to serve as a foster parent or
36 other legal guardian;

37 (iii) All local and county law enforcement authorities shall,
38 following the submission process used for the uniform crime
39 reporting system established by P.L.1966, c.37 (C.52:17B-
40 5.1 et seq.), submit a quarterly report to the Uniform Crime
41 Reporting Unit, within the Division of State Police in the
42 Department of Law and Public Safety, or to another designated
43 recipient determined by the Attorney General, containing the
44 number of violations of subparagraph (b) of paragraph (12) of this
45 subsection committed within their respective jurisdictions, plus the
46 race, ethnicity, gender, and age of each person committing a
47 violation, and the disposition of each person's violation. These
48 violations and associated information, along with a quarterly

1 summary of violations investigated, and associated information
2 collected, by the Division of State Police for the same period shall
3 be summarized by county and municipality in an annual report, and
4 both quarterly summaries and annual reports shall be made
5 available at no cost to the public on the Division of State Police's
6 Internet website;】

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

12 (14) Any Schedule V substance, or its analog, is guilty of a
13 crime of the fourth degree except that, notwithstanding the
14 provisions of subsection b. of N.J.S.2C:43-3, a fine of up to
15 \$25,000 may be imposed.

16 c. Where the degree of the offense for violation of this section
17 depends on the quantity of the substance, the quantity involved
18 shall be determined by the trier of fact, other than with respect to a
19 first violation of subparagraph (b) of paragraph (12) of subsection
20 b. of this section which is subject to a written warning as set forth in
21 that subparagraph. Where the indictment or accusation so provides,
22 the quantity involved in individual acts of manufacturing,
23 distribution, dispensing or possessing with intent to distribute may
24 be aggregated in determining the grade of the offense, whether
25 distribution or dispensing is to the same person or several persons,
26 provided that each individual act of manufacturing, distribution,
27 dispensing or possession with intent to distribute was committed
28 within the applicable statute of limitations.

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

30

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

32 2C:35-10. Possession, Use or Being Under the Influence, or
33 Failure to Make Lawful Disposition.

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

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

47 (2) Any controlled dangerous substance, or its analog, classified
48 in Schedule V, is guilty of a crime of the fourth degree except that,

1 notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, a
2 fine of up to \$15,000 may be imposed;

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

10 (b) On and after to the effective date of P.L. , c. (C.)
11 (passed both Houses on December 17, 2020 as Second Reprint of
12 Assembly Bill No. 21), possession of more than six ounces of
13 marijuana, including any adulterants or dilutants, or more than 17
14 grams of hashish is guilty of a crime of the fourth degree, except
15 that, notwithstanding the provisions of subsection b. of
16 N.J.S.2C:43-3, a fine of up to \$25,000 may be imposed;

17 **[(i)]** The odor of marijuana or hashish, or burnt marijuana or
18 hashish, shall not constitute reasonable articulable suspicion to
19 initiate a search of a person to determine a violation of
20 subparagraph (b) of paragraph (3) of this subsection. A person
21 who violates this paragraph shall not be subject to arrest, detention,
22 or otherwise be taken into custody, unless the person is being
23 arrested, detained, or otherwise taken into custody for also
24 committing another violation of law for which that action is legally
25 permitted or required;

26 **[(ii)]** A person shall not be deprived of any legal or civil right,
27 privilege, benefit, or opportunity provided pursuant to any law
28 solely by reason of committing a violation of subparagraph (b) of
29 paragraph_ (3) of this subsection, nor shall committing one or more
30 violations modify any legal or civil right, privilege, benefit, or
31 opportunity provided pursuant to any law, including, but not limited
32 to, the granting, renewal, forfeiture, or denial of a license, permit,
33 or certification, qualification for and the receipt, alteration,
34 continuation, or denial of any form of financial assistance, housing
35 assistance, or other social services, rights of or custody by a
36 biological parent, or adoptive or foster parent, or other legal
37 guardian of a child or newborn infant, or pregnant woman, in any
38 action or proceeding by the Division of Child Protection and
39 Permanency in the Department of Children and Families, or
40 qualification, approval, or disapproval to serve as a foster parent or
41 other legal guardian;

42 (iii) All local and county law enforcement authorities shall,
43 following the submission process used for the uniform crime
44 reporting system established by P.L.1966, c.37 (C.52:17B-
45 5.1 et seq.), submit a quarterly report to the Uniform Crime
46 Reporting Unit, within the Division of State Police in the
47 Department of Law and Public Safety, or to another designated
48 recipient determined by the Attorney General, containing the

1 number of violations of subparagraph (b) of paragraph (3) of this
2 subsection committed within their respective jurisdictions, plus the
3 race, ethnicity, gender, and age of each person committing a
4 violation, and the disposition of each person's violation. These
5 violations and associated information, along with a quarterly
6 summary of violations investigated, and associated information
7 collected, by the Division of State Police for the same period shall
8 be summarized by county and municipality in an annual report, and
9 both quarterly summaries and annual reports shall be made
10 available at no cost to the public on the Division of State Police's
11 Internet website;] or

12 (4) (a) Prior to the effective date of P.L. , c. (C.)
13 (passed both Houses on December 17, 2020 as Second Reprint of
14 Assembly Bill No. 21), possession of 50 grams or less of
15 marijuana, including any adulterants or dilutants, or five grams or
16 less of hashish is a disorderly person;

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

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

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

38 In a prosecution under this subsection, it shall not be necessary
39 for the State to prove that the accused did use or was under the
40 influence of any specific, prohibited drug, but it shall be sufficient
41 for a conviction under this subsection for the State to prove that the
42 accused did use or was under the influence of some prohibited
43 controlled dangerous substance, counterfeit controlled dangerous
44 substance, or controlled substance analog, by proving that the
45 accused did manifest physical and physiological symptoms or
46 reactions caused by the use of any prohibited controlled dangerous
47 substance or controlled substance analog.

1 (2) Notwithstanding that using or being under the influence of
2 marijuana or hashish is not a punishable crime, offense, act of
3 delinquency, or civil violation pursuant to this subsection, the
4 smoking, vaping, or aerosolizing of marijuana or hashish may be
5 prohibited or otherwise regulated on or in any property by the
6 person or entity that owns or controls that property, including
7 multifamily_housing that is a multiple dwelling as defined in section
8 3 of P.L.1967, c.76 (C.55:13A-3), the structure or specific units of
9 the structure of a cooperative as defined in section 3 of P.L.1987,
10 c.381 (C.46:8D-3), the units of a condominium, as those terms are
11 defined by section 3 of P.L.1969, c.257 (C.46:8B-3), or a site in a
12 mobile home park as defined in section 3 of P.L.1983, c.386
13 (C.40:55D-102), which site is leased to the owner of a
14 manufactured home, as defined in that section, that is installed
15 thereon.

16 c. Any person who knowingly obtains or possesses a controlled
17 dangerous substance or controlled substance analog in violation of
18 paragraph (1) or (2) of subsection a. of this section and who fails to
19 voluntarily deliver the substance to the nearest law enforcement
20 officer is guilty of a disorderly persons offense. Nothing in this
21 subsection shall be construed to preclude a prosecution or
22 conviction for any other offense defined in this title or any other
23 statute.

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

25

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

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

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

46 (2) an accredited school of osteopathic medicine that: is located
47 in a state that shares a common border with this State; has an
48 articulation agreement or similar memorandum of understanding,

1 plus an agreement to establish and maintain an apprenticeship
2 program in this State to train workers in the cannabis industry,
3 which training would earn college credit, with any State college or
4 university located in a county of the first class with a college of
5 nursing or nursing degree program accredited by the Commission
6 on Collegiate Nursing Education on the effective date of
7 P.L. , c. (C.) (passed both Houses on December 17, 2020 as
8 Second Reprint of Assembly Bill No. 21) ; and has an institutional
9 review board that has, on the effective date of P.L. , c. (C.)
10 (passed both Houses on December 17, 2020 as s Second Reprint of
11 Assembly Bill No. 21), previously approved a clinical research
12 study in this State involving medical cannabis; and has the ability
13 and will conduct all research and development in the county in
14 which the partner State college or university is located.

15 "Adverse employment action" means refusing to hire or employ
16 an individual, barring or discharging an individual from
17 employment, requiring an individual to retire from employment, or
18 discriminating against an individual in compensation or in any
19 terms, conditions, or privileges of employment.

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

23 "Clinical registrant" means an entity that has a written
24 contractual relationship with an academic medical center in the
25 region in which it has its principal place of business, which includes
26 provisions whereby the parties will engage in clinical research
27 related to the use of medical cannabis and the academic medical
28 center or its affiliate will provide advice to the entity regarding
29 patient health and safety, medical applications, and dispensing and
30 managing controlled dangerous substances, among other areas.

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

33 "Commissioner" means the Commissioner of Health.

34 "Common ownership or control" means:

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

37 (2) between a nonprofit entity and a for-profit entity, a majority
38 of the directors, trustees, or members of the governing body of the
39 nonprofit entity directly or indirectly own and control more than 50
40 percent of the for-profit entity; and

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

44 "Department" means the Department of Health.

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

46 (1) is at least 18 years old;

47 (2) has agreed to assist with a registered qualifying patient's
48 medical use of cannabis, is not currently serving as a designated

1 caregiver for more than one other qualifying patient, and is not the
2 qualifying patient's health care practitioner;

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

10 (4) has registered with the commission pursuant to section 4 of
11 P.L.2009, c.307 (C.24:6I-4), and, except in the case of a designated
12 caregiver who is an immediate family member of the patient, has
13 satisfied the criminal history record background check requirement
14 of section 4 of P.L.2009, c.307 (C.24:6I-4); and

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

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

28 "Health care facility" means a general acute care hospital,
29 nursing home, long term care facility, hospice care facility, group
30 home, facility that provides services to persons with developmental
31 disabilities, behavioral health care facility, or rehabilitation center.

32 "Health care practitioner" means a physician, advanced practice
33 nurse, or physician assistant licensed or certified pursuant to Title
34 45 of the Revised Statutes who:

35 (1) possesses active registrations to prescribe controlled
36 dangerous substances issued by the United States Drug
37 Enforcement Administration and the Division of Consumer Affairs
38 in the Department of Law and Public Safety;

39 (2) is the health care practitioner responsible for the ongoing
40 treatment of a patient's qualifying medical condition, the symptoms
41 of that condition, or the symptoms associated with the treatment of
42 that condition, provided, however, that the ongoing treatment shall
43 not be limited to the provision of authorization for a patient to use
44 medical cannabis or consultation solely for that purpose; and

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

46 "Immediate family" means the spouse, domestic partner, civil
47 union partner, child, sibling, or parent of an individual, and shall
48 include the siblings, parents, and children of the individual's spouse,

1 domestic partner, or civil union partner, and the parents, spouses,
2 domestic partners, or civil union partners of the individual's parents,
3 siblings, and children.

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

5 (1) is at least 18 years old;

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

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

11 (4) is authorized by the health care facility employing the person
12 to assist registered qualifying patients who are patients or residents
13 of the facility with the medical use of cannabis, including, but not
14 limited to, obtaining medical cannabis for registered qualifying
15 patients and assisting registered qualifying patients with the
16 administration of medical cannabis;

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

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

27 "Integrated curriculum" means an academic, clinical, or research
28 program at an institution of higher education that is coordinated
29 with a medical cannabis cultivator, medical cannabis manufacturer,
30 or medical cannabis dispensary to apply theoretical principles,
31 practical experience, or both involving the cultivation,
32 manufacturing, dispensing, delivery, or medical use of cannabis to a
33 specific area of study, including, but not limited to, agriculture,
34 biology, business, chemistry, culinary studies, ecology,
35 environmental studies, health care, horticulture, technology, or any
36 other appropriate area of study or combined areas of study.
37 Integrated curricula shall be subject to approval by the commission
38 and the Office of the Secretary of Higher Education.

39 "Integrated curriculum permit" or "IC permit" means a permit
40 issued to a medical cannabis cultivator, medical cannabis
41 manufacturer, or medical cannabis dispensary that includes an
42 integrated curriculum approved by the commission and the Office
43 of the Secretary of Higher Education.

44 "Medical cannabis" means all parts of the plant Cannabis sativa
45 L., whether growing or not, the seeds thereof, and every compound,
46 manufacture, salt, derivative, mixture, or preparation of the plant or
47 its seeds, which are cultivated, produced, manufactured or
48 transported in accordance with, or dispensed in any form to

1 registered qualifying patients pursuant to, the “Jake Honig
2 Compassionate Use Medical Cannabis Act,” P.L.2009, c.307
3 (C.24:6I-1 et al.) and P.L.2015, c.158 (C.18A:40-12.22 et al.).
4 “Medical cannabis” does not include: any cannabis or cannabis item
5 which is cultivated, produced, manufactured, and consumed in
6 accordance with P.L. _____, c. _____ (C. _____)(passed both Houses on
7 December 17, 2020 as Second Reprint of Assembly Bill No. 21);
8 “marijuana” as defined in N.J.S.2C:35-2 and applied to any offense
9 set forth in chapters 33, 35, 35A, and 36 of Title 2C of the New
10 Jersey Statutes, or P.L.2001, c.114 (C.2C:35B-1 et seq.);
11 “marihuana” as defined in section 2 of P.L.1970, c.226 (C.24:21-2)
12 and applied to any offense set forth in the “New Jersey Controlled
13 Dangerous Substances Act,” P.L.1970, c.226 (C.24:21-1 et al.); or
14 hemp or a hemp product cultivated, handled, processed, transported,
15 or sold pursuant to the “New Jersey Hemp Farming Act,” P.L.2019,
16 1 c.238 (C.4:28-6 et al.).

17 "Medical cannabis alternative treatment center" or "alternative
18 treatment center" means an organization issued a permit, including
19 a conditional permit, by the commission to operate as a medical
20 cannabis cultivator, medical cannabis manufacturer, medical
21 cannabis dispensary, or clinical registrant. This term shall include
22 the organization's officers, directors, board members, and
23 employees.

24 "Medical cannabis cultivator" means an organization holding a
25 permit issued by the commission that authorizes the organization to:
26 possess and cultivate cannabis and deliver, transfer, transport,
27 distribute, supply, and sell medical cannabis and related supplies to
28 other medical cannabis cultivators and to medical cannabis
29 manufacturers, clinical registrants, and medical cannabis
30 dispensaries, as well as to plant, cultivate, grow, and harvest
31 medical cannabis for research purposes. A medical cannabis
32 cultivator permit shall not authorize the permit holder to
33 manufacture, produce, or otherwise create medical cannabis
34 products, or to deliver, transfer, transport, distribute, supply, sell, or
35 dispense medical cannabis, medical cannabis products,
36 paraphernalia, or related supplies to qualifying patients, designated
37 caregivers, or institutional caregivers.

38 "Medical cannabis dispensary" means an organization issued a
39 permit by the commission that authorizes the organization to:
40 purchase or obtain medical cannabis and related supplies from
41 medical cannabis cultivators; purchase or obtain medical cannabis
42 products and related supplies from medical cannabis manufacturers;
43 purchase or obtain medical cannabis, medical cannabis products,
44 and related supplies and paraphernalia from other medical cannabis
45 dispensaries and from clinical registrants; deliver, transfer,
46 transport, distribute, supply, and sell medical cannabis and medical
47 cannabis products to other medical cannabis dispensaries; furnish
48 medical cannabis, including medical cannabis products, to a

1 medical cannabis handler for delivery to a registered qualifying
2 patient, designated caregiver, or institutional caregiver consistent
3 with the requirements of subsection i. of section 27 of P.L.2019,
4 c.153 (C.24:6I-20); and possess, display, deliver, transfer, transport,
5 distribute, supply, sell, and dispense medical cannabis, medical
6 cannabis products, paraphernalia, and related supplies to qualifying
7 patients, designated caregivers, and institutional caregivers. A
8 medical cannabis dispensary permit shall not authorize the permit
9 holder to cultivate medical cannabis, to produce, manufacture, or
10 otherwise create medical cannabis products.

11 "Medical cannabis manufacturer" means an organization issued a
12 permit by the commission that authorizes the organization to:
13 purchase or obtain medical cannabis and related supplies from a
14 medical cannabis cultivator or a clinical registrant; purchase or
15 obtain medical cannabis products from another medical cannabis
16 manufacturer or a clinical registrant; produce, manufacture, or
17 otherwise create medical cannabis products; and possess, deliver,
18 transfer, transport, distribute, supply, and sell medical cannabis
19 products and related supplies to other medical cannabis
20 manufacturers and to medical cannabis dispensaries and clinical
21 registrants. A medical cannabis manufacturer permit shall not
22 authorize the permit holder to cultivate medical cannabis or to
23 deliver, transfer, transport, distribute, supply, sell, or dispense
24 medical cannabis, medical cannabis products, paraphernalia, or
25 related supplies to registered qualifying patients, designated
26 caregivers, or institutional caregivers.

27 "Medical use of cannabis" means the acquisition, possession,
28 transport, or use of cannabis or paraphernalia by a registered
29 qualifying patient as authorized by P.L.2009, c.307 (C.24:6I-
30 1 et al.) and P.L.2015, c.158 (C.18A:40-12.22 et al.).

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

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

35 "Pediatric specialist" means a physician who is a board-certified
36 pediatrician or pediatric specialist, or an advanced practice nurse or
37 physician assistant who is certified as a pediatric specialist by an
38 appropriate professional certification or licensing entity.

39 "Primary care" means the practice of family medicine, general
40 internal medicine, general pediatrics, general obstetrics, or
41 gynecology.

42 "Qualifying medical condition" means seizure disorder,
43 including epilepsy; intractable skeletal muscular spasticity; post-
44 traumatic stress disorder; glaucoma; positive status for human
45 immunodeficiency virus; acquired immune deficiency syndrome;
46 cancer; amyotrophic lateral sclerosis; multiple sclerosis; muscular
47 dystrophy; inflammatory bowel disease, including Crohn's disease;
48 terminal illness, if the patient has a prognosis of less than 12

1 months of life; anxiety; migraine; Tourette's syndrome;
2 dysmenorrhea; chronic pain; opioid use disorder; or any other
3 medical condition or its treatment that is approved by the
4 commission.

5 "Qualifying patient" or "patient" means a resident of the State
6 who has been authorized for the medical use of cannabis by a health
7 care practitioner.

8 "Registration with the commission" means a person has met the
9 qualification requirements for, and has been registered by the
10 commission as, a registered qualifying patient, designated
11 caregiver, or institutional caregiver. The commission shall establish
12 appropriate means for health care practitioners, health care
13 facilities, medical cannabis dispensaries, law enforcement, schools,
14 facilities providing behavioral health services or services for
15 persons with developmental disabilities, and other appropriate
16 entities to verify an individual's status as a registrant with the
17 commission.

18 "Significantly involved person" means a person or entity who
19 holds at least a five percent investment interest in an entity issued,
20 or applying for a permit to operate as, a medical cannabis cultivator,
21 medical cannabis manufacturer, medical cannabis dispensary, or
22 clinical registrant, or who is a decision making member of a group
23 that holds at least a 20 percent investment interest in an entity
24 issued, or applying for a permit to operate as, a medical cannabis
25 cultivator, medical cannabis manufacturer, medical cannabis
26 dispensary, or clinical registrant, in which no member of that group
27 holds more than a five percent interest in the total group investment
28 interest, and the person or entity makes controlling decisions
29 regarding the operations of the entity issued, or applying for a
30 permit to operate as, a medical cannabis cultivator, medical
31 cannabis manufacturer, medical cannabis dispensary, or clinical
32 registrant.

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

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

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

39

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

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

43 "Administer" means the direct application of a controlled
44 dangerous substance, whether by injection, inhalation, ingestion, or
45 any other means, to the body of a patient or research subject by: (1)
46 a practitioner or, in the practitioner's presence, by the practitioner's
47 lawfully authorized agent, or (2) the patient or research subject at
48 the lawful direction and in the presence of the practitioner.

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

5 "Commissioner" means the Commissioner of Health.

6 "Controlled dangerous substance" means a drug, substance, or
7 immediate precursor in Schedules I through V of article 2 of
8 P.L.1970, c.226 (C.24:21-1 et seq.), marijuana, and hashish as
9 defined in this section. The term shall not include distilled spirits,
10 wine, malt beverages, as those terms are defined or used in
11 R.S.33:1-1 et seq., tobacco and tobacco products, and cannabis and
12 cannabis items as those terms are defined in section 3 of
13 P.L. , c. (C.) (passed both Houses on December 17, 2020 as
14 Second Reprint of Assembly Bill No. 21).

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

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

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

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

34 "Dispenser" means a practitioner who dispenses.

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

37 "Distributor" means a person who distributes.

38 "Division" means the Division of Consumer Affairs in the
39 Department of Law and Public Safety.

40 "Drug Enforcement Administration" means the Drug
41 Enforcement Administration in the United States Department of
42 Justice.

43 "Drugs" means (1) substances recognized in the official United
44 States Pharmacopoeia, official Homeopathic Pharmacopoeia of the
45 United States, or official National Formulary, or any supplement to
46 any of them; and (2) substances intended for use in the diagnosis,
47 cure, mitigation, treatment, or prevention of disease in man or other
48 animals; and (3) substances, other than food, intended to affect the

1 structure or any function of the body of man or other animals; and
2 (4) substances intended for use as a component of any article
3 specified in (1), (2), and (3) of this definition; but does not include
4 devices or their components, parts or accessories. "Drugs" shall not
5 mean: hemp and hemp products cultivated, handled, processed,
6 transported, or sold pursuant to the "New Jersey Hemp Farming
7 Act," P.L.2019, c.238 (C.4:28-6 et al.); any form of medical
8 cannabis as defined in section 3 of P.L.2009, c.307 (C.24:6I-
9 3); cannabis as defined in section 3 of
10 P.L. , c. (C.) (pending as Second Reprint of Assembly Bill
11 No. 21) which is cultivated and produced for use in a cannabis item,
12 as defined in that section, in accordance with the "New Jersey
13 Cannabis Regulatory, Enforcement Assistance, and Marketplace
14 Modernization Act," P.L. , c. (C.) (passed both Houses on
15 December 17, 2020 as Second Reprint of Assembly Bill No. 21);
16 and cannabis resin as defined in that section 3 (C.) which is
17 extracted for use in a cannabis item, as defined in that section, in
18 accordance with that act.

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); and
26 cannabis resin as defined in section 3 of P.L. , c. (C.)
27 (passed both Houses on December 17, 2020 as Second Reprint of
28 Assembly Bill No. 21) which is extracted for use in a cannabis item,
29 as defined in that section, in accordance with the "New Jersey
30 Cannabis Regulatory, Enforcement Assistance, and Marketplace
31 Modernization Act," P.L. , c. (C.) (passed both Houses on
32 December 17, 2020 as Second Reprint of Assembly Bill No. 21).

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

1 "Manufacture" means the production, preparation, propagation,
2 compounding, conversion, or processing of a controlled dangerous
3 substance, either directly or by extraction from substances of
4 natural origin, or independently by means of chemical synthesis, or
5 by a combination of extraction and chemical synthesis, and includes
6 any packaging or repackaging of the substance or labeling or
7 relabeling of its container, except that this term does not include the
8 preparation or compounding of a controlled dangerous substance by
9 an individual for the individual's own use or the preparation,
10 compounding, packaging, or labeling of a controlled dangerous
11 substance: (1) by a practitioner as an incident to the practitioner's
12 administering or dispensing of a controlled dangerous substance in
13 the course of the practitioner's professional practice, or (2) by a
14 practitioner, or under the practitioner's supervision, for the purpose
15 of, or as an incident to, research, teaching, or chemical analysis and
16 not for sale.

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

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

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

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

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

33 "Official written order" means an order written on a form
34 provided for that purpose by the Attorney General of the United
35 States or his delegate, under any laws of the United States making
36 provisions therefor, if such order forms are authorized and required
37 by the federal law, and if no such form is provided, then on an
38 official form provided for that purpose by the division. If authorized
39 by the Attorney General of the United States or the division, the
40 term shall also include an order transmitted by electronic means.

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

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

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

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

6 "Pharmacy owner" means the owner of a store or other place of
7 business where controlled dangerous substances are compounded or
8 dispensed by a registered pharmacist; but nothing in this chapter
9 contained shall be construed as conferring on a person who is not
10 registered or licensed as a pharmacist any authority, right, or
11 privilege that is not granted to the person by the pharmacy laws of
12 this State.

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

15 "Practitioner" means a physician, dentist, veterinarian, scientific
16 investigator, laboratory, pharmacy, hospital, or other person
17 licensed, registered, or otherwise permitted to distribute, dispense,
18 conduct research with respect to, or administer a controlled
19 dangerous substance in the course of professional practice or
20 research in this State. As referred to in this definition:

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

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

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

27 (4) "Hospital" means any federal institution, or any institution
28 for the care and treatment of the sick and injured, operated or
29 approved by the appropriate State department as proper to be
30 entrusted with the custody and professional use of controlled
31 dangerous substances.

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

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

38 "Immediate precursor" means a substance which the division has
39 found to be and by regulation designates as being the principal
40 compound commonly used or produced primarily for use, and
41 which is an immediate chemical intermediary used or likely to be
42 used in the manufacture of a controlled dangerous substance, the
43 control of which is necessary to prevent, curtail, or limit such
44 manufacture.

45 "Substance use disorder involving drugs" means taking or using
46 a drug or controlled dangerous substance, as defined in this chapter,
47 in association with a state of psychic or physical dependence, or
48 both, arising from the use of that drug or controlled dangerous

1 substance on a continuous basis. A substance use disorder is
2 characterized by behavioral and other responses, including, but not
3 limited to, a strong compulsion to take the substance on a recurring
4 basis in order to experience its psychic effects, or to avoid the
5 discomfort of its absence.

6 "Ultimate user" means a person who lawfully possesses a
7 controlled dangerous substance for the person's own use or for the
8 use of a member of the person's household or for administration to
9 an animal owned by the person or by a member of the person's
10 household.

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

12

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

15 5. Schedule I.

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

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

26 c. Any of the following opiates, including their isomers, esters,
27 and ethers, unless specifically excepted, whenever the existence of
28 such isomers, esters, ethers and salts is possible within the specific
29 chemical designation:

- 30 (1) Acetylmethadol
- 31 (2) Allylprodine
- 32 (3) Alphacetylmethadol
- 33 (4) Alphameprodine
- 34 (5) Alphamethadol
- 35 (6) Benzethidine
- 36 (7) Betacetylmethadol
- 37 (8) Betameprodine
- 38 (9) Betamethadol
- 39 (10) Betaprodine
- 40 (11) Clonitazene
- 41 (12) Dextromoramide
- 42 (13) Dextrorphan
- 43 (14) Diampromide
- 44 (15) Diethylthiambutene
- 45 (16) Dimenoxadol
- 46 (17) Dimepheptanol
- 47 (18) Dimethylthiambutene
- 48 (19) Dioxaphetyl butyrate

- 1 (20) Dipipanone
- 2 (21) Ethylmethylthiambutene
- 3 (22) Etonitazene
- 4 (23) Etoxeridine
- 5 (24) Furethidine
- 6 (25) Hydroxypethidine
- 7 (26) Ketobemidone
- 8 (27) Levomoramide
- 9 (28) Levophenacylmorphane
- 10 (29) Morpheridine
- 11 (30) Noracymethadol
- 12 (31) Norlevorphanol
- 13 (32) Normethadone
- 14 (33) Norpipanone
- 15 (34) Phenadoxone
- 16 (35) Phenampromide
- 17 (36) Phenomorphan
- 18 (37) Phenoperidine
- 19 (38) Piritramide
- 20 (39) Proheptazine
- 21 (40) Properidine
- 22 (41) Racemoramide
- 23 (42) Trimeperidine.
- 24 d. Any of the following narcotic substances, their salts, isomers
- 25 and salts of isomers, unless specifically excepted, whenever the
- 26 existence of such salts, isomers and salts of isomers is possible
- 27 within the specific chemical designation:
- 28 (1) Acetorphine
- 29 (2) Acetylcodone
- 30 (3) Acetyldihydrocodeine
- 31 (4) Benzylmorphine
- 32 (5) Codeine methylbromide
- 33 (6) Codeine-N-Oxide
- 34 (7) Cyprenorphine
- 35 (8) Desomorphine
- 36 (9) Dihydromorphine
- 37 (10) Etorphine
- 38 (11) Heroin
- 39 (12) Hydromorphanol
- 40 (13) Methyldesorphine
- 41 (14) Methylhydromorphine
- 42 (15) Morphine methylbromide
- 43 (16) Morphine methylsulfonate
- 44 (17) Morphine-N-Oxide
- 45 (18) Myrophine
- 46 (19) Nicocodeine
- 47 (20) Nicomorphine
- 48 (21) Normorphine

1 (22) Phoclodine

2 (23) Thebacon.

3 e. Any material, compound, mixture or preparation which
4 contains any quantity of the following hallucinogenic substances,
5 their salts, isomers and salts of isomers, unless specifically
6 excepted, whenever the existence of such salts, isomers, and salts of
7 isomers is possible within the specific chemical designation:

8 (1) 3,4-methylenedioxy amphetamine

9 (2) 5-methoxy-3,4-methylenedioxy amphetamine

10 (3) 3,4,5-trimethoxy amphetamine

11 (4) Bufotenine

12 (5) Diethyltryptamine

13 (6) Dimethyltryptamine

14 (7) 4-methyl-2,5-dimethoxylamphetamine

15 (8) Ibogaine

16 (9) Lysergic acid diethylamide

17 (10) Marihuana; except that on and after the effective date of the
18 “New Jersey Cannabis Regulatory, Enforcement Assistance, and
19 Marketplace Modernization Act,” P.L. , c. (C.) (passed both
20 Houses on December 17, 2020 as Second Reprint of Assembly Bill
21 No. 21), marihuana shall no longer be included in Schedule I, and
22 shall not be designated or rescheduled and included in any other
23 schedule by the director pursuant to the director’s designation and
24 rescheduling authority set forth in section 3 of P.L.1970, c.226
25 (C.24:21-3).

26 (11) Mescaline

27 (12) Peyote

28 (13) N-ethyl-3-piperidyl benzilate

29 (14) N-methyl-3-piperidyl benzilate

30 (15) Psilocybin

31 (16) Psilocyn

32 (17) Tetrahydrocannabinols, except when found in hemp or a
33 hemp product cultivated, handled, processed, transported, or sold
34 pursuant to the "New Jersey Hemp Farming Act," P.L.2019, c.238
35 (C.4:28-6 et al.), medical cannabis as defined in section 3 of
36 P.L.2009, c.307 (C.24:6I-3), or cannabis or a cannabis item, as
37 those terms are defined in section 3 of P.L. , c. (C.) (passed
38 both Houses on December 17, 2020 as Second Reprint of Assembly
39 Bill No. 21), that is grown, cultivated, produced, or manufactured in
40 accordance with the “New Jersey Cannabis Regulatory,
41 Enforcement Assistance, and Marketplace Modernization Act,”
42 P.L. , c. (C.) (passed both Houses on December 17, 2020 as
43 Second Reprint of Assembly Bill No. 21).

44 (cf: P.L.2020, c. , s.44)

45

46 13. Section 48 of P.L. , c. (C.) (passed both Houses on
47 December 17, 2020 as the Second Reprint of Assembly Bill No. 21)
48 is amended to read as follows:

1 48. Employers, Driving, Minors and Control of Property.

2 a. (1) No employer shall refuse to hire or employ any person
3 or shall discharge from employment or take any adverse action
4 against any employee with respect to compensation, terms,
5 conditions, or other privileges of employment because that person
6 does or does not smoke, vape, aerosolize or otherwise use cannabis
7 items, and an employee shall not be subject to any adverse action by
8 an employer solely due to the presence of cannabinoid metabolites
9 in the employee's bodily fluid from engaging in conduct permitted
10 under P.L. , c. (C.) (passed both Houses on December 17,
11 2020 as Second Reprint of Assembly Bill No. 21). However, an
12 employer may require an employee to undergo a drug test upon
13 reasonable suspicion of an employee's usage of a cannabis item
14 while engaged in the performance of the employee's work
15 responsibilities, or upon finding any observable signs of
16 intoxication related to usage of a cannabis item, or following a
17 work-related accident subject to investigation by the employer. A
18 drug test may also be done randomly by the employer, or as part of
19 a pre-employment screening, or regular screening of current
20 employees to determine use during an employee's prescribed work
21 hours. The drug test shall include scientifically reliable objective
22 testing methods and procedures, such as testing of blood, urine, or
23 saliva, and a physical evaluation in order to determine an
24 employee's state of impairment. The physical evaluation shall be
25 conducted by an individual with the necessary certification to opine
26 on the employee's state of impairment, or lack thereof, related to
27 the usage of a cannabis item in accordance with paragraph (2) of
28 this subsection. The employer may use the results of the drug test
29 when determining the appropriate employment action concerning
30 the employee, including, but not limited to dismissal, suspension,
31 demotion, or other disciplinary action.

32 (2) (a) In order to better ensure the protections for prospective
33 employees and employees against refusals to hire or employ, or
34 against being discharged or having any other adverse action taken
35 by an employer, while simultaneously supporting the authority of
36 employers to require employees undergo drug tests under the
37 circumstances set forth in paragraph (1) of this subsection, as well
38 as employer efforts to maintain a drug- and alcohol-free workplace
39 or other drug- or alcohol workplace policy as described in
40 paragraph (1) of subsection b. of this section, the commission, in
41 consultation with the Police Training Commission established
42 pursuant to section 5 of P.L.1961, c.56 (C.52:17B-70), shall
43 prescribe standards in regulation for a Workplace Impairment
44 Recognition Expert certification, to be issued to full- or part-time
45 employees, or others contracted to perform services on behalf of an
46 employer, based on education and training in detecting and
47 identifying an employee's usage of, or impairment from, a cannabis
48 item or other intoxicating substance, and for assisting in the

1 investigation of workplace accidents. The commission's
2 regulations shall also prescribe minimum curriculum courses of
3 study for the certifications, as well as standards for the
4 commission's approval and continuation of approval of non-profit
5 and for-profit programs, organizations, or schools and their
6 instructors to offer courses of study, and may include the use of a
7 Police Training Commission approved school as that term is
8 defined in section 2 of P.L.1961, c.56 (C.52:17B-67) if consented to
9 by the Police Training Commission.

10 (b) Any person who demonstrates to the commission's
11 satisfaction that the person has successfully completed a Drug
12 Recognition Expert program provided by **【a Police Training**
13 **Commission approved school】** the New Jersey State Police, or
14 another program or course conducted by any federal, State, or other
15 public or private agency, the requirements of which are
16 substantially equivalent to the requirements established by the
17 commission pursuant to subparagraph (a) of this paragraph for a
18 Workplace Impairment Recognition Expert certification, may, at the
19 discretion of the commission, be issued this certification, subject to
20 subsequent continuation of certification approval by the
21 commission.

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

24 (1) (a) Requires an employer to amend or repeal, or affect,
25 restrict or preempt the rights and obligations of employers to
26 maintain a drug- and alcohol-free workplace or require an employer
27 to permit or accommodate the use, consumption, being under the
28 influence, possession, transfer, display, transportation, sale, or
29 growth of cannabis or cannabis items in the workplace, or to affect
30 the ability of employers to have policies prohibiting use of cannabis
31 items or intoxication by employees during work hours;

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

37 (2) Is intended to allow driving under the influence of cannabis
38 items or driving while impaired by cannabis items or to supersede
39 laws related to driving under the influence of marijuana or cannabis
40 items or driving while impaired by marijuana or cannabis items;

41 (3) Is intended to permit the transfer of cannabis items, with or
42 without remuneration, to a person under 21 years of age or to allow
43 a person under 21 years of age to purchase, possess, use, transport,
44 grow, or consume cannabis items, unless the person is under 21
45 years of age, but at least 18 years of age, and an employee of a
46 cannabis establishment, distributor, or delivery service acting in the
47 person's employment capacity;

1 (4) Shall, consistent with subsection c. of section 46 of
2 P.L. , c. (C.) (passed both Houses on December 17, 2020
3 as Second Reprint of Assembly Bill No. 21), prohibit a person or
4 entity that owns or controls a property from prohibiting or
5 otherwise regulating the consumption, use, display, transfer,
6 distribution, sale, or transportation of cannabis items on or in that
7 property, or portion thereof, including a hotel property that is a
8 casino hotel facility as defined in section 19 of P.L.1977, c.110
9 (C.5:12-19), a casino as defined in section 6 of P.L.1977, c.110
10 (C.5:12-6), or casino simulcasting facility authorized pursuant to
11 the “Casino Simulcasting Act,” P.L.1992, c.19 (C.5:12-191 et al.),
12 provided that a person or entity that owns or controls multifamily
13 housing that is a multiple dwelling as defined in section 3 of
14 P.L.1967, c.76 (C.55:13A-3), the structure or specific units of the
15 structure of a cooperative as defined in section 3 of P.L.1987, c.381
16 (C.46:8D-3), a unit of a condominium as defined in section 3 of
17 P.L.1969, c.257 (C.46:8B-3), or a site in a mobile home park as
18 defined in section 3 of P.L.1983, c.386 (C.40:55D-102), which site
19 is leased to the owner of a manufactured home, as defined in that
20 section, that is installed thereon, may only prohibit or otherwise
21 regulate the smoking, vaping, or aerosolizing, but not other
22 consumption, of cannabis items, and further provided that
23 municipalities may not prohibit delivery, possession, or
24 consumption of cannabis items by a person 21 years of age or older
25 as permitted by section 46 of P.L. , c. (C.) (passed both
26 Houses on December 17, 2020 as Second Reprint of Assembly Bill
27 No. 21);

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

32 (6) Is intended to permit the smoking, vaping, or aerosolizing of
33 cannabis items in any place that any other law prohibits the
34 smoking of tobacco, including N.J.S.2C:33-13 and the “New Jersey
35 Smoke-Free Air Act,” P.L.2005, c.383 (C.26:3D-55 et seq.). Except
36 as otherwise provided by P.L. , c. (C.) (passed both Houses
37 on December 17, 2020 as Second Reprint of Assembly Bill No. 21),
38 any fines or civil penalties that may be assessed for the smoking of
39 tobacco in designated places shall be applicable to the smoking,
40 vaping, or aerosolizing of cannabis items.
41 (cf: P.L.2020, c. , s.48)

42

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

45 6. The commission is vested with the power, responsibility and
46 duty:

47 a. To prescribe standards for the approval and continuation of
48 approval of schools at which police training courses authorized by

1 this act and in-service police training courses shall be conducted,
2 including but not limited to currently existing regional, county,
3 municipal, and police chief association police training schools or at
4 which basic training courses and in-service training courses shall be
5 conducted for State and county juvenile and adult correctional
6 police officers and juvenile detention officers;

7 b. To approve and issue certificates of approval to these
8 schools, to inspect the schools from time to time, and to revoke any
9 approval or certificate issued to the schools;

10 c. To prescribe the curriculum, the minimum courses of study,
11 attendance requirements, equipment and facilities, and standards of
12 operation for these schools. Courses of study in crime prevention
13 may be recommended to the Police Training Commission by the
14 Crime Prevention Advisory Committee, established by section 2 of
15 P.L.1985, c.1 (C.52:17B-77.1). The Police Training Commission
16 may prescribe psychological and psychiatric examinations for
17 police recruits while in the schools;

18 d. To prescribe minimum qualifications for instructors at these
19 schools and to certify, as qualified, instructors for approved police
20 training schools and to issue appropriate certificates to the
21 instructors;

22 e. To certify police officers, correctional police officers,
23 juvenile correctional police officers, and juvenile detention officers
24 who have satisfactorily completed training programs and to issue
25 appropriate certificates to the police officers, correctional police
26 officers, juvenile correctional police officers, and juvenile detention
27 officers;

28 f. To advise and consent in the appointment of an
29 administrator of police services by the Attorney General pursuant to
30 section 8 of P.L.1961, c.56 (C.52:17B-73);

31 g. (Deleted by amendment, P.L.1985, c.491)

32 h. To make rules and regulations as may be reasonably
33 necessary or appropriate to accomplish the purposes and objectives
34 of this act;

35 i. To make a continuous study of police training methods and
36 training methods for correctional police officers, juvenile
37 correctional police officers, and juvenile detention officers and to
38 consult and accept the cooperation of any recognized federal or
39 State law enforcement agency or educational institution;

40 j. To consult and cooperate with universities, colleges, and
41 institutes in the State for the development of specialized courses of
42 study for police officers in police science and police administration;

43 k. To consult and cooperate with other departments and
44 agencies of the State concerned with police training or the training
45 of correctional police officers, juvenile correctional police officers,
46 and juvenile detention officers;

47 l. To participate in unified programs and projects relating to
48 police training and the training of correctional police officers,

1 juvenile correctional police officers, and juvenile detention officers
2 sponsored by any federal, State, or other public or private agency;

3 m. To perform other acts as may be necessary or appropriate to
4 carry out its functions and duties as set forth in this act;

5 n. To extend the time limit for satisfactory completion of police
6 training programs or programs for the training of correctional police
7 officers, juvenile correctional police officers, and juvenile detention
8 officers upon a finding that health, extraordinary workload, or other
9 factors have, singly or in combination, effected a delay in the
10 satisfactory completion of the training program;

11 o. (1) To furnish approved schools, for inclusion in their
12 regular police training courses and curriculum, with information
13 concerning the advisability of high speed chases, the risk caused by
14 them, and the benefits resulting from them;

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

43 p. To review and approve new standards and course curricula
44 developed by the Department of Corrections for both basic and in-
45 service training of State and county correctional police officers and
46 juvenile detention officers. These courses for the State correctional
47 police officers and juvenile detention officers shall be centrally

1 provided at the Corrections Officers' Training Academy of the
2 Department of Corrections. Courses for the county correctional
3 police officers and juvenile detention officers shall also be centrally
4 provided at the Corrections Officers' Training Academy unless an
5 off-grounds training program is established by the county. A
6 county may elect to establish and conduct a basic training program
7 for correctional police officers and juvenile detention officers
8 seeking permanent appointment in that county. The Corrections
9 Officers' Training Academy shall develop the curriculum of the
10 basic training program to be conducted by a county;

11 q. To administer and distribute the monies in the Law
12 Enforcement Officers Training and Equipment Fund established by
13 section 9 of P.L.1996, c.115 (C.2C:43-3.3) and make rules and
14 regulations for the administration and distribution of the monies as
15 may be necessary or appropriate to accomplish the purpose for
16 which the fund was established.

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

18

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

37

38 16. (New section) All local and county law enforcement
39 authorities shall, following the submission process used for the
40 uniform crime reporting system established by P.L.1966, c.37
41 (C.52:17B-5.1 et seq.), submit a quarterly report to the Uniform
42 Crime Reporting Unit, within the Division of State Police in the
43 Department of Law and Public Safety, or to another designated
44 recipient determined by the Attorney General, containing the
45 number of violations of paragraph (3) and (4) of subsection a. of
46 N.J.S. 2C:35-5 and paragraph (12) of subsection b. of N.J.S.2C:35-
47 10 committed within their respective jurisdictions, plus the race,
48 ethnicity, gender, and age of each person committing a violation,

1 and the disposition of each person's violation. These violations and
2 associated information, along with a quarterly summary of
3 violations investigated, and associated information collected, by the
4 Division of State Police for the same period shall be summarized by
5 county and municipality in an annual report, and both quarterly
6 summaries and annual reports shall be made available at no cost to
7 the public on the Division of State Police's Internet website.

8
9 17. This act shall take effect immediately, including section 13
10 which shall take effect immediately but shall only become operative
11 upon adoption of the Cannabis Regulatory Commission's initial
12 rules and regulations pursuant to subparagraph (a) of paragraph (1)
13 of subsection d. of section 6 of P.L. 2020, c. (C.) (passed
14 both Houses on December 17, 2020 as Second Reprint of Assembly
15 Bill No. 21).