

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

3

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

6

7       1. This act shall be known and may be cited as the “New Jersey Tax,  
8 Regulate and Control Marijuana Act.”

9

10       2. (New section) The Legislature finds and declares that:

11       a. New Jersey currently wastes more than \$125 million dollars a year  
12 arresting people for marijuana possession.

13       b. A conviction for marijuana possession has severe long-term  
14 consequences. A person with a marijuana conviction is subject to a system  
15 of legal discrimination that can last a lifetime and can make it difficult to  
16 secure employment, housing, student loans, or even a driver’s license.  
17 Even without a conviction, the consequences of an arrest can include  
18 stigma and humiliation, the financial burden of hiring a lawyer, and lost  
19 hours at work or school.

20       c. Marijuana laws have a disparate racial impact on communities of  
21 color. In New Jersey, black people are almost three times more likely to be  
22 arrested for marijuana possession than white people even though both  
23 races use marijuana at the similar rates. On a county level, these disparities  
24 are even starker. In one county, black people are over five times more  
25 likely to be arrested than white people. In six New Jersey counties the  
26 disparate rates at which black people are arrested exceed the national  
27 average.

28       d. Taxing and regulating marijuana would create a predictable and  
29 significant revenue stream for New Jersey to be used to fund infrastructure  
30 upgrades, substance use disorder treatment programs and for education

1 and reinvestment in the communities most negatively harmed by New  
2 Jersey’s current marijuana laws.

3 e. Four states (Alaska, Colorado, Oregon and Washington) and the  
4 District of Columbia have now legalized marijuana, and a majority of New  
5 Jersey residents support legalizing, taxing and regulating marijuana like  
6 alcohol for adults. This legislation would make New Jersey’s marijuana  
7 laws consistent with the values and opinions of New Jersey residents and  
8 would build on smart and popular reforms across the country.

9  
10 3. (New section) Definitions.

11 As used in this act:

12 a. “Advertise” means the publication or dissemination of an  
13 advertisement.

14 b. “Advertisement” includes any written or verbal statement,  
15 illustration, or depiction which is calculated to induce sales of marijuana  
16 or marijuana products, including any written, printed, graphic, or other  
17 material, billboard, sign, or other outdoor display, public transit card, other  
18 periodical literature, publication, or in a radio or television broadcast, or in  
19 any other media; except that such term shall not include:

20 (1) Any label affixed to any marijuana or marijuana products, or any  
21 individual covering, carton, or other wrapper of such container that  
22 constitutes a part of the labeling under provisions of P.L. , c. (C. )  
23 (pending before the Legislature as this bill).

24 (2) Any editorial or other reading material (e.g., news release) in any  
25 periodical or publication or newspaper for the publication of which no  
26 money or valuable consideration is paid or promised, directly or indirectly,  
27 by any licensee, and which is not written by or at the direction of the  
28 licensee.

29 c. “Advertising sign” is any sign, poster, display, billboard, or any  
30 other stationary or permanently-affixed advertisement promoting the sale

- 1 of marijuana or marijuana products which are not cultivated,  
2 manufactured, distributed, or sold on the same lot.
- 3 d. “Alternative treatment center” shall have the same meaning given  
4 in N.J.S.24:61-3.
- 5 e. “Child resistant” means designed or constructed to be significantly  
6 difficult for children under five years of age to open, and not difficult for  
7 normal adults to use properly.
- 8 f. “Commercial marijuana activity” includes the cultivation,  
9 possession, manufacture, distribution, processing, storing, laboratory  
10 testing, labeling, transportation, delivery or sale of marijuana and  
11 marijuana products as provided for in P.L. c. (C. ) (pending  
12 before the Legislature as this bill); but shall not include medical marijuana  
13 activities provided for in P.L.2009, c.307 (C.24:6I-1 et seq.).
- 14 g. “Controlling person” means an officer, board member, or other  
15 individual who has a financial or voting interest of 10 percent or greater in  
16 a marijuana establishment. “Controlling person” does not include a bank  
17 or licensed lending institution.
- 18 h. “Cultivation” means any activity involving the planting, growing,  
19 harvesting, drying, curing, grading, or trimming of marijuana.
- 20 i. “Cultivator” means a person licensed by the Division to cultivate  
21 and package marijuana, to have marijuana tested by a marijuana testing  
22 facility, and to sell marijuana to other marijuana establishments.
- 23 j. “Customer” means a natural person 21 years of age or over.
- 24 k. “Delivery” means the commercial transfer of marijuana or  
25 marijuana products to a customer.
- 26 l. “Distribution” means the procurement, sale, and transport of  
27 marijuana and marijuana products between marijuana entities licensed  
28 under P.L. c. (C. ) (pending before the Legislature as this bill).
- 29 m. “Distributor” means a person licensed for the distribution of  
30 marijuana and marijuana products.

- 1 n. “Division” means the Division of Marijuana Control within the  
2 Department of Law and Public Safety.
- 3 o. “Division of Taxation” means the Division of Taxation within the  
4 Department of the Treasury.
- 5 p. “Hashish” shall have the same meaning given in N.J.S.24:21-2.
- 6 q. “Health-related statement” means any statement related to health,  
7 and includes statements of a curative or therapeutic nature that, expressly  
8 or by implication, suggest a relationship between the consumption of  
9 marijuana or marijuana products and health benefits, or effects on health.
- 10 r. “Industrial hemp” means a fiber or oilseed crop, or both, that is  
11 limited to types of the plant *Cannabis sativa* L. having no more than three-  
12 tenths of 1 percent tetrahydrocannabinol (THC) contained in the dried  
13 flowering tops, and the seed whether growing or not; the seeds of that  
14 plant; the resin extracted from any part of the plant; and every compound,  
15 manufacture, salt, derivative, mixture, or preparation of the plant, its seeds  
16 or resin produced therefrom, having no more than three-tenths of 1 percent  
17 tetrahydrocannabinol (THC) contained in the dried flowering tops, and  
18 that is cultivated and processed exclusively for the purpose of producing  
19 the mature stalks of the plant, fiber produced from the stalks, oil or cake  
20 made from the seeds of the plant, or any other compound, manufacture,  
21 salt, derivative, mixture, or preparation of the mature stalks, except the  
22 resin or flowering tops extracted therefrom, fiber, oil, or cake, or the  
23 sterilized seed, or any component of the seed, of the plant that is incapable  
24 of germination.
- 25 s. “License” means a state license issued under P.L. c. (C. )  
26 (pending before the Legislature as this bill).
- 27 t. “Licensee” means any person holding a license under P.L. c.  
28 (C. ) (pending before the Legislature as this bill).
- 29 u. “Local jurisdiction” means a borough, township, city, village or  
30 other municipality.

- 1 v. “Manufacture” means to compound, blend, extract, infuse, or  
2 otherwise make or prepare a marijuana product, but does not include  
3 producing the marijuana contained in the marijuana product.
- 4 w. “Manufacturer” means a person licensed by the Division to  
5 manufacture marijuana products, to have marijuana products tested by a  
6 marijuana testing facility, and to sell marijuana products to other  
7 marijuana establishments.
- 8 x. “Marijuana” means all parts of the plant Genus Cannabis L.,  
9 whether growing or not; the seeds thereof; and every compound,  
10 manufacture, salt, derivative, mixture, or preparation of the plant or its  
11 seeds, but shall not include:
- 12 (1) the mature stalks of the plant, fiber produced from the stalks, oil or  
13 cake made from the seeds of the plant, any other compound, manufacture,  
14 salt, derivative, mixture, or preparation of such mature stalks, fiber, oil, or  
15 cake, or the sterilized seed of the plant which is incapable of germination;
- 16 (2) industrial hemp, as defined in subsection r. of this section;
- 17 (3) or the weight of any other ingredient combined with marijuana to  
18 prepare topical or oral administrations, food, drink, or other product.
- 19 y. “Marijuana establishment” means a marijuana cultivator,  
20 marijuana manufacturer, marijuana microbusiness, marijuana nursery,  
21 marijuana distributor, marijuana retailer, marijuana testing facility, or  
22 other type of licensee whose operations are allowed by the Division or the  
23 Legislature.
- 24 z. “Marijuana flowers” shall mean the dried flowers of the marijuana  
25 plant.
- 26 aa. “Marijuana leaves” shall mean all parts of the marijuana plant  
27 other than marijuana flowers that are sold or consumed.
- 28 bb. “Marijuana paraphernalia” shall mean all equipment, products and  
29 materials of any kind which are used or intended for use in planting,  
30 propagating, cultivating, growing, harvesting, manufacturing,  
31 compounding, converting, producing, processing, preparing, testing,

1 analyzing, packaging, repackaging, storing, containing, concealing,  
2 ingesting, inhaling, or otherwise introducing into the human body  
3 marijuana, marijuana products, or hashish. It shall include, but not be  
4 limited to:

- 5 (1) Kits used or intended for use in planting, propagating, cultivating,  
6 growing or harvesting marijuana plants;
- 7 (2) Kits used or intended for use in manufacturing, compounding,  
8 converting, producing, processing, or preparing marijuana, marijuana  
9 products, or hashish;
- 10 (3) Isomerization devices used or intended for use in increasing the  
11 potency of any marijuana plant;
- 12 (4) Testing equipment used or intended for use identifying, or in  
13 analyzing the strength, effectiveness or purity of marijuana, marijuana  
14 products, or hashish;
- 15 (5) Scales and balances used or intended for use in weighing or  
16 measuring marijuana, marijuana products, or hashish;
- 17 (6) Separation gins and sifters used or intended for use in removing  
18 twigs and seeds from, or in otherwise cleaning or refining, marijuana;
- 19 (7) Blenders, bowls, containers, spoons and mixing devices used or  
20 intended for use in compounding hashish or marijuana products;
- 21 (8) Capsules, balloons, envelopes and other containers used or  
22 intended for use in packaging small quantities of marijuana, marijuana  
23 products, or hashish;
- 24 (9) Containers and other objects used or intended for use in storing or  
25 concealing marijuana, marijuana products, or hashish;
- 26 (10) Objects used or intended for use in ingesting, inhaling, or  
27 otherwise introducing marijuana, marijuana products, or hashish into the  
28 human body, such as (i) metal, wooden, acrylic, glass, stone, plastic, or  
29 ceramic pipes with or without screens, permanent screens, hashish heads,  
30 or punctured metal bowls; (ii) water pipes; (iii) carburetion tubes and  
31 devices; (iv) smoking and carburetion masks; (v) roach clips, meaning

1 objects used to hold burning material, such as a marijuana cigarette, that  
2 has become too small or too short to be held in the hand.

3 cc. "Marijuana products" means marijuana that has undergone a  
4 process whereby the plant material has been transformed into a  
5 concentrate, including, but not limited to, hashish, or an edible or topical  
6 product containing marijuana or hashish and other ingredients.

7 dd. "Market" or "Marketing" means any act or process of promoting or  
8 selling marijuana or marijuana products, including but not limited to,  
9 sponsorship of sporting events, point of sale advertising, development of  
10 products specifically designed to appeal to certain demographics, etc.

11 ee. "Microbusiness" means a person licensed by the Division to  
12 cultivate marijuana on an area less than 10,000 square feet and to act as a  
13 licensed distributor, manufacturer, and retailer.

14 ff. "Nursery" means a person licensed by the Division to produce only  
15 clones, immature plants, seeds, and other agricultural products used  
16 specifically for the planting, propagation, and cultivation of marijuana.

17 gg. "Package" means any container or receptacle used for holding  
18 marijuana or marijuana products.

19 hh. "Person" includes any individual, firm, co-partnership, joint  
20 venture, association, corporation, limited liability company, estate, trust,  
21 business trust, receiver, syndicate, or any other group or combination  
22 acting as a unit, and the plural as well as the singular.

23 ii. "Private residence" means a house, an apartment unit, a mobile  
24 home, or other similar dwelling.

25 jj. "Retailer" means a person licensed by the Division for the retail  
26 sale and delivery of marijuana or marijuana products to customers.

27 kk. "Sell," "sale," and "to sell" include any transaction whereby, for  
28 any consideration, title to marijuana is transferred from one person to  
29 another, and includes the delivery of marijuana or marijuana products  
30 pursuant to an order placed for the purchase of the same and soliciting or  
31 receiving an order for the same, but does not include the return of

1 marijuana or marijuana products by a licensee to the licensee from whom  
2 such marijuana or marijuana product was purchased.

3 ll. “Testing service” means a laboratory, facility, or person licensed  
4 by the Division, that offers or performs tests of marijuana or marijuana  
5 products and that is registered with the Division.

6 mm. “Unreasonably impracticable” means that the measures necessary  
7 to comply with the regulations require such a high investment of risk,  
8 money, time, or any other resource or asset, that the operation of a  
9 marijuana establishment is not worthy of being carried out in practice by a  
10 reasonably prudent business person.

11

12 4. Section 3 of P.L.1948, c.439 (C.52:17B-3) is amended to read as  
13 follows:

14 52:17B-3. Divisions established in Department

15 There is hereby established in the Department of Law and Public Safety  
16 a Division of Law, a Division of State Police, a Division of Alcoholic  
17 Beverage Control, a Division of Marijuana Control, a Division of Motor  
18 Vehicles, a Division of Weights and Measures and a Division of  
19 Professional Boards.

20 The Attorney General shall have the authority to organize and maintain  
21 in his offices an Administrative Division and to assign to employment  
22 therein such secretarial, clerical and other assistants in the department as  
23 his office and the internal operations of the department shall require.

24 (cf: P.L.1948, c. 439, s. 3)

25

26 5. (New section) Administration.

27 a. The Division of Marijuana Control established in Section 52:17B-  
28 17 shall heretofore have the power, duty, purpose, responsibility, and  
29 jurisdiction to regulate commercial marijuana activity as provided in P.L  
30 , c. (C. )(pending before the Legislature as this bill).



1        b. The Division shall have the exclusive authority to create, issue,  
2 renew, discipline, suspend, or revoke licenses for commercial marijuana  
3 activities in accordance with the “Administrative Procedure Act,”  
4 P.L.1968, c.410 (C.52:14B-1 et seq.).

5        (1) The Division shall consult with the Department of Agriculture  
6 regarding rules, regulations, and licenses for the cultivation of marijuana.

7        (2) The Division shall begin issuing licenses not later than 18 months  
8 following the effective date of P.L.    c. (C.    ) (pending before the  
9 Legislature as this bill).

10       (3) The Division shall have the authority to collect fees in connection  
11 with activities they regulate concerning marijuana.

12       (4) The Division may limit the total amount of marijuana produced in  
13 New Jersey based on the demand for marijuana and marijuana products  
14 and in an effort to reduce illicit marijuana markets.

15       (5) The Director of the Division shall not have any interest in the  
16 marijuana industry nor accept gift from marijuana establishments.

17

18       6. (New section) Rulemaking.

19       a. Not later than six months following the effective date of P.L.    c.  
20 (C.    ) (pending before the Legislature as this bill), the Division shall  
21 make and prescribe reasonable rules and regulations as may be necessary  
22 to implement, administer and enforce its respective duties under P.L.    c.  
23 (C.    ) (pending before the Legislature as this bill) and in accordance  
24 with the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et  
25 seq.). Such rules and regulations shall be consistent with the purpose of  
26 P.L.    c. (C.    ) (pending before the Legislature as this bill). Such  
27 regulations shall include:

28       (1) Procedures for the issuance, renewal, suspension, and revocation  
29 of a license to operate a marijuana establishment, with such procedures  
30 subject to all requirements of the “Administrative Procedure Act,”  
31 P.L.1968, c.410 (C.52:14B-1 et seq.);

1 (2) A schedule of application, licensing and renewal fees pursuant to  
2 Section 10 of P.L. c. (C. ) (pending before the Legislature as this  
3 bill);

4 (3) Qualifications for licensure that are directly and demonstrably  
5 related to the operation of a marijuana establishment;

6 (4) Security requirements for marijuana establishments;

7 (5) Requirements to prevent the sale or diversion of marijuana and  
8 marijuana products to persons under the age of 21;

9 (6) Labeling requirements for marijuana and marijuana products sold  
10 or distributed by a marijuana establishment pursuant to Section 18 of P.L.  
11 c. (C. ) (pending before the Legislature as this bill);

12 (1) Health and safety regulations and standards for the manufacture of  
13 marijuana products and the cultivation of marijuana;

14 (2) In consultation with the Department of Health and Senior Services,  
15 standards for quality control, inspection, and testing;

16 (3) Restrictions on the advertising, marketing, and display of  
17 marijuana and marijuana products pursuant to Section 21 of P.L. c.  
18 (C. ) (pending before the Legislature as this bill);

19 (4) Civil penalties for the failure to comply with regulations made  
20 pursuant to this section; and

21 (5) Procedures and policies that promote and encourage full  
22 participation in the regulated marijuana industry by people from  
23 communities disproportionately harmed by marijuana prohibition and  
24 enforcement. Such harms include disproportionate rates of stops, arrests,  
25 incarceration, and collateral consequences for marijuana violations.

26 b. The Division may prescribe, adopt, and enforce any emergency  
27 regulations as necessary to implement, administer and enforce their  
28 respective duties under of P.L. c. (C. ) (pending before the  
29 Legislature as this bill). Any emergency regulation prescribed, adopted or  
30 enforced pursuant to this section shall be adopted in accordance with  
31 N.J.A.C. 1:30–6.5.

1 c. The Division may make or cause to be made such investigation as  
2 it deems necessary to carry out its duties under P.L. c. (C. )  
3 (pending before the Legislature as this bill).

4 d. The Pesticide Control Council in the Department of Environmental  
5 Protection, in consultation with the Department of Agriculture, shall  
6 develop standards for the use of pesticides in cultivation, and maximum  
7 tolerances for pesticides and other foreign object residue in harvested  
8 marijuana. These standards shall apply to licensed cultivators under P.L.  
9 c. (C. ) (pending before the Legislature as this bill).

10 e. The Department of Agriculture shall develop environmental  
11 protections which shall apply to all licensees.

12 f. The regulations made in accordance with this section cannot be  
13 unreasonably impracticable.

14

15 7. (New section) Administrative Hearings.

16 An applicant denied a license or license renewal, or who has a license  
17 revoked pursuant to this section, shall have the right to an administrative  
18 hearing and decision, and the matter shall be treated as a contested case,  
19 under the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et  
20 seq.)”

21

22 8. (New section) Local Control.

23 a. A local jurisdiction may enact ordinances or regulations, including,  
24 but not limited to, local zoning and land use requirements, business license  
25 requirements, not in conflict with the provisions of P.L. , c. (C. )  
26 (pending before the Legislature as this bill) governing the time, place and  
27 manner so long as such regulations are not unreasonably impracticable.

28 b. Notwithstanding paragraph 2 of subsection a. of Section 34 of P.L.  
29 , c. (C. ) (pending before the Legislature as this bill), a local jurisdiction  
30 may allow for the smoking, vaporizing, and ingesting of marijuana or

1 marijuana products on the premises of a marijuana retailer or  
2 microbusiness licensed under this division if:

3 (1) Access to the area where marijuana consumption is allowed is  
4 restricted to persons 21 years of age and older;

5 (2) Marijuana consumption is not visible from any public place or  
6 non-age restricted area; and

7 (3) Consumption of alcohol or tobacco is not allowed on the premises.

8

9 9. (New section) Licensing.

10 a. Notwithstanding any other provision of law, the Division shall  
11 have the authority to issue licenses that it deems necessary to carry out the  
12 purpose of P.L. , c. (C. ) (pending before the Legislature as this  
13 bill).

14 b. The Division shall issue licenses pursuant to this authority,  
15 including but not necessarily limited to marijuana cultivators, marijuana  
16 manufacturers, marijuana microbusinesses, marijuana nurseries, marijuana  
17 distributors, marijuana retailers and marijuana testing facilities as defined  
18 in Section 3 of P.L. , c. (C. ) (pending before the Legislature as  
19 this bill).

20 c. All licenses issued under this division shall bear a clear designation  
21 indicating that the license is for commercial marijuana activity as distinct  
22 from medical marijuana manufactured, produced and sold for medical use  
23 pursuant to P.L.2009, c.307 (C.24:6I-1 et seq.).

24 d. A marijuana retail licensee shall not hold a license in another  
25 license category of Section 10 of P.L. , c. (C. ) (pending before the  
26 Legislature as this bill) and shall not own or have ownership interest in a  
27 non-retail facility licensed pursuant to P.L. , c. (C. ) (pending  
28 before the Legislature as this bill).

29 e. A marijuana microbusiness licensee shall not hold a license in  
30 another license category of Section 10 of P.L. , c. (C. ) (pending  
31 before the Legislature as this bill) and shall not own or have ownership

1 interest in a non-microbusiness facility licensed pursuant to P.L. , c. (C.  
2 ) (pending before the Legislature as this bill).

3 f. A testing licensee shall not hold a license in another license  
4 category of Section 10 of P.L. , c. (C. ) (pending before the  
5 Legislature as this bill) and shall not own or have ownership interest in a  
6 non-testing facility licensed pursuant to P.L. , c. (C. ) (pending  
7 before the Legislature as this bill).

8 g. A license issued pursuant to P.L. , c. (C. ) (pending before  
9 the Legislature as this bill) shall be valid for 12 months from the date of  
10 issuance. The license may be renewed annually.

11 h. The Division shall establish procedures for the issuance and  
12 renewal of licenses.

13 i. Notwithstanding subsection g., the Division may issue a temporary  
14 license valid for a period of less than 12 months. This subsection shall  
15 cease to be operable not less than two years following the effective date of  
16 P.L. c. (C. ) (pending before the Legislature as this bill).

17

18 10. (New section) Application.

19 a. The Division shall establish procedures for the issuance and  
20 renewal of licenses for marijuana establishments.

21 b. Each application for an annual license to operate a marijuana  
22 establishment shall be submitted to the Division. The Division shall:

23 (1) Begin accepting and processing applications not more than 12  
24 months following the effective date of P.L. c. (C. ) (pending  
25 before the Legislature as this bill);

26 (2) Issue an annual license to the applicant between 45 and 90 days  
27 after receipt of an application unless the Division finds a controlling  
28 person does not qualify for a license pursuant to Section 10 of P.L. , c.  
29 (C. ) (pending before the Legislature as this bill); and

30 (3) Upon denial of an application, notify the applicant in writing of the  
31 specific reason for its denial.

1 c. The Division shall:

2 (1) Actively seek to achieve racial, ethnic, gender, and geographic  
3 diversity among license holders when issuing licenses; and

4 (2) Encourage applicants who qualify as a minority business or  
5 women's business, as defined in N.J.S.52:27H-21.18, to apply for  
6 licensure.

7

8 11. (New section) Denial of a marijuana license.

9 a. The Division shall deny an application if either a controlling  
10 person, or the premises for which a state license is applied, do not qualify  
11 for licensure under this division.

12 b. The Division may deny the application for licensure or renewal of  
13 a state license if any of the following conditions apply:

14 (1) Failure to comply with the provisions of P.L. c. (C. )  
15 (pending before the Legislature as this bill) or any rule or regulation  
16 adopted pursuant to P.L. c. (C. ) (pending before the Legislature  
17 as this bill).

18 (2) Failure to provide information required by the Division.

19 (3) Licensure or renewal of a license will lead to monopolization or  
20 unreasonably restrain competition.

21 (4) The premises is licensed to sell alcohol or tobacco.

22 (5) A controlling person has been convicted of an offense that is  
23 substantially related to the qualifications, functions, or duties of the  
24 business or profession for which the application is made, except that if the  
25 Division determines that the controlling person or licensee is otherwise  
26 suitable to be issued a license, and granting the license would not  
27 compromise public safety, the Division shall conduct a thorough review of  
28 the nature of the crime, conviction, circumstances, and evidence of  
29 rehabilitation of the controlling person, and shall evaluate the suitability of  
30 the controlling person or licensee to be issued a license based on the  
31 evidence found through the review. In determining which offenses are

1 substantially related to the qualifications, functions, or duties of the  
2 business or profession for which the application is made, the Division  
3 shall include, but not be limited to, the following:

4 (A) A felony conviction involving fraud, deceit, or embezzlement.

5 (B) A felony conviction for hiring, employing, or using a minor in  
6 transporting, carrying, selling, giving away, preparing for sale, or  
7 peddling, any controlled substance to a minor; or selling, offering to sell,  
8 furnishing, offering to furnish, administering, or giving any controlled  
9 substance to a minor.

10 (6) A controlling person has been sanctioned by the Division for  
11 unauthorized commercial marijuana activities or medical marijuana  
12 activities pursuant to P.L.2009, c.307 (C.24:6I-1 et seq.), has had a license  
13 revoked under P.L. c. (C. ) (pending before the Legislature as this  
14 bill) in the three years immediately preceding the date the application is  
15 filed with the Division.

16 c. Except as provided in subparagraphs (A) and (B) of paragraph (5)  
17 of subsection b. of this Section, a prior conviction, where the sentence,  
18 including any term of probation, incarceration, or supervised release, is  
19 completed, for possessing, using, being under the influence of,  
20 manufacturing, distributing or dispensing, or possessing with intent to  
21 manufacture, distribute or dispense a controlled substance is not  
22 considered substantially related, and shall not be the sole ground for denial  
23 of a license. Conviction for any controlled substance felony subsequent to  
24 licensure shall be grounds for revocation of a license or denial of the  
25 renewal of a license.

26

27 12. (New section) Protections for licensees.

28 a. Actions and conduct by a licensee, its employees, and its agents  
29 that are permitted pursuant to a valid license issued by the Division, and  
30 by those who allow property to be used by a licensee, its employees, or its  
31 agents as permitted pursuant to a valid license issued by the Division, are

1 lawful under state and local law, and shall not be a violation of state or  
2 local law.

3 b. No state or local government agency shall impose any criminal,  
4 civil, or administrative penalty on any licensee, its employees, or its  
5 agents, or on those who allow property to be used by a licensee, its  
6 employees, or its agents, solely for actions or conduct permitted pursuant  
7 to a valid license issued by the Division.

8 c. Actions and conduct by a licensee, its employees, and its agents  
9 that are permitted pursuant to a valid license issued by the Division, and  
10 by those who allow property to be used by a licensee, its employees, or its  
11 agents as permitted pursuant to a valid license issued by the Division, shall  
12 not be a basis for seizure or forfeiture of any products, materials,  
13 equipment, property, or assets under state or local law.

14 d. Anyone who sells any marijuana or marijuana products to a person  
15 under the legal age for purchasing marijuana and marijuana products shall  
16 be subject to a civil penalty of not less than \$250 for the first violation not  
17 less than \$500 for the second violation, and \$1,000 for the third and each  
18 subsequent violation; provided, however, that the establishment of all of  
19 the following facts by a person making any such sale shall constitute a  
20 defense to any prosecution therefor:

21 (1) that the purchaser falsely represented in writing, or by producing a  
22 driver's license bearing a photograph of the licensee, or by producing a  
23 photographic identification card issued pursuant to section 2 of P.L.1980,  
24 c. 47 (C.39:3-29.3), or a similar card issued pursuant to the laws of this  
25 State, another state or the federal government that he or she was of legal  
26 age to make the purchase,

27 (2) that the appearance of the purchaser was such that an ordinary  
28 prudent person would believe him or her to be of legal age to make the  
29 purchase, and

30 (3) that the sale was made in good faith relying upon such written  
31 representation, or production of a driver's license bearing a photograph of



1 the licensee, or production of a photographic identification card issued  
2 pursuant to section 2 of P.L.1980, c. 47 (C.39:3-29.3), or a similar card  
3 issued pursuant to the laws of this State, another state or the federal  
4 government and appearance and in the reasonable belief that the purchaser  
5 was actually of legal age to make the purchase.

6 e. Nothing in this section shall be construed or interpreted to:

7 (1) Prevent the Division from enforcing its rules and regulations  
8 against a licensee.

9 (2) Prevent a state agency from enforcing a law, rule, or regulation  
10 that is not in conflict with the provisions of P.L. c. (C. ) (pending  
11 before the Legislature as this bill) or the rules and regulations of the  
12 Division.

13 (3) Prevent a locality from enforcing a local zoning ordinance or local  
14 ordinance consistent with Section 9 of P.L. c. (C. ) (pending  
15 before the Legislature as this bill).

16

17 13. (New section) License fees.

18 The Division shall establish a scale of application, licensing, and  
19 renewal fees, based upon the cost of enforcing this division, as follows:

20 a. The Division shall charge each licensee a licensure and renewal  
21 fee, as applicable. The licensure and renewal fee shall be calculated to  
22 cover the costs of administering P.L. , c. (C. ) (pending before the  
23 Legislature as this bill). The licensure fee may vary depending upon the  
24 varying costs associated with administering the various regulatory  
25 requirements of P.L. , c. (C. ) (pending before the Legislature as  
26 this bill) as they relate to the nature and scope of the different licensure  
27 activities, including, but not limited to, the track and trace system required  
28 pursuant to Section 22 of P.L. , c. (C. ) (pending before the  
29 Legislature as this bill), but shall not exceed the reasonable regulatory  
30 costs to the Division.

1        b. The total fees assessed pursuant to P.L. , c. (C. ) (pending  
2 before the Legislature as this bill) shall be set at an amount that will fairly  
3 and proportionately generate sufficient total revenue to fully cover the  
4 total costs of administering P.L. , c. (C. ) (pending before the  
5 Legislature as this bill).

6        c. All license fees shall be set on a scaled basis by the Division,  
7 dependent on the size of the business and shall not create barriers to entry  
8 for smaller businesses.

9        d. The Division shall deposit all fees collected in the Marijuana  
10 Regulation Fund established in Section 14 P.L. , c. (C. ) (pending  
11 before the Legislature as this bill). Monies in the Division fee accounts  
12 shall be used, upon appropriation by the Legislature, by the Division for  
13 the administration of P.L. , c. (C. ) (pending before the Legislature  
14 as this bill).

15        e. The total fees charged to any one licensee shall not be  
16 unreasonably impracticable.

17

18        14. (New section) Funding.

19        There is hereby created and established in the Department of the  
20 Treasury a separate nonlapsing fund to be known as the “Marijuana  
21 Regulation Fund.” Commencing 18 months following the effective date of  
22 P.L. c. (C. ) (pending before the Legislature as this bill) and  
23 annually for each succeeding State fiscal year, the State Treasurer shall  
24 credit to the Marijuana Regulation Fund, on a monthly basis, an amount  
25 equivalent to the dedicated marijuana license fees received by the State  
26 during each calendar month of such fiscal year.

27

28        15. (New section) Distribution and Transport.

29        a. P.L. , c. (C. ) (pending before the Legislature as this bill)  
30 shall not be construed to authorize or permit a licensee to transport or

1 distribute, or cause to be transported or distributed, marijuana or marijuana  
2 products outside the state, unless authorized by federal law.

3 b. A local jurisdiction shall not prevent transportation of marijuana or  
4 marijuana products on public roads by a licensee transporting marijuana or  
5 marijuana products in compliance with this division.

6

7 16. (New section) Delivery.

8 a. Deliveries, as defined in this division, may only be made by a  
9 marijuana retailer, marijuana microbusiness, or other person licensed by  
10 the Division to sell marijuana or marijuana products to customers.

11 b. A customer requesting delivery shall maintain a physical or  
12 electronic copy of the delivery request and shall make it available upon  
13 request by the Division and law enforcement officers.

14 c. A local jurisdiction shall not prevent delivery of marijuana or  
15 marijuana products to a customer by a licensee acting in compliance with  
16 this division and local law as adopted under Section 9 of P.L. , c. (C.  
17 ) (pending before the Legislature as this bill).

18

19 17. (New section) Packaging and labeling.

20 a. The Division shall develop standards for the production and  
21 labeling of all marijuana and marijuana products and these standards shall  
22 apply to all licensed manufacturers and microbusinesses licensed by the  
23 Division.

24 b. Prior to delivery or sale at a retailer, marijuana and marijuana  
25 products shall be labeled and placed in a resealable, child resistant  
26 package.

27 c. Packages and labels shall not be made to be attractive to children.

28 d. Labels shall include:

29 (1) For packages containing only dried flower, the net weight of  
30 marijuana in the package.

- 1 (2) Identification of the source and date of cultivation, the type of  
2 marijuana or marijuana product and the date of manufacturing and  
3 packaging.
- 4 (3) List of pharmacologically active ingredients.
- 5 (4) For marijuana products, a list of all ingredients and disclosure of  
6 nutritional information in the same manner as the federal nutritional  
7 labeling requirements in 21 C.F.R. section 101.9.
- 8 (5) A warning if nuts or other known allergens are used.  
9
- 10 18. (New section) Marijuana products.
- 11 a. Marijuana products shall be:
- 12 (1) Not designed to be appealing to children or easily confused with  
13 commercially sold candy or foods that do not contain marijuana.
- 14 (2) Produced and sold with a standardized dosage of cannabinoids not  
15 to exceed ten (10) milligrams tetrahydrocannabinol per serving.
- 16 (3) Delineated or scored into standardized serving sizes if the  
17 marijuana product contains more than one serving and is an edible  
18 marijuana product in solid form.
- 19 (4) Homogenized to ensure uniform disbursement of cannabinoids  
20 throughout the product.
- 21 (5) Manufactured and sold under sanitation standards established by  
22 the Division, for preparation, storage, handling and sale of food products.
- 23 (6) Provided to customers with sufficient information to enable the  
24 informed consumption of such product, including the potential effects of  
25 the marijuana product and directions as to how to consume the marijuana  
26 product, as necessary.
- 27 b. Marijuana, including hashish, included in a marijuana product  
28 manufactured in compliance with law is not considered an adulterant  
29 under state law.  
30
- 31 19. (New section) Protection of minors.

- 1 a. No licensee shall:
- 2 (1) Sell marijuana or marijuana products to persons under 21 years of
- 3 age.
- 4 (2) Employ or retain persons under 21 years of age.
- 5 b. Notwithstanding subsection a., a licensee that is also an alternative
- 6 treatment center licensed under P.L.2009, c.307 (C.24:6I-1 et seq.) may:
- 7 (1) Allow any person 18 years of age or older who possesses a valid
- 8 identification card under P.L.2009, c.307 (C.24:6I-1 et seq.) and a valid
- 9 government-issued identification card to purchase marijuana or marijuana
- 10 products;
- 11 (2) Sell marijuana, marijuana products, and marijuana paraphernalia to
- 12 a person 18 years of age or older who possesses a valid identification card
- 13 under P.L.2009, c.307 (C.24:6I-1 et seq.) and a valid government-issued
- 14 identification card.
- 15
- 16 20. (New section) Advertising and marketing restrictions.
- 17 a. All marketing strategies and implementation including, but not
- 18 limited to, branding, packaging, labeling, location of marijuana retailers
- 19 and marijuana microbusinesses, and advertisements shall not be designed
- 20 to:
- 21 (1) Appeal to persons less than 21 years of age; or
- 22 (2) Disseminate false or misleading information to customers.
- 23 b. All advertisements and marketing shall accurately and legibly
- 24 identify the licensee responsible for its content.
- 25 c. Any broadcast, cable, radio, print and digital communications
- 26 advertisements shall only be placed where the audience is reasonably
- 27 expected to be 21 years of age or older, as determined by reliable, up-to-
- 28 date audience composition data.
- 29 d. Any advertising involving direct, individualized communication or
- 30 dialogue controlled by the licensee shall utilize a method of age
- 31 affirmation to verify that the recipient is 21 years of age or older prior to

1 engaging in such communication or dialogue controlled by the licensee.  
2 For purposes of this section, such method of age affirmation may include  
3 user confirmation, birth date disclosure, or other similar registration  
4 method.

5 e. All advertising shall be truthful and appropriately substantiated.

6 f. No licensee shall:

7 (1) Advertise in a manner that is false or untrue in any material  
8 particular, or that, irrespective of falsity, directly, or by ambiguity,  
9 omission, or inference, or by the addition of irrelevant, scientific or  
10 technical matter tends to create a misleading impression;

11 (2) Publish or disseminate advertising containing any statement  
12 concerning a brand or product that is inconsistent with any statement on  
13 the labeling thereof;

14 (3) Publish or disseminate advertising containing any statement,  
15 design, device, or representation which tends to create the impression that  
16 the marijuana originated in a particular place or region, unless the label of  
17 the advertised product bears an appellation of origin, and such appellation  
18 of origin appears in the advertisement;

19 (4) Advertise on a billboard or similar advertising device located on an  
20 Interstate Highway or State Highway which crosses the border of any  
21 other state;

22 (5) Advertise marijuana or marijuana products in a manner intended to  
23 encourage persons under the age of 21 years to consume marijuana or  
24 marijuana products;

25 (6) Publish or disseminate advertising or marketing containing  
26 symbols, language, music, gestures, cartoon characters or other content  
27 elements known to appeal primarily to persons below the legal age of  
28 consumption; or

29 (7) Advertise marijuana or marijuana products on an advertising sign  
30 within 1,000 feet of a day care center, school providing instruction in  
31 kindergarten or any grades 1 through 12, playground, or youth center.

1 g. No licensee shall give away any amount of marijuana or marijuana  
2 products, or any marijuana paraphernalia, as part of a business promotion  
3 or other commercial activity.

4 h. No licensee shall publish or disseminate advertising containing any  
5 health-related statement that is untrue in any particular manner or tends to  
6 create a misleading impression as to the effects on health of marijuana  
7 consumption.

8 i. The provisions of paragraph (7) of subsection (e) shall not apply to  
9 the placement of advertising signs inside a licensed premises and which  
10 are not visible by normal unaided vision from a public place, provided that  
11 such advertising signs do not advertise marijuana or marijuana products in  
12 a manner intended to encourage persons under the age of 21 years to  
13 consume marijuana or marijuana products.

14 j. This Section does not apply to any noncommercial speech.

15

16 21. (New section) Track and Trace System.

17 a. The Division, in consultation with the bureau and the Division of  
18 Taxation, shall establish a track and trace program for reporting the  
19 movement of marijuana and marijuana products throughout the  
20 distribution chain and shall capture, at a minimum, the following:

21 (1) The licensees receiving the product.

22 (2) The transaction date.

23 (3) The cultivator from which the product originates.

24 b. The Division shall create an electronic database containing the  
25 electronic shipping manifests which shall include, but is not limited to, the  
26 following information:

27 (1) The quantity, or weight, and variety of products shipped.

28 (2) The estimated and actual times of departure and arrival.

29 (3) The quantity, or weight, and variety of products received.

30 (4) The licensee receiving the product.

1 c. The database shall be designed to flag irregularities for the  
2 Division to investigate.

3 d. Upon the request of a state or local law enforcement agency, the  
4 Division shall allow access to or provide information contained within the  
5 database to assist law enforcement in their duties and responsibilities  
6 pursuant to this chapter.

7

8 22. (New section) Contracts.

9 It is the public Policy of the People of the State of New Jersey that  
10 contracts related to the operation of licenses under P.L. , c. (C. )  
11 (pending before the Legislature as this bill) should be enforceable and no  
12 contract entered into by a licensee, its employees, or its agents as  
13 permitted pursuant to a valid license issued by the Division under Section  
14 10 of P.L. , c. (C. ) (pending before the Legislature as this bill), or  
15 by those who allow property to be used by a licensee, its employees, or its  
16 agents as permitted pursuant to a valid license issued by the Division  
17 under Section 10 of P.L. , c. (C. ) (pending before the Legislature  
18 as this bill), shall be deemed unenforceable on the basis that the actions or  
19 conduct permitted pursuant to the license are prohibited by federal law.

20

21 23. (New section) Provision of professional services.

22 An attorney, accountant, insurance agent, real estate agent, security  
23 guard, or other person engaged in a profession subject to state licensure  
24 may not be subject to disciplinary action by the state bar association, other  
25 state professional board, or state licensing association for providing  
26 professional services or assistance to prospective or licensed marijuana  
27 establishments or others related to activity that the person reasonably  
28 believes is permitted by the provisions of P.L. , c. (C. ) (pending  
29 before the Legislature as this bill) and the statutes, regulations, orders, and  
30 other state or local provisions implementing P.L. , c. (C. ) (pending  
31 before the Legislature as this bill).



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24. (New section) Marijuana Tax.

a. There is hereby levied and imposed a cultivation tax upon all harvested marijuana that enters the commercial market upon all persons required to be licensed to cultivate marijuana pursuant to Section 9 of P.L. c. (C. ) (pending before the Legislature as this bill). The tax shall be due after the marijuana is harvested.

(1) Marijuana flowers shall be taxed at a rate of \$0.62 per dry-weight gram.

(2) Marijuana leaves shall be taxed at a rate of \$ 0.10 per dry-weight gram.

b. There is hereby levied and imposed a nursery tax upon all immature plants that enter the commercial market upon all persons required to be licensed to produce immature plants pursuant to Section 9 of P.L. c. (C. ) (pending before the Legislature as this bill). Immature plants shall be taxed at a rate of \$1.35 each.

c. There is hereby levied and imposed a tax upon marijuana sold or otherwise transferred by a marijuana cultivation facility to a marijuana product manufacturing facility or to a retail marijuana store at a rate equivalent to the rate established under the “Sales and Use Tax Act,” P.L.1966, c.30 (C.54:32B-1 et seq.).

d. In addition to the excise tax imposed pursuant to subsection b., there is hereby levied and imposed a marijuana excise tax upon customers of nonmedical marijuana or nonmedical marijuana products sold in this State at the rate 15% of any sale by a retailer, microbusiness, or other person required to be licensed pursuant Section 9 of P.L. c. (C. ) (pending before the Legislature as this bill) to sell marijuana and marijuana products directly to a customer.

e. The Division of Taxation shall establish procedures for the collection of all taxes levied.

1 f. No tax established by this section shall be levied upon marijuana  
2 intended for sale at alternative treatment centers pursuant to the “New  
3 Jersey Compassionate Use Medical Marijuana Act,” P.L.2009, c.307  
4 (C.24:6I-1 et seq.).

5

6 25. (New section) Revenue.

7 a. There is hereby created and established in the Department of the  
8 Treasury a separate nonlapsing fund to be known as the “Dedicated  
9 Marijuana Tax Revenue Fund.” During the State fiscal year in which  
10 licensing commences for the collection of the cultivation tax, established  
11 in subsection a. of Section 25 of P.L. c. (C. ) (pending before the  
12 Legislature as this bill), and during each succeeding State fiscal year, the  
13 State Treasurer shall credit to such Fund, on a monthly basis, an amount  
14 equivalent to the dedicated marijuana tax revenues received by the State  
15 during each calendar month of such fiscal year.

16 b. Before any funds are disbursed pursuant to Subsections c., d., e., f.  
17 and g. of this section the State Treasurer shall disburse from the Dedicated  
18 Marijuana Tax Revenue Fund to the appropriate account, without regard  
19 to fiscal year, the following:

20 (1) Reasonable costs incurred by the Division of Taxation for  
21 administering and collecting the taxes imposed by this part; provided,  
22 however, such costs shall not exceed four percent (4%) of tax revenues  
23 received.

24 (2) Reasonable costs incurred by the Division for implementing,  
25 administering, and enforcing P.L. c. (C. ) (pending before the  
26 Legislature as this bill) to the extent those costs are not reimbursed  
27 pursuant to Section 13 of P.L. c. (C. ) (pending before the  
28 Legislature as this bill). This paragraph shall remain operative through  
29 fiscal year 2022-2023., and

30 c. The State Treasurer shall next disburse the sum of \$1,000,000 to  
31 Rutgers University annually beginning with fiscal year 2018-2019 until

1 fiscal year 2028-2029 to research and evaluate the implementation and  
2 effect of the New Jersey Tax, Regulate and Control Marijuana Act, and  
3 shall, if appropriate, make recommendations to the Legislature and  
4 Governor regarding possible amendments to the New Jersey Tax, Regulate  
5 and Control Marijuana Act. The recipients of these funds shall publish  
6 reports on their findings at a minimum of every two years and shall make  
7 the reports available to the public. The research funded pursuant to this  
8 subdivision shall include but not necessarily be limited to:

9 (1) Impacts on public health, including health costs associated with  
10 marijuana use, as well as whether marijuana use is associated with an  
11 increase or decrease in use of alcohol or other drugs.

12 (2) The impact of treatment for maladaptive marijuana use and the  
13 effectiveness of different treatment programs.

14 (3) Public safety issues related to marijuana use, including studying  
15 the effectiveness of the packaging and labeling requirements and  
16 advertising and marketing restrictions contained in the Act at preventing  
17 underage access to and use of marijuana and marijuana products, and  
18 studying the health-related effects among users of varying potency levels  
19 of marijuana and marijuana products.

20 (4) Marijuana use rates, maladaptive use rates for adults and youth,  
21 and diagnosis rates of marijuana-related substance use disorders.

22 (5) Marijuana market prices, illicit market prices, tax structures and  
23 rates, including an evaluation of how to best tax marijuana based on  
24 potency, and the structure and function of licensed marijuana businesses.

25 (6) Whether additional protections are needed to prevent unlawful  
26 monopolies or anti-competitive behavior from occurring in the nonmedical  
27 marijuana industry and, if so, recommendations as to the most effective  
28 measures for preventing such behavior.

29 (7) The economic impacts in the private and public sectors, including  
30 but not necessarily limited to, job creation, workplace safety, revenues,  
31 taxes generated for state and local budgets, and criminal justice impacts,

1 including, but not necessarily limited to, impacts on law enforcement and  
2 public resources, short and long term consequences of involvement in the  
3 criminal justice system, and state and local government agency  
4 administrative costs and revenue.

5 (8) Whether the regulatory agencies tasked with implementing and  
6 enforcing the New Jersey Tax, Regulate and Control Marijuana Act are  
7 doing so consistent with the purposes of the Act, and whether different  
8 agencies might do so more effectively.

9 (9) Environmental issues related to marijuana production and the  
10 criminal prohibition of marijuana production.

11 (10) The geographic location, structure, and function of licensed  
12 marijuana businesses, and demographic data, including race, ethnicity, and  
13 gender, of license holders.

14 d. The State Treasurer shall next deposit 25% of remaining revenues  
15 from the Marijuana Tax Revenue Fund in the Fund created by section of  
16 P.L. , c. (C. : - ). This money shall be used to fund public education.

17 e. The State Treasurer shall next deposit 25% of remaining revenues  
18 from the Marijuana Tax Revenue Fund in the “Transportation Trust Fund  
19 Account” created by section 20 of P.L.1984, c.73 (C.27:1B-20). This  
20 money shall not be used for the repayment of debt service, but shall be  
21 used for the construction of transportation projects in the fiscal year in  
22 which the funds are received.

23 f. The State Treasurer shall, after disbursing funds pursuant to  
24 subsections (a), (b), (c), (d), and (e) disburse funds deposited in the  
25 Marijuana Tax Revenue Fund during the prior fiscal year into sub-trust  
26 accounts, which are hereby created as follows:

27 (1) Fifty percent (50%) shall be deposited in the Drug Treatment and  
28 Public Education Fund, and disbursed by the State Treasurer for the  
29 following purposes:

30 (A) To develop and implement a youth-focused public health  
31 education and prevention campaign, including school-based prevention,

1 early intervention, and health care services and programs to reduce the risk  
2 of marijuana and other substance use and abuse by school-aged children;

3 (B) To develop and implement a statewide public health campaign  
4 focused on the health effects of marijuana and legal use, including an  
5 ongoing education and prevention campaign that educates the general  
6 public, including parents, consumers and retailers, on the legal use of  
7 marijuana, the importance of preventing youth access, the importance of  
8 safe storage and preventing secondhand marijuana smoke exposure,  
9 information for pregnant or breastfeeding women, and the  
10 overconsumption of edibles;

11 (C) To provide substance use disorder treatment programs for youth  
12 and adults, with an emphasis on programs that are culturally and gender  
13 competent, trauma-informed, evidence-based and provide a continuum of  
14 care that includes screening and assessment (substance use disorder as  
15 well as mental health), early intervention, active treatment, family  
16 involvement, case management, overdose prevention, prevention of  
17 communicable diseases related to substance use, relapse management for  
18 substance use and other co-occurring behavioral health disorders,  
19 vocational services, literacy services, parenting classes, family therapy and  
20 counseling services, medication-assisted treatments, psychiatric  
21 medication and psychotherapy.

22 (D) To evaluate the programs being funded to determine their  
23 effectiveness.

24 (2) Fifty percent (50%) shall be deposited in the Community Grants  
25 Reinvestment Fund, and disbursed by the State Treasurer for the  
26 establishment of a Community Grants Reinvestment Program that shall  
27 administer the monies to qualified community-based nonprofit  
28 organizations for the purpose of reinvesting in communities  
29 disproportionately affected by past federal and state drug policies. The  
30 grants from this program shall be used to support job placement, mental  
31 health treatment, substance use disorder treatment, system navigation

1 services, legal services to address barriers to reentry, and linkages to  
2 medical care and women’s health services. The programs may include, but  
3 are not limited to, the following components:

4 (A) The Community Grants Reinvestment Program shall periodically  
5 evaluate the programs it is funding to determine the effectiveness of the  
6 programs.

7 (B) The Community Grants Reinvestment Program shall be governed  
8 and administered by an executive steering committee that includes, but is  
9 not limited to, a balanced and diverse membership from relevant state and  
10 local government entities and community-based job skills and job  
11 placement service providers. The committee shall have expertise in job  
12 placement, homelessness and housing, behavioral health and substance  
13 abuse treatment, and effective rehabilitative treatment for adults and  
14 juveniles.

15 (C) The committee shall make recommendations regarding the design,  
16 efficacy, and viability of proposals.

17 (D) The committee shall prioritize proposals that provide any of the  
18 following:

- 19 (i) Community-based job skills services.
- 20 (ii) Community-based job placement services.
- 21 (iii) Adult education services.
- 22 Other community-based supportive services.

23

24 26. (New section) Annual reports; performance audit

25 a. Beginning on March 1, 2020, and on or before March 1 of each  
26 year thereafter, the Division shall prepare and submit to the Legislature an  
27 annual report on the Division’s activities concerning commercial  
28 marijuana activities and post the report on the Division’s website. The  
29 report shall include, but not be limited to:

30 (1) The amount of funds allocated and spent by the Division for  
31 marijuana licensing, enforcement, and administration.

1 (2) The number of state licenses issued, renewed, denied, suspended,  
2 and revoked, by state license category.

3 (3) The demographics of licensees including, but not limited to,  
4 gender, race, and ethnicity of license holders and geographic location of  
5 marijuana establishments.

6 (4) The average time for processing state license applications, by state  
7 license category.

8 (5) The number and type of enforcement activities conducted by the  
9 Division and by local law enforcement agencies in conjunction with the  
10 Division or the bureau.

11 (6) The number, type, and amount of penalties, fines, and other  
12 disciplinary actions taken by the Division.

13 (7) A detailed list of the petitions for regulatory relief or rulemaking  
14 changes received by the office from licensees requesting modifications of  
15 the enforcement of rules under this division.

16 The State Treasurer, pursuant to his or her statutory authority, shall  
17 audit the Marijuana Tax Revenue Fund every two (2) years to ensure that  
18 those funds are used and accounted for in a manner consistent with  
19 Section 26 P.L. , c. (C. ) (pending before the Legislature as this  
20 bill).

21

22 27. (New section) Medical marijuana provisions unaffected.

23 Nothing in P.L. , c. (C. ) (pending before the Legislature as this  
24 bill) shall be construed:

25 a. to limit any privileges or rights of a medical marijuana patient,  
26 primary caregiver, or a person issued a permit to operate as an alternative  
27 treatment center or be a director, officer, or employee of an alternative  
28 treatment center as provided in the “New Jersey Compassionate Use  
29 Medical Marijuana Act,” P.L.2009, c.307 (C.24:6I-1 et seq.);

30 b. to permit an alternative treatment center to distribute marijuana to  
31 a person who is not a medical marijuana patient without first obtaining a

1 valid marijuana retail or marijuana microbusiness license from the  
2 Division pursuant to Section 10 of P.L. , c. (C. ) (pending before  
3 the Legislature as this bill);

4 c. to permit an alternative treatment center to purchase marijuana or  
5 marijuana products in a manner or from a source not authorized under  
6 P.L.2009, c.307 (C.24:6I-1 et seq.) without first obtaining a valid  
7 marijuana retail or marijuana microbusiness license from the Division  
8 pursuant to Section 10 of P.L. , c. (C. ) (pending before the  
9 Legislature as this bill);

10 d. to discharge the Department of Health from its duties to regulate  
11 medical marijuana pursuant to P.L.2009, c.307 (C.24:6I-1 et seq.).

12

13 28. (New section) Discrimination protections.

14 a. No school or landlord may refuse to enroll or lease to and may not  
15 otherwise penalize a person solely for conduct allowed under P.L. , c.  
16 (C. ) (pending before the Legislature as this bill) or P.L.2009, c.307  
17 (C.24:6I-1 et seq.), unless failing to do so would cause the school or  
18 landlord to lose a monetary or licensing related benefit under federal law  
19 or regulations.

20 b. For the purposes of medical care, including organ transplants, a  
21 registered qualifying patient's authorized use of marijuana must be  
22 considered the equivalent of the use of any other medication under the  
23 direction of a physician and does not constitute the use of an illicit  
24 substance or otherwise disqualify a registered qualifying patient from  
25 medical care.

26 c. No person may be denied custody of or visitation or parenting time  
27 with a minor, and there is no presumption of neglect or child  
28 endangerment for conduct allowed under P.L. , c. (C. ) (pending  
29 before the Legislature as this bill) or P.L.2009, c.307 (C.24:6I-1 et seq.),  
30 unless the person's behavior creates an unreasonable danger to the safety  
31 of the minor as established by clear and convincing evidence.



1

2 29. Section 16 of P.L.2009, c.307 (C.24:6I-14) is amended to read as  
3 follows:

4 16. Nothing in this act shall be construed to require a government  
5 medical assistance program or private health insurer to reimburse a person  
6 for costs associated with the medical use of marijuana, or, except as  
7 provided in section 30 of P.L. , c. (C. ) (pending before the  
8 Legislature as this bill), an employer to accommodate the medical use of  
9 marijuana in any workplace.  
10 (cf: P.L.2009, c.307, s.16)

11

12 30. (New section) Employment protections.

13 a. Unless an employer establishes by a preponderance of the evidence  
14 that the lawful use of marijuana has impaired the employee's ability to  
15 perform the employee's job responsibilities, it shall be unlawful to take  
16 any adverse employment action against an employee based on either: (1)  
17 conduct allowed under P.L. , c. (C. ) (pending before the  
18 Legislature as this bill) or P.L.2009, c.307 (C.24:6I-1 et seq.); or (2) the  
19 employee's positive drug test for marijuana components or metabolites.

20 For the purposes of this section, an employer may consider an  
21 employee's ability to perform the employee's job responsibilities to be  
22 impaired when the employee manifests specific articulable symptoms  
23 while working that decrease or lessen the employee's performance of the  
24 duties or tasks of the employee's job position.

25 b. Nothing in this section shall restrict an employer's ability to  
26 prohibit or take adverse employment action for the possession or use of  
27 intoxicating substances during work hours, or require an employer to  
28 commit any act that would cause the employer to be in violation of federal  
29 law, or that would result in the loss of a federal contract or federal  
30 funding.

1 c. As used in this section, “adverse employment action” means  
2 refusing to hire or employ, barring or discharging from employment,  
3 requiring a person to retire from employment, or discriminating against in  
4 compensation or in terms, conditions, or privileges of employment.

5  
6 31. (New section) Protections for persons under state supervision.

7 A person currently under parole, probation or other state supervision, or  
8 released on bail awaiting trial may not be punished or otherwise penalized  
9 for conduct allowed under P.L. , c. (C. ) (pending before the  
10 Legislature as this bill) or P.L.2009, c.307 (C.24:6I-1 et seq.).

11  
12 32. (New section) Personal use of marijuana.

13 a. Notwithstanding any other provision of law, the following acts are  
14 lawful under state and local law for persons 21 years of age and older:

15 (1) Possessing, using, being under the influence, displaying,  
16 purchasing, obtaining, or transporting not more than 50 grams of  
17 marijuana not in the form of hashish.

18 (2) Transferring, without remuneration, to a person 21 years of age  
19 and older not more than 50 grams of marijuana.

20 (3) Possessing, using, being under the influence, displaying,  
21 purchasing, obtaining, transporting or transferring, without remuneration,  
22 to persons 21 years of age and older not more than 14 grams of marijuana  
23 in the form of hashish, including as contained in marijuana products.

24 (4) Possessing, planting, cultivating, harvesting, drying, processing or  
25 transporting not more than six living marijuana plants and possessing the  
26 marijuana produced by the plants.

27 (5) Smoking, ingesting or otherwise consuming marijuana or  
28 marijuana products.

29 (6) Possessing, using, displaying, purchasing, obtaining,  
30 manufacturing, transporting or giving away to persons 21 years of age and  
31 older marijuana paraphernalia.

1 (7) Assisting another person who is 21 years of age and older or allow  
2 property to be used in any of the acts described in paragraphs (1) through  
3 (7) of this subsection.

4 b. Paragraph (6) of subsection a. is intended to meet the requirements  
5 of subsection (f) of Section 863 of Title 21 of the United States Code (21  
6 U.S.C. § 863(f)) by authorizing, under state law, any person in compliance  
7 with this section to manufacture, possess, or distribute marijuana  
8 paraphernalia.

9 c. Marijuana and marijuana products involved in any way with  
10 conduct deemed lawful by this section are not contraband nor subject to  
11 seizure or forfeiture of assets under N.J.S.2C:64-1 et seq. or other  
12 applicable law, and no conduct deemed lawful by this section shall  
13 constitute the basis for detention, search, or arrest.

14 d. Except as provided in subsection e. of this section, none of the  
15 following shall, individually or in combination with each other, constitute  
16 reasonable articulable suspicion of a crime:

17 (1) The odor of marijuana or of burnt marijuana;

18 (2) The possession of or the suspicion of possession of marijuana  
19 without evidence of quantity in excess of 50 grams;

20 (3) The possession of multiple containers of marijuana without  
21 evidence of quantity in excess of 50 grams; or

22 (4) The possession of marijuana in proximity to any amount of cash or  
23 currency without evidence of marijuana quantity in excess of 50 grams.

24 e. Subsection d. of this section shall not apply when a law  
25 enforcement officer is investigating whether a person is operating or in  
26 physical control of a vehicle or watercraft while intoxicated, under the  
27 influence of, or impaired by alcohol or a drug or any combination thereof  
28 in violation of N.J.S. 39:4-50.

29

30 33. (New section) Personal cultivation of marijuana.

1 a. Personal cultivation of marijuana under paragraph (5) subsection a.  
2 of Section 32 of P.L. , c. (C. )(pending before the Legislature  
3 as this bill) is subject to the following restrictions:

4 (1) A person shall plant, cultivate, harvest, dry, or process plants in  
5 accordance with local ordinances, if any, adopted in accordance with  
6 subsection b. of this section.

7 (2) The living plants and any marijuana produced by the plants in  
8 excess of 50 grams are kept within the person's private residence, or upon  
9 the grounds of that private residence (e.g., in an outdoor garden area), are  
10 in a locked space, and are not visible by normal unaided vision from a  
11 public place.

12 (3) Not more than six living plants may be planted, cultivated,  
13 harvested, dried, or processed within a single private residence, or upon  
14 the grounds of that private residence, at one time.

15 b.(1) A local jurisdiction may enact and enforce reasonable regulations  
16 to reasonably regulate the actions and conduct in paragraph (5) of  
17 subsection a. of Section 32 of P.L. , c. (C. )(pending before  
18 the Legislature as this bill).

19 (2) Notwithstanding paragraph (1), no local jurisdiction may  
20 completely prohibit persons engaging in the actions and conduct under  
21 paragraph (5) of subsection a. of Section 32 of P.L. , c. (C.  
22 )(pending before the Legislature as this bill).

23

24 34. (New section) Restrictions on personal consumption.

25 a. Nothing in Sections 32 and 33 of P.L. , c. (C.  
26 )(pending before the Legislature as this bill) shall be construed to permit  
27 any person to:

28 (1) Smoke or ingest marijuana or marijuana products in any public  
29 place, except in accordance with subsection b. of Section 9 of P.L. , c.  
30 (C. ) (pending before the Legislature as this bill).

1 (2) Smoke marijuana or marijuana products in a location where  
2 smoking tobacco is prohibited.

3 (3) Possess, smoke or ingest marijuana or marijuana products in or  
4 upon the grounds of any school property used for school purposes which is  
5 owned by or leased to any elementary or secondary school or school board  
6 while children are present.

7 (4) Smoke or ingest marijuana or marijuana products while driving,  
8 operating a motor vehicle, boat, vessel, aircraft, or other vehicle used for  
9 transportation.

10 b. For purposes of this section:

11 (5) "Smoke" means to inhale, exhale, burn, or carry any lighted or  
12 heated device or pipe, or any other lighted or heated marijuana or  
13 marijuana product intended for inhalation, whether natural or synthetic, in  
14 any manner or in any form.

15 (6) "Smoke" does not include the use of an electronic smoking device  
16 that creates an aerosol or vapor.

17

18 35. (New section) Deschedule Marijuana

19 The Director of the Division of Consumer Affairs in the Department of  
20 Law and Public Safety shall delete marijuana and hashish from the  
21 Schedules of Controlled Substances (N.J.S. 24:21-5 through 24:21-8)  
22 pursuant to the Director of the Division of Consumer Affairs' authority  
23 provided in N.J.S.24:21-3.

24

25 36. N.J.S.A. 2C:36-1 is amended to read as follows:

26 As used in this act, "drug paraphernalia" means all equipment, products  
27 and materials of any kind which are used or intended for use in planting,  
28 propagating, cultivating, growing, harvesting, manufacturing,  
29 compounding, converting, producing, processing, preparing, testing,  
30 analyzing, packaging, repackaging, storing, containing, concealing,  
31 ingesting, inhaling, or otherwise introducing into the human body a

1 controlled dangerous substance , controlled substance analog or toxic  
2 chemical in violation of the provisions of chapter 35 of this title. It shall  
3 include, but not be limited to: a. kits used or intended for use in planting,  
4 propagating, cultivating, growing or harvesting of any species of plant  
5 which is a controlled dangerous substance or from which a controlled  
6 dangerous substance can be derived; b. kits used or intended for use in  
7 manufacturing, compounding, converting, producing, processing, or  
8 preparing controlled dangerous substances or controlled substance  
9 analogs; c. isomerization devices used or intended for use in increasing the  
10 potency of any species of plant which is a controlled dangerous substance;  
11 d. testing equipment used or intended for use identifying, or in analyzing  
12 the strength, effectiveness or purity of controlled dangerous substances or  
13 controlled substance analogs; e. scales and balances used or intended for  
14 use in weighing or measuring controlled dangerous substances or  
15 controlled substance analogs; f. dilutants and adulterants, such as quinine  
16 hydrochloride, mannitol, mannite, dextrose and lactose, used or intended  
17 for use in cutting controlled dangerous substances or controlled substance  
18 analogs; [g. separation gins and sifters used or intended for use in  
19 removing twigs and seeds from, or in otherwise cleaning or refining,  
20 marijuana; h] g. blenders, bowls, containers, spoons and mixing devices  
21 used or intended for use in compounding controlled dangerous substances  
22 or controlled substance analogs; [i]h. capsules, balloons, envelopes and  
23 other containers used or intended for use in packaging small quantities of  
24 controlled dangerous substances or controlled substance analogs; [j]i.  
25 containers and other objects used or intended for use in storing or  
26 concealing controlled dangerous substances , controlled substance analogs  
27 or toxic chemicals; [k]j. objects used or intended for use in ingesting,  
28 inhaling, or otherwise introducing [marijuana,-]cocaine, [hashish, hashish  
29 oil,] nitrous oxide or the fumes of a toxic chemical into the human body,  
30 such as (1) metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes  
31 with or without screens, permanent screens, [hashish heads,] or punctured

1 metal bowls; [(2) water pipes; (3)2] carburetion tubes and devices; ([4]3)  
2 smoking and carburetion masks; [(5) roach clips, meaning objects used to  
3 hold burning material, such as a marijuana cigarette, that has become too  
4 small or too short to be held in the hand; (6)4] miniature cocaine spoons,  
5 and cocaine vials; [(7) chamber pipes; (8) carburetor pipes; (9) electric  
6 pipes; (10) air-driven pipes; (11) chillums; (12) bongs; (13) ice pipes or  
7 chillers; (14)5] compressed gas containers, such as tanks, cartridges or  
8 canisters, that contain food grade or pharmaceutical grade nitrous oxide as  
9 a principal ingredient; ([15]6) chargers or charging bottles, meaning metal,  
10 ceramic or plastic devices that contain an interior pin that may be used to  
11 expel compressed gas from a cartridge or canister; and ([16]7) tubes,  
12 balloons, bags, fabrics, bottles or other containers used to concentrate or  
13 hold in suspension a toxic chemical or the fumes of a toxic chemical.

14 In determining whether or not an object is drug paraphernalia, the trier  
15 of fact, in addition to or as part of the proofs, may consider the following  
16 factors: a. statements by an owner or by anyone in control of the object  
17 concerning its use; b. the proximity of the object of illegally possessed  
18 controlled dangerous substances, controlled substance analogs or toxic  
19 chemicals; c. the existence of any residue of illegally possessed controlled  
20 dangerous substances, controlled substance analogs or toxic chemicals on  
21 the object; d. direct or circumstantial evidence of the intent of an owner, or  
22 of anyone in control of the object, to deliver it to persons whom he knows  
23 intend to use the object to facilitate a violation of this act; the innocence of  
24 an owner, or of anyone in control of the object, as to a direct violation of  
25 this act shall not prevent a finding that the object is intended for use as  
26 drug paraphernalia; e. instructions, oral or written, provided with the  
27 object concerning its use; f. descriptive materials accompanying the object  
28 which explain or depict its use; g. national or local advertising whose  
29 purpose the person knows or should know is to promote the sale of objects  
30 intended for use as drug paraphernalia; h. the manner in which the object

1 is displayed for sale; i. the existence and scope of legitimate uses for the  
2 object in the community; and j. expert testimony concerning its use.

3

4 37. N.J.S. 2C:33-13 is amended to read as follows:

5 2C:33-13. Smoking in public

6 a. Any person who smokes or carries lighted tobacco, lighted  
7 marijuana, or lighted marijuana product in or upon any bus or other public  
8 conveyance, except group charter buses, specially marked railroad  
9 smoking cars, limousines or livery services, and, when the driver is the  
10 only person in the vehicle, autocabs, is a petty disorderly person. For the  
11 purposes of this section, “bus” includes school buses and other vehicles  
12 owned or contracted for by the governing body, board or individual of a  
13 nonpublic school, a public or private college, university, or professional  
14 training school, or a board of education of a school district, that are used to  
15 transport students to and from school and school- related activities; and  
16 the prohibition on smoking or carrying lighted tobacco shall apply even if  
17 students are not present in the vehicle.

18 b. Any person who smokes or carries lighted tobacco, lighted  
19 marijuana, or lighted marijuana product in any public place, including but  
20 not limited to places of public accommodation, where such smoking is  
21 prohibited by municipal ordinance under authority of R.S.40:48-1 and  
22 40:48-2 or by the owner or person responsible for the operation of the  
23 public place, and when adequate notice of such prohibition has been  
24 conspicuously posted, is a petty disorderly person. Notwithstanding the  
25 provisions of 2C:43-3, the maximum fine which can be imposed for  
26 violation of this section is \$200.

27 c. The provisions of this section shall supersede any other statute and  
28 any rule or regulation adopted pursuant to law.

29

30 38. N.J.S.2C:35-4 is amended to read as follows:



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

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

22

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

24       2C:35-5. Manufacturing, Distributing or Dispensing.

25       a. Except as [authorized] permitted by P.L.1970, c.226 (C.24:21-1 et  
26 seq.) or P.L. , c. (C. ) (pending before the Legislature as this bill) it  
27 shall be unlawful for any person knowingly or purposely:

28       (1) To manufacture, distribute or dispense, or to possess or have under  
29 his control with intent to manufacture, distribute or dispense, a controlled  
30 dangerous substance, as defined by N.J.S. 24:21, et seq or controlled  
31 substance analog; or

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

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

4       (1) Heroin, or its analog, or coca leaves and any salt, compound,  
5 derivative, or preparation of coca leaves, and any salt, compound,  
6 derivative, or preparation thereof which is chemically equivalent or  
7 identical with any of these substances, or analogs, except that the  
8 substances shall not include decocainized coca leaves or extractions which  
9 do not contain cocaine or ecogine, or 3,4-  
10 methylenedioxyamphetamine or 3,4-methylenedioxyamphetamine, in  
11 a quantity of five ounces or more including any adulterants or dilutants is  
12 guilty of a crime of the first degree. The defendant shall, except as  
13 provided in N.J.S.2C:35-12, be sentenced to a term of imprisonment by  
14 the court. The term of imprisonment shall include the imposition of a  
15 minimum term which shall be fixed at, or between, one-third and one-half  
16 of the sentence imposed, during which the defendant shall be ineligible for  
17 parole. Notwithstanding the provisions of subsection a. of N.J.S.2C:43-3,  
18 a fine of up to \$500,000.00 may be imposed;

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

22       (3) A substance referred to paragraph (1) of this subsection in a  
23 quantity less than one-half ounce including any adulterants or dilutants is  
24 guilty of a crime of the third degree except that, notwithstanding the  
25 provisions of subsection b. of N.J.S.2C:43-3, a fine of up to \$75,000.00  
26 may be imposed;

27       (4) A substance classified as a narcotic drug in Schedule I or II, as  
28 defined by N.J.S. 24:21, et seq other than those specifically covered in this  
29 section, or the analog of any such substance, in a quantity of one ounce or  
30 more including any adulterants or dilutants is guilty of a crime of the  
31 second degree;

1 (5) A substance classified as a narcotic drug in Schedule I or II, as  
2 defined by N.J.S. 24:21, et seq., other than those specifically covered in  
3 this section, or the analog of any such substance, in a quantity of less than  
4 one ounce including any adulterants or dilutants is guilty of a crime of the  
5 third degree except that, notwithstanding the provisions of subsection b. of  
6 N.J.S.2C:43-3, a fine of up to \$75,000.00 may be imposed;

7 (6) Lysergic acid diethylamide, or its analog, in a quantity of 100  
8 milligrams or more including any adulterants or dilutants, or  
9 phencyclidine, or its analog, in a quantity of 10 grams or more including  
10 any adulterants or dilutants, is guilty of a crime of the first degree. Except  
11 as provided in N.J.S.2C:35-12, the court shall impose a term of  
12 imprisonment which shall include the imposition of a minimum term,  
13 fixed at, or between, one-third and one-half of the sentence imposed by the  
14 court, during which the defendant shall be ineligible for parole.  
15 Notwithstanding the provisions of subsection a. of N.J.S.2C:43-3, a fine of  
16 up to \$500,000.00 may be imposed;

17 (7) Lysergic acid diethylamide, or its analog, in a quantity of less than  
18 100 milligrams including any adulterants or dilutants, or where the amount  
19 is undetermined, or phencyclidine, or its analog, in a quantity of less than  
20 10 grams including any adulterants or dilutants, or where the amount is  
21 undetermined, is guilty of a crime of the second degree;

22 (8) Methamphetamine, or its analog, or phenyl-2-propanone (P2P), in  
23 a quantity of five ounces or more including any adulterants or dilutants is  
24 guilty of a crime of the first degree. Notwithstanding the provisions of  
25 subsection a. of N.J.S.2C:43-3, a fine of up to \$300,000.00 may be  
26 imposed;

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

1 (b) Methamphetamine, or its analog, or phenyl-2-propanone (P2P), in  
2 a quantity of 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 fine of  
5 up to \$75,000.00 may be imposed;

6 (10) (a) Marijuana in a quantity of 25 pounds or more including any  
7 adulterants or dilutants, or 50 or more marijuana plants, regardless of  
8 weight, or hashish manufactured without the use of an explosive gas, such  
9 as butane, in a quantity of five pounds or more including any adulterants  
10 or dilutants, shall be subject to a civil penalty of \$250 for the first  
11 violation, \$500 for the second violation, and \$1,000 for the third and each  
12 subsequent violation[is guilty of a crime of the second  
13 degree. Notwithstanding the provisions of subsection a. of N.J.S.2C:43-3,  
14 a fine of up to \$300,000.00 may be imposed];

15 (b) Marijuana in a quantity of five pounds or more but less than 25  
16 pounds including any adulterants or dilutants, or 10 or more but fewer  
17 than 50 marijuana plants, regardless of weight, or hashish manufactured  
18 without the use of an explosive gas, such as butane, in a quantity of one  
19 pound or more but less than five pounds, including any adulterants and  
20 dilutants, shall be subject to a civil penalty of \$200 for the first violation,  
21 \$350 for the second violation, and \$750 for the third and each subsequent  
22 violation [is guilty of a crime of the third degree];

23 (11) Marijuana in a quantity of [~~one ounce~~]more than 50 grams [or  
24 more ]but less than five pounds including any adulterants or dilutants, or  
25 hashish manufactured without the use of explosive an gas, such as butane,  
26 in a quantity of [~~five~~]more than 14 grams [or more ]but less than one  
27 pound including any adulterants or dilutants, shall be subject to a civil  
28 penalty of \$150 for a first violation, \$200 for a second violation, and \$500  
29 for a third or subsequent violation[is guilty of a crime of the fourth degree  
30 except that, notwithstanding the provisions of subsection b.  
31 of N.J.S.2C:43-3, a fine of up to \$25,000.00 may be imposed];

1       (12) Marijuana in a quantity of [~~less than one ounce~~]50 grams or less  
2 including any adulterants or dilutants or hashish manufactured without the  
3 use of an explosive gas, such as butane, in a quantity of [~~less than five~~]14  
4 grams or less including any adulterants or dilutants by a person under the  
5 age of 21 years, shall be subject to a civil penalty of \$100 [is guilty of a  
6 crime of the fourth degree];

7       (13) (a) Hashish manufactured with the use of an explosive gas, such as  
8 butane, and without a license pursuant to section 9 of Section 9 of P.L.  
9 c. (C. \_\_\_\_\_) (pending before the Legislature as this bill) in a quantity of  
10 five pounds or more including adulterants or dilutants, is guilty of a crime  
11 in the third degree;

12       (b) Hashish manufactured with the use of an explosive gas, such as  
13 butane, and without a license pursuant to section 9 of Section 9 of P.L.  
14 c. (C. \_\_\_\_\_) (pending before the Legislature as this bill) in a quantity of  
15 one pound or more but less than five pounds, including any adulterants  
16 and dilutants is guilty of a crime in the fourth degree;

17       (c) Hashish manufactured with the use of an explosive gas, such as  
18 butane, and without a license pursuant to section 9 of Section 9 of P.L.  
19 c. (C. \_\_\_\_\_) (pending before the Legislature as this bill) in a quantity of  
20 more than 14 grams but less than one pound including any adulterants or  
21 dilutants is a disorderly person;

22       (d) Hashish manufactured with the use of an explosive gas, such as  
23 butane and without a license pursuant to section 9 of Section 9 of P.L. c.  
24 (C. \_\_\_\_\_) (pending before the Legislature as this bill) in a quantity of 14  
25 grams or less including any adulterants or dilutants, shall be subject to a  
26 civil penalty of \$150 for a first violation, \$200 for a second violation, and  
27 \$500 for a third or subsequent violation;

28       [(13)](14) Any other controlled dangerous substance classified in  
29 Schedule I, II, III or IV, as defined by N.J.S. 24:21, et seq., or its analog, is  
30 guilty of a crime of the third degree, except that, notwithstanding the

1 provisions of subsection b. of N.J.S.2C:43-3, a fine of up to \$25,000.00  
2 may be imposed; or

3 [(14)](15)Any Schedule V substance, or its analog, is guilty of a crime  
4 of the fourth degree except that, notwithstanding the provisions of  
5 subsection b. of N.J.S.2C:43-3, a fine of up to \$25,000.00 may be  
6 imposed.

7 c. Where the degree of the offense for violation of this section  
8 depends on the quantity of the substance, the quantity involved shall be  
9 determined by the trier of fact. Where the indictment or accusation so  
10 provides, the quantity involved in individual acts of manufacturing,  
11 distribution, dispensing or possessing with intent to distribute may be  
12 aggregated in determining the grade of the offense, whether distribution or  
13 dispensing is to the same person or several persons, provided that each  
14 individual act of manufacturing, distribution, dispensing or possession  
15 with intent to distribute was committed within the applicable statute of  
16 limitations.

17 (cf: P.L.2000, c.136)

18

19 40. Section 1 of P.L.1987, c.101 (C.2C:35-7) is amended to read as  
20 follows:

21 a. a. Any person who violates subsection a. of [N.J.S.2C:35-5](#) by  
22 distributing, dispensing or possessing with intent to distribute a controlled  
23 dangerous substance, as defined by N.J.S. 24:21, et seq., or controlled  
24 substance analog while on any school property used for school purposes  
25 which is owned by or leased to any elementary or secondary school or  
26 school board, or within 1,000 feet of such school property or a school bus,  
27 or while on any school bus, is guilty of a crime of the third degree and  
28 shall, except as provided in [N.J.S.2C:35-12](#), be sentenced by the court to a  
29 term of imprisonment. [Where the violation involves less than one ounce  
30 of marijuana, the term of imprisonment shall include the imposition of a  
31 minimum term which shall be fixed at, or between, one-third and one-half

1 of the sentence imposed, or one year, whichever is greater, during which  
2 the defendant shall be ineligible for parole.] In all other cases, the term of  
3 imprisonment shall include the imposition of a minimum term which shall  
4 be fixed at, or between, one-third and one-half of the sentence imposed, or  
5 three years, whichever is greater, during which the defendant shall be  
6 ineligible for parole. Notwithstanding the provisions of subsection b. of  
7 [N.J.S.2C:43-3](#), a fine of up to \$150,000 may also be imposed upon any  
8 conviction for a violation of this section.

9 b. (1) Notwithstanding the provisions of N.J.S.2C:35-12 or  
10 subsection a. of this section, the court may waive or reduce the minimum  
11 term of parole ineligibility required under subsection a. of this section or  
12 place the defendant on probation pursuant to paragraph (2) of subsection  
13 b. of N.J.S.2C:43-2. In making this determination, the court shall  
14 consider:

15 (a) the extent of the defendant's prior criminal record and the  
16 seriousness of the offenses for which the defendant has been convicted;

17 (b) the specific location of the present offense in relation to the  
18 school property, including distance from the school and the reasonable  
19 likelihood of exposing children to drug-related activities at that location;

20 (c) whether school was in session at the time of the offense; and

21 (d) whether children were present at or in the immediate vicinity of  
22 the location when the offense took place.

23 (2) The court shall not waive or reduce the minimum term of parole  
24 ineligibility or sentence the defendant to probation if it finds that:

25 (a) the offense took place while on any school property used for  
26 school purposes which is owned by or leased to any elementary or  
27 secondary school or school board, or while on any school bus; or

28 (b) the defendant in the course of committing the offense used or  
29 threatened violence or was in possession of a firearm.

30 If the court at sentencing elects not to impose a minimum term of  
31 imprisonment and parole ineligibility pursuant to this subsection, imposes

1 a term of parole ineligibility less than the minimum term prescribed in  
2 subsection a. of this section, or places the defendant on probation for a  
3 violation of subsection a. of this section, the sentence shall not become  
4 final for 10 days in order to permit the prosecution to appeal the court's  
5 finding and the sentence imposed. The Attorney General shall develop  
6 guidelines to ensure the uniform exercise of discretion in making  
7 determinations regarding whether to appeal a decision to waive or reduce  
8 the minimum term of parole ineligibility or place the defendant on  
9 probation.

10 Nothing in this subsection shall be construed to establish a basis for  
11 overcoming a presumption of imprisonment authorized or required by  
12 subsection d. of N.J.S.2C:44-1, or a basis for not imposing a term of  
13 imprisonment or term of parole ineligibility authorized or required to be  
14 imposed pursuant to subsection f. of N.J.S.2C:43-6 or upon conviction for  
15 a crime other than the offense set forth in this subsection.

16 c. Notwithstanding the provisions of N.J.S.2C:1-8 or any other  
17 provisions of law, a conviction arising under this section shall not merge  
18 with a conviction for a violation of subsection a. of N.J.S.2C:35-5  
19 (manufacturing, distributing or dispensing) or N.J.S.2C:35-6 (employing a  
20 juvenile in a drug distribution scheme).

21 d. It shall be no defense to a prosecution for a violation of this section  
22 that the actor was unaware that the prohibited conduct took place while on  
23 or within 1,000 feet of any school property. Nor shall it be a defense to a  
24 prosecution under this section, or under any other provision of this title,  
25 that no juveniles were present on the school property at the time of the  
26 offense or that the school was not in session.

27 e. It is an affirmative defense to prosecution for a violation of this  
28 section that the prohibited conduct took place entirely within a private  
29 residence, that no person 17 years of age or younger was present in such  
30 private residence at any time during the commission of the offense, and  
31 that the prohibited conduct did not involve distributing, dispensing or



1 possessing with the intent to distribute or dispense any controlled  
2 dangerous substance or controlled substance analog for profit. The  
3 affirmative defense established in this section shall be proved by the  
4 defendant by a preponderance of the evidence. Nothing herein shall be  
5 construed to establish an affirmative defense with respect to a prosecution  
6 for an offense defined in any other section of this chapter.

7 f. In a prosecution under this section, a map produced or reproduced  
8 by any municipal or county engineer for the purpose of depicting the  
9 location and boundaries of the area on or within 200 feet of any property  
10 used for school purposes which is owned by or leased to any elementary  
11 or secondary school or school board, or a true copy of such a map, shall,  
12 upon proper authentication, be admissible and shall constitute prima facie  
13 evidence of the location and boundaries of those areas, provided that the  
14 governing body of the municipality or county has adopted a resolution or  
15 ordinance approving the map as official finding and record of the location  
16 and boundaries of the area or areas on or within 200 feet of the school  
17 property. Any map approved pursuant to this section may be changed  
18 from time to time by the governing body of the municipality or  
19 county. The original of every map approved or revised pursuant to this  
20 section, or a true copy thereof, shall be filed with the clerk of the  
21 municipality or county, and shall be maintained as an official record of the  
22 municipality or county. Nothing in this section shall be construed to  
23 preclude the prosecution from introducing or relying upon any other  
24 evidence or testimony to establish any element of this offense; nor shall  
25 this section be construed to preclude the use or admissibility of any map or  
26 diagram other than one which has been approved by the governing body of  
27 a municipality or county, provided that the map or diagram is otherwise  
28 admissible pursuant to the Rules of Evidence.

29 (cf: P.L.2009, c.192, s.1)

30

1       41. Section 1 of P.L.1997, c.327 (C.2C:35-7.1) is amended to read as  
2 follows:

3       a. Any person who violates subsection a. of N.J.S.2C:35-5 by  
4 distributing, dispensing or possessing with intent to distribute a controlled  
5 dangerous substance, as defined by N.J.S. 24:21, et seq., or controlled  
6 substance analog while in, on or within 500 feet of the real property  
7 comprising a public housing facility, a public park, or a public building is  
8 guilty of a crime of the second degree[, except that it is a crime of the third  
9 degree if the violation involved less than one ounce of marijuana].

10       b. It shall be no defense to a prosecution for violation of this section  
11 that the actor was unaware that the prohibited conduct took place while on  
12 or within 500 feet of a public housing facility, a public park, or a public  
13 building.

14       c. Notwithstanding the provisions of N.J.S.2C:1-8 or any other  
15 provisions of law, a conviction arising under this section shall not merge  
16 with a conviction for a violation of subsection a. of N.J.S.2C:35-5  
17 (manufacturing, distributing or dispensing) or N.J.S.2C:35-6 (employing a  
18 juvenile in a drug distribution scheme). Nothing in this section shall be  
19 construed to preclude or limit a prosecution or conviction for a violation of  
20 N.J.S.2C:35-7 or any other offense defined in this chapter.

21       d. It is an affirmative defense to prosecution for a violation of this  
22 section that the prohibited conduct did not involve distributing, dispensing  
23 or possessing with the intent to distribute or dispense any controlled  
24 dangerous substance or controlled substance analog for profit, and that the  
25 prohibited conduct did not involve distribution to a person 17 years of age  
26 or younger. The affirmative defense established in this section shall be  
27 proved by the defendant by a preponderance of the evidence. Nothing  
28 herein shall be construed to establish an affirmative defense with respect  
29 to a prosecution for an offense defined in any other section of this chapter.

30       e. In a prosecution under this section, a map produced or reproduced  
31 by any municipal or county engineer for the purpose of depicting the

1 location and boundaries of the area on or within 500 feet of a public  
2 housing facility which is owned by or leased to a housing authority  
3 according to the “Local Redevelopment and Housing Law,” P.L.1992,  
4 c.79 (C.40A:12A-1 et seq.), the area in or within 500 feet of a public park,  
5 or the area in or within 500 feet of a public building, or a true copy of such  
6 a map, shall, upon proper authentication, be admissible and shall  
7 constitute prima facie evidence of the location and boundaries of those  
8 areas, provided that the governing body of the municipality or county has  
9 adopted a resolution or ordinance approving the map as official finding  
10 and record of the location and boundaries of the area or areas on or within  
11 500 feet of a public housing facility, a public park, or a public  
12 building. Any map approved pursuant to this section may be changed  
13 from time to time by the governing body of the municipality or  
14 county. The original of every map approved or revised pursuant to this  
15 section, or a true copy thereof, shall be filed with the clerk of the  
16 municipality or county, and shall be maintained as an official record of the  
17 municipality or county. Nothing in this section shall be construed to  
18 preclude the prosecution from introducing or relying upon any other  
19 evidence or testimony to establish any element of this offense; nor shall  
20 this section be construed to preclude the use or admissibility of any map or  
21 diagram other than one which has been approved by the governing body of  
22 a municipality or county, provided that the map or diagram is otherwise  
23 admissible pursuant to the Rules of Evidence.

24 f. As used in this act:

25 “Public housing facility” means any dwelling, complex of dwellings,  
26 accommodation, building, structure or facility and real property of any  
27 nature appurtenant thereto and used in connection therewith, which is  
28 owned by or leased to a local housing authority in accordance with the  
29 “Local Redevelopment and Housing Law,” P.L.1992, c.79 (C.40A:12A-1  
30 et seq.) for the purpose of providing living accommodations to persons of  
31 low income.

1           “Public park” means a park, recreation facility or area or playground  
2 owned or controlled by a State, county or local government unit.

3           “Public building” means any publicly owned or leased library or  
4 museum.

5 (cf: P.L.1997, c.327, s.1)

6

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

8           2C:35-10. Possession, Use or Being Under the Influence, or Failure to  
9 Make Lawful Disposition.

10          a. It is unlawful for any person, knowingly or purposely, to obtain, or  
11 to possess, actually or constructively, a controlled dangerous substance or  
12 controlled substance analog, unless the substance was obtained directly, or  
13 pursuant to a valid prescription or order form from a practitioner, while  
14 acting in the course of his professional practice, or except as otherwise  
15 [authorized] permitted by P.L.1970, c.226 (C.24:21-1 et seq.) or  
16 P.L. , c. (C. ) (pending before the Legislature as this bill). Any  
17 person who violates this section with respect to:

18          (1) A controlled dangerous substance, or its analog, classified in  
19 Schedule I, II, III or IV other than those specifically covered in this  
20 section, is guilty of a crime of the third degree except that,  
21 notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, a fine of  
22 up to \$35,000.00 may be imposed;

23          (2) Any controlled dangerous substance, or its analog, classified in  
24 Schedule V, is guilty of a crime of the fourth degree except that,  
25 notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, a fine of  
26 up to \$15,000.00 may be imposed;

27          (3) Possession of more than 50 grams of marijuana, including any  
28 adulterants or dilutants, or more than [five]14 grams of hashish is not a  
29 violation of this title, but shall be subject to the penalties set forth in  
30 section 47 of P.L. , c. (C. ) (pending before the Legislature as this  
31 bill)]guilty of a crime of the fourth degree, except that, notwithstanding

1 the provisions of subsection b. of N.J.S.2C:43-3, a fine of up to  
2 \$25,000.00 may be imposed]; or

3 (4) Possession of 50 grams or less of marijuana, including any  
4 adulterants or dilutants, or [five]14 grams or less of hashish by a person  
5 under 21 years of age, is not a violation of this title, but shall be subject to  
6 the penalties set forth in section 47 of P.L. , c. (C. ) (pending before  
7 the Legislature as this bill).

8 Any person who commits any offense defined in this section while on  
9 any property used for school purposes which is owned by or leased to any  
10 elementary or secondary school or school board, or within 1,000 feet of  
11 any such school property or a school bus, or while on any school bus, and  
12 who is not sentenced to a term of imprisonment, shall, in addition to any  
13 other sentence which the court may impose, be required to perform not  
14 less than 100 hours of community service.

15 b. Any person who uses or who is under the influence of any  
16 controlled dangerous substance, or its analog, for a purpose other than the  
17 treatment of sickness or injury as lawfully prescribed or administered by a  
18 physician is a disorderly person. Notwithstanding the provisions of this  
19 subsection, it shall not be a violation of this section for a person to be  
20 under the influence of marijuana.

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

30 c. Any person who knowingly obtains or possesses a controlled  
31 dangerous substance or controlled substance analog in violation of

1 subsection a. of this section and who fails to voluntarily deliver the  
2 substance to the nearest law enforcement officer is guilty of a disorderly  
3 persons offense. Nothing in this subsection shall be construed to preclude  
4 a prosecution or conviction for any other offense defined in this title or  
5 any other statute. This subsection shall not apply to possession of 50  
6 grams or less of marijuana or 14 grams or less of hashish.

7 (cf: P.L.1997, c.181, s.6)

8

9 43. N.J.S.2C:36-1 is amended to read as follows:

10 As used in this act, “drug paraphernalia” means all equipment, products  
11 and materials of any kind which are used or intended for use in planting,  
12 propagating, cultivating, growing, harvesting, manufacturing,  
13 compounding, converting, producing, processing, preparing, testing,  
14 analyzing, packaging, repackaging, storing, containing, concealing,  
15 ingesting, inhaling, or otherwise introducing into the human body a  
16 controlled dangerous substance , controlled substance analog or toxic  
17 chemical in violation of the provisions of chapter 35 of this title. It shall  
18 include, but not be limited to: a. kits used or intended for use in planting,  
19 propagating, cultivating, growing or harvesting of any species of plant  
20 which is a controlled dangerous substance or from which a controlled  
21 dangerous substance can be derived; b. kits used or intended for use in  
22 manufacturing, compounding, converting, producing, processing, or  
23 preparing controlled dangerous substances or controlled substance  
24 analogs; c. isomerization devices used or intended for use in increasing the  
25 potency of any species of plant which is a controlled dangerous substance;  
26 d. testing equipment used or intended for use identifying, or in analyzing  
27 the strength, effectiveness or purity of controlled dangerous substances or  
28 controlled substance analogs; e. scales and balances used or intended for  
29 use in weighing or measuring controlled dangerous substances or  
30 controlled substance analogs; f. dilutants and adulterants, such as quinine  
31 hydrochloride, mannitol, mannite, dextrose and lactose, used or intended

1 for use in cutting controlled dangerous substances or controlled substance  
2 analogs; g. [separation gins and sifters used or intended for use in  
3 removing twigs and seeds from, or in otherwise cleaning or refining,  
4 marihuana; h. ]blenders, bowls, containers, spoons and mixing devices  
5 used or intended for use in compounding controlled dangerous substances  
6 or controlled substance analogs; [i]h. capsules, balloons, envelopes and  
7 other containers used or intended for use in packaging small quantities of  
8 controlled dangerous substances or controlled substance analogs; [j]i.  
9 containers and other objects used or intended for use in storing or  
10 concealing controlled dangerous substances , controlled substance analogs  
11 or toxic chemicals; k. objects used or intended for use in ingesting,  
12 inhaling, or otherwise introducing [marihuana, ]cocaine, [hashish, hashish  
13 oil, ]nitrous oxide or the fumes of a toxic chemical into the human body,  
14 such as (1) metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes  
15 with or without screens, permanent screens, [hashish heads, ]or punctured  
16 metal bowls; (2) water pipes; (3) carburetion tubes and devices; (4)  
17 smoking and carburetion masks; (5) roach clips, meaning objects used to  
18 hold burning material, [such as a marihuana cigarette, ]that has become  
19 too small or too short to be held in the hand; (6) miniature cocaine spoons,  
20 and cocaine vials; (7) chamber pipes; (8) carburetor pipes; (9) electric  
21 pipes; (10) air-driven pipes; (11) chillums; (12) bongs; (13) ice pipes or  
22 chillers; (14) compressed gas containers, such as tanks, cartridges or  
23 canisters, that contain food grade or pharmaceutical grade nitrous oxide as  
24 a principal ingredient; (15) chargers or charging bottles, meaning metal,  
25 ceramic or plastic devices that contain an interior pin that may be used to  
26 expel compressed gas from a cartridge or canister; and (16) tubes,  
27 balloons, bags, fabrics, bottles or other containers used to concentrate or  
28 hold in suspension a toxic chemical or the fumes of a toxic chemical.

29 In determining whether or not an object is drug paraphernalia, the trier  
30 of fact, in addition to or as part of the proofs, may consider the following  
31 factors: a. statements by an owner or by anyone in control of the object

1 concerning its use; b. the proximity of the object of illegally possessed  
2 controlled dangerous substances , controlled substance analogs or toxic  
3 chemicals; c. the existence of any residue of illegally possessed controlled  
4 dangerous substances , controlled substance analogs or toxic chemicals on  
5 the object; d. direct or circumstantial evidence of the intent of an owner, or  
6 of anyone in control of the object, to deliver it to persons whom he knows  
7 intend to use the object to facilitate a violation of this act; the innocence of  
8 an owner, or of anyone in control of the object, as to a direct violation of  
9 this act shall not prevent a finding that the object is intended for use as  
10 drug paraphernalia; e. instructions, oral or written, provided with the  
11 object concerning its use; f. descriptive materials accompanying the object  
12 which explain or depict its use; g. national or local advertising whose  
13 purpose the person knows or should know is to promote the sale of objects  
14 intended for use as drug paraphernalia; h. the manner in which the object  
15 is displayed for sale; i. the existence and scope of legitimate uses for the  
16 object in the community; and j. expert testimony concerning its use.

17

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

19 2C:36-2. Use or possession with intent to use, disorderly persons  
20 offense.

21 It shall be unlawful for any person to use, or to possess with intent to  
22 use, drug paraphernalia to plant, propagate, cultivate, grow, harvest,  
23 manufacture, compound, convert, produce, process, prepare, test, analyze,  
24 pack, repack, store, contain, conceal, ingest, inhale, or otherwise introduce  
25 into the human body a controlled dangerous substance, controlled  
26 substance analog or toxic chemical in violation of the provisions of  
27 chapter 35 of this title. Any person who violates this section is guilty of a  
28 disorderly persons offense.

29 Use, or possession with intent to use, marijuana paraphernalia is not a  
30 violation of this title but shall be subject to the penalties set forth in



1 section 48 of P.L. , c. (C. ) (pending before the Legislature as this  
2 bill).

3 (cf: P.L.2007, c.31, s.3)

4  
5 45. N.J.S.2B:12-17 is amended to read as follows:

6 2B:12-17. Jurisdiction of specified offenses. A municipal court has  
7 jurisdiction over the following cases within the territorial jurisdiction of  
8 the court:

- 9 a. Violations of county or municipal ordinances;
- 10 b. Violations of the motor vehicle and traffic laws;
- 11 c. Disorderly persons offenses, petty disorderly persons offenses and  
12 other non-indictable offenses except where exclusive jurisdiction is given  
13 to the Superior Court;
- 14 d. Violations of the fish and game laws;
- 15 e. Proceedings to collect a penalty where jurisdiction is granted by  
16 statute;
- 17 f. Violations of laws regulating boating; **[and]**
- 18 g. Violations of section 47 and 48 of P.L. , c. (C. ) (pending  
19 before the Legislature as this bill); and
- 20 h. Any other proceedings where jurisdiction is granted by statute.

21 (cf: P.L.1996, c.95, s.12)

22  
23 46. Section 1 of P.L.1964, c.289 (C.39:4-49.1) is amended to read as  
24 follows:

- 25 1. No person shall operate a motor vehicle on any highway while  
26 knowingly having in his possession or in the motor vehicle any controlled  
27 dangerous substance as classified in Schedules I, II, III, IV and V of the  
28 “New Jersey Controlled Dangerous Substances Act,” P.L.1970, c.226  
29 (C.24:21-1 et seq.) or any prescription legend drug, unless the person has  
30 obtained the substance or drug from, or on a valid written prescription of,  
31 a duly licensed physician, veterinarian, dentist or other medical

1 practitioner licensed to write prescriptions intended for the treatment or  
2 prevention of disease in man or animals or unless the person possesses a  
3 controlled dangerous substance pursuant to a lawful order of a practitioner  
4 or lawfully possesses a Schedule V substance.

5 A person who violates this section shall be fined not less than \$50.00  
6 and shall forthwith forfeit his right to operate a motor vehicle for a period  
7 of two years from the date of his conviction. This section shall not apply  
8 to possession of 50 grams or less of marijuana or 14 grams or less of  
9 hashish or the lawful possession of more than 50 grams of marijuana or 14  
10 grams of hashish pursuant to P.L. , c. (C. ) (pending before the  
11 Legislature as this bill) or P.L.2009, c.307 (C.24:6I-1 et seq.).  
12 (cf: P.L.1985, c.239, s.1)

13

14 47. (New section) Penalties.

15 a. Any person under 21 years of age who possesses 50 grams or less of  
16 marijuana or 14 grams or less of hashish, except as permitted by P.L. ,  
17 c. (C. ) (pending before the Legislature as this bill) or P.L.2009,  
18 c.307 (C.24:6I-1 et al.), shall be subject to a \$100 civil penalty. No  
19 additional fines, penalties, or fees shall be imposed by the court, except  
20 court costs.

21 b. Any person 21 years of age and older who possesses more than 50  
22 grams of marijuana or more than 14 grams of hashish, except as permitted  
23 by P.L. , c. (C. ) (pending before the Legislature as this bill) or  
24 P.L.2009, c.307 (C.24:6I-1 et al.), shall be subject to the following civil  
25 penalties:

- 26 (1) \$150 for a first violation;
- 27 (2) \$200 for a second violation;
- 28 (3) \$500 for a third or subsequent violation.

29 No additional fines, penalties, or fees shall be imposed by the court,  
30 except court costs.

1 c. Any person under 21 years of age who possesses more than 50  
2 grams of marijuana or more than 14 grams of hashish, except as permitted  
3 by P.L.2009, c.307 (C.24:6I-1 et al.) is a disorderly person.

4 d. A violation of subsection a. or b. of this section shall be proved by  
5 a preponderance of the evidence. A violation of subsection c. shall be  
6 proved beyond a reasonable doubt.

7

8 48. (New section) Expungement of records.

9 a. The Superior Court may order the expungement of all records and  
10 information relating to all prior arrests, detentions, convictions, and  
11 proceedings for a person currently serving a sentence who would not have  
12 been guilty of an offense or who would have been guilty of a lesser  
13 offense under the New Jersey Tax, Regulate and Control Marijuana Act,  
14 P.L. c. (C. ) (pending before the Legislature as this bill), had that  
15 Act been in effect at the time of the offense, regardless of whether the  
16 person was sentenced to special probation under this section, section 2 of  
17 [P.L.2012, c. 23 \(C.2C:35-14.2\)](#), or [N.J.S.2C:45-1](#).

18 (1) The petition for expungement shall proceed pursuant to  
19 [N.J.S.2C:52-1 et seq.](#) except that the requirements related to the expiration  
20 of the time periods specified in [N.J.S.2C:52-2](#) through section 1 of  
21 P.L.1980, c. 163 ([C.2C:52-4.1](#)) shall not apply.

22 (2) The court shall presume the petitioner satisfies the criteria in  
23 subsection a. unless the party opposing the petition proves by clear and  
24 convincing evidence that the petitioner does not satisfy the criteria. If the  
25 petitioner satisfies the criteria in subsection a., the court shall grant the  
26 petition to expunge or dismiss the sentence because it is legally invalid.

27 (3) Any person who is resentenced pursuant to subsection b. shall be  
28 given credit for any time already served.

29 (4) Under no circumstances may resentencing under this Section result  
30 in the imposition of a term longer than the original sentence.

1       b. The Superior Court may order the expungement of all records and  
2 information relating to all prior arrests, detentions, convictions, and  
3 proceedings for a person who has completed a sentence who would not  
4 have been guilty of an offense or who would have been guilty of a lesser  
5 offense under the New Jersey Tax, Regulate and Control Marijuana Act,  
6 P.L.    c. (C.    ) (pending before the Legislature as this bill), had that  
7 Act been in effect at the time of the offense, regardless of whether the  
8 person was sentenced to special probation under this section, section 2 of  
9 [P.L.2012, c. 23 \(C.2C:35-14.2\)](#), or [N.J.S.2C:45-1](#).

10       (1) The petition for expungement shall proceed pursuant to  
11 [N.J.S.2C:52-1 et seq.](#) except that the requirements related to the expiration  
12 of the time periods specified in [N.J.S.2C:52-2](#) through section 1 of  
13 P.L.1980, c. 163 ([C.2C:52-4.1](#)) shall not apply.

14       (2) The trial court shall presume the petitioner satisfies the criteria in  
15 subsection b. unless the party opposing the application proves by clear and  
16 convincing evidence that the petitioner does not satisfy the criteria in  
17 subsection b.

18       (3) If the applicant satisfies the criteria in subsection b., the court shall  
19 redesignate the conviction or expunge the conviction as legally invalid as  
20 now established under the New Jersey Tax, Regulate and Control  
21 Marijuana Act.

22       (4) Unless requested by the applicant, no hearing is necessary to grant  
23 or deny an application filed under subsection b.

24       (5) If the court that originally sentenced the petitioner is not available,  
25 the presiding judge shall designate another judge to rule on the petition or  
26 application.

27       (6) Nothing in this section is intended to diminish or abrogate any  
28 rights or remedies otherwise available to the petitioner or applicant.

29       c. Expungement shall have the same meaning as in N.J.S.2C:52-1.

1 d. If an order of expungement of records of arrest or conviction under  
2 this chapter is granted by the court, all the records specified in said order  
3 shall be removed in the manner provided in N.J.S.2C:52-15.

4  
5 49. (New section) Retroactive application.

6 The New Jersey Tax, Regulate and Control Marijuana Act, P.L. c.  
7 (C. ) (pending before the Legislature as this bill), shall apply to arrests  
8 and convictions which occurred prior to, and which occur on or  
9 subsequent to, the effective date of this act.

10

11 50. (New section) Industrial hemp.

12 The possession, use, purchase, sale, production, manufacture,  
13 packaging, labeling, transporting, storage, distribution, use and transfer of  
14 industrial hemp shall not be subject to the provisions of P.L. c. (C.  
15 ) (pending before the Legislature as this bill) with the exception of  
16 Sections 52, 53 and 56 of P.L. c. (C. ) (pending before the  
17 Legislature as this bill).

18

19 51. (New section) Industrial hemp farming.

20 a. Notwithstanding any other law, or rule or regulation adopted  
21 pursuant thereto, to the contrary, a person may plant, grow, harvest,  
22 possess, process, distribute, buy, or sell industrial hemp in the State,  
23 provided the person complies with the rules and regulations adopted  
24 pursuant to subsection b.

25 b. In consultation with the Attorney General, the Secretary of  
26 Agriculture shall adopt, pursuant to the “Administrative Procedure Act,”  
27 P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations providing for  
28 the administrative and enforcement responsibilities of the Department of  
29 Agriculture pursuant to this act, including, but not necessarily limited to:

30 (1) Establishment of approved varieties of industrial hemp and  
31 methods to distinguish it from any type of marijuana;

- 1 (2) Protocols for testing plant parts during growth for delta-9  
2 tetrahydrocannabinol;
- 3 (3) Guidelines for monitoring the growth and harvest of industrial  
4 hemp;
- 5 (4) Penalties necessary for the administration and enforcement of this  
6 act; and
- 7 (5) Any other issues required to implement this act.
- 8 c. The Secretary of Agriculture may defer to the Attorney General  
9 rulemaking on any of the issues enumerated above if they determine in the  
10 interest of public safety, that the issue is better addressed by the  
11 Department of Law and Public Safety than by the Department of  
12 Agriculture.
- 13 d. Annually, at the time required under the rules and regulations  
14 adopted pursuant to subsection b., each person planting, growing,  
15 harvesting, processing, distributing, or selling industrial hemp, or  
16 possessing industrial hemp for any such purposes, shall file with the  
17 Secretary of Agriculture documentation indicating that the industrial hemp  
18 is a type and variety of hemp approved by the secretary as having a  
19 concentration of no more than 0.3% delta-9-tetrahydrocannabinol by dry  
20 weight; and
- 21 e. Any person violating this act shall be subject to penalties  
22 established pursuant to subsection b. or pursuant to other applicable State  
23 and federal laws.

24

25 52. (New section) Industrial hemp licensing.

- 26 a. Not later than six months following the effective date of P.L. c.  
27 (C. ) (pending before the Legislature as this bill), the Secretary of  
28 Agriculture shall make and prescribe rules and regulations as may be  
29 necessary to establish an industrial hemp licensing structure under P.L.  
30 c. (C. ) (pending before the Legislature as this bill) and in  
31 accordance with the “Administrative Procedure Act,” P.L.1968, c.410

1 (C.52:14B-1 et seq.). Such rules and regulations shall be consistent with  
2 the purposes and intent of P.L. c. (C. ) (pending before the  
3 Legislature as this bill). Such regulations shall include:

4 (1) Procedures for the issuance, renewal, suspension, and revocation  
5 of a license to cultivate industrial hemp, with such procedures subject to  
6 all requirements of the “Administrative Procedure Act,” P.L.1968, c.410  
7 (C.52:14B-1 et seq.);

8 (2) A schedule of application, licensing and renewal fees;

9 (3) Qualifications for licensure that are directly and demonstrably  
10 related to the operation of an industrial hemp farm.

11

12 53. (New section) Writ of mandamus.

13 Any person may commence a legal action for a writ of mandamus to  
14 compel the Division to perform the acts mandated by this P.L. c. (C.  
15 ) (pending before the Legislature as this bill).

16

17 54. (New section) Severability.

18 If any provision in this Act, or part thereof, or the application of any  
19 provision or part to any person or circumstance is held for any reason to be  
20 invalid or unconstitutional, the remaining provisions and parts shall not be  
21 affected, but shall remain in full force and effect, and to this end the  
22 provisions of this Act are severable.

23

24 55. (New section) Enactment.

25 This act shall take effect on the 30<sup>th</sup> day after enactment.

26

27

#### STATEMENT

28 This bill would legalize and regulate the cultivation, possession and  
29 personal use of small amounts of marijuana for adults age 21 and older.

30 The bill establishes a Division of Marijuana Control within the  
31 Department of Law and Public Safety and grants the Division the power,

1 duty, purpose, responsibility, and jurisdiction to regulate commercial  
2 marijuana activity within New Jersey. The Division shall make and  
3 prescribe reasonable rules and regulations as may be necessary to  
4 implement, administer, and enforce its respective duties as outlined by the  
5 legislation, including the issuance of rules and regulations that promote  
6 and encourage full participation in the regulated marijuana industry by  
7 people from communities disproportionately harmed by marijuana  
8 prohibition and enforcement.

9 The bill also provides for local jurisdiction regulations or ordinances.  
10 The local jurisdiction may enact ordinances or regulations, including but  
11 not limited to, local zoning and land use requirements, business license  
12 requirements, not in conflict with the provisions of the bill, governing the  
13 time, place and manner so long as such regulations are not unreasonably  
14 impracticable. Subject to certain restrictions, a local jurisdiction may  
15 allow for the smoking, vaporizing, and ingesting of marijuana or  
16 marijuana products on the premises of a marijuana retailer or  
17 microbusiness.

18 Under the bill, the Division is granted the authority to issue licenses  
19 that it deems necessary to carry out the purpose of the legislation,  
20 including, but not limited to, licenses to marijuana cultivators, marijuana  
21 manufacturers, marijuana microbusinesses, marijuana nurseries, marijuana  
22 distributors, marijuana retailers and marijuana testing facilities.

23 The bill establishes the following taxes to be levied and imposes:

24 (1) A cultivation tax upon all harvested marijuana that enters the  
25 commercial market upon all persons required to be licensed to cultivate  
26 marijuana;

27 (2) A nursery tax upon all immature plants that enter the commercial  
28 market upon all persons required to be licensed to produce immature  
29 plants;

30 (3) A tax upon marijuana sold or otherwise transferred by a marijuana  
31 cultivation facility to a marijuana product manufacturing facility or to a



1 retail marijuana store at a rate equivalent to the rate established under the  
2 “Sales and Use Tax Act;” and

3 (4) A marijuana excise tax upon customers of nonmedical marijuana  
4 or nonmedical marijuana products sold in this State by a retailer,  
5 microbusiness, or other person required to be licensed.

6 The Division of Taxation shall establish procedures for the collection of  
7 all taxes levied. The bill specifies that no tax would be levied upon  
8 marijuana intended for sale at alternative treatment centers pursuant to the  
9 “New Jersey Compassionate Use Medical Marijuana Act,” P.L.2009,  
10 c.307 (C.24:6I-1 et seq.).

11 The bill requires all revenue to be deposited into the Dedicated  
12 Marijuana Tax Revenue Fund and mandates how the State Treasurer shall  
13 disburse the revenue from the fund. After the State Treasurer disburses  
14 reasonable costs to the Division of Taxation and the Division, the State  
15 Treasurer shall, in the order below:

16 (1) Disburse the sum of \$1,000,000 to Rutgers University annually to  
17 research and evaluate the implementation and effect of the bill;

18 (2) Deposit 25% of remaining revenues in a fund dedicated to public  
19 education;

20 (3) Deposit 25% of remaining revenues in the “Transportation Trust  
21 Fund;”

22 (4) Deposit 50% of the remaining revenues in the Drug Treatment and  
23 Public Education Fund, to support programs for youth that are designed to  
24 educate about and to prevent substance use disorders and to prevent harm  
25 from substance use; and finally,

26 (5) Deposit the remaining 50% of revenues in the Community Grants  
27 Reinvestment Fund that shall administer the monies to local health  
28 departments and community-based nonprofit organizations for the purpose  
29 or reinvesting in communities disproportionately affected by past federal  
30 and state drug policies.