

CHAPTER 90

AN ACT concerning various criminal offenses and revising and repealing various sections of the statutory laws.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

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

Definitions.

2C:35-2. Definitions.

As used in this chapter:

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

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

"Controlled dangerous substance" means a drug, substance, or immediate precursor in Schedules I through V. The term shall not include distilled spirits, wine, malt beverages, as those terms are defined or used in R.S.33:1-1 et seq., or tobacco and tobacco products. The term, wherever it appears in any law or administrative regulation of this State, shall include controlled substance analogs.

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

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

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

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

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

"Drugs" means (a) substances recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; and (b) substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; and (c) substances (other than food) intended to affect the structure or any function of the body of man or other animals; and (d) substances intended for use as a component of any article specified in subsections (a), (b) and (c) of this section; but does not include devices or their components, parts or accessories.

"Drug dependent person" means a person who is using a controlled dangerous substance or controlled substance analog and who is in a state of psychic or physical dependence, or both, arising from the use of that controlled dangerous substance or controlled substance analog on a continuous basis. Drug dependence is characterized by behavioral and other responses, including but not limited to a strong compulsion to take the substance on a recurring basis in

order to experience its psychic effects, or to avoid the discomfort of its absence.

"Hashish" means the resin extracted from any part of the plant Genus Cannabis L. and any compound, manufacture, salt, derivative, mixture, or preparation of such resin.

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

"Marijuana" means all parts of the plant Genus Cannabis L., whether growing or not; the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds, except those containing resin extracted from such plant; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks, fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination.

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

(a) Opium, coca leaves, and opiates;

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

(c) A substance (and any compound, manufacture, salt, derivative, or preparation thereof) which is chemically identical with any of the substances referred to in subsections (a) and (b), except that the words "narcotic drug" as used in this act shall not include decocainized coca leaves or extracts of coca leaves, which extracts do not contain cocaine or ecogine.

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

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

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

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

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

"Practitioner" means a physician, dentist, veterinarian, scientific investigator, laboratory, pharmacy, hospital or other person licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or administer a controlled dangerous substance or controlled substance analog in the course of professional practice or research in this State.

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

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

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

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

(e) "Laboratory" means a laboratory to be entrusted with the custody of narcotic drugs and the use of controlled dangerous substances or controlled substance analogs for scientific, experimental and medical purposes and for purposes of instruction approved by the State Department of Health and Human Services.

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

"Immediate precursor" means a substance which the State Department of Health and Human Services has found to be and by regulation designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled dangerous substance or controlled substance analog, the control of which is necessary to prevent, curtail, or limit such manufacture.

"Residential treatment facility" means any facility approved by any county probation department for the inpatient treatment and rehabilitation of drug dependent persons.

"Schedules I, II, III, IV, and V" are the schedules set forth in sections 5 through 8 of P.L.1970, c.226 (C.24:21-5 through 24:21-8) and in section 4 of P.L.1971, c.3 (C.24:21-8.1) and as modified by any regulations issued by the Commissioner of Health and Human Services pursuant to his authority as provided in section 3 of P.L.1970, c.226 (C.24:21-3).

"State" means the State of New Jersey.

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

"Prescription legend drug" means any drug which under federal or State law requires dispensing by prescription or order of a licensed physician, veterinarian or dentist and is required to bear the statement "Caution: Federal law prohibits dispensing without a prescription" and is not a controlled dangerous substance or stramonium preparation.

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

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

2. N.J.S.2C:36-6 is amended to read as follows:

Possession or distribution of hypodermic syringe or needle.

2C:36-6. a. Except as authorized by subsection b., c. or other law, it shall be unlawful for a person to have under his control or possess with intent to use a hypodermic syringe, hypodermic needle or any other instrument adapted for the use of a controlled dangerous substance or a controlled substance analog as defined in chapter 35 of Title 2C of the New Jersey Statutes or to sell, furnish or give to any person such syringe, needle or instrument. Any person who violates this section is guilty of a disorderly persons offense.

b. A person is authorized to possess and use a hypodermic needle or hypodermic syringe if the person obtains the hypodermic syringe or hypodermic needle by a valid prescription issued by a licensed physician, dentist or veterinarian and uses it for its authorized purpose.

No prescription for a hypodermic syringe, hypodermic needle or any other instrument adapted for the use of controlled dangerous substances by subcutaneous injections shall be valid for more than one year from the date of issuance.

c. Subsection a. does not apply to a duly licensed physician, dentist, veterinarian, undertaker, nurse, podiatrist, registered pharmacist, or a hospital, sanitarium, clinical laboratory or any other medical institution, or a state or a governmental agency, or a regular dealer in medical, dental or surgical supplies, or a resident physician or intern of a hospital, sanitarium or other medical institution.

C.2C:33-13.1 Sale of cigarettes to minors.

3. Sale of cigarettes to minors.

A person who sells or gives to a person under the age of 18 tobacco in any form, including smokeless tobacco, or cigarette papers shall be punished by a fine as provided for a petty disorderly persons offense. A person who has been previously punished under this section and who commits another offense under it may be punishable by a fine of twice that provided for a petty disorderly persons offense.

C.2C:33-26 Sale of motor vehicle on Sunday.

4. Sale of motor vehicle on Sunday.

A person who engages in the business of buying, selling or exchanging motor vehicles or who opens a place of business and attempts to engage in such conduct on a Sunday commits a disorderly persons offense. The first offense is punishable by a fine not to exceed \$100.00 or imprisonment for a period of not more than 10 days or both; the second offense is punishable by a fine not to exceed \$500 or imprisonment for a period of not more than 30 days or both; the third or each subsequent offense is punishable by a fine of \$750.00 or imprisonment for a period of six months or both. If the person is a licensed dealer in new or used motor vehicles in this State, under the provisions of chapter 10, Title 39 of the Revised Statutes, the person shall also be subject to suspension or revocation of his dealer's license to engage in the business of buying, selling or exchanging in motor vehicles in this State as provided in Title 39, chapter 10, section 10, section 20, for violation of this statute.

C.2C:33-27 Consumption of alcohol in restaurants.

5. Consumption of alcohol in restaurants.

a. No person who owns or operates a restaurant, dining room or other public place where food or liquid refreshments are sold or served to the general public, and for which premises a license or permit authorizing the sale of alcoholic beverages for on-premises consumption has not been issued:

(1) Shall allow the consumption of alcoholic beverages, other than wine or a malt alcoholic beverage, in a portion of the premises which is open to the public; or

(2) Shall charge any admission fee or cover, corkage or service charge or advertise inside or outside of such premises that patrons may bring and consume their own wine or malt alcoholic beverages in a portion of the premises which is open to the public.

(3) Shall allow the consumption of wine or malt alcoholic beverages at times or by persons to whom the service or consumption of alcoholic beverages on licensed premises is prohibited by State or municipal law or regulation.

b. Nothing in this act shall restrict the right of a municipality or an owner or operator of a restaurant, dining room or other public place where food or liquid refreshments are sold or served to the general public from prohibiting the consumption of alcoholic beverages on those premises.

c. A person who violates any provision of this act is a disorderly person, and the court, in addition to the sentence imposed for the disorderly person violation, may by its judgment bar the owner or operator from allowing consumption of wine or malt alcoholic beverages in his premises as authorized by this act.

C.2C:36-6.1 Discarding hypodermic needle or syringe.

6. Discarding hypodermic needle or syringe.

a. A person commits a petty disorderly persons offense if:

(1) the person discards, in a place accessible to other persons, a hypodermic needle or syringe without destroying the hypodermic needle or syringe; or

(2) he is the owner, lessee or person in control of real property and, knowing that needles and syringes in an intact condition have been discarded or abandoned on his real property, allows them to remain.

b. A hypodermic needle is destroyed if the needle is broken from the hub or mangled. A syringe is destroyed if the nipple of the barrel is broken from the barrel, or the plunger and barrel

are melted. Alternatively, a hypodermic needle or syringe is destroyed if it is discarded as a single unit, without recapping, into a rigid container and the container is destroyed by grinding or crushing in a compactor, or by burning in an incinerator approved by the Department of Environmental Protection, or by another method approved by the Department of Health and Senior Services.

C.2C:35-10.4 Toxic chemicals.

7. Toxic chemicals.

a. As used in this section the term "toxic chemical" means any chemical having the property of releasing toxic fumes and includes the following chemicals: acetone, acetate, benzene, butyl alcohol, ethyl alcohol, ethylene dichloride, isopropyl alcohol, methyl alcohol, methyl ethyl ketone, pentachlorophenol, petroleum ether, toluol, or toluene.

b. A person commits a disorderly persons offense if the person:

(1) inhales the fumes of any toxic chemical for the purpose of causing a condition of intoxication; or

(2) possesses any toxic chemical for the purpose of causing a condition of intoxication.

c. A person commits a fourth degree offense if the person sells, or offers to sell, any substance containing a toxic chemical knowing that the intended use of the product is to cause a condition of intoxication, or knowing that the product does not include an additive required by the Commissioner of the State Department of Health and Senior Services to discourage the inhalation of vapors of toxic chemicals for the purpose of causing a condition of intoxication. This subsection does not apply to adhesives manufactured only for industrial application.

C.2C:35-10.5 Prescription legend drugs.

8. Prescription legend drugs.

a. Except as authorized by sections 9 through 15 of P.L.1970, c.226 (C.24:21-9 through 24:21-15) a person who knowingly distributes a prescription legend drug or stramonium preparation unless lawfully prescribed or administered by a licensed physician, veterinarian or dentist is a disorderly person.

b. A person who uses any prescription legend drug or stramonium preparation for a purpose other than treatment of sickness or injury as lawfully prescribed or administered by a licensed physician is a disorderly person.

c. A defendant may be convicted for a violation of subsection b. if the State proves that the defendant manifested symptoms or reactions caused by the use of prescription legend drugs or stramonium preparation. The State need not prove which specific prescription legend drug or stramonium preparation defendant used.

d. A person who obtains or attempts to obtain possession of a prescription legend drug or stramonium preparation by forgery or deception is a disorderly person. Nothing in this section shall be deemed to preclude or limit a prosecution for theft as defined in chapter 20 of Title 2C of the New Jersey Statutes.

C.2C:35-24 Possession of certain prescription drugs.

9. Possession of certain prescription drugs.

A person who possesses a controlled dangerous substance that was prescribed or dispensed lawfully may possess it only in the container in which it was dispensed; except that the person may possess no more than a 10-day supply in other than the original container if the person produces, upon the request of a law enforcement officer, the name and address of the practitioner who prescribed the substance or the pharmacist who dispensed it. A person who violates this section is a disorderly person.

C.2C:40A-2 Violation of contract to pay employees.

10. Violation of contract to pay employees.

a. An employer who has agreed with an employee or with a bargaining agent for employees to pay wages, compensation or benefits to or for the benefit of employees commits a disorderly persons offense if the employer:

- (1) fails to pay wages when due; or
- (2) fails to pay compensation or benefits within 30 days after due.

b. If a corporate employer violates subsection a., any officer or employee of the corporation who is responsible for the violation commits a disorderly persons offense.

C.2C:40A-3 Wrongful discharge of employee.

11. Wrongful discharge of employee.

a. An employer who discharges an employee or takes any other disciplinary action against the employee because the employee's earnings have been subjected to garnishment commits a disorderly persons offense.

b. An employer who discharges an employee or takes any other disciplinary action in violation of this section shall re-employ any employee discharged, and shall compensate any employee for any damages resulting from the discharge or disciplinary action.

c. The term "earnings" means any form of compensation payable for personal services, regardless of whether the payment is denominated as wages, salary, commission, bonus, income from trust funds, profits, or otherwise, and includes periodic payments pursuant to a pension or retirement program.

C.18A:2-3 Preparation, offering for sale of certain documents; penalty.

12. a. No person shall, for any fee, or other remuneration, prepare, offer to prepare, cause to be prepared, sell or offer for sale any term paper, thesis, dissertation, essay, report or other written, recorded, pictorial, artistic or other assignment knowing, or under the circumstances having reason to know, that said assignment is intended for submission either in whole or substantial part under a student's name in fulfillment of the requirements for a degree, diploma, certificate, course or courses of study at any university, college, academy, school or other educational institution.

b. Nothing contained in this section shall prevent any person from providing tutorial assistance, research material, information or other assistance to persons enrolled in a university, college, academy, school or other educational institution, which is not intended for submission directly or in substantial part as an assignment under the student's name to such educational institution in fulfillment of the requirements for a degree, diploma, certificate or course of study. Nor shall any person be prevented by this act from rendering services for a fee which include the typing, research, assembling, transcription, reproduction or editing of a manuscript or other assignment which he has not prepared at the request of or on behalf of the purchaser.

c. Anyone convicted of violating any provision of this act shall be subject to a civil penalty of up to \$1,000.00 which shall be collected in a summary manner pursuant to "the penalty enforcement law" (N.J.S.2A:58-1 et seq.) in the Superior Court or any municipal court. The Superior Court may also grant further relief necessary to enforce the provisions of this section, including the issuance of an injunction.

d. Actions for injunction under the provisions of this act may be brought in the name of the people of this State upon their own complaint or upon the complaint of any person, or any public or private college, university, academy, school or other educational institution which is chartered, incorporated, licensed, registered or supervised by this State, acting for the interest of itself, its students, or the general public.

C.34:11-4.14 Unlawful diverting of wages.

13. a. It shall be unlawful for any person to purchase or have assigned to him, other than by order of court, any salary, wages, commissions, pay or other compensation for services, or any part thereof, due or to become due to any employee and any purchase or assignment, whenever executed, shall be void. It shall also be unlawful for any person to withhold or to pay to any other person on the basis of any assignment or purchase prohibited by this section any salary, wages, commissions, pay or other compensation due to any employee.

b. Any person who violates this section, or attempts to do so, shall be liable to the employee for the amount of the salary, wages, commissions, or other compensation for services withheld from the employee.

c. Nothing contained in this section shall be construed to make unlawful the withholding or diverting of wages by any employer in accordance with section 4 of P.L.1965, c.173 (C.34:11-4.4).

C.40A:64-1 Certain Sunday sales prohibited.

14. a. On Sunday, it shall be unlawful for any person whether it be at retail, wholesale or by auction, to sell, attempt to sell or offer to sell or to engage in the business of selling clothing or wearing apparel, building and lumber supply materials, furniture, home or business or office furnishings, household, business or office appliances, except as works of necessity and charity or as isolated transactions not in the usual course of the business of the participants.

b. Any person who violates any provision of this section is a disorderly person and upon conviction for the first offense, shall pay a fine of \$250.00; and for the second offense, shall pay a fine of not less than \$250.00 or more than \$1,000.00 to be fixed by the court; and for the third offense, shall pay a fine of not less than \$1,000.00 or more than \$2,000.00 to be fixed by the court or, in the discretion of the court, may be imprisoned for a period of not more than 30 days, or both; and for the fourth or each subsequent offense, shall pay a fine of not less than \$2,000.00 or more than \$5,000.00 to be fixed by the court, or, in the discretion of the court, may be imprisoned for a period of not less than 30 days or more than six months, or both. A single sale of an article of merchandise of the character prohibited to any one customer, or a single offer to sell an article of such merchandise to any one prospective customer, shall be a distinct violation of this act. The directors, officers, managers, agents or employees of corporations shall be personally liable for these penalties.

c. In addition to the penalties provided for conviction under this section, upon any four convictions for violations of this section, the premises in or upon which the violation occurred shall be deemed a nuisance.

d. As used in this section:

(1) "Clothing and wearing apparel" includes any article or articles to be worn on the person by man, woman, or child as bodily covering or protection, including garments of all types, headwear and footwear.

(2) "Furniture" includes all articles of furniture used inside or outside a house or office, including chairs, tables, beds, desks, wardrobes, dressers, bureaus, cupboards, cabinets, bookcases, sofas, couches, and related items; and materials especially designed and prepared for assembly into furniture; and all such furniture, whether finished or unfinished, painted or unpainted.

(3) "Home furnishings" includes items of equipment and furnishings used in a home or office, such as floor coverings, lamps and lighting fixtures, household linens, drapes, blinds, curtains, mattresses, bed coverings, mirrors, china, kitchenware and kitchen utensils, silverware, cutlery.

(4) "Household appliances" includes stoves, heating devices, cooking equipment, refrigerators, air conditioning equipment, electric fans, clocks, radios, toasters, television sets, washing machines, dryers, and all such electrical and gas appliances used in the home.

(5) "Building and lumber supply materials" includes all items used in the construction of buildings, whether residential or industrial, and particularly, but not limited to lumber, cement, building blocks, sashes, frames, windows, doors and related items.

(6) "Sell" means to enter into an agreement whereby the seller transfers ownership of property in the goods or an interest in the goods to the purchaser for a consideration, whether or not the transfer is for immediate or future delivery, and whether or not the transaction is regarded as absolute, conditional or secured, and whether or not immediate consideration is paid therefor. The acceptance of a deposit for future delivery of any such merchandise, or an agreement for future delivery of any such merchandise, whether or not immediate consideration is paid therefor, shall also be deemed a sale for purposes of this act.

(7) "Offer to sell" means the acceptance of bids or proposals for the purchase of goods at a future date or the attempt to induce a sale as hereinabove defined, or the attempt to induce an immediate transfer of any such merchandise, but not to include advertising or display of any such merchandise, which merchandise is not available for purchase on Sunday.

(8) "Engage in selling" means the attempt to sell or to induce an immediate or future transfer

of any such merchandise by describing, explaining, extolling or identifying any such merchandise while the seller is in personal contact with the potential purchaser.

C.40A:64-2 Referendum prohibiting Sunday sales in county.

15. a. Section 14 of P.L.1999, c.90 (C.40A:64-1) prohibiting Sunday sales shall not become operative in any county unless the voters of the county have determined by referendum held pursuant to this section or its predecessor that Sunday sales shall not be permitted in the county.

b. A public question as to whether Sunday sales shall be permitted in a county shall be submitted to the voters of the county at a general election if a petition signed by not less than 2,500 registered voters of the county requesting that the question be submitted is filed with the county clerk prior to the 45th day preceding the general election.

c. There shall be printed on each official ballot to be used at such election, the following:

If you favor the proposition printed below make a cross (X), plus (+) or check (√) in the square opposite the word "Yes." If you are opposed thereto make a cross (X), plus (+) or check (√) in the square opposite the word "No."

	YES.	Shall Sunday sales be permitted in this county?
	NO.	

In any municipality in which voting machines are used, the question shall be placed upon the official ballots to be used upon the voting machines without the instructions and shall be voted upon by the use of such machines.

d. If at the election at which the question is submitted, the majority of all the votes cast are cast against the question, the provisions of section 14 of P.L.1999, c.90 (C.40A:64-1) shall be operative in the county on the first Sunday after the election. If a majority of votes is cast in favor of the question, the provisions of this act shall remain inoperative in the county.

e. In a county in which there has been a referendum on Sunday sales provided in this section, a public question as to whether Sunday sales shall be permitted shall be submitted again to the voters of the county if three years has elapsed since the last referendum on the subject and a petition signed by at least 10% of the registered voters of the county requesting that the question again be submitted is filed with the county clerk. The election shall be held at the next general election after the 45th day following the date of the filing of the petition in the same manner as provided in subsection c.

C.40A:64-3 Referendum prohibiting sales in city.

16. a. If in any city of the first class located within any county in which, by referendum of the voters Sunday sales are prohibited, a petition is filed with the city clerk signed by not less than 2,500 registered voters of the city requesting that there shall be submitted to the voters of the city the question of whether the provisions of Section 17 of P.L.1999, c.90 (C.40A:64-4) prohibiting Sunday sales shall apply within the city, the question shall be submitted to the voters of the city at the next general election after the 30th day following the date of the filing of the petition.

b. There shall be printed on each official ballot to be used at the election authorized by this section the following:

If you favor the proposition printed below make a cross (X), plus (+) or check (√) in the square opposite the word "Yes." If you are opposed thereto make a cross (X), plus (+) or check (√) in the square opposite the word "No."

	YES.	Shall Sunday sales be permitted in this city?
	NO.	

In any city in which voting machines are used, the question shall be placed upon the official ballots to be used upon the voting machines without the instructions and shall be voted upon by the use of such machines.

c. If at the election at which the question is submitted, the majority of all the votes cast are cast in favor of the question, the provisions of section 14 of P.L.1999, c.90 (C.40A:64-1) shall be prohibiting Sunday sales shall be inoperative in the city; if a majority of votes is cast against the question, the provisions shall remain operative in the city.

C.40A:64-4 Municipality may prohibit Sunday sales by referendum.

17. In a county that has approved Sunday sales by referendum, any municipality in that county which voted to prohibit Sunday sales at that referendum may by municipal referendum and pursuant to R.S.40:45-3 submit to the voters of the municipality for their approval the question of whether Sunday sales shall be permitted in that municipality.

C.40A:64-5 Definitions relative to Sunday sales.

18. a. As used in this section:

(1) "Fundraising event" means a planned, scheduled activity which has as its main purpose the generating of money to be used for any educational purposes benefiting students including, but not limited to, use for scholarships or educational or athletic equipment. The money generated as a result of the sponsorship of a fundraising event, the leasing of space to vendors, and any actual sales by the educational organization itself must be used in their entirety for educational purposes. These events shall be conducted on the premises of the school with which the educational organization is affiliated and may include, but are not limited to, flea markets, auctions, and bazaars.

(2) "Educational organizations" means associations of parents of public or private, nonprofit school students and faculty members of the public or private, nonprofit school where those students are enrolled, including teachers and administrators, or student groups consisting of present or former enrollees of the school or organizations consisting of some members of both these associations or groups who have joined together to conduct activities relating to the improvement of the quality of education. These activities include, meetings devoted to issues concerning administration or curriculum matters or volunteer efforts concerning any extracurricular activities or athletic events.

b. Notwithstanding any other provisions of law to the contrary, in a county in which the provisions of section 14 of P.L.1999, c.90 (C.40A:64-1) shall be prohibiting Sunday sales apply, an educational organization may be authorized by the appropriate school board of a public school or the appropriate chief administrative officer of a private, nonprofit school, as the case may be, in that county to conduct, on the appropriate school premises, no more than 10 fundraising events on any 10 Sundays in a calendar year. Each event shall be subject to separate approval by the board or chief administrative officer, as the case may be. The 10-day limitation provided for herein shall apply to all educational organizations for which a fundraising event would be subject to the approval of a single school district or chief administrative officer, as the case may be.

c. The governing body of a municipality may, by ordinance or resolution, provide that the provisions of this section will not be applicable in that municipality or may regulate or otherwise limit the fundraising events permitted by this act.

Repealer.

19. The following sections are repealed:

R.S.34:11-25;

R.S.34:11-26;

N.J.S.2A:170-51;

N.J.S.2A:170-77;

N.J.S.2A:170-91;

P.L.1952, c.95 (C.2A:108-9);

P.L.1971, c.412 (C.2A:150A-1 through 2A:150A-5);

P.L.1973, c.354 (C.2A:150A-6);
P.L.1952, c.106 (C.2A:170-25.1);
P.L.1965, c.41 (C.2A:170-25.9 through 2A:170-25.13);
P.L.1972, c.143 (C.2A:170-25.17);
Sections 1 through 4 of P.L.1977, c.244 (C.2A:170-25.21 through 2A:170-25.23);
P.L.1955, c.48 (C.2A:170-77.2);
P.L.1962, c.174 (C.2A:170-77.2a and 2A:170-77.2b);
P.L.1962, c.113 (C.2A:170-77.8 through 2A:170-77.11);
P.L.1964, c.230 (C.2A:170-77.12 through 2A:170-77.14);
Section 7 of P.L.1966, c.314 (C.2A:170-77.15);
P.L.1977, c.215 (C.2A:170-77.16 through 2A:170-77.18);
P.L.1966, c.121 (C.2A:170-90.2);
P.L.1975, c.182 (C.2A:170-90.3 through 2A:170-90.5);
P.L.1955, c.254 (C.2A:171-1.1 and 2A:171-1.2);
P.L.1959, c.119 (C.2A:171-5.8 through 2A:171-5.18);
P.L.1984, c.160 (C.2A:171-5.19 through 2A:171-5.21);
Sections 6 and 7 of P.L.1985, c.271 (C.2A:171-5.22 and 2A:171-5.23);
P.L.1985, c.417 (C.2A:171-5.24 and 2A:171-5.25);
P.L.1988, c.62 (C.2A:171-5.26 through 2A:171-5.28);
Section 6 of P.L.1980, c.133 (C.24:21-51);
Section 18 of P.L.1970, c.226 (C.24:21-18).

20. This act shall take effect immediately.

Approved May 3, 1999.