

**SENATE, No. 3320**

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**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

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INTRODUCED JANUARY 7, 2021

**Sponsored by:**

**Senator STEPHEN M. SWEENEY**

**District 3 (Cumberland, Gloucester and Salem)**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 1/11/2021)**

S3320 SWEENEY

2

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

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

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

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

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

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

**Matter underlined thus is new matter.**

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

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

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

33

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

37 3. Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42 “Department” means the Department of Health.

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35

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

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

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

42

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

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

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

4 (2) (a) Any person under the legal age to purchase cannabis  
5 items who knowingly possesses without legal authority marijuana  
6 or any cannabis item, the amount of which may be lawfully  
7 possessed by a person of the legal age to purchase cannabis items  
8 pursuant to section 46~~].~~ of P.L. , c. (C. ) (passed both  
9 Houses on December 17, 2020 as Second Reprint of Assembly Bill  
10 No. 21), in any school, public conveyance, public place, or place  
11 of public assembly, or motor vehicle ~~],~~ is guilty of a petty  
12 disorderly persons offense, and~~]~~ shall~~],~~ in the case of an adult  
13 under the legal age to purchase cannabis items,~~]~~ be ~~]~~ **fined** ~~]~~ subject  
14 to a civil penalty of not less than \$50 nor more than \$250 , and shall  
15 be recovered in a civil action by a summary proceeding in the name  
16 of the municipality pursuant to the “Penalty Enforcement Law of  
17 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.), except that a person  
18 under the age of 18 years who violates this subparagraph shall not  
19 be subject to a civil penalty but instead shall be subject to a law  
20 enforcement curbside warning or stationhouse adjustment, as  
21 defined in this section, and which is conducted in accordance with  
22 Attorney General Law Enforcement Directive No. 2020-12 as if the  
23 violation were to constitute a petty disorderly persons offense,  
24 without the filing of a complaint with the court. The municipal  
25 court that has territorial jurisdiction over the violation and the  
26 Superior Court shall both have jurisdiction of proceedings for the  
27 enforcement of the civil penalty provided by this subparagraph and  
28 of the requirement, if so ordered by the court, for the person to  
29 participate in an alcohol or drug abuse education or treatment  
30 program pursuant to subsection c. of this section.

31 (b) Any person under the legal age to purchase cannabis items  
32 who knowingly possesses without legal authority marijuana or any  
33 cannabis item, the amount of which exceeds what may be lawfully  
34 possessed by a person of the legal age to purchase cannabis items  
35 pursuant to section 46 of P.L. , c. (C. ) (passed both Houses  
36 on December 17, 2020 as Second Reprint of Assembly Bill No. 21),  
37 or who knowingly consumes any marijuana or cannabis item in any  
38 school, public conveyance, public place, or place of public  
39 assembly, or motor vehicle ~~],~~ is guilty of a disorderly persons  
40 offense, and~~]~~ shall ~~],~~ in the case of an adult under the legal age to  
41 purchase cannabis items,~~]~~ be ~~]~~ **fined** ~~]~~ subject to a civil penalty of  
42 not less than \$100 nor more than \$500, and shall be recovered in a  
43 civil action by a summary proceeding in the name of the  
44 municipality pursuant to the “Penalty Enforcement Law of 1999,”  
45 P.L.1999, c.274 (C.2A:58-10 et seq.), except that a person under the  
46 age of 18 years who violates this subparagraph shall not be subject  
47 to a civil penalty but instead shall be subject to a law enforcement

1 curbside warning or stationhouse adjustment, as defined in this  
2 section, and which is 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 and of the  
9 requirement, if so ordered by the court, for the person to participate  
10 in an alcohol or drug abuse education or treatment program  
11 pursuant to subsection c. of this section.

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

13 “Curbside warning” means a brief, informal interaction between  
14 a law enforcement officer and a person under the age of 18 years  
15 who the officer observed engage in a violation of either  
16 subparagraph. During the interaction, the officer shall counsel the  
17 person to discontinue the conduct, warn the person about the  
18 potential consequences of future delinquency, and then conclude the  
19 interaction without taking any further action. For the purposes of  
20 this definition, a curbside warning does not include interactions  
21 between a person under the age of 18 years and a school resource  
22 officer or other law enforcement officer assigned to a school, as  
23 those interactions are governed by other statutes, and policies and  
24 practices established between schools and law enforcement  
25 agencies.

26 “Stationhouse adjustment” means a mechanism that allows law  
27 enforcement agencies to resolve a violation of either subparagraph  
28 by a person under the age of 18 years without formal court  
29 proceedings. A stationhouse adjustment, which shall be  
30 memorialized in a signed agreement, establishes one or more  
31 conditions that the person shall meet in exchange for the law  
32 enforcement agency declining to pursue a formal delinquency  
33 complaint against the person.

34 b. Whenever **[this offense]** a violation of subsection a. of this  
35 section is committed in a motor vehicle, the court shall, in addition  
36 to the sentence authorized **[for the offense]** under that subsection,  
37 suspend or postpone for six months the driving privilege of the  
38 defendant. Upon the conviction of finding of guilt of any person  
39 under this section, the court shall forward a report to the New  
40 Jersey Motor Vehicle Commission stating the first and last day of  
41 the suspension or postponement period imposed by the court  
42 pursuant to this section. If a person at the time of the imposition of  
43 a sentence is less than 17 years of age, the period of license  
44 postponement, including a suspension or postponement of the  
45 privilege of operating a motorized bicycle, shall commence on the  
46 day the sentence is imposed and shall run for a period of six months  
47 after the person reaches the age of 17 years.

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

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

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

24 c. In addition to the general **[penalty]** penalties prescribed **[for**  
25 **a disorderly persons offense]** under this section, the court may  
26 require any person who violates this act to participate in an alcohol  
27 or drug abuse education or treatment program, authorized by the  
28 Division of Mental Health and Addiction Services in the  
29 Department of Human Services, for a period not to exceed the  
30 greater of 30 days or the maximum period of confinement  
31 prescribed by law for the **[offense]** violation for which the  
32 individual has been convicted or found guilty.

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

1 e. The provisions of section 3 of P.L.1991, c.169 (C.33:1-  
2 81.1a) shall apply to a parent, guardian or other person with legal  
3 custody of a person under 18 years of age who is found to be in  
4 violation of this section.

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

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

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

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

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

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

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

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

34

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

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

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

41

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

44 1. Any person of legal age to purchase alcoholic beverages or  
45 cannabis items, who, in the case of alcoholic beverages, knowingly  
46 and without the express written permission of the school board, its  
47 delegated authority, or any school principal, brings or possesses any  
48 alcoholic beverages, or in the case of marijuana or cannabis items,

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

13

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

15 2C:35-2. As used in this chapter:

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

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

27 "Controlled dangerous substance" means a drug, substance, or  
28 immediate precursor in Schedules I through V, marijuana and  
29 hashish as defined in this section, any substance the distribution of  
30 which is specifically prohibited in N.J.S.2C:35-3, in section 3 of  
31 P.L.1997, c.194 (C.2C:35-5.2), in section 5 of P.L.1997, c.194  
32 (C.2C:35-5.3), in section 2 of P.L.2011, c.120 (C.2C:35-5.3a), or in  
33 section 2 of P.L.2013, c.35 (C.2C:35-5.3b), and any drug or  
34 substance which, when ingested, is metabolized or otherwise  
35 becomes a controlled dangerous substance in the human body.  
36 When any statute refers to controlled dangerous substances, or to a  
37 specific controlled dangerous substance, it shall also be deemed to  
38 refer to any drug or substance which, when ingested, is metabolized  
39 or otherwise becomes a controlled dangerous substance or the  
40 specific controlled dangerous substance, and to any substance that  
41 is an immediate precursor of a controlled dangerous substance or  
42 the specific controlled dangerous substance. The term shall not  
43 include distilled spirits, wine, malt beverages, as those terms are  
44 defined or used in R.S.33:1-1 et seq., tobacco and tobacco products,  
45 or cannabis and cannabis items as defined in section 3 of P.L. ,  
46 c. (C. ) (passed both Houses on December 17, 2020 as Second  
47 Reprint of Assembly Bill No. 21). The term, wherever it appears in



1 any law or administrative regulation of this State, shall include  
2 controlled substance analogs.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

46 "State" means the State of New Jersey.

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

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

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

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

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

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

17

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

17

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12

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

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

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

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

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

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

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

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

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

21 "Commissioner" means the Commissioner of Health.

22 "Common ownership or control" means:

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

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

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

32 "Department" means the Department of Health.

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

34 (1) is at least 18 years old;

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

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

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

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

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

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

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

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

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

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

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

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

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

41 (1) is at least 18 years old;

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

27

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

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

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

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

41 "Commissioner" means the Commissioner of Health.

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

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

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

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

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

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

22 "Dispenser" means a practitioner who dispenses.

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

25 "Distributor" means a person who distributes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3       5. Schedule I.

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4

5

6

STATEMENT

7

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

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

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

32 Section 3 amends the title of the act which is being amended in  
33 section 4, concerning underage possession of marijuana or cannabis  
34 items. The bill provides that any person under the legal age to  
35 purchase cannabis items (21 years of age) who knowingly possesses  
36 marijuana or any cannabis item, the amount of which is what could  
37 be lawfully possessed if the person were of legal age, in any school,  
38 public conveyance, public place, or motor vehicle shall be subject  
39 to a civil penalty of not less than \$50 nor more than \$250; if the  
40 amount possessed is more than what could be lawfully possessed if  
41 the person were of legal age, the civil penalty would be not less  
42 than \$100 nor more than \$500. The civil penalty would be  
43 recovered in a summary proceeding in the name of the municipality  
44 pursuant to the “Penalty Enforcement Law of 1999,” P.L.1999,  
45 c.274 (C.2A:58-10 et seq.). Both the municipal court with  
46 territorial jurisdiction over an underage possession violation and the  
47 Superior Court would have jurisdiction of proceedings for the  
48 enforcement of a civil penalty, as well as the requirement, if so



1 ordered by the court, for a person to participate in an alcohol or  
2 drug abuse education or treatment program as set forth in the  
3 section. Such education or treatment would not exceed 30 days, as  
4 a violation does not involve the possibility of confinement, an  
5 additional period which, under current law, would have provided  
6 another means to determine the period for the education or  
7 treatment.

8 All of the above concerning civil penalties and court proceedings  
9 would not apply to a person under the age of 18 years who  
10 committed a possession violation. Such a person would instead be  
11 subject to a law enforcement curbside warning or stationhouse  
12 adjustment, conducted in accordance with Attorney General Law  
13 Enforcement Directive No. 2020-12, issued on December 3, 2020 to  
14 address a range of policies, practices, and procedures to promote  
15 juvenile justice reform. A “curbside warning” is defined in the bill  
16 as “a brief, informal interaction between a law enforcement officer  
17 and a person under the age of 18 years who the officer observed  
18 engage in a violation . . . . During the interaction, the officer shall  
19 counsel the person to discontinue the conduct, warn the person  
20 about the potential consequences of future delinquency, and then  
21 conclude the interaction without taking any further action.” The  
22 more involved option for a “stationhouse adjustment” is defined in  
23 the bill as “a mechanism that allows law enforcement agencies to  
24 resolve a violation . . . by a person under the age of 18 years  
25 without formal court proceedings. A stationhouse adjustment,  
26 which shall be memorialized in a signed agreement, establishes one  
27 or more conditions that the person shall meet in exchange for the  
28 law enforcement agency declining to pursue a formal delinquency  
29 complaint against the person.”

30 Section 4 is additionally amended to establish an immunity from  
31 prosecution for any underage person in need of medical assistance  
32 due to the consumption of marijuana, and the underage person who  
33 called 9-1-1 to get that person assistance, as well as up to two other  
34 persons acting in concert with the underage person who made the  
35 call. This immunity is the same immunity already provided for  
36 situations involving the underage consumption of alcohol, and  
37 expanded to the underage consumption of cannabis items by the  
38 recently enacted legislation.

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

47 Section 7 amends N.J.S.2C:35-2 which is the definitions section  
48 for chapter 35 of the criminal code, the “Comprehensive Drug

1 Reform Act of 1987,” to make changes in the definition of  
2 “hashish” and “marijuana” to reference and exclude medical  
3 cannabis.

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

18 Section 10 amends section 3 of P.L.2009, c.307 (C.24:6I-3) to  
19 delete the definition of “cannabis” and include an expanded  
20 definition of “medical cannabis” that is more parallel to the  
21 definition of “cannabis” in the “New Jersey Cannabis Regulatory,  
22 Enforcement Assistance, and Marketplace Modernization Act,” and  
23 that includes clarifications that cannabis and cannabis items,  
24 marijuana, and hemp and hemp products are excluded from the  
25 updated definition.

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

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

33 Section 13 concerns employer and employee workplace policies  
34 and protections, and includes guidance for drug testing by  
35 employers using certified Workplace Impairment Recognition  
36 Experts. The bill amends the section to make a correction  
37 indicating that the State’s Drug Recognition Expert program, which  
38 trains police officers to detect, identify, and apprehend drug-  
39 impaired motor vehicle operators, is provided by the State Police,  
40 not the Police Training Commission as originally stated, and any  
41 certified Drug Recognition Expert may be eligible for immediate  
42 certification as a Workplace Impairment Recognition Expert.

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

**S3320 SWEENEY**

51

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

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