

ASSEMBLY, No. 5552

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MAY 5, 2021

Sponsored by:

Assemblywoman JOANN DOWNEY

District 11 (Monmouth)

Assemblyman ERIC HOUGHTALING

District 11 (Monmouth)

Assemblyman ANDREW ZWICKER

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Co-Sponsored by:

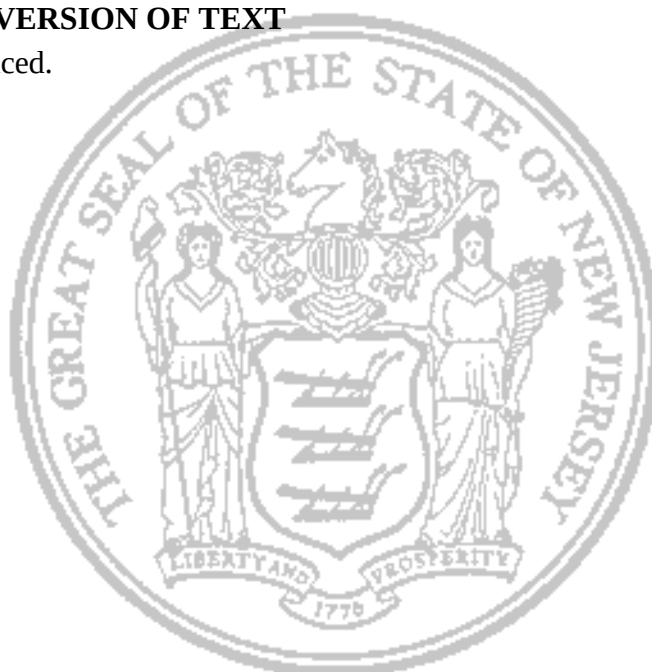
Assemblyman Verrelli, Assemblywomen Vainieri Huttie and Chaparro

SYNOPSIS

Legalizes growing or possessing up to six marijuana plants for personal recreational use, and up to 10 plants for personal medical use, by persons aged 21 or older.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/8/2021)

1 **AN ACT** concerning marijuana and amending various parts of the
2 statutory law.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. N.J.S.2C:35-4 is amended to read as follows:

8 2C:35-4. a. Except as authorized by P.L.1970, c.226 (C.24:21-1
9 et seq.), any person who knowingly maintains or operates any
10 premises, place or facility used for the manufacture of
11 methamphetamine, lysergic acid diethylamide, phencyclidine,
12 gamma hydroxybutyrate, flunitrazepam, **【marijuana in an amount**
13 **greater than five pounds or ten plants】** or any substance listed in
14 Schedule I or II, or the analog of any such substance, or any person
15 who knowingly aids, promotes, finances or otherwise participates in
16 the maintenance or operations of such premises, place or facility, is
17 guilty of a crime of the first degree and shall, except as provided in
18 N.J.S.2C:35-12, be sentenced to a term of imprisonment which shall
19 include the imposition of a minimum term which shall be fixed at,
20 or between, one-third and one-half of the sentence imposed, during
21 which the defendant shall be ineligible for parole. Notwithstanding
22 the provisions of subsection a. of N.J.S.2C:43-3, the court may also
23 impose a fine not to exceed \$750,000.00 or five times the street
24 value of all controlled dangerous substances, controlled substance
25 analogs, gamma hydroxybutyrate or flunitrazepam at any time
26 manufactured or stored at such premises, place or facility,
27 whichever is greater**【.】**;

28 b. As set forth in this subsection, growing or possessing
29 marijuana plants for personal recreational use or personal medical
30 use by a person aged 21 or older is not subject to any punishment,
31 as this possession is not a crime, offense, act of delinquency, or
32 civil violation of law. This subsection applies under the following
33 circumstances:

34 (1) A person aged 21 or older may grow or possess up to six
35 marijuana plants for personal recreational use, with a maximum of
36 12 plants per household; and

37 (2) A qualifying patient as defined in section 3 of P.L.2009,
38 c.307 (C.24:6I-3), aged 21 or older, or a designated caregiver, as
39 defined in section 3 of P.L.2009, c.307 (C.24:6I-3), aged 21 or
40 older, on behalf of the qualifying patient, may grow or possess up to
41 10 marijuana plants for personal medical use, with a maximum of
42 12 plants per household.

43 (cf: P.L.1999, c.133, s.2)

44
45 2. (New section) Within 90 days of the effective date of

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】 in the above bill is not enacted and is intended to be omitted in the law.**

Matter underlined thus is new matter.

1 P.L. , c. (C.) (pending before the Legislature as this bill),
2 the Cannabis Regulatory Commission established by section 31 of
3 P.L.2019, c.153 (C.24:6I-24) shall implement rules and regulations
4 to effectuate the purposes of subsection b. of N.J.S.2C:35-4.

5
6 3. This act shall take effect immediately.
7

8
9 STATEMENT
10

11 This bill would make it legal for a person aged 21 or over to
12 grow and possess certain amounts of marijuana for personal use.

13 P.L.2021, c.16, which legalized the personal use of cannabis,
14 provides that possession of six ounces or less of marijuana,
15 including any adulterants or dilutants, is not subject to any
16 punishment, as this possession is not a crime, offense, act of
17 delinquency, or civil violation of law. Under the enactment,
18 possession of more than six ounces of marijuana, including any
19 adulterants or dilutants, constitutes a crime of the fourth degree. A
20 crime of the fourth degree is punishable by a term of imprisonment
21 of up to 18 months or a fine of up to \$10,000 or both.

22 P.L.2021, c.16 does not make it legal for a person to grow their
23 own marijuana for personal use.

24 Under the bill, growing or possessing marijuana plants for
25 personal recreational use or personal medical use by a person aged
26 21 or older would also not be a crime, offense, act of delinquency,
27 or civil violation of law. The bill would apply under the following
28 circumstances:

29 (1) A person aged 21 or older may grow or possess up to six
30 marijuana plants for personal recreational use, with a maximum of
31 12 plants per household; and

32 (2) A qualifying patient as defined in section 3 of P.L.2009,
33 c.307 (C.24:6I-3), aged 21 or older, or a designated caregiver, as
34 defined in section 3 of P.L.2009, c.307 (C.24:6I-3), aged 21 or
35 older, on behalf of the qualifying patient, may grow or possess up to
36 10 marijuana plants for personal medical use, with a maximum of
37 12 plants per household.