

[First Reprint]

ASSEMBLY, No. 5342

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JANUARY 29, 2021

Sponsored by:

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

Senator NICHOLAS P. SCUTARI

District 22 (Middlesex, Somerset and Union)

Senator NILSA I. CRUZ-PEREZ

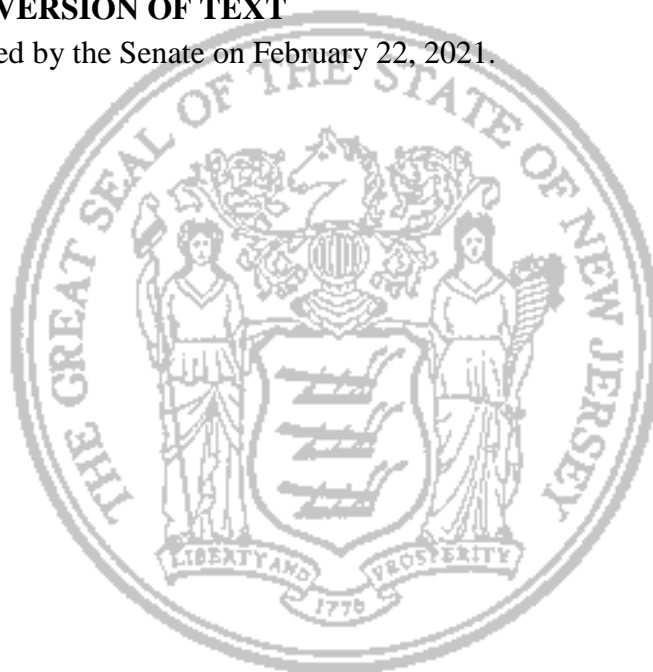
District 5 (Camden and Gloucester)

SYNOPSIS

Concerns certain regulated substances, with particular emphasis on underage possession or consumption of various forms of cannabis, including legal consequences for such activities set forth in legislation passed by both Houses of Legislature.

CURRENT VERSION OF TEXT

As amended by the Senate on February 22, 2021.



(Sponsorship Updated As Of: 2/22/2021)

1 AN ACT addressing ¹certain regulated substances, with a particular
 2 emphasis on¹ possession or consumption of various forms of
 3 cannabis by certain persons, and ¹**[amending]** revising¹ and
 4 supplementing various parts of the statutory law.

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

8
 9 1. The title of P.L.1979, c.264 is amended to read as follows:
 10 AN ACT concerning certain **[alcoholic beverage and cannabis item]**
 11 offenses by persons under the legal age to purchase **[alcoholic**
 12 **beverages and cannabis]** various regulated items, and
 13 supplementing chapter 33 of Title 2C of the New Jersey Statutes.
 14 (cf: P.L.2021, c. , s.72)

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

18 1. a. (1) Any person under the legal age to purchase alcoholic
 19 beverages ¹, or under the legal age to purchase cannabis items,¹
 20 who knowingly possesses without legal authority or who knowingly
 21 consumes any alcoholic beverage ¹, cannabis item, marijuana, or
 22 hashish¹ in any school, public conveyance, public place, or place of
 23 public assembly, or motor vehicle ¹**[**, is guilty of a petty disorderly
 24 persons offense, and**]¹ shall ¹**[**, in the case of an adult under the
 25 legal age to purchase alcoholic beverages,**]¹ be ¹**[**fined not less
 26 than \$250.****

27 (2) (a) Any person under the legal age to purchase cannabis
 28 items who knowingly possesses without legal authority marijuana,
 29 hashish, or any cannabis item, the amount of which may be lawfully
 30 possessed by a person of the legal age to purchase cannabis items
 31 pursuant to section 46 **[.]** of P.L. , c. (C.) (passed both
 32 Houses on December 17, 2020 as Second Reprint of Assembly Bill
 33 No. 21), in any school, public conveyance, public place, or place
 34 of public assembly, or motor vehicle **[**, is guilty of a petty
 35 disorderly persons offense, and**]** shall **[**, in the case of an adult
 36 under the legal age to purchase cannabis items,**]** be **[**fined not less
 37 than \$250**]** subject to a civil penalty of \$50, which shall be
 38 recovered in a civil action by a summary proceeding in the name of
 39 the municipality pursuant to the “Penalty Enforcement Law of
 40 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.), except that a person
 41 under the age of 18 years who violates this subparagraph shall not
 42 be subject to a civil penalty but instead shall be subject to a point-
 43 of-violation warning or juvenile intervention, as defined in this
 44 section, and which is conducted in the same manner as an action

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:

¹Senate floor amendments adopted February 22, 2021.

1 referred to as a curbside warning or stationhouse adjustment,
2 respectively, would be conducted in accordance with Attorney
3 General Law Enforcement Directive No. 2020-12 as if the violation
4 were to constitute a petty disorderly persons offense, without the
5 filing of a complaint with the court. The municipal court that has
6 territorial jurisdiction over the violation and the Superior Court
7 shall both have jurisdiction of proceedings for the enforcement of
8 the civil penalty provided by this subparagraph.

9 The odor of marijuana, hashish, cannabis, or cannabis item, or
10 burnt marijuana, hashish, cannabis, or cannabis item, shall not
11 constitute reasonable articulable suspicion to initiate a search of a
12 person to determine a violation of this subparagraph. A person who
13 violates this subparagraph shall not be subject to arrest, detention,
14 or otherwise be taken into custody except to the extent required for
15 a juvenile intervention as permitted by this subparagraph, unless the
16 person is being arrested, detained, or otherwise taken into custody
17 for also committing another violation of law for which that action is
18 legally permitted or required.

19 (b) Any person under the legal age to purchase cannabis items
20 who knowingly possesses without legal authority marijuana,
21 hashish, or any cannabis item, the amount of which exceeds what
22 may be lawfully possessed by a person of the legal age to purchase
23 cannabis items pursuant to section 46 of P.L. , c. (C.)
24 (passed both Houses on December 17, 2020 as Second Reprint of
25 Assembly Bill No. 21), or who knowingly consumes any marijuana,
26 hashish, or cannabis item in any school, public conveyance, public
27 place, or place of public assembly, or motor vehicle **], is guilty of a**
28 **disorderly persons offense, and]** shall **], in the case of an adult**
29 **under the legal age to purchase cannabis items,] be]'** **[fined not**
30 **less than \$500] subject to '1[a civil penalty of \$100, which shall be**
31 **recovered in a civil action by a summary proceeding in the name of**
32 **the municipality pursuant to the "Penalty Enforcement Law of**
33 **1999," P.L.1999, c.274 (C.2A:58-10 et seq.), except that a person**
34 **under the age of 18 years who violates this subparagraph shall not**
35 **be subject to a civil penalty but instead shall be subject to a point-**
36 **of-violation warning or juvenile intervention, as defined in this**
37 **section, and which is conducted in the same manner as an action**
38 **referred to as a curbside warning or stationhouse adjustment,**
39 **respectively, would be conducted in accordance with Attorney**
40 **General Law Enforcement Directive No. 2020-12 as if the violation**
41 **were to constitute a disorderly persons offense, without the filing of**
42 **a complaint with the court. The municipal court that has territorial**
43 **jurisdiction over the violation and the Superior Court shall both**
44 **have jurisdiction of proceedings for the enforcement of the civil**
45 **penalty provided by this subparagraph.] the following**
46 **consequences:**

1 (a) for a first violation, a written warning issued by a law
2 enforcement officer to the underage person. The written warning
3 shall include the person's name, address, and date of birth, and a
4 copy of the warning containing this information, plus a sworn
5 statement that includes a description of the relevant facts and
6 circumstances that support the officer's determination that the
7 person committed the violation, shall be temporarily maintained in
8 accordance with this section only for the purposes of determining a
9 second or subsequent violation subject to the consequences set forth
10 in subparagraph (b) or (c) of this paragraph. Notwithstanding the
11 provisions of section 3 of P.L.1991, c.169 (C.33:1-81.1a)
12 concerning written notification of a violation of this section by a
13 person under 18 years of age to the parent, guardian or other person
14 having legal custody of the underage person, a written notification
15 shall not be provided pursuant to that section for a first violation of
16 this paragraph.

17 (b) for a second violation, a written warning issued by a law
18 enforcement officer to the underage person indicating that a second
19 violation has occurred, which includes the person's name, address,
20 and date of birth. If the violation is by a person 18 years of age or
21 older, the officer shall provide the person with informational
22 materials about how to access community services provided by
23 public or private agencies and organizations that shall assist the
24 person with opportunities to access further social services,
25 including but not limited to counseling, tutoring programs,
26 mentoring services, and faith-based or other community initiatives.
27 If the violation is by a person under 18 years of age, a written
28 notification concerning the second violation, along with a copy of
29 the written warning for the person's first violation, shall be
30 provided to the parent, guardian or other person having legal
31 custody of the underage person in accordance with section 3 of
32 P.L.1991, c.169 (C.33:1-81.1a). The written notification shall
33 include the same or similar informational materials about how to
34 access community services provided by public or private agencies
35 and organizations as those provided directly by a law enforcement
36 officer to a person 18 years of age or older who commits a second
37 violation of this paragraph. A copy of the second written warning
38 to the underage person, and, if applicable, the written notification to
39 the parent, guardian or other person having legal custody of the
40 underage person concerning the second warning, plus a sworn
41 statement that includes a description of the relevant facts and
42 circumstances that support the officer's determination that the
43 person committed the second violation, shall be temporarily
44 maintained in accordance with this section only for the purposes of
45 determining a subsequent violation subject to the consequences set
46 forth in subparagraph (c) of this paragraph.

47 (c) for a third or subsequent violation, a write-up issued by a law
48 enforcement officer to the underage person indicating that a third or

1 subsequent violation has occurred, which includes the person's
2 name, address, and date of birth. If the violation is by a person 18
3 years of age or older, the officer shall include with the write-up a
4 referral for accessing community services provided by a public or
5 private agency or organization, and provide notice to that agency or
6 organization of the referral which may also be used to initiate
7 contact with the person, and the agency or organization shall offer
8 assistance to the person with opportunities to access further social
9 services, including but not limited to counseling, tutoring programs,
10 mentoring services, and faith-based or other community initiatives.
11 If the violation is by a person under 18 years of age, a written
12 notification concerning the third or subsequent violation shall be
13 provided to the parent, guardian or other person having legal
14 custody of the underage person in accordance with section 3 of
15 P.L.1991, c.169 (C.33:1-81.1a). The written notification shall
16 include a referral for the person and the parent, guardian or other
17 person having legal custody of the underage person for accessing
18 community services provided by a public or private agency or
19 organization, and provide notice to that agency or organization of
20 the referral which may also then be used to initiate contact with
21 both persons, and the agency or organization shall offer assistance
22 to both with opportunities to access further social services,
23 including counseling, tutoring programs, mentoring services, and
24 faith-based or other community initiatives. A copy of a write-up for
25 a third or subsequent violation, the written notification to the
26 parent, guardian or other person having legal custody of the
27 underage person, if applicable, and accompanying referrals, plus a
28 sworn statement that includes a description of the relevant facts and
29 circumstances that support the officer's determination that the
30 person committed the third or subsequent violation, shall be
31 temporarily maintained in accordance with this section only to the
32 extent necessary to track referrals to agencies and organizations, as
33 well as for the purposes of determining a subsequent violation
34 subject to the consequences set forth in this subparagraph.

35 The failure of a person under the legal age to purchase alcoholic
36 beverages or cannabis items, or the failure of a parent, guardian or
37 other person having legal custody of the underage person, to accept
38 assistance from an agency or organization to which a law
39 enforcement referral was made, or to access any community
40 services provided by that agency or organization shall not result in
41 any summons, initiation of a complaint, or other legal action to be
42 adjudicated and enforced in any court.

43 (2) (a) A person under the legal age to purchase alcoholic
44 beverages or cannabis items is not capable of giving lawful consent
45 to a search to determine a violation of this section, and a law
46 enforcement officer shall not request that a person consent to a
47 search for that purpose.

1 **(b)**¹ The odor of ¹an alcoholic beverage,¹ marijuana, hashish,
2 cannabis, or cannabis item, or burnt marijuana, hashish, cannabis,
3 or cannabis item, shall not constitute reasonable articulable
4 suspicion to initiate ¹an investigatory stop of a person, nor shall it
5 constitute probable cause to initiate¹ a search of a person ¹or that
6 person’s personal property¹ to determine a violation of ¹**[this**
7 **subparagraph]** paragraph (1) of this subsection. Additionally, the
8 unconcealed possession of an alcoholic beverage, marijuana,
9 hashish, or cannabis item in violation of paragraph (1) of this
10 subsection, observed in plain sight by a law enforcement officer,
11 shall not constitute probable cause to initiate a search of a person or
12 that person’s personal property to determine any further violation of
13 that paragraph or any other violation of law¹ .

14 **(3)**¹ A person ¹under the legal age to purchase alcoholic
15 beverages or cannabis items¹ who violates ¹**[this subparagraph]**
16 paragraph (1) of this subsection for possessing or consuming an
17 alcoholic beverage, marijuana, hashish, or a cannabis item¹ shall
18 not be subject to arrest, ¹and shall not be subject to¹ detention ¹**[.]**¹
19 or otherwise be taken into custody ¹by a law enforcement officer¹
20 except to the extent required ¹**[for a juvenile intervention as**
21 **permitted by this subparagraph]** to issue a written warning or write-
22 up, provide notice of a violation to a parent, guardian or other
23 person having legal custody of the underage person in accordance
24 with section 3 of P.L.1991, c.169 (C.33:1-81a), or make referrals
25 for accessing community services provided by a public or private
26 agency or organization due to a third or subsequent violation¹ ,
27 unless the person is being arrested, detained, or otherwise taken into
28 custody for also committing another violation of law for which that
29 action is legally permitted or required.

30 **(c) (i)** As used in subparagraphs (a) and (b) of this paragraph:
31 “Juvenile intervention” means a mechanism that allows law
32 enforcement agencies to resolve a violation of either subparagraph
33 by a person under the age of 18 years without formal court
34 proceedings. A juvenile intervention, which shall be memorialized
35 in a signed agreement, establishes one or more conditions that the
36 person shall meet in exchange for the law enforcement agency
37 declining to pursue a formal delinquency complaint against the
38 person.

39 “Point-of-violation warning” means a brief, informal interaction
40 between a law enforcement officer and a person under the age of 18
41 years who the officer observed engage in a violation of either
42 subparagraph. During the interaction, the officer shall counsel the
43 person to discontinue the conduct, warn the person about the
44 potential consequences of future delinquency, and then conclude the
45 interaction without taking any further action. For the purposes of
46 this definition, a point-of-violation warning does not include

1 interactions between a person under the age of 18 years and a
2 school resource officer or other law enforcement officer assigned to
3 a school, as those interactions are governed by other statutes, and
4 policies and practices established between schools and law
5 enforcement agencies. A point-of-violation warning shall also be
6 used for a first violation of subparagraph (b) of paragraph (12) of
7 subsection b. of N.J.S.2C:35-5 concerning the manufacturing,
8 distributing or dispensing, or possessing or having under control
9 with intent to manufacture, distribute or dispense, marijuana or
10 hashish for an offender of any age.

11 (ii) Point-of-violation warnings and juvenile interventions
12 conducted pursuant to subparagraph (a) or (b) of paragraph (2) of
13 subsection a. of this section shall be reported to the Attorney
14 General in the same manner as curbside adjustments and
15 stationhouse warnings, respectively, and shall be included in the
16 statistical reporting compiled and made available by the Attorney
17 General pursuant to Attorney General Law Enforcement Directive
18 No. 2020-12. The Attorney General, in accordance with section 3
19 of P.L. , c. (C.) (pending before the Legislature as this bill),
20 shall biannually issue a report detailing the statistics compiled and
21 made available pursuant to Attorney General Law Enforcement
22 Directive No. 2020-12. The initial report shall be issued by June
23 30, 2021, and every six months thereafter.】

24 (4) Consistent with the provisions of subsection c. of section 1 of
25 P.L.2020, c.129 (C.40A:14-118.5), the video and audio recording
26 functions of a law enforcement officer's body worn camera, as
27 defined in that section, shall be activated whenever the law
28 enforcement officer is responding to a call for service related to a
29 violation or suspected violation of paragraph (1) of this subsection
30 for possessing or consuming an alcoholic beverage, marijuana,
31 hashish, or a cannabis item, or at the initiation of any other law
32 enforcement or investigative encounter between an officer and a
33 person related to a violation or suspected violation of that
34 paragraph, and shall remain activated until the encounter has fully
35 concluded and the officer leaves the scene of the encounter;
36 provided, however, that the video and audio recording functions of
37 a body worn camera shall not be deactivated pursuant to
38 subparagraph (a) of paragraph (2) of subsection c. of P.L.2020,
39 c.129 (C.40A:14-118.5), based on a request to deactivate the
40 camera by a person who is the subject of a responsive call for
41 service or law enforcement or investigative encounter related to a
42 violation or suspected violation of paragraph (1) of this subsection.

43 (5) As part of the process for the issuance of a written warning or
44 write-up to a person for a violation of paragraph (1) of this
45 subsection, the law enforcement officer shall take possession of any
46 alcoholic beverage, marijuana, hashish, or cannabis item from the
47 person, and any drug or cannabis paraphernalia for use with any
48 marijuana, hashish, or cannabis item. The existence and description

1 of the alcoholic beverage, marijuana, hashish, or cannabis item, and
2 any drug or cannabis paraphernalia shall be included in the sworn
3 statement that includes a description of the relevant facts and
4 circumstances that support the officer's determination that the
5 person committed a violation, and which record is temporarily
6 maintained in accordance with this section to determine subsequent
7 possession or consumption violations, and track referrals for
8 accessing community services provided by a public or private
9 agency or organization due to a third or subsequent violation. Any
10 alcoholic beverage, marijuana, hashish, cannabis item, or drug or
11 cannabis paraphernalia obtained by the law enforcement officer
12 shall either be destroyed or secured for use in law enforcement
13 training or educational programs in accordance with applicable law
14 and directives issued by the Attorney General.

15 (6) With respect to any violation of paragraph (1) of this
16 subsection concerning the possession or consumption of an
17 alcoholic beverage, marijuana, hashish, or any cannabis item:

18 (a) a person under the legal age to purchase alcoholic beverages
19 or cannabis items shall not be photographed or fingerprinted,
20 notwithstanding any provisions of section 2 of P.L.1982, c.79
21 (C.2A:4A-61) to the contrary;

22 (b) (i) any copy of any written warning or write-up issued to a
23 person under the legal age to purchase alcoholic beverages or
24 cannabis items, written notification provided to the person's parent,
25 guardian or other person having legal custody in accordance with
26 section 3 of P.L.1991, c.169 (C.33:1-81.1a), sworn statement
27 describing the relevant facts and circumstances that support an
28 officer's determination that a person committed a violation, or
29 referrals for accessing community services provided by a public or
30 private agency or organization pertaining to a third or subsequent
31 violation shall be segregated and maintained in a separate physical
32 location or electronic repository or database from any other records
33 maintained by a law enforcement agency, and reported to the
34 Attorney General in a manner so that they are similarly segregated
35 and maintained in a separate physical location or electronic
36 repository or database from other law enforcement records
37 accessible to the Attorney General and State and local law
38 enforcement agencies, and shall not be transferred to or copied and
39 placed in any other physical location or electronic repository or
40 database containing any other law enforcement records. These
41 records shall only be used to the extent necessary to determine a
42 subsequent violation of paragraph (1) of this subsection or to track
43 referrals to agencies and organizations, and shall not be revealed,
44 reviewed, or considered in any manner with respect to any current
45 or subsequent juvenile delinquency matter, including but not limited
46 to, a charge, filing, eligibility or decision for diversion or discharge,
47 or sentencing, other disposition, or related decision affecting the
48 juvenile, or with respect to any current or subsequent prosecution

1 for committing an offense or other violation of law, including but
2 not limited to, a charge, filing, eligibility or decision for diversion
3 or discharge, or sentencing, other disposition, or related decision
4 affecting an adult under 21 years of age. Also, these records shall
5 be deemed confidential and shall not be subject to public inspection
6 or copying pursuant to the provisions of P.L.1963, c.73 (C.47:1A-1
7 et seq.), and their existence shall not be acknowledged based upon
8 any inquiry in the same manner as if the records were expunged
9 records pursuant to the provisions of subsection a. of N.J.S.2C:52-
10 15.

11 The Attorney General may use the records described herein to
12 generate the number of occurrences and other statistics concerning
13 first, second, third and subsequent violations of paragraph (1) of
14 this subsection, the municipal, county or other geographic areas
15 within which first, second, third and subsequent violations occur,
16 and the law enforcement agencies involved in first, second, third
17 and subsequent violations, which are to be compiled and made
18 available by the Attorney General in accordance with section 4 of
19 P.L. , c. (C.) (pending before the Legislature as this bill).
20 The identity of any person named in a record shall not be revealed
21 or included in the information to be compiled and made available in
22 accordance with that section.

23 The records of violations shall only be maintained temporarily
24 and shall be destroyed or permanently deleted as set forth in
25 subparagraph (c) of this paragraph.

26 (ii) any records pertaining to a person's acceptance of assistance
27 from an agency or organization to which a law enforcement referral
28 was made shall not be revealed, reviewed, or considered in any
29 manner with respect to any current or subsequent juvenile
30 delinquency matter, including but not limited to, a charge, filing,
31 eligibility or decision for diversion or discharge, or sentencing,
32 other disposition, or related decision affecting the juvenile, or with
33 respect to any current or subsequent prosecution for committing an
34 offense or other violation of law, including but not limited to, a
35 charge, filing, eligibility or decision for diversion or discharge, or
36 sentencing, other disposition, or related decision affecting an adult
37 under 21 years of age. Also, these records shall be deemed
38 confidential and shall not be subject to public inspection or copying
39 pursuant to the provisions of P.L.1963, c.73 (C.47:1A-1 et seq.),
40 and their existence shall not be acknowledged based upon any
41 inquiry in the same manner as if the records were expunged records
42 pursuant to the provisions of subsection a. of N.J.S.2C:52-15.

43 (c) all of the records maintained by a law enforcement agency
44 and reported to the Attorney General as described in
45 subsubparagraph (i) of subparagraph (b) of this paragraph shall be
46 destroyed or permanently deleted by the law enforcement agency
47 and Attorney General on the second anniversary following the
48 creation of the record concerning a violation, or not later than the

1 last day of the month in which that second anniversary date falls, or
2 alternatively not later than the 21st birthday of a person who is the
3 subject of a record, or not later than the last day of the month in
4 which that birthday falls, whichever date occurs sooner, except that
5 a record shall be maintained upon request by the person named in
6 the record or representative thereof, the law enforcement officer
7 who made the record, or the law enforcement agency currently
8 maintaining the record if it involves a lawsuit, disciplinary
9 complaint, or criminal prosecution arising from the violation
10 described in the record, based on an assertion that the record has
11 evidentiary or exculpatory value. Upon final disposition of the
12 matter for which the extended record retention was requested, the
13 record shall be destroyed or permanently deleted.

14 (d) A law enforcement officer shall be guilty of the crime of
15 official deprivation of civil rights as set forth in section 3 of P.L. ,
16 c. (C.) (pending before the Legislature as this bill) for
17 violating the provisions of paragraph (1) of this subsection that
18 address law enforcement actions involving persons who are under
19 the legal age to purchase alcoholic beverages or cannabis items.¹

20 b. ¹Whenever [this offense] a violation of subsection a. of
21 this section is committed in a motor vehicle, the court shall, in
22 addition to the sentence authorized [for the offense] under that
23 subsection, suspend or postpone for six months the driving privilege
24 of the defendant. Upon the conviction of finding of guilt of any
25 person under this section, the court shall forward a report to the
26 New Jersey Motor Vehicle Commission stating the first and last day
27 of the suspension or postponement period imposed by the court
28 pursuant to this section. If a person at the time of the imposition of
29 a sentence is less than 17 years of age, the period of license
30 postponement, including a suspension or postponement of the
31 privilege of operating a motorized bicycle, shall commence on the
32 day the sentence is imposed and shall run for a period of six months
33 after the person reaches the age of 17 years.

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

41 The court shall inform the person orally and in writing that if the
42 person is convicted of operating a motor vehicle during the period
43 of license suspension or postponement, the person shall be subject
44 to the penalties set forth in R.S.39:3-40. A person shall be required
45 to acknowledge receipt of the written notice in writing. Failure to
46 receive a written notice or failure to acknowledge in writing the
47 receipt of a written notice shall not be a defense to a subsequent
48 charge of a violation of R.S.39:3-40.

1 If the person convicted or found guilty under this section is not a
2 New Jersey resident, the court shall suspend or postpone, as
3 appropriate, the non-resident driving privilege of the person based
4 on the age of the person and submit to the commission the required
5 report. The court shall not collect the license of a non-resident
6 convicted under this section. Upon receipt of a report by the court,
7 the commission shall notify the appropriate officials in the licensing
8 jurisdiction of the suspension or postponement. **】** (Deleted by
9 amendment, P.L. , c.) (pending before the Legislature as this
10 bill)¹

11 c. ¹**【**In addition to the general **】** penalties prescribed

12 **【**for a disorderly persons offense **】** under this section, the court may

13 require any person who violates **【**this act **】** paragraph (1) of
14 subsection a. of this section for possession or consumption of an
15 alcoholic beverage to participate in an alcohol or drug abuse
16 education or treatment program, authorized by the Division of
17 Mental Health and Addiction Services in the Department of Human
18 Services, for a period not to exceed **【**the maximum period of
19 confinement prescribed by law for the offense for which the
20 individual has been convicted **】** 30 days. **】** (Deleted by amendment,
21 P.L. , c.) (pending before the Legislature as this bill)¹

22 d. Nothing in this act shall apply to possession of alcoholic
23 beverages by any such person while actually engaged in the
24 performance of employment pursuant to an employment permit
25 issued by the Director of the Division of Alcoholic Beverage
26 Control, or for a bona fide hotel or restaurant, in accordance with
27 the provisions of R.S.33:1-26, or while actively engaged in the
28 preparation of food while enrolled in a culinary arts or hotel
29 management program at a county vocational school or post-
30 secondary educational institution; and nothing in this section shall
31 apply to possession of cannabis items by any such person while
32 actually engaged in the performance of employment by a cannabis
33 establishment, distributor, or delivery service as permitted pursuant
34 to the “New Jersey Cannabis Regulatory, Enforcement Assistance,
35 and Marketplace Modernization Act,” P.L. , c. (C.) (passed
36 both Houses on December 17, 2020 as Second Reprint of Assembly
37 Bill No. 21).

38 e. ¹**【**The Except as otherwise provided in this section, the¹
39 provisions of section 3 of P.L.1991, c.169 (C.33:1-81.1a) shall
40 apply to a parent, guardian or other person with legal custody of a
41 person under 18 years of age who is found to be in violation of this
42 section.

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

45 (1) one of the underage persons called 9-1-1 and reported that
46 another underage person was in need of medical assistance due to

1 alcohol consumption , or the consumption of marijuana, hashish, or
2 a cannabis item;

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

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

9 (4) the underage person and, if applicable, one or two other
10 persons acting in concert with the underage person who made the 9-
11 1-1 call remained on the scene with the person under the legal age
12 in need of medical assistance until assistance arrived and
13 cooperated with medical assistance and law enforcement personnel
14 on the scene.

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

17 g. For purposes of this section, an alcoholic beverage includes
18 powdered alcohol as defined by R.S.33:1-1, **[and]** a cannabis item
19 includes any item available for lawful consumption pursuant to the
20 “New Jersey Cannabis Regulatory, Enforcement Assistance, and
21 Marketplace Modernization Act,” P.L. , c. (C.) (passed both
22 Houses on December 17, 2020 as Second Reprint of Assembly Bill
23 No. 21), and the terms “marijuana” and “hashish” have the same
24 meaning as set forth in N.J.S.2C:35-2 ¹, and the terms “drug
25 paraphernalia” and “cannabis paraphernalia” have the same
26 meaning as set forth in N.J.S.2C:36-1 and section 3 of P.L. ,
27 c. (C.) (passed both Houses on December 17, 2020 as Second
28 Reprint of Assembly Bill No. 21), respectively¹ .
29 (cf: P.L.2021, c. , s.73)

30

31 ¹[3. N.J.S.2C:35-5 is amended to read as follows:

32 2C:35-5. Manufacturing, Distributing or Dispensing. a. Except
33 as authorized by P.L.1970, c.226 (C.24:21-1 et seq.), it shall be
34 unlawful for any person knowingly or purposely:

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

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

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

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

1 methylenedioxyamphetamine, in a quantity of five ounces or more
2 including any adulterants or dilutants is guilty of a crime of the first
3 degree. The defendant shall, except as provided in N.J.S.2C:35-12,
4 be sentenced to a term of imprisonment by the court. The term of
5 imprisonment shall include the imposition of a minimum term
6 which shall be fixed at, or between, one-third and one-half of the
7 sentence imposed, during which the defendant shall be ineligible for
8 parole. Notwithstanding the provisions of subsection a. of
9 N.J.S.2C:43-3, a fine of up to \$500,000 may be imposed;

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

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

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

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

30 (6) Lysergic acid diethylamide, or its analog, in a quantity of
31 100 milligrams or more including any adulterants or dilutants, or
32 phencyclidine, or its analog, in a quantity of 10 grams or more
33 including any adulterants or dilutants, is guilty of a crime of the
34 first degree. Except as provided in N.J.S.2C:35-12, the court shall
35 impose a term of imprisonment which shall include the imposition
36 of a minimum term, fixed at, or between, one-third and one-half of
37 the sentence imposed by the court, during which the defendant shall
38 be ineligible for parole. Notwithstanding the provisions of
39 subsection a. of N.J.S.2C:43-3, a fine of up to \$500,000 may be
40 imposed;

41 (7) Lysergic acid diethylamide, or its analog, in a quantity of
42 less than 100 milligrams including any adulterants or dilutants, or
43 where the amount is undetermined, or phencyclidine, or its analog,
44 in a quantity of less than 10 grams including any adulterants or
45 dilutants, or where the amount is undetermined, is guilty of a crime
46 of the second degree;

47 (8) Methamphetamine, or its analog, or phenyl-2-propanone
48 (P2P), in a quantity of five ounces or more including any

1 adulterants or dilutants is guilty of a crime of the first degree.
2 Notwithstanding the provisions of subsection a. of N.J.S.2C:43-3, a
3 fine of up to \$300,000 may be imposed;

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

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

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

19 (b) Marijuana in a quantity of five pounds or more but less than
20 25 pounds including any adulterants or dilutants, or 10 or more but
21 fewer than 50 marijuana plants, regardless of weight, or hashish in a
22 quantity of one pound or more but less than five pounds, including
23 any adulterants and dilutants, is guilty of a crime of the second
24 degree;

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

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

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

1 (b) On and after the effective date of P.L. , c. (C.)
2 (passed both Houses on December 17, 2020 as Second Reprint of
3 Assembly Bill No. 21), marijuana in a quantity of one ounce or less
4 including any adulterants or dilutants, or hashish in a quantity of
5 five grams or less including any adulterants or dilutants, is, for a
6 first offense, subject to a **【written】** point-of-violation warning, as
7 defined in section 1 of P.L.1979, c.264 (C.2C:33-15), which also
8 **【indicates】** includes a written indication that any subsequent
9 violation is a crime punishable by a term of imprisonment, a fine, or
10 both, and for a second or subsequent offense, is guilty of a crime of
11 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) Point-of-violation warnings conducted pursuant
38 subparagraph (b) of paragraph (12) of subsection b. of this section
39 shall be reported to the Attorney General in the same manner as
40 actions referred to as curbside adjustments pursuant to Attorney
41 General Law Enforcement Directive No. 2020-12, and this
42 reporting may also include information for use in determining
43 whether a person who violates this subparagraph had previously
44 been subjected to a point-of-violation warning for a prior violation
45 of this subparagraph, provided that the information may be used for
46 that purpose only and shall not be included in the statistical
47 reporting compiled and made available by the Attorney General in
48 accordance with section 3 of P.L. , c. (C.) (pending before

1 the Legislature as this bill) and pursuant to Attorney General Law
2 Enforcement Directive No. 2020-12.

3 (iv) All local and county law enforcement authorities shall,
4 following the submission process used for the uniform crime
5 reporting system established by P.L.1966, c.37 (C.52:17B-
6 5.1 et seq.), submit a quarterly report to the Uniform Crime
7 Reporting Unit, within the Division of State Police in the
8 Department of Law and Public Safety, or to another designated
9 recipient determined by the Attorney General, containing the
10 number of second or subsequent violations of subparagraph (b) of
11 paragraph (12) of this subsection committed within their respective
12 jurisdictions, plus the race, ethnicity, gender, and age of each
13 person committing a violation, and the disposition of each person's
14 violation. These violations and associated information, along with
15 a quarterly summary of violations investigated, and associated
16 information collected, by the Division of State Police for the same
17 period shall be summarized by county and municipality in an annual
18 report, and both quarterly summaries and annual reports shall be
19 made available at no cost to the public on the Division of State
20 Police's Internet website;

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

26 (14) Any Schedule V substance, or its analog, is guilty of a
27 crime of the fourth degree except that, notwithstanding the
28 provisions of subsection b. of N.J.S.2C:43-3, a fine of up to
29 \$25,000 may be imposed.

30 c. Where the degree of the offense for violation of this section
31 depends on the quantity of the substance, the quantity involved
32 shall be determined by the trier of fact, other than with respect to a
33 first violation of subparagraph (b) of paragraph (12) of subsection
34 b. of this section which is subject to a written point-of-violation
35 warning as set forth in that subparagraph. Where the indictment or
36 accusation so provides, the quantity involved in individual acts of
37 manufacturing, distribution, dispensing or possessing with intent to
38 distribute may be aggregated in determining the grade of the
39 offense, whether distribution or dispensing is to the same person or
40 several persons, provided that each individual act of manufacturing,
41 distribution, dispensing or possession with intent to distribute was
42 committed within the applicable statute of limitations.

43 (cf: P.L.2021, c. , s.55)】¹

44
45 ¹3. (New section) A law enforcement officer, when responding
46 to a call for service or upon the initiation of any other law
47 enforcement or investigative encounter related to a violation or
48 suspected violation of paragraph (1) of subsection a. of section 1 of

1 P.L.1979, c.264 (C.2C:33-15), concerning the possession or
2 consumption of alcoholic beverages, marijuana, hashish, or any
3 cannabis item by a person under the legal age to purchase alcoholic
4 beverages or cannabis items, shall be guilty of a crime of official
5 deprivation of civil rights as defined in section 2 of P.L.2003, c.31
6 (C.2C:30-6) if that officer knowingly violates the provisions of
7 subsection a. of section 1 of P.L.1979, c.264 (C.2C:33-15) that
8 address law enforcement actions involving persons who are under
9 the legal age to purchase alcoholic beverages or cannabis items by
10 requesting that a person consent to a search who is not capable of
11 giving lawful consent or searching a person after wrongfully
12 obtaining that person's consent, initiating an investigatory stop
13 without reasonable articulable suspicion, initiating a search without
14 probable cause, issuing a warning or write-up without a proper basis
15 that a person committed a violation, or detaining or taking into
16 custody a person in a manner or for a longer period beyond the
17 extent required to issue a warning or write-up, or arresting a person
18 for a possession or consumption violation of paragraph (1) of
19 subsection a. of section 1 of P.L.1979, c.264 (C.2C:33-15), or if that
20 officer knowingly engages in any other unlawful act, as described in
21 subsection e. of section 2 of P.L.2003, c.31 (C.2C:30-6), against the
22 person arising out of the call for service or initiation of any other
23 law enforcement or investigative encounter, including but not
24 limited to the unjustified use of force in violation of N.J.S.2C:3-7.
25 A violation set forth in this section shall not require that the law
26 enforcement officer have acted with the purpose to intimidate or
27 discriminate against a person or group of persons because of race,
28 color, religion, gender, handicap, sexual orientation or ethnicity. A
29 violation of this section shall be graded in the same manner as set
30 forth in section 2 of P.L.2003, c.21 (C.2C:30-6) for other crimes of
31 official deprivation of civil rights.¹

32
33 4. (New section) a. (1) The Attorney General shall biannually
34 issue a comprehensive report detailing the ¹number of occurrences
35 and other¹ statistics ¹[for] , without revealing or including any
36 personal identifying information, concerning first, second, third and
37 subsequent violations of paragraph (1) of subsection a. of section 1
38 of P.L.1979, c.264 (C.2C:33-15) involving the possession or
39 consumption of any alcoholic beverage, marijuana, hashish, or
40 cannabis items by persons under the legal age to purchase alcoholic
41 beverages or cannabis items, the municipal, county or other
42 geographic areas within which first, second, third and subsequent
43 violations occur, and the law enforcement agencies involved in
44 first, second, third and subsequent violations, covering¹ the
45 previous six-month period ¹[on all point-of-violation warnings and
46 juvenile interventions conducted pursuant section 1 of P.L.1979,
47 c.264 (C.2C:33-15) for violations of that section involving underage

1 possession or consumption of marijuana, hashish, or cannabis items,
2 which were compiled and made available in accordance with that
3 section and pursuant to Attorney General Law Enforcement
4 Directive No. 2020-12¹. The initial report shall be issued by June
5 30, 2021, ¹the second report shall be issued by January 30, 2022,¹
6 and ¹then the next report issued¹ every six months thereafter. Each
7 report shall also be submitted to the Governor and the Legislature
8 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1).

9 ¹(2) The Attorney General shall also make reports available to
10 the task force established pursuant to subsection b. of this section
11 based on the Attorney General's periodic review of body worn
12 camera recordings of law enforcement officers responding to a call
13 for service related to a violation or suspected violation of paragraph
14 (1) of subsection a. of section 1 of P.L.1979, c.264 (C.2C:33-15), or
15 at the initiation of any other law enforcement or investigative
16 encounter between an officer and a person related to a violation or
17 suspected violation of that paragraph, which recordings are required
18 to be made in accordance with paragraph (4) of subsection a. of
19 section 1 of P.L.1979, c.264 (C.2C:33-15). The periodic review
20 shall be conducted using body worn camera recordings both
21 selected by the Attorney General and randomly determined, and the
22 task force may request an Attorney General review a particular
23 municipality, region, or time period. The identity of any person
24 included in a recording reviewed by the Attorney General shall be
25 kept confidential and shall not be revealed to the members of the
26 task force or any staff provided to the task force by the Department
27 of Law and Public Safety pursuant to paragraph (6) of subsection b.
28 of this section to support its work.¹

29 b. (1) A taskforce shall be established in the Department of
30 Law and Public Safety, comprised of 26 members to review each
31 ¹Attorney General¹ report ¹described in subsection a. of this
32 section¹, and make recommendations thereon to the Governor and
33 Legislature related to law enforcement activities to address the
34 enforcement of underage possession or consumption of ¹alcoholic
35 beverages,¹ marijuana, hashish, or cannabis items in violation of
36 section 1 of P.L.1979, c.264 (C.2C:33-15), as well as the broader
37 issue of underage possession or consumption of these substances.

38 (2) The membership of the taskforce shall include the following
39 individuals:

- 40 (a) the Attorney General, or a designee;
- 41 (b) the Public Defender, or a designee;
- 42 (c) the Commissioner of the Department of Children and
43 Families, or a designee;
- 44 (d) the Commissioner of Education, or a designee;
- 45 (e) a representative from the Juvenile Justice Commission,
46 appointed by the Governor;

- 1 (f) a representative from the Division of Criminal Justice in the
2 Department of Law and Public Safety, appointed by the Governor;
- 3 (g) the Chair of the Governor's Juvenile Justice Delinquency and
4 Prevention Committee;
- 5 (h) two members appointed by the Governor upon the
6 recommendation of the President of the Senate ¹, at least one of
7 whom shall be a member of the Legislative Black Caucus or
8 Legislative Latino Caucus, determined in coordination with the
9 members recommended by the Speaker of the General Assembly
10 pursuant to subparagraph (i) of this paragraph, so that there is at
11 least one member of each caucus serving as a member of the task
12 force¹;
- 13 (i) two members appointed by the Governor upon the
14 recommendation of the Speaker of the General Assembly ¹, at least
15 one of whom shall be a member of the Legislative Black Caucus or
16 Legislative Latino Caucus, determined in coordination with the
17 members recommended by the Senate President pursuant to
18 subparagraph (h) of this paragraph, so that there is at least one
19 member of each caucus serving as a member of the task force¹;
- 20 (j) ¹**【**a Judge of the Superior Court, who is currently assigned to
21 the Chancery Division, Family Part for juvenile delinquency
22 matters, to be chosen by **】**¹ the Administrative Director of the Courts
23 ¹, or a designee¹;
- 24 (k) a representative from the New Jersey Institute for Social
25 Justice, appointed by the Governor;
- 26 (l) a representative from the American Civil Liberties Union of
27 New Jersey, appointed by the Governor;
- 28 (m) a representative from the County Prosecutors Association of
29 New Jersey who is actively and presently involved in juvenile
30 matters, appointed by the Governor;
- 31 (n) a representative from the New Jersey Juvenile Officers
32 Association, appointed by the Governor;
- 33 (o) one representative each from the Annie E. Casey Foundation
34 and Vera Institute of Justice, both appointed by the Governor;
- 35 (p) a representative of the NAACP New Jersey State Conference,
36 appointed by the Governor;
- 37 (q) a representative of Salvation and Social Justice, appointed by
38 the Governor;
- 39 (r) a representative from the County Youth Services
40 Commission Administrators, appointed by the Governor;
- 41 (s) a representative from the faith-based ethical community in
42 New Jersey, appointed by the Governor;
- 43 (t) a representative of an employee organization representing
44 employees who work at juvenile justice facilities, appointed by the
45 Governor; and
- 46 (u) three representatives who have been involved with the New
47 Jersey juvenile justice system, appointed by the Governor,

1 including at least one representative of a non-profit organization
2 that deals with juvenile justice issues and at least one individual
3 who has been subject to the custody of the juvenile justice system.

4 (3) All members appointed by the Governor ¹, other than the
5 members of the Legislature recommended for appointment,¹ shall
6 serve at the pleasure of the Governor. ¹The members of the
7 Legislature shall serve on the task force during their elective term
8 of office.¹ Any vacancies in the membership of the task force shall
9 be filled in the same manner as the original appointments were
10 made.

11 (4) Members of the task force shall serve without compensation,
12 but shall be reimbursed for necessary expenditures incurred in the
13 performance of their duties as members of the task force within the
14 limits of funds appropriated or otherwise made available to the task
15 force for its purposes.

16 (5) The task force shall organize as soon as practicable
17 following the appointment of its members. The task force shall
18 choose a chairperson from among its members and shall appoint a
19 secretary who need not be a member of the task force.

20 (6) The Department of Law and Public Safety shall provide such
21 stenographic, clerical, and other administrative assistants, and such
22 professional staff as the task force requires to carry out its work.

23
24 ¹5. Section 41 of P.L. , c. (C.) (passed both Houses of
25 the Legislature on December 17, 2020 as Second Reprint of
26 Assembly Bill No. 21) is amended to read as follows:

27 41. Cannabis Regulatory, Enforcement Assistance, and
28 Marketplace Modernization Fund.

29 a. All fees and penalties collected by the commission, and all
30 tax revenues on retail sales of cannabis items, and all tax revenues
31 collected pursuant to the provisions of the “Jake Honig
32 Compassionate Use Medical Cannabis Act,” P.L.2009, c.307
33 (C.24:6I-1 et al.), except for amounts credited to the Property Tax
34 Reform Account in the Property Tax Relief Fund pursuant to
35 paragraph 7 of Section I of Article VIII of the New Jersey
36 Constitution, as well as all revenues, if any, collected for the Social
37 Equity Excise Fee pursuant to section 39 of P.L. , c. (C.)
38 (passed both Houses of the Legislature on December 17, 2020 as
39 Second Reprint of Assembly Bill No. 21), shall be deposited in a
40 special nonlapsing fund which shall be known as the “Cannabis
41 Regulatory, Enforcement Assistance, and Marketplace
42 Modernization Fund [.] ,” with 15 percent of the monies deposited
43 being placed into an account within the fund to be known as the
44 “Underage Deterrence and Prevention Account.”

45 b. Monies in the fund, other than any monies derived from the
46 Social Equity Excise Fee to be appropriated annually in accordance
47 with subsection d. of this section and the monies placed into the

1 “Underage Deterrence and Prevention Account” within the fund for
2 the commission to fund programs and services in accordance with
3 subsection e. of this section, shall be appropriated annually as
4 follows:

5 (1) at least 70 percent of all tax revenues on retail sales of
6 cannabis items shall be appropriated for investments, including
7 through grants, loans, reimbursements of expenses, and other
8 financial assistance, in municipalities defined as an “impact zone”
9 pursuant to section 3 of P.L. , c. (C.) (passed both Houses
10 of the Legislature on December 17, 2020 as Second Reprint of
11 Assembly Bill No. 21), as well as provide direct financial assistance
12 to qualifying persons residing therein as recommended by the
13 commission; and

14 (2) the remainder of the monies in the fund shall be appropriated
15 by the Legislature to include the following:

16 (a) to oversee the development, regulation, and enforcement of
17 activities associated with the personal use of cannabis pursuant to
18 P.L. , c. (C.) (passed both Houses of the Legislature on
19 December 17, 2020 as Second Reprint of Assembly Bill No. 21),
20 and assist with assuming responsibility from the Department of
21 Health for the further development and expansion, regulation, and
22 enforcement of activities associated with the medical use of
23 cannabis 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.);

26 (b) to reimburse the expenses incurred by any county or
27 municipality for the training costs associated with the attendance
28 and participation of a police officer from its law enforcement unit,
29 as those terms are defined in section 2 of P.L.1961, c.56 (C.52:17B-
30 67), in a program provided by an approved school, also defined in
31 that section, which trains and certifies the police officer, including a
32 police officer with a working dog as that term is defined in section
33 1 of P.L.2006, c.88 (C.10:5-29.7), as a Drug Recognition Expert for
34 detecting, identifying, and apprehending drug-impaired motor
35 vehicle operators, and pay for the same training costs incurred by
36 the Division of State Police in the Department of Law and Public
37 Safety for the training of a State police officer or trooper, including
38 an officer or trooper with a working dog, as a Drug Recognition
39 Expert, as well as its costs in furnishing additional program
40 instructors to provide Drug Recognition Expert training to police
41 officers, troopers, and working dogs. A municipality or county
42 seeking reimbursement shall apply to the commission, itemizing the
43 costs, with appropriate proofs, for which reimbursement is
44 requested and provide a copy of the certificate issued to the police
45 officer to indicate the successful completion of the program by the
46 police officer, and that officer’s working dog, if applicable; and

47 (c) for further investments, including through grants, loans,
48 reimbursements of expenses, and other financial assistance, in

1 municipalities defined as an “impact zone” pursuant to section 3 of
2 P.L. , c. (C.) (passed both Houses of the Legislature on
3 December 17, 2020 as Second Reprint of Assembly Bill No. 21), as
4 well as provide direct financial assistance to qualifying persons
5 residing therein as recommended by the commission.

6 The monies appropriated pursuant to paragraph (1) of this
7 subsection shall be offset by any revenue constitutionally dedicated
8 to municipalities defined as an “impact zone” pursuant to section 3
9 of P.L. , c. (C.) (passed both Houses of the Legislature on
10 December 17, 2020 as Second Reprint of Assembly Bill No. 21).

11 c. Any remaining available monies, after the appropriation of
12 those monies in the fund in accordance with subsection b. of this
13 section, shall be deposited in the State’s General Fund.

14 d. (1) (a) Not less than 60 days prior to the first day of each
15 State fiscal year, the commission shall consult and make
16 recommendations to the Governor and Legislature for making social
17 equity appropriations based upon the amount of any revenues
18 collected during the current fiscal year for the Social Equity Excise
19 Fee pursuant to section 39 of P.L. , c. (C.) (passed both
20 Houses of the Legislature on December 17, 2020 as Second Reprint
21 of Assembly Bill No. 21), or, if the commission has not imposed or
22 adjusted the excise fee in the current fiscal year pursuant to that
23 section, then appropriations to be made from the General Fund in an
24 amount equal to the revenues that would have been collected had it
25 imposed or adjusted the fee, in order to invest, through grants,
26 loans, reimbursements of expenses, and other financial assistance,
27 in private for-profit and non-profit organizations, public entities,
28 including any municipality defined as an “impact zone” pursuant to
29 section 3 of P.L. , c. (C.) (passed both Houses of the
30 Legislature on December 17, 2020 as Second Reprint of Assembly
31 Bill No. 21), as well as provide direct financial assistance to
32 qualifying persons as determined by the commission, in order to
33 create, expand, or promote educational and economic opportunities
34 and activities, and the health and well-being of both communities
35 and individuals.

36 (b) Not less than 30 days prior to submitting its
37 recommendations to the Governor and Legislature pursuant to
38 subparagraph (a) of this paragraph, the commission shall hold at
39 least three regional public hearing throughout the State, with at least
40 one hearing in the northern, central, and southern regions of the
41 State, to solicit the public input on the social equity investments to
42 be made as described in this section.

43 (2) The commission’s recommendations to the Governor and
44 Legislature may include, but are not limited to, recommending
45 investments in the following categories of social equity programs:

46 (a) educational support, including literacy programs, extended
47 learning time programs that endeavor to close the achievement gap
48 and provide services for enrolled students after the traditional

1 school day, GED application and preparedness assistance, tutoring
2 programs, vocational programming, and financial literacy;

3 (b) economic development, including the encouragement and
4 support of community activities so as to stimulate economic activity
5 or increase or preserve residential amenities, and business
6 marketing, and job skills and readiness training, specific
7 employment training, and apprenticeships;

8 (c) social support services, including food assistance, mental
9 health services, substance use disorders treatment and recovery,
10 youth recreation and mentoring services, life skills support services,
11 and reentry and other rehabilitative services for adults and juveniles
12 being released from incarceration; and

13 (d) legal aid for civil and criminal cases, regardless of a party's
14 citizenship or immigration status.

15 (3) The commission may also, subject to the annual
16 appropriations act, recommend that it retain a portion of the Social
17 Equity Excise Fee to administer startup grants, low-interest loans,
18 application fee assistance, and job training programs through the
19 commission's Office of Minority, Disabled Veterans and Women
20 Cannabis Business Development established by section 32 of
21 P.L.2019, c.153 (24:6I-25).

22 (4) Prior to the first day of each fiscal year, the Legislature shall
23 provide to the commission a statement which lists the investments,
24 including the investment recipients and investment amount, to be
25 made by appropriations as set forth in paragraph (1) of this
26 subsection based upon recommendations presented to the Governor
27 and Legislature pursuant to paragraphs (1) through (3) of this
28 subsection, and how the investment is intended to support and
29 advance social equity as described in this subsection.

30 e. The monies deposited in the "Underage Deterrence and
31 Prevention Account" within the fund shall be used by the
32 commission, based on the acceptance of applications submitted on a
33 form and through an approval or denial process promulgated by the
34 commission, to fund private for-profit and non-profit organizations,
35 and county and municipal programs and services that offer social
36 services, educational, recreational, and employment opportunities,
37 and local economic development designed to encourage, improve,
38 and support youthful community activities to divert and prevent
39 persons under 18 years of age from activities associated with the
40 consumption of cannabis items, or marijuana or hashish.¹

41 (cf: P.L.2021, c. , s.41)

42
43 ¹6. (New section) a. A person who is not otherwise subject to
44 the penalty provisions for a licensed cannabis establishment,
45 distributor, or delivery service, or agent or employee thereof, for
46 selling or otherwise providing a cannabis item to a person under 21
47 years of age as set forth in section 64 of P.L. , c. (C.)
48 (passed both Houses of the Legislature on December 17, 2020 as

1 Second Reprint of Assembly Bill No. 21), shall not, either directly
2 or indirectly by an agent or employee, sell, offer for sale, distribute
3 for commercial purpose or otherwise at no cost or minimal cost or
4 with coupons or rebate offers, give, or furnish, any cannabis item as
5 defined in section 3 of P.L. , c. (C.) (passed both Houses of
6 the Legislature on December 17, 2020 as Second Reprint of
7 Assembly Bill No. 21) to a person under 21 years of age.

8 b. A person who violates the provisions of subsection a. of this
9 section who actually sells or otherwise provides a cannabis item to
10 a person under 21 years of age, shall be liable to a civil penalty of
11 not less than \$250 for the first violation, not less than \$500 for the
12 second violation, and shall be guilty of a petty disorderly persons
13 offense for the third and each subsequent violation. The civil
14 penalty shall be collected pursuant to the "Penalty Enforcement
15 Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.), in a summary
16 proceeding before the municipal court having jurisdiction. An
17 official authorized by the Cannabis Regulatory Commission
18 established pursuant to section 31 of P.L.2019, c.153 (C.24:6I-24),
19 or authorized by statute or ordinance to enforce the State or local
20 health codes or a law enforcement officer having enforcement
21 authority in that municipality may issue a summons for a violation
22 of the provisions of subsection a. of this section, and, with respect
23 to a civil penalty, may serve and execute all process with respect to
24 the enforcement of this section consistent with the Rules of Court.
25 A civil penalty recovered under the provisions of this subsection
26 shall be recovered by and in the name of the State by the local
27 health agency. The penalty shall be paid into the treasury of the
28 municipality in which the violation occurred for the general uses of
29 the municipality.

30 c. The establishment of all of the following shall constitute a
31 defense to any action brought pursuant to subsection a. of this
32 section:

33 (1) that the purchaser or the recipient of the cannabis item
34 falsely represented, by producing a driver's license or non-driver
35 identification card issued by the New Jersey Motor Vehicle
36 Commission, a similar card issued pursuant to the laws of another
37 state or the federal government of Canada, a photographic
38 identification card issued by a county clerk, or other form of
39 government-issued identification described in subparagraph (a) of
40 paragraph (6) of subsection a. of section 18 of P.L. , c. (C.)
41 (passed both Houses of the Legislature on December 17, 2020 as
42 Second Reprint of Assembly Bill No. 21), that the purchaser or
43 recipient was of legal age to make the purchase or receive the
44 cannabis item;

45 (2) that the appearance of the purchaser or recipient was such
46 that an ordinary prudent person would believe the purchaser or
47 recipient to be of legal age to make the purchase or receive the
48 cannabis item; and

1 (3) that the sale or distribution was made in good faith, relying
2 upon the production of the identification set forth in paragraph (1)
3 of this subsection, the appearance of the purchaser or recipient, and
4 in the reasonable belief that the purchaser or recipient was of legal
5 age to make the purchase or receive the sample.

6 d. A civil penalty imposed pursuant to this section shall be in
7 addition to any penalty that may be imposed pursuant to section 3
8 of P.L.1999, c.90 (C.2C:33-13.1).¹

9
10 ^{17.} (New Section) The Cannabis Regulatory Commission
11 established pursuant to section 31 of P.L.2019, c.153 (C.24:6I-24)
12 and the Commissioner of Health are authorized to coordinate and
13 enforce the provisions of section 6 of P.L. , c. (C.) (pending
14 before the Legislature as this bill) with respect to the prohibition on
15 the sale or distribution of cannabis items, as defined in section 3 of
16 P.L. , c. (C.) (passed both Houses of the Legislature on
17 December 17, 2020 as Second Reprint of Assembly Bill No. 21), to
18 persons under 21 years of age. The commission, or commissioner,
19 or both, may delegate the enforcement authority provided in this
20 section to local health agencies, subject to the availability of
21 sufficient funding. The commission, in consultation with the
22 commissioner, shall report on the enforcement program's progress,
23 results of enforcement efforts, and other matters the commission
24 deems appropriate in the commission's annual report on personal
25 use cannabis activities that is prepared pursuant to paragraph (3) of
26 subsection a. of section 14 of P.L.2009, c.307 (C.24:6I-12).¹

27
28 ^{18.} The title of P.L.1995, c.304 is amended to read as follows:
29 **AN ACT** concerning penalties for the sale and distribution of
30 **【tobacco】** certain regulated products to persons under the age of
31 **【18】** 21 years, amending N.J.S.2A:170-51 and P.L.1987, c.423,
32 and supplementing chapter 170 of Title 2A of the New Jersey
33 Statutes.¹

34 (cf: P.L.1995, c.304, title)

35
36 ^{19.} Section 3 of P.L.1995, c.304 (C.2A:170-51.1) is amended to
37 read as follows:

38 3. A person 21 years of age or older who purchases a tobacco
39 product or cannabis item as defined section 3 of P.L. ,
40 c. (C.) (passed both Houses of the Legislature on December
41 17, 2020 as Second Reprint of Assembly Bill No. 21) for a person
42 who is under 21 years of age is a petty disorderly person.¹

43 (cf: P.L.2017, c.118, s.1)

44
45 ^{10.} Section 3 of P.L.1999, c.90 (C.2C:33-13.1) is amended to
46 read as follows:

1 3. a. A person who sells or gives to a person under 21 years of
2 age any cigarettes made of tobacco or of any other matter or
3 substance which can be smoked, or any cigarette paper or tobacco
4 in any form, including smokeless tobacco, or any electronic
5 smoking device that can be used to deliver nicotine or other
6 substances to the person inhaling from the device, including, but not
7 limited to, an electronic cigarette, cigar, cigarillo, or pipe, or any
8 cartridge or other component of the device or related product, or
9 any cannabis item as defined in section 3 of P.L. , c. (C.)
10 (passed both Houses of the Legislature on December 17, 2020 as
11 Second Reprint of Assembly Bill No. 21), including an employee of
12 a retail dealer licensee under P.L.1948, c.65 (C.54:40A-1 et seq.) or
13 employee of a licensed cannabis establishment, cannabis distributor,
14 or cannabis delivery service under P.L. , c. (C.) (passed
15 both Houses of the Legislature on December 17, 2020 as Second
16 Reprint of Assembly Bill No. 21), who actually sells or otherwise
17 provides a tobacco product **【or】** , electronic smoking device , or
18 cannabis item to a person under 21 years of age, shall be punished
19 by a fine as provided for a petty disorderly persons offense. A
20 person who has been previously punished under this section and
21 who commits another offense under it may be punishable by a fine
22 of twice that provided for a petty disorderly persons offense.

23 b. The establishment of all of the following shall constitute a
24 defense to any prosecution brought pursuant to subsection a. of this
25 section:

26 (1) that the purchaser or recipient of the tobacco product **【or】** ,
27 electronic smoking device , or cannabis item falsely represented, by
28 producing **【either】** a driver's license or non-driver identification
29 card issued by the New Jersey Motor Vehicle Commission, a
30 similar card issued pursuant to the laws of another state or the
31 federal government of Canada, **【or】** a photographic identification
32 card issued by a county clerk, or other form of government-issued
33 identification described in subparagraph (a) of paragraph (6) of
34 subsection a. of section 18 of P.L. , c. (C.) (passed both
35 Houses of the Legislature on December 17, 2020 as Second Reprint
36 of Assembly Bill No. 21), that the purchaser or recipient was of
37 legal age to purchase or receive the tobacco product **【or】** ,
38 electronic smoking device, or cannabis item;

39 (2) that the appearance of the purchaser or recipient of the
40 tobacco product **【or】** , electronic smoking device , or cannabis item
41 was such that an ordinary prudent person would believe the
42 purchaser or recipient to be of legal age to purchase or receive the
43 tobacco product **【or】** , electronic smoking device , or cannabis
44 item; and

45 (3) that the sale or distribution of the tobacco product **【or】** ,
46 electronic smoking device , or cannabis item was made in good
47 faith, relying upon the production of the identification set forth in

1 paragraph (1) of this subsection, the appearance of the purchaser or
2 recipient, and in the reasonable belief that the purchaser or recipient
3 was of legal age to purchase or receive the tobacco product **[or]** ,
4 electronic smoking device , or cannabis item .

5 c. A penalty imposed pursuant to this section shall be in
6 addition to any penalty that may be imposed pursuant to section 1
7 of P.L.2000, c.87 (C.2A:170-51.4) concerning tobacco products or
8 electronic smoking devices, or section 64 of P.L. , c. (C.)
9 (passed both Houses of the Legislature on December 17, 2020 as
10 Second Reprint of Assembly Bill No. 21) or section 6 of
11 P.L. , c. (C.) (pending before the Legislature as this bill)
12 concerning cannabis items.¹

13 (cf: P.L.2017, c.118, s.3)

14

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

18 46. Personal Use of Cannabis Items.

19 Notwithstanding any other provision of law, the following acts
20 are not unlawful and shall not be an offense or a basis for seizure or
21 forfeiture of assets under N.J.S.2C:64-1 et seq. or other applicable
22 law for persons 21 years of age or older, provided the acts are
23 consistent with the relevant definitions set forth in section 3 of
24 P.L. , c. (C.) (passed both Houses of the Legislature on
25 December 17, 2020 as Second Reprint of Assembly Bill No. 21),
26 and when an act involves a cannabis item, it was first obtained
27 directly from a licensed cannabis retailer or delivered by a licensed
28 cannabis delivery service making delivery of a purchase order
29 fulfilled by that licensed cannabis retailer for off-premises delivery,
30 evidenced by it being in its original packaging or by a sales slip,
31 invoice, receipt, or other statement or memorandum:

32 a. Possessing, displaying, purchasing, or transporting: cannabis
33 paraphernalia; one ounce (28.35 grams) or less of useable cannabis;
34 the equivalent of one ounce (28.35 grams) or less of usable
35 cannabis as a cannabis product in solid, liquid, or concentrate form,
36 based upon an equivalency calculation for different product forms
37 set by the Cannabis Regulatory Commission, established pursuant
38 to section 31 of P.L.2019, c.153 (C.24:6I-24), in its regulations, and
39 for which the commission may utilize research conducted in other
40 states on the issue of product equivalency calculations when setting
41 this equivalency; or 5 grams (0.176 ounce) or less of cannabis resin.
42 Possessing, displaying, purchasing, or transporting at any one time
43 any amount of any cannabis items described herein in an amount
44 greater than as permitted pursuant to this subsection shall be
45 considered a violation of the “Comprehensive Drug Reform Act of
46 1987,” P.L.1987, c.106 (N.J.S.2C:35-1 et al.), and subject the
47 person to prosecution as if the person possessed, displayed,

1 purchased, or transported marijuana or hashish in violation of that
2 act;

3 b. Transferring without remuneration: one ounce (28.35 grams)
4 or less of useable cannabis; the equivalent of one ounce (28.35
5 grams) or less of usable cannabis as a cannabis product in solid,
6 liquid, or concentrate form, based upon the equivalency calculation
7 for different product forms set by the commission pursuant to
8 subsection a. of this section; or five grams (0.176 ounce) or less of
9 cannabis resin to a person who is of legal age for purchasing
10 cannabis items, provided that such transfer is for non-promotional,
11 non-business purposes. Transferring at any one time any amount of
12 any cannabis items described herein in an amount greater than as
13 permitted pursuant to this subsection **],** or to a person who is not of
14 legal age to purchase cannabis items,**]** shall be considered a
15 violation of the “Comprehensive Drug Reform Act of 1987,”
16 P.L.1987, c.106 (N.J.S.2C:35-1 et al.), and subject the person to
17 prosecution as if the person distributed marijuana or hashish in
18 violation of that act **], unless the transfer] .** Transferring to a
19 person who is not of legal age that was done by a cannabis
20 establishment, distributor, or delivery service licensed pursuant to
21 P.L. , c. (C.) (passed both Houses of the Legislature on
22 December 17, 2020 as Second Reprint of Assembly Bill No. 21), or
23 an employee or agent thereof, **[in which case it] or by any other**
24 **person,** is **[a civil violation and the] subject to a civil penalty or**
25 **other legal consequences as** set forth in subsection b. of section 64
26 of P.L. , c. (C.) (passed both Houses of the Legislature on
27 December 17, 2020 as Second Reprint of Assembly Bill No. 21)
28 **[shall apply] or section 6 of P.L. , c. (C.) (pending before**
29 **the Legislature as this bill), as applicable, and a fine as set forth in**
30 **section 3 of P.L.1999, c.90 (C.2C:33-13.1);**

31 c. Taking delivery of or consuming a lawfully possessed
32 cannabis item, provided that nothing in this section shall permit a
33 person to smoke, vape, or aerosolize any cannabis item in a public
34 place. This prohibition includes the smoking, vaping, or
35 aerosolizing of a cannabis item in any public place pursuant to law
36 that prohibits the smoking of tobacco, including N.J.S.2C:33-13 and
37 the “New Jersey Smoke-Free Air Act,” P.L.2005, c.383 (C.26:3D-
38 55 et seq.), and any indoor public place, as that term is defined in
39 section 3 of P.L.2005, c.383 (C.26:3D-57), or portion thereof, even
40 if the smoking of tobacco is otherwise permitted in that place or
41 portion thereof pursuant to the “New Jersey Smoke-Free Air Act”;
42 except that the smoking, vaping, or aerosolizing of a cannabis item
43 shall be permitted in a cannabis consumption area as set forth in
44 section 28 of P.L.2019, c.153 (C.24:6I-21), and may be permitted
45 by the person or entity that owns or controls a hotel, motel, or other
46 lodging establishment as defined in section 1 of P.L.1967, c.95
47 (C.29:4-5) in up to 20 percent of its guest rooms. The smoking,

1 vaping, or aerosolizing of a cannabis item may also be prohibited or
2 otherwise regulated in multifamily housing that is a multiple
3 dwelling as defined in section 3 of P.L.1967, c.76 (C.55:13A-3), as
4 decided by the person or entity that owns or controls the
5 multifamily housing, or prohibited or otherwise regulated in the
6 structure or specific units of the structure of a cooperative as
7 defined in section 3 of P.L.1987, c.381 (C.46:8D-3) by the
8 corporation or other legal entity that owns the structure, or
9 prohibited or otherwise regulated in the units of a condominium, as
10 those terms are defined by section 3 of P.L.1969, c.257 (C.46:8B-
11 3), if approved by the association for the condominium and a
12 majority of all of the condominium's unit owners, as those terms
13 are defined in that section. Except as otherwise provided by P.L. ,
14 c. (C.) (passed both Houses of the Legislature on December
15 17, 2020 as Second Reprint of Assembly Bill No. 21), any penalties
16 that may be assessed for the smoking of tobacco where prohibited
17 under the "New Jersey Smoke-Free Air Act" shall be applicable to
18 the smoking, vaping, or aerosolizing of cannabis items where
19 prohibited. Concerning the consumption of any cannabis item,
20 other than by smoking, vaping, or aerosolizing: a person or entity
21 that owns or controls a property, other than multifamily housing
22 that is a multiple dwelling as defined in section 3 of P.L.1967, c.76
23 (C.55:13A-3), the structure or specific units of the structure of a
24 cooperative as defined in section 3 of P.L.1987, c.381 (C.46:8D-3),
25 a unit of a condominium, as those terms are defined by section 3 of
26 P.L.1969, c.257 (C.46:8B-3), or a site in a mobile home park as
27 defined in section 3 of P.L.1983, c.386 (C.40:55D-102), which site
28 is leased to the owner of a manufactured home, as defined in that
29 section, that is installed thereon, may prohibit or otherwise regulate
30 the consumption of cannabis items on or in that property, including
31 a casino hotel facility as defined in section 19 of P.L.1977, c.110
32 (C.5:12-19) with respect to a hotel property, a casino as defined in
33 section 6 of P.L.1977, c.110 (C.5:12-6), or casino simulcasting
34 facility authorized pursuant to the "Casino Simulcasting Act,"
35 P.L.1992, c.19 (C.5:12-191 et al.); [and a municipality may enact
36 an ordinance making it an unlawful act for any person 21 years of
37 age or older to consume, other than by smoking, vaping, or
38 aerosolizing, any cannabis item in a public place, including any
39 indoor public place as that term is defined in section 3 of P.L.2005,
40 c.383 (C.26:3D-57), or portion thereof, and providing a civil
41 penalty for a violation in accordance with section 77 of P.L. ,
42 c. (C.) (passed both Houses of the Legislature on December
43 17, 2020 as Second Reprint of Assembly Bill No. 21);] and
44 d. Assisting another person to engage in any of the acts
45 described in subsections a. through c. of this section, provided that
46 the person being assisted is of legal age to purchase cannabis items
47 and the assistance being provided is without remuneration.¹
48 (cf: P.L.2021, c. , s.46)

1 ¹12. Section 64 of P.L. , c. (C.) (passed both Houses of
2 the Legislature on December 17, 2020 as Second Reprint of
3 Assembly Bill No. 21) is amended to read as follows:

4 64. Prohibition of Persons Under the Legal Age Purchasing
5 Cannabis or Cannabis Resin.

6 Consistent with the relevant definitions set forth in section 3 of
7 P.L. , c. (C.) (passed both Houses of the Legislature on
8 December 17, 2020 as Second Reprint of Assembly Bill No. 21):

9 a. A cannabis establishment licensee, cannabis distributor
10 licensee, or cannabis delivery service licensee, either directly or
11 indirectly by an agent or employee, shall not sell, offer for sale,
12 distribute for commercial purpose at no cost or minimal cost, or
13 give or furnish for consumption, any cannabis items to a person
14 under 21 years of age.

15 b. Any licensee or employee or agent of a licensee who
16 **[allows]** violates subsection a. of this section who sells or
17 otherwise provides a person under **[the age of]** 21 **[to procure]**
18 years of age cannabis items which, pursuant to section 46 of P.L. ,
19 c. (C.) (passed both Houses of the Legislature as Second
20 Reprint of Assembly Bill No. 21) are **[not unlawful]** lawful for
21 persons 21 years of age or older to procure for personal use, shall be
22 subject to a civil penalty of not less than \$250 for the first violation;
23 \$500 for the second violation; and **[\$1,000]** shall be guilty of a
24 petty disorderly persons offense for the third and each subsequent
25 violation; a civil penalty imposed pursuant to this subsection shall
26 be in addition **[subject]** to any penalty that may be imposed
27 pursuant to section 3 of P.L.1999, c.90 (C.2C:33-13.1). Subject to a
28 hearing, a licensee's license may also be revoked, suspended, or
29 otherwise limited. The civil penalties provided for in this subsection
30 shall be recovered by a summary proceeding pursuant to the
31 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10
32 et seq.).

33 c. The establishment of all of the following facts by a licensee,
34 employee, or agent, allowing any such person under **[the age of]** 21
35 years of age to procure cannabis items shall constitute a defense to
36 any violation of the provisions of subsection a. **[or b.]** of this
37 section:

38 (1) That the purchaser or recipient of the cannabis item falsely
39 represented that the purchaser or recipient was of legal age to make
40 the purchase or receive the cannabis item, by producing a driver's
41 license or non-driver identification card issued by the New Jersey
42 Motor Vehicle Commission, a similar card issued pursuant to the
43 laws of another state or the federal government of Canada, a
44 photographic identification card issued by a county clerk, or other
45 form of government-issued identification **[card as set forth]**
46 described in subparagraph (a) of paragraph (6) of subsection a. of
47 section 18 of P.L. , c. (C.) (passed both Houses of the

1 Legislature on December 17, 2020 as Second Reprint of Assembly
2 Bill No. 21), to determine the consumer's identity and age; **[and]**

3 (2) That the appearance of the purchaser or recipient was such
4 that an ordinary prudent person would believe the purchaser or
5 recipient to be of legal age to purchase or receive the cannabis item;
6 and

7 (3) That the sale or distribution was made in good faith, relying
8 upon the production of the identification set forth in paragraph (1)
9 of this subsection, the appearance of the purchaser or recipient, and
10 in the reasonable belief that the purchaser or recipient was actually
11 of legal age to make the purchase or receive the cannabis item.

12 d. **[It shall be unlawful for a]** A person under **[the age of]** 21
13 **[to]** years of age shall not purchase, acquire, or attempt to purchase
14 or acquire a cannabis item, even if the cannabis item may be legally
15 purchased by persons at or above the legal age for purchasing
16 cannabis items.

17 For purposes of this subsection, purchasing a cannabis item
18 includes accepting a cannabis item, and acquiring a cannabis item
19 includes consuming a cannabis item.

20 e. **[It shall be unlawful for a]** A person under **[the age of]** 21
21 **[to]** years of age shall not present or offer to a cannabis
22 establishment, distributor, or delivery service, or the cannabis
23 establishment's, distributor's, or delivery service's agent or
24 employee, any written or oral evidence of age or other personal
25 identifying information that is false, fraudulent, or not actually the
26 person's own, including the use of a driver's license or other
27 government-issued form of identification in violation of section 1 of
28 P.L.1983, c.565 (C.2C:21-2.1), N.J.S.2C:21-17, section 5 of
29 P.L.2003, c.184 (C.2C:21-17.2), or section 6 of P.L.1968, c.313
30 (C.33:1-81.7), for the purpose of:

31 (1) Purchasing, attempting to purchase, or otherwise procuring
32 or attempting to procure cannabis items; or

33 (2) Gaining access to a cannabis establishment's, distributor's,
34 or delivery service's premises.

35 f. Except as permitted by the commission by rule or regulation,
36 or as necessary on an emergency basis, a person under legal age for
37 purchasing cannabis items may not enter or attempt to enter any
38 portion of a licensed premises that is posted or otherwise identified
39 as being prohibited to the use of persons under legal age for
40 purchasing cannabis items, unless accompanied by and supervised
41 by a parent or legal guardian.

42 g. **[Any person under the legal age to purchase cannabis, who**
43 **knowingly possesses without legal authority or who knowingly**
44 **consumes any cannabis item, in any school, public conveyance,**
45 **public place, place of public assembly, or motor vehicle, shall be**
46 **guilty of an offense as set forth in section 1 of P.L.1979, c.264**
47 **(C.2C:33-15). Any person under the legal age to purchase**

1 cannabis, who knowingly possesses without legal authority or who
2 knowingly consumes, any cannabis item on private property shall
3 be guilty of a municipal violation as set forth in section 1 of
4 P.L.2000, c.33 (C.40:48-1.2).~~】 (Deleted by amendment, P.L. _____,~~
5 ~~c.) (pending before the Legislature as this bill)~~

6 h. The prohibitions of this section do not apply to a person
7 under the legal age for purchasing cannabis items who is acting
8 under the direction of the commission or under the direction of
9 State or local law enforcement agencies for the purpose of
10 investigating possible violations of the laws prohibiting the sale of
11 cannabis items to persons who are under the legal age for
12 purchasing cannabis items.

13 i. The prohibitions of this section do not apply to a person
14 under the legal age for purchasing cannabis items who is acting
15 under the direction of a licensee for the purpose of investigating
16 possible violations by employees of the licensee of laws prohibiting
17 sales of cannabis items to persons who are under the legal age for
18 purchasing cannabis items.¹

19 (cf: P.L.2021, c. _____, s.64)

20

21 ¹13. Section 1 of P.L.1983, c.565 (C.2C:21-2.1) is amended to
22 read as follows:

23 1. a. A person who knowingly sells, offers or exposes for sale,
24 or otherwise transfers, or possesses with the intent to sell, offer or
25 expose for sale, or otherwise transfer, a document, printed form or
26 other writing which falsely purports to be a driver's license, birth
27 certificate or other document issued by a governmental agency and
28 which could be used as a means of verifying a person's identity or
29 age or any other personal identifying information is guilty of a
30 crime of the second degree.

31 b. A person who knowingly makes, or possesses devices or
32 materials to make, a document or other writing which falsely
33 purports to be a driver's license, birth certificate or other document
34 issued by a governmental agency and which could be used as a
35 means of verifying a person's identity or age or any other personal
36 identifying information is guilty of a crime of the second degree.

37 c. A person who knowingly exhibits, displays or utters a
38 document or other writing which falsely purports to be a driver's
39 license, birth certificate or other document issued by a
40 governmental agency and which could be used as a means of
41 verifying a person's identity or age or any other personal identifying
42 information is guilty of a crime of the third degree. A violation of
43 N.J.S.2C:28-7, constituting a disorderly persons offense, section 1
44 of P.L.1979, c.264 (C.2C:33-15), section 64 of P.L. _____, c. (C. _____)
45 (passed both Houses of the Legislature on December 17, 2020 as
46 Second Reprint of Assembly Bill No. 21), R.S.33:1-81 or section 6
47 of P.L.1968, c.313 (C.33:1-81.7) in a case where the person uses the
48 personal identifying information of another to illegally purchase an

1 alcoholic beverage or for using the personal identifying information
2 of another to misrepresent the person's age for the purpose of
3 obtaining tobacco, cannabis item, or other consumer product denied
4 to persons under 21 years of age shall not **],** except as otherwise set
5 forth in this subsection, **]** constitute an offense under this subsection
6 if the actor received only that benefit or service and did not
7 perpetrate or attempt to perpetrate any additional injury or fraud on
8 another. **[**If a person used the personal identifying information of
9 another to misrepresent the person's age for the purpose of illegally
10 obtaining any cannabis item available for lawful consumption
11 pursuant to the "New Jersey Cannabis Regulatory, Enforcement
12 Assistance, and Marketplace Modernization Act," P.L. _____,
13 c. (C. _____) (passed both Houses of the Legislature as Second
14 Reprint of Assembly Bill No. 21), the person shall be subject to a
15 civil penalty of \$50. The civil penalty provided for in this
16 subsection shall be collected pursuant to the "Penalty Enforcement
17 Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.), in a summary
18 proceeding before the municipal court having jurisdiction. A civil
19 penalty recovered under the provisions of this subsection shall be
20 recovered by and in the name of the State by the local municipality.
21 The penalty shall be paid into the treasury of the municipality in
22 which the violation occurred for the general use of the
23 municipality.]

24 d. A person who knowingly possesses a document or other
25 writing which falsely purports to be a driver's license, birth
26 certificate or other document issued by a governmental agency and
27 which could be used as a means of verifying a person's identity or
28 age or any other personal identifying information is guilty of a
29 crime of the fourth degree. A violation of N.J.S.2C:28-7,
30 constituting a disorderly persons offense, section 1 of P.L.1979,
31 c.264 (C.2C:33-15), section 64 of P.L. _____, c. (C. _____) (passed both
32 Houses of the Legislature on December 17, 2020 as Second Reprint
33 of Assembly Bill No. 21), R.S.33:1-81 or section 6 of P.L.1968,
34 c.313 (C.33:1-81.7) in a case where the person uses the personal
35 identifying information of another to illegally purchase an alcoholic
36 beverage or for using the personal identifying information of
37 another to misrepresent his age for the purpose of obtaining
38 tobacco, any cannabis item, or other consumer product denied to
39 persons under 21 years of age shall not **],** except as otherwise set
40 forth in this subsection, **]** constitute an offense under this subsection
41 if the actor received only that benefit or service and did not
42 perpetrate or attempt to perpetrate any additional injury or fraud on
43 another. **[**If the personal identifying information of another is used
44 to obtain any cannabis item available for lawful consumption
45 pursuant to the "New Jersey Cannabis Regulatory, Enforcement
46 Assistance, and Marketplace Modernization Act," P.L. _____,
47 c. (C. _____) (passed both Houses of the Legislature as Second

1 Reprint of Assembly Bill No. 21), the person shall be subject to a
2 civil penalty of \$50. The penalty provided for in this subsection
3 shall be collected pursuant to the "Penalty Enforcement Law of
4 1999," P.L.1999, c.274 (C.2A:58-10 et seq.), in a summary
5 proceeding before the municipal court having jurisdiction. A
6 penalty recovered under the provisions of this subsection shall be
7 recovered by and in the name of the State by the local municipality.
8 The penalty shall be paid into the treasury of the municipality in
9 which the violation occurred for the general use of the
10 municipality.】

11 e. In addition to any other disposition authorized by this Title,
12 the provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43), or any
13 other statute indicating the dispositions that may be ordered for an
14 adjudication of delinquency, and, notwithstanding the provisions of
15 subsection c. of N.J.S.2C:43-2, every person convicted of, or
16 adjudicated delinquent or penalized for a violation of any offense
17 defined in this section shall forthwith forfeit his right to operate a
18 motor vehicle over the highways of this State for a period to be
19 fixed by the court at not less than six months or more than two
20 years which shall commence on the day the sentence is imposed. In
21 the case of any person who at the time of the imposition of the
22 sentence is less than 17 years of age, the period of the suspension of
23 driving privileges authorized herein, including a suspension of the
24 privilege of operating a motorized bicycle, shall commence on the
25 day the sentence is imposed and shall run for a period as fixed by
26 the court of not less than six months or more than two years after
27 the day the person reaches the age of 17 years. If the driving
28 privilege of any person is under revocation, suspension, or
29 postponement for a violation of any provision of this Title or Title
30 39 of the Revised Statutes at the time of any conviction or
31 adjudication of delinquency for a violation of any offense defined in
32 this chapter or chapter 36 of this Title, the revocation, suspension,
33 or postponement period imposed herein shall commence as of the
34 date of termination of the existing revocation, suspension or
35 postponement.

36 The court before whom any person is convicted of, or
37 adjudicated delinquent or penalized for a violation of any offense
38 defined in this section shall collect forthwith the New Jersey
39 driver's license or licenses of that person and forward the license or
40 licenses to the Chief Administrator of the New Jersey Motor
41 Vehicle Commission along with a report indicating the first and last
42 day of the suspension or postponement period imposed by the court
43 pursuant to this section. If the court is for any reason unable to
44 collect the license or licenses of the person, the court shall cause a
45 report of the conviction or adjudication of delinquency to be filed
46 with the director. The report shall include the complete name,
47 address, date of birth, eye color and sex of the person and shall
48 indicate the first and last day of the suspension or postponement

1 period imposed by the court pursuant to this section. The court
2 shall inform the person orally and in writing that if the person is
3 convicted of personally operating a motor vehicle during the period
4 of license suspension or postponement imposed pursuant to this
5 section, the person shall, upon conviction, be subject to the
6 penalties set forth in R.S.39:3-40. A person shall be required to
7 acknowledge receipt of the written notice in writing. Failure to
8 receive a written notice or failure to acknowledge in writing the
9 receipt of a written notice shall not be a defense to a subsequent
10 charge of a violation of R.S.39:3-40. If the person is the holder of a
11 driver's license from another jurisdiction, the court shall not collect
12 the license, but shall notify forthwith the director who shall notify
13 the appropriate officials in that licensing jurisdiction. The court
14 shall, however, in accordance with the provisions of this section,
15 revoke the person's non-resident driving privileges in this State.

16 In addition to any other condition imposed, a court, in its
17 discretion, may suspend, revoke or postpone the driving privileges
18 of a person admitted to supervisory treatment under N.J.S.2C:36A-1
19 or N.J.S.2C:43-12 without a plea of guilty or finding of guilt.¹
20 (cf: P.L.2021, c. , s.65)

21

22 ¹14. N.J.S.2C:21-17 is amended to read as follows:

23 2C:21-17. Impersonation; Theft of identity; crime.

24 a. A person is guilty of a crime if the person engages in one or
25 more of the following actions by any means including, but not
26 limited to, the use of electronic communications or an Internet
27 website:

28 (1) Impersonates another or assumes a false identity and does an
29 act in such assumed character or false identity for the purpose of
30 obtaining a benefit for himself or another or to injure or defraud
31 another;

32 (2) Pretends to be a representative of some person or
33 organization and does an act in such pretended capacity for the
34 purpose of obtaining a benefit for himself or another or to injure or
35 defraud another;

36 (3) Impersonates another, assumes a false identity or makes a
37 false or misleading statement regarding the identity of any person,
38 in an oral or written application for services, for the purpose of
39 obtaining services;

40 (4) Obtains any personal identifying information pertaining to
41 another person and uses that information, or assists another person
42 in using the information, in order to assume the identity of or
43 represent himself as another person, without that person's
44 authorization and with the purpose to fraudulently obtain or attempt
45 to obtain a benefit or services, or avoid the payment of debt or other
46 legal obligation or avoid prosecution for a crime by using the name
47 of the other person; or

1 (5) Impersonates another, assumes a false identity or makes a
2 false or misleading statement, in the course of making an oral or
3 written application for services, with the purpose of avoiding
4 payment for prior services. Purpose to avoid payment for prior
5 services may be presumed upon proof that the person has not made
6 full payment for prior services and has impersonated another,
7 assumed a false identity or made a false or misleading statement
8 regarding the identity of any person in the course of making oral or
9 written application for services.

10 As used in this section:

11 "Benefit" means, but is not limited to, any property, any
12 pecuniary amount, any services, any pecuniary amount sought to be
13 avoided or any injury or harm perpetrated on another where there is
14 no pecuniary value.

15 b. (Deleted by amendment, P.L.2005, c.224).

16 c. A person who violates subsection a. of this section is guilty
17 of a crime as follows:

18 (1) If the actor obtains a benefit or deprives another of a benefit
19 in an amount less than \$500 and the offense involves the identity of
20 one victim, the actor shall be guilty of a crime of the fourth degree
21 except that a second or subsequent conviction for such an offense
22 constitutes a crime of the third degree; or

23 (2) If the actor obtains a benefit or deprives another of a benefit
24 in an amount of at least \$500 but less than \$75,000, or the offense
25 involves the identity of at least two but less than five victims, the
26 actor shall be guilty of a crime of the third degree; or

27 (3) If the actor obtains a benefit or deprives another of a benefit
28 in the amount of \$75,000 or more, or the offense involves the
29 identity of five or more victims, the actor shall be guilty of a crime
30 of the second degree.

31 d. A violation of N.J.S.2C:28-7, constituting a disorderly
32 persons offense, section 1 of P.L.1979, c.264 (C.2C:33-15), section
33 64 of P.L. , c. (C.) (passed both Houses of the Legislature
34 on December 17, 2020 as Second Reprint of Assembly Bill No. 21),
35 R.S.33:1-81 or section 6 of P.L.1968, c.313 (C.33:1-81.7) in a case
36 where the person uses the personal identifying information of
37 another to illegally purchase an alcoholic beverage or for using the
38 personal identifying information of another to misrepresent the
39 person's age for the purpose of obtaining tobacco, any cannabis
40 item, or other consumer product denied to persons under 21 years of
41 age shall not **【**, except as otherwise set forth in this subsection,**】**
42 constitute an offense under this section if the actor received only
43 that benefit or service and did not perpetrate or attempt to perpetrate
44 any additional injury or fraud on another. **【**If a person used the
45 personal identifying information of another to misrepresent the
46 person's age for the purpose of illegally obtaining any cannabis
47 item available for lawful consumption pursuant to the "New Jersey
48 Cannabis Regulatory, Enforcement Assistance, and Marketplace

1 Modernization Act,” P.L. , c. (C.) (passed both Houses of
2 the Legislature as Second Reprint of Assembly Bill No. 21), the
3 person shall be subject to a civil penalty of \$50. The civil penalty
4 provided for in this subsection shall be collected pursuant to the
5 “Penalty Enforcement Law of 1999,” P.L.1999, c.274 (C.2A:58-10
6 et seq.), in a summary proceeding before the municipal court having
7 jurisdiction. A civil penalty recovered under the provisions of this
8 subsection shall be recovered by and in the name of the State by the
9 local municipality. The penalty shall be paid into the treasury of
10 the municipality in which the violation occurred for the general use
11 of the municipality.】

12 e. The sentencing court shall issue such orders as are necessary
13 to correct any public record or government document that contains
14 false information as a result of a theft of identity. The sentencing
15 court may provide restitution to the victim in accordance with the
16 provisions of section 4 of P.L.2002, c.85 (C.2C:21-17.1).¹
17 (cf: P.L.2021, c. , s.66)

18

19 ¹15. Section 5 of P.L.2003, c.184 (C.2C:21-17.2) is amended to
20 read as follows:

21 5. a. A person is guilty of a crime of the second degree if, in
22 obtaining or attempting to obtain a driver's license, birth certificate
23 or other document issued by a governmental agency which could be
24 used as a means of verifying a person's identity, age or any other
25 personal identifying information, that person knowingly exhibits,
26 displays or utters a document or other writing which falsely
27 purports to be a driver's license, birth certificate or other document
28 issued by a governmental agency or which belongs or pertains to a
29 person other than the person who possesses the document.

30 b. Notwithstanding the provisions of N.J.S.2C:1-8 or any other
31 law, a conviction under this section shall not merge with a
32 conviction of any other criminal offense, nor shall such other
33 conviction merge with a conviction under this section, and the court
34 shall impose separate sentences upon each violation of this section
35 and any other criminal offense.

36 c. A violation of N.J.S.2C:28-7, constituting a disorderly
37 persons offense, section 1 of P.L.1979, c.264 (C.2C:33-15), section
38 64 of P.L. , c. (C.) (passed both Houses of the Legislature
39 on December 17, 2020 as Second Reprint of Assembly Bill No. 21),
40 R.S.33:1-81 or section 6 of P.L.1968, c.313 (C.33:1-81.7) in a case
41 where the person uses the personal identifying information of
42 another to illegally purchase an alcoholic beverage or for using the
43 personal identifying information of another to misrepresent his age
44 for the purpose of obtaining tobacco, any cannabis item, or other
45 consumer product denied to persons under 21 years of age shall not
46 【, except as otherwise set forth in this subsection,】 constitute an
47 offense under this section if the actor received only that benefit or
48 service and did not perpetrate or attempt to perpetrate any

1 additional injury or fraud on another. **【If the personal identifying**
2 **information of another is used to obtain any cannabis item available**
3 **for lawful consumption pursuant to the “New Jersey Cannabis**
4 **Regulatory, Enforcement Assistance, and Marketplace**
5 **Modernization Act,” P.L. , c. (C.) (passed both Houses of**
6 **the Legislature as Second Reprint of Assembly Bill No. 21), the**
7 **person shall be subject to a civil penalty of \$50. The civil penalty**
8 **provided for in this subsection shall be collected pursuant to the**
9 **“Penalty Enforcement Law of 1999,” P.L.1999, c.274 (C.2A:58-10**
10 **et seq.), in a summary proceeding before the municipal court having**
11 **jurisdiction. A civil penalty recovered under the provisions of this**
12 **subsection shall be recovered by and in the name of the State by the**
13 **local municipality. The penalty shall be paid into the treasury of**
14 **the municipality in which the violation occurred for the general use**
15 **of the municipality.】¹**

16 (cf: P.L.2021, c. , s.67)

17

18 ¹16. Section 76 of P.L. , c. (C.) (passed both Houses of
19 the Legislature on December 17, 2020 as Second Reprint of
20 Assembly Bill No. 21) is amended to read as follows:

21 76. R.S.40:48-1 is amended to read as follows:

22 40:48-1. Ordinances; general purpose. The governing body of
23 every municipality may make, amend, repeal and enforce
24 ordinances to:

25 Finances and property. 1. Manage, regulate and control the
26 finances and property, real and personal, of the municipality;

27 Contracts and contractor's bonds. 2. Prescribe the form and
28 manner of execution and approval of all contracts to be executed by
29 the municipality and of all bonds to be given to it;

30 Officers and employees; duties, terms and salaries. 3. Prescribe
31 and define, except as otherwise provided by law, the duties and
32 terms of office or employment, of all officers and employees; and to
33 provide for the employment and compensation of such officials and
34 employees, in addition to those provided for by statute, as may be
35 deemed necessary for the efficient conduct of the affairs of the
36 municipality;

37 Fees. 4. Fix the fees of any officer or employee of the
38 municipality for any service rendered in connection with his office
39 or position, for which no specific fee or compensation is provided.
40 In the case of salaried officers or employees, such fee shall be paid
41 into the municipal treasury;

42 Salaries instead of fees; disposition of fees. 5. Provide that any
43 officer or employee receiving compensation for his services, in
44 whole or in part by fees, whether paid by the municipality or
45 otherwise, shall be paid a salary to be fixed in the ordinance, and
46 thereafter all fees received by such officer or employee shall be
47 paid into the municipal treasury;

1 Maintain order. 6. Prevent vice, drunkenness and immorality; to
2 preserve the public peace and order; to prevent and quell riots,
3 disturbances and disorderly assemblages; **【to prohibit the**
4 **consumption of alcoholic beverages or cannabis items by underage**
5 **persons on private property pursuant to section 1 of P.L.2000, c.33**
6 **(C.40:48-1.2);】**

7 Punish beggars; prevention of loitering. 7. Restrain and punish
8 drunkards, vagrants, mendicants and street beggars; to prevent
9 loitering, lounging or sleeping in the streets, parks or public places;

10 Auctions and noises. 8. Regulate the ringing of bells and the
11 crying of goods and other commodities for sale at auction or
12 otherwise, and to prevent disturbing noises;

13 Swimming; bathing costume; prohibition of public nudity. 9.
14 Regulate or prohibit swimming or bathing in the waters of, in, or
15 bounding the municipality, and to regulate or prohibit persons from
16 appearing upon the public streets, parks and places clad in bathing
17 costumes or robes, or costumes of a similar character; regulate or
18 prohibit persons from appearing in a state of nudity upon all lands
19 within its borders which are under the jurisdiction of the State
20 including, without limitation, all lands owned by, controlled by,
21 managed by or leased by the State;

22 Prohibit annoyance of persons or animals. 10. Regulate or
23 prohibit any practice tending to frighten animals, or to annoy or
24 injure persons in the public streets;

25 Animals; pounds; establishment and regulation. 11. Establish
26 and regulate one or more pounds, and to prohibit or regulate the
27 running at large of horses, cattle, dogs, swine, goats and other
28 animals, and to authorize their impounding and sale for the penalty
29 incurred, and the costs of impounding, keeping and sale; to regulate
30 or prohibit the keeping of cattle, goats or swine in any part of the
31 municipality; to authorize the destruction of dogs running at large
32 therein;

33 Hucksters. 12. Prescribe and regulate the place of vending or
34 exposing for sale articles of merchandise from vehicles;

35 Building regulations; wooden structures. 13. Regulate and
36 control the construction, erection, alteration and repair of buildings
37 and structures of every kind within the municipality; and to
38 prohibit, within certain limits, the construction, erection or
39 alteration of buildings or structures of wood or other combustible
40 material;

41 Inflammable materials; inspect docks and buildings. 14.
42 Regulate the use, storage, sale and disposal of inflammable or
43 combustible materials, and to provide for the protection of life and
44 property from fire, explosions and other dangers; to provide for
45 inspections of buildings, docks, wharves, warehouses and other
46 places, and of goods and materials contained therein, to secure the
47 proper enforcement of such ordinance;

- 1 Dangerous structures; removal or destruction; procedure. 15.
2 Provide for the removal or destruction of any building, wall or
3 structure which is or may become dangerous to life or health, or
4 might tend to extend a conflagration; and to assess the cost thereof
5 as a municipal lien against the premises;
- 6 Chimneys and boilers. 16. Regulate the construction and setting
7 up of chimneys, furnaces, stoves, boilers, ovens and other
8 contrivances in which fire is used;
- 9 Explosives. 17. Regulate, in conformity with the statutes of this
10 State, the manufacture, storage, sale, keeping or conveying of
11 gunpowder, nitroglycerine, dynamite and other explosives;
- 12 Firearms and fireworks. 18. Regulate and prohibit the sale and
13 use of guns, pistols, firearms, and fireworks of all descriptions;
- 14 Soft coal. 19. Regulate the use of soft coal in locomotives,
15 factories, power houses and other places;
- 16 Theaters, schools, churches and public places. 20. Regulate the
17 use of theaters, cinema houses, public halls, schools, churches, and
18 other places where numbers of people assemble, and the exits
19 therefrom, so that escape therefrom may be easily and safely made
20 in case of fire or panic; and to regulate any machinery, scenery,
21 lights, wires and other apparatus, equipment or appliances used in
22 all places of public amusement;
- 23 Excavations. 21. Regulate excavations below the established
24 grade or curb line of any street, not greater than eight feet, which
25 the owner of any land may make, in the erection of any building
26 upon his own property; and to provide for the giving of notice, in
27 writing, of such intended excavation to any adjoining owner or
28 owners, and that they will be required to protect and care for their
29 several foundation walls that may be endangered by such
30 excavation; and to provide that in case of the neglect or refusal, for
31 10 days, of such adjoining owner or owners to take proper action to
32 secure and protect the foundations of any adjacent building or other
33 structure, that the party or parties giving such notice, or their
34 agents, contractors or employees, may enter into and upon such
35 adjoining property and do all necessary work to make such
36 foundations secure, and may recover the cost of such work and
37 labor in so protecting such adjacent property; and to make such
38 further and other provisions in relation to the proper conduct and
39 performance of said work as the governing body or board of the
40 municipality may deem necessary and proper;
- 41 Sample medicines. 22. Regulate and prohibit the distribution,
42 depositing or leaving on the public streets or highways, public
43 places or private property, or at any private place or places within
44 any such municipality, any medicine, medicinal preparation or
45 preparations represented to cure ailments or diseases of the body or
46 mind, or any samples thereof, or any advertisements or circulars
47 relating thereto, but no ordinance shall prohibit a delivery of any

1 such article to any person above the age of 12 years willing to
2 receive the same;

3 Boating. 23. Regulate the use of motor and other boats upon
4 waters within or bounding the municipality;

5 Fire escapes. 24. Provide for the erection of fire escapes on
6 buildings in the municipality, and to provide rules and regulations
7 concerning the construction and maintenance of the same, and for
8 the prevention of any obstruction thereof or thereon;

9 Care of injured employees. 25. Provide for the payment of
10 compensation and for medical attendance to any officer or
11 employee of the municipality injured in the performance of his
12 duty;

13 Bulkheads and other structures. 26. Fix and determine the lines
14 of bulkheads or other works or structures to be erected, constructed
15 or maintained by the owners of lands facing upon any navigable
16 water in front of their lands, and in front of or along any highway or
17 public lands of said municipality, and to designate the materials to
18 be used, and the type, height and dimensions thereof;

19 Lifeguard. 27. Establish, maintain, regulate and control a
20 lifeguard upon any beach within or bordering on the municipality;

21 Appropriation for life-saving apparatus. 28. Appropriate
22 moneys to safeguard people from drowning within its borders, by
23 location of apparatus or conduct of educational work in harmony
24 with the plans of the United States volunteer life-saving corps in
25 this State;

26 Fences. 29. Regulate the size, height and dimensions of any
27 fences between the lands of adjoining owners, whether built or
28 erected as division or partition fences between such lands, and
29 whether the same exist or be erected entirely or only partly upon the
30 lands of any such adjoining owners, or along or immediately
31 adjacent to any division or partition line of such lands. To provide,
32 in such ordinance, the manner of securing, fastening or shoring such
33 fences, and for surveying the land when required by statute, and to
34 prohibit in any such ordinance the use at a height of under 10 feet
35 from the ground, of any device, such as wire or cable, that would be
36 dangerous to pedestrians, equestrians, bicyclists, or drivers of off-
37 the-road vehicles, unless that device is clearly visible to pedestrians,
38 equestrians, bicyclists or drivers of off-the-road vehicles. In the
39 case of fences thereafter erected contrary to the provisions thereof,
40 the governing body may provide for a penalty for the violation of
41 such ordinance, and in the case of such fence or fences erected or
42 existing at the time of the passage of any such ordinance, may
43 provide therein for the removal, change or alteration thereof, so as
44 to make such fence or fences comply with the provisions of any
45 such ordinance;

46 Advertise municipality. 30. Appropriate funds for advertising
47 the advantages of the municipality;

1 Government Energy Aggregation Programs. 31. Establish
2 programs and procedures pursuant to which the municipality may
3 act as a government aggregator pursuant to sections 40 through 43
4 of P.L.1999, c.23 (C.48:3-89 through C.48:3-92), section 45 of
5 P.L.1999, c.23 (C.48:3-94), and sections 1, 2 and 6 of P.L.2003,
6 c.24 (C.48:3-93.1 through C.48:3-93.3). Notwithstanding the
7 provisions of any other law, rule or regulation to the contrary, a
8 municipality acting as a government aggregator pursuant to
9 P.L.1999, c.23 (C.48:3-49 et al.) shall not be deemed to be a public
10 utility pursuant to R.S.40:62-24 or R.S.48:1-1 et seq. or be deemed
11 to be operating any form of public utility service pursuant to
12 R.S.40:62-1 et seq., to the extent such municipality is solely
13 engaged in the provision of such aggregation service and not
14 otherwise owning or operating any plant or facility for the
15 production or distribution of gas, electricity, steam or other product
16 as provided in R.S.40:62-12;

17 Joint municipal action on consent for the provision of cable
18 television service. 32. Establish programs and procedures pursuant
19 to which a municipality may act together with one or more
20 municipalities in granting municipal consent for the provision of
21 cable television service pursuant to the provisions of the "Cable
22 Television Act," P.L.1972, c.186 (C.48:5A-1 et seq.) as amended
23 and supplemented. Notwithstanding the provisions of any other
24 law, rule or regulation to the contrary, two or more municipalities
25 acting jointly pursuant to the provisions of P.L.1972, c.186
26 (C.48:5A-1 et seq.) shall not be deemed a public utility pursuant to
27 R.S.48:1-1 et seq., to the extent those municipalities are solely
28 engaged in granting municipal consent jointly and are not otherwise
29 owning or operating any facility for the provision of cable
30 television service as provided in P.L.1972, c.186 (C.48:5A-
31 1 et seq.);

32 Private cable television service aggregation programs. 33.
33 Establish programs and procedures pursuant to which a
34 municipality may employ the services of a private aggregator for
35 the purpose of facilitating the joint action of two or more
36 municipalities in granting municipal consent for the provision of
37 cable television service provided that any such municipality shall
38 adhere to the provisions of the "Cable Television Act," P.L.1972,
39 c.186 (C.48:5A-1 et seq.) as amended and supplemented, and to the
40 provisions of the "Local Public Contracts Law," P.L.1971, c.198
41 (C.40A:11-1 et seq.) as amended and supplemented.
42 Notwithstanding the provisions of any other law, rule or regulation
43 to the contrary, a municipality that employs the services of a private
44 aggregator pursuant to the provisions of P.L.1972, c.186 (C.48:5A-
45 1 et seq.) shall not be deemed a public utility pursuant to R.S.48:1-
46 1 et seq., to the extent that the municipality is solely engaged in
47 employing the services of a private aggregator for the purpose of
48 facilitating the joint action of two or more municipalities in

1 granting municipal consent and is not otherwise owning or
2 operating any facility for the provision of cable television service as
3 provided in P.L.1972, c.186 (C.48:5A-1 et seq.);

4 Protective Custody. 34. Provide protective custody to persons
5 arrested for operating a motor vehicle under the influence of
6 alcoholic beverages, cannabis items as defined in section 3 of
7 P.L. , c. (C.) (pending before the Legislature as this bill),
8 any chemical substance, or any controlled dangerous substance in
9 violation of R.S.39:4-50 as provided in section 1 of P.L.2003, c.164
10 (C.40:48-1.3);

11 Private Outdoor Video Surveillance Camera Registry. 35.
12 Establish a private outdoor video surveillance camera registry and
13 allow voluntary registration of private outdoor video surveillance
14 cameras as provided in P.L.2015, c.142 (C.40:48-1.6 et al.).¹
15 (cf: P.L.2021, c. , s.76)

16
17 ¹17. (New section) a. (1) The Police Training Commission in
18 the Department of Law and Public Safety shall adopt a training
19 course regarding law enforcement interactions with persons under
20 the lawful age to purchase alcoholic beverages or cannabis items
21 based upon the legalization of a personal use cannabis marketplace
22 pursuant to the “New Jersey Cannabis Regulatory, Enforcement
23 Assistance, and Marketplace Modernization Act,” P.L. ,
24 c. (C.) (passed both Houses of the Legislature on December
25 17, 2020 as Second Reprint of Assembly Bill No. 21), the
26 decriminalization of marijuana and hashish pursuant to P.L. , c.
27 (C.) (passed both Houses of the Legislature on December 17,
28 2020 as Third Reprint of Assembly Committee Substitute for
29 Assembly Bill Nos. 1897 and 4269), and the enforcement of
30 violations of applicable statutes associated with the underage
31 possession or consumption of alcoholic beverages, marijuana,
32 hashish, or cannabis items pursuant to those enactments and the
33 companion enactment, P.L. , c. (C.) (pending before the
34 Legislature as this bill), and which includes the recognition of and
35 methods to address and avoid racial disparities and implicit bias,
36 and means for interacting with vulnerable juvenile populations.
37 The training course shall be administered by the employing agency
38 as part of the in-service training provided to each local police
39 officer in each law enforcement unit operating in this State.

40 (2) Prior to being appointed to permanent status as a local police
41 officer in a law enforcement unit, an individual shall be required to
42 complete the training course adopted under paragraph (1) of this
43 subsection. Every local police officer appointed prior to the
44 effective date of this section shall, within 18 months of that
45 effective date, satisfactorily complete a training course on law
46 enforcement interactions as described in paragraph (1) of this
47 subsection.

1 (3) The Police Training Commission shall adopt rules and
2 regulations, pursuant to the "Administrative Procedure Act,"
3 P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the purposes of
4 this subsection.

5 b. Within 45 days of the effective date of P.L. , c. (C.)
6 (pending before the Legislature as this bill), the Attorney General
7 shall prepare a notice explaining the provisions of the enactments
8 set forth in paragraph (1) of subsection a. of this section pertaining
9 to persons under the lawful age to purchase alcoholic beverages or
10 cannabis items and the violations of applicable statutes associated
11 with the underage possession or consumption of alcoholic
12 beverages, marijuana, hashish, or cannabis items, and transmit the
13 notice to the chief or director of every municipal police department,
14 every municipal prosecutor, every county prosecutor, and the
15 Superintendent of the New Jersey State Police. The notice shall be
16 disseminated to every law enforcement officer and shall be re-
17 enforced at roll calls and academy service training and continuing
18 education programs so as to ensure that all officers and prosecutors
19 are educated of their responsibilities under the relevant
20 enactments.¹

21
22 ¹18. The following are repealed:

23 Section 1 of P.L.2000, c.33 (C.40:48-1.2);

24 Section 2 of P.L.2009, c.133 (C.40:48-1.2a); and

25 Section 77 of P.L.2021, c. (C.40:48-1.2b).¹

26
27 ¹[5.] 19.¹ This act shall take effect immediately ¹], but shall
28 not become operable until P.L. , c. (C.) (passed both
29 Houses on December 17, 2020 as Second Reprint of Assembly Bill
30 No. 21) takes effect¹ .