

§3 - C.2C:30-6.1
§4 - C.2C:33-15.1
§6 –
C.2A:170-51.13
§7 –
C.26:3A2-20.2
§17 –
C.52:17B-77.17
§18 - Repealer

(CORRECTED COPY)

P.L. 2021, CHAPTER 25, *approved February 22, 2021*

Assembly, No. 5342 (*First Reprint*)

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

5

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

8

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

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

15

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

18 1. a. (1) Any person under the legal age to purchase alcoholic
19 beverages ¹, or under the legal age to purchase cannabis items,¹
20 who knowingly possesses without legal authority or who knowingly
21 consumes any alcoholic beverage ¹, cannabis item, marijuana, or
22 hashish¹ in any school, public conveyance, public place, or place of
23 public assembly, or motor vehicle ¹**[**, is guilty of a petty disorderly
24 persons offense, and¹ shall ¹**[**, in the case of an adult under the
25 legal age to purchase alcoholic beverages,¹ be ¹**[**fined not less
26 than \$250.

27 (2) (a) Any person under the legal age to purchase cannabis
28 items who knowingly possesses without legal authority marijuana,
29 hashish, or any cannabis item, the amount of which may be lawfully
30 possessed by a person of the legal age to purchase cannabis items
31 pursuant to section 46 **[.]** of P.L. , c. (C.) (passed both

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate floor amendments adopted February 22, 2021.

1 Houses on December 17, 2020 as Second Reprint of Assembly Bill
2 No. 21), in any school, public conveyance, public place, or place
3 of public assembly, or motor vehicle **], is guilty of a petty
4 disorderly persons offense, and]** shall **], in the case of an adult
5 under the legal age to purchase cannabis items,] be [**fined not less
6 than \$250] subject to a civil penalty of \$50, which shall be
7 recovered in a civil action by a summary proceeding in the name of
8 the municipality pursuant to the “Penalty Enforcement Law of
9 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.), except that a person
10 under the age of 18 years who violates this subparagraph shall not
11 be subject to a civil penalty but instead shall be subject to a point-
12 of-violation warning or juvenile intervention, as defined in this
13 section, and which is conducted in the same manner as an action
14 referred to as a curbside warning or stationhouse adjustment,
15 respectively, would be conducted in accordance with Attorney
16 General Law Enforcement Directive No. 2020-12 as if the violation
17 were to constitute a petty disorderly persons offense, without the
18 filing of a complaint with the court. The municipal court that has
19 territorial jurisdiction over the violation and the Superior Court
20 shall both have jurisdiction of proceedings for the enforcement of
21 the civil penalty provided by this subparagraph.

22 The odor of marijuana, hashish, cannabis, or cannabis item, or
23 burnt marijuana, hashish, cannabis, or cannabis item, shall not
24 constitute reasonable articulable suspicion to initiate a search of a
25 person to determine a violation of this subparagraph. A person who
26 violates this subparagraph shall not be subject to arrest, detention,
27 or otherwise be taken into custody except to the extent required for
28 a juvenile intervention as permitted by this subparagraph, unless the
29 person is being arrested, detained, or otherwise taken into custody
30 for also committing another violation of law for which that action is
31 legally permitted or required.

32 (b) Any person under the legal age to purchase cannabis items
33 who knowingly possesses without legal authority marijuana,
34 hashish, or any cannabis item, the amount of which exceeds what
35 may be lawfully possessed by a person of the legal age to purchase
36 cannabis items pursuant to section 46 of P.L. , c. (C.)
37 (passed both Houses on December 17, 2020 as Second Reprint of
38 Assembly Bill No. 21), or who knowingly consumes any marijuana,
39 hashish, or cannabis item in any school, public conveyance, public
40 place, or place of public assembly, or motor vehicle **], is guilty of a
41 disorderly persons offense, and]** shall **], in the case of an adult
42 under the legal age to purchase cannabis items,] be]’** **[**fined not
43 less than \$500] subject to ’[a civil penalty of \$100, which shall be
44 recovered in a civil action by a summary proceeding in the name of
45 the municipality pursuant to the “Penalty Enforcement Law of
46 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.), except that a person
47 under the age of 18 years who violates this subparagraph shall not

1 be subject to a civil penalty but instead shall be subject to a point-
2 of-violation warning or juvenile intervention, as defined in this
3 section, and which is conducted in the same manner as an action
4 referred to as a curbside warning or stationhouse adjustment,
5 respectively, would be conducted in accordance with Attorney
6 General Law Enforcement Directive No. 2020-12 as if the violation
7 were to constitute a disorderly persons offense, without the filing of
8 a complaint with the court. The municipal court that has territorial
9 jurisdiction over the violation and the Superior Court shall both
10 have jurisdiction of proceedings for the enforcement of the civil
11 penalty provided by this subparagraph.】 the following
12 consequences:

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

29 (b) for a second violation, a written warning issued by a law
30 enforcement officer to the underage person indicating that a second
31 violation has occurred, which includes the person's name, address,
32 and date of birth. If the violation is by a person 18 years of age or
33 older, the officer shall provide the person with informational
34 materials about how to access community services provided by
35 public or private agencies and organizations that shall assist the
36 person with opportunities to access further social services,
37 including but not limited to counseling, tutoring programs,
38 mentoring services, and faith-based or other community initiatives.
39 If the violation is by a person under 18 years of age, a written
40 notification concerning the second violation, along with a copy of
41 the written warning for the person's first violation, shall be
42 provided to the parent, guardian or other person having legal
43 custody of the underage person in accordance with section 3 of
44 P.L.1991, c.169 (C.33:1-81.1a). The written notification shall
45 include the same or similar informational materials about how to
46 access community services provided by public or private agencies
47 and organizations as those provided directly by a law enforcement
48 officer to a person 18 years of age or older who commits a second

1 violation of this paragraph. A copy of the second written warning
2 to the underage person, and, if applicable, the written notification to
3 the parent, guardian or other person having legal custody of the
4 underage person concerning the second warning, plus a sworn
5 statement that includes a description of the relevant facts and
6 circumstances that support the officer's determination that the
7 person committed the second violation, shall be temporarily
8 maintained in accordance with this section only for the purposes of
9 determining a subsequent violation subject to the consequences set
10 forth in subparagraph (c) of this paragraph.

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

47 The failure of a person under the legal age to purchase alcoholic
48 beverages or cannabis items, or the failure of a parent, guardian or

1 other person having legal custody of the underage person, to accept
2 assistance from an agency or organization to which a law
3 enforcement referral was made, or to access any community
4 services provided by that agency or organization shall not result in
5 any summons, initiation of a complaint, or other legal action to be
6 adjudicated and enforced in any court.

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

12 (b)¹ The odor of ¹an alcoholic beverage,¹ marijuana, hashish,
13 cannabis, or cannabis item, or burnt marijuana, hashish, cannabis,
14 or cannabis item, shall not constitute reasonable articulable
15 suspicion to initiate ¹an investigatory stop of a person, nor shall it
16 constitute probable cause to initiate¹ a search of a person ¹or that
17 person's personal property¹ to determine a violation of ¹[this
18 subparagraph] paragraph (1) of this subsection. Additionally, the
19 unconcealed possession of an alcoholic beverage, marijuana,
20 hashish, or cannabis item in violation of paragraph (1) of this
21 subsection, observed in plain sight by a law enforcement officer,
22 shall not constitute probable cause to initiate a search of a person or
23 that person's personal property to determine any further violation of
24 that paragraph or any other violation of law¹ .

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

41 ¹[(c) (i) As used in subparagraphs (a) and (b) of this paragraph:
42 “Juvenile intervention” means a mechanism that allows law
43 enforcement agencies to resolve a violation of either subparagraph
44 by a person under the age of 18 years without formal court
45 proceedings. A juvenile intervention, which shall be memorialized
46 in a signed agreement, establishes one or more conditions that the

1 person shall meet in exchange for the law enforcement agency
2 declining to pursue a formal delinquency complaint against the
3 person.

4 “Point-of-violation warning” means a brief, informal interaction
5 between a law enforcement officer and a person under the age of 18
6 years who the officer observed engage in a violation of either
7 subparagraph. During the interaction, the officer shall counsel the
8 person to discontinue the conduct, warn the person about the
9 potential consequences of future delinquency, and then conclude the
10 interaction without taking any further action. For the purposes of
11 this definition, a point-of-violation warning does not include
12 interactions between a person under the age of 18 years and a
13 school resource officer or other law enforcement officer assigned to
14 a school, as those interactions are governed by other statutes, and
15 policies and practices established between schools and law
16 enforcement agencies. A point-of-violation warning shall also be
17 used for a first violation of subparagraph (b) of paragraph (12) of
18 subsection b. of N.J.S.2C:35-5 concerning the manufacturing,
19 distributing or dispensing, or possessing or having under control
20 with intent to manufacture, distribute or dispense, marijuana or
21 hashish for an offender of any age.

22 (ii) Point-of-violation warnings and juvenile interventions
23 conducted pursuant to subparagraph (a) or (b) of paragraph (2) of
24 subsection a. of this section shall be reported to the Attorney
25 General in the same manner as curbside adjustments and
26 stationhouse warnings, respectively, and shall be included in the
27 statistical reporting compiled and made available by the Attorney
28 General pursuant to Attorney General Law Enforcement Directive
29 No. 2020-12. The Attorney General, in accordance with section 3
30 of P.L. , c. (C.) (pending before the Legislature as this bill),
31 shall biannually issue a report detailing the statistics compiled and
32 made available pursuant to Attorney General Law Enforcement
33 Directive No. 2020-12. The initial report shall be issued by June
34 30, 2021, and every six months thereafter.】

35 (4) Consistent with the provisions of subsection c. of section 1 of
36 P.L.2020, c.129 (C.40A:14-118.5), the video and audio recording
37 functions of a law enforcement officer’s body worn camera, as
38 defined in that section, shall be activated whenever the law
39 enforcement officer is responding to a call for service related to a
40 violation or suspected violation of paragraph (1) of this subsection
41 for possessing or consuming an alcoholic beverage, marijuana,
42 hashish, or a cannabis item, or at the initiation of any other law
43 enforcement or investigative encounter between an officer and a
44 person related to a violation or suspected violation of that
45 paragraph, and shall remain activated until the encounter has fully
46 concluded and the officer leaves the scene of the encounter;
47 provided, however, that the video and audio recording functions of
48 a body worn camera shall not be deactivated pursuant to

1 subparagraph (a) of paragraph (2) of subsection c. of P.L.2020,
2 c.129 (C.40A:14-118.5), based on a request to deactivate the
3 camera by a person who is the subject of a responsive call for
4 service or law enforcement or investigative encounter related to a
5 violation or suspected violation of paragraph (1) of this subsection.

6 (5) As part of the process for the issuance of a written warning or
7 write-up to a person for a violation of paragraph (1) of this
8 subsection, the law enforcement officer shall take possession of any
9 alcoholic beverage, marijuana, hashish, or cannabis item from the
10 person, and any drug or cannabis paraphernalia for use with any
11 marijuana, hashish, or cannabis item. The existence and description
12 of the alcoholic beverage, marijuana, hashish, or cannabis item, and
13 any drug or cannabis paraphernalia shall be included in the sworn
14 statement that includes a description of the relevant facts and
15 circumstances that support the officer's determination that the
16 person committed a violation, and which record is temporarily
17 maintained in accordance with this section to determine subsequent
18 possession or consumption violations, and track referrals for
19 accessing community services provided by a public or private
20 agency or organization due to a third or subsequent violation. Any
21 alcoholic beverage, marijuana, hashish, cannabis item, or drug or
22 cannabis paraphernalia obtained by the law enforcement officer
23 shall either be destroyed or secured for use in law enforcement
24 training or educational programs in accordance with applicable law
25 and directives issued by the Attorney General.

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

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

33 (b) (i) any copy of any written warning or write-up issued to a
34 person under the legal age to purchase alcoholic beverages or
35 cannabis items, written notification provided to the person's parent,
36 guardian or other person having legal custody in accordance with
37 section 3 of P.L.1991, c.169 (C.33:1-81.1a), sworn statement
38 describing the relevant facts and circumstances that support an
39 officer's determination that a person committed a violation, or
40 referrals for accessing community services provided by a public or
41 private agency or organization pertaining to a third or subsequent
42 violation shall be segregated and maintained in a separate physical
43 location or electronic repository or database from any other records
44 maintained by a law enforcement agency, and reported to the
45 Attorney General in a manner so that they are similarly segregated
46 and maintained in a separate physical location or electronic
47 repository or database from other law enforcement records
48 accessible to the Attorney General and State and local law

1 enforcement agencies, and shall not be transferred to or copied and
2 placed in any other physical location or electronic repository or
3 database containing any other law enforcement records. These
4 records shall only be used to the extent necessary to determine a
5 subsequent violation of paragraph (1) of this subsection or to track
6 referrals to agencies and organizations, and shall not be revealed,
7 reviewed, or considered in any manner with respect to any current
8 or subsequent juvenile delinquency matter, including but not limited
9 to, a charge, filing, eligibility or decision for diversion or discharge,
10 or sentencing, other disposition, or related decision affecting the
11 juvenile, or with respect to any current or subsequent prosecution
12 for committing an offense or other violation of law, including but
13 not limited to, a charge, filing, eligibility or decision for diversion
14 or discharge, or sentencing, other disposition, or related decision
15 affecting an adult under 21 years of age. Also, these records shall
16 be deemed confidential and shall not be subject to public inspection
17 or copying pursuant to the provisions of P.L.1963, c.73 (C.47:1A-1
18 et seq.), and their existence shall not be acknowledged based upon
19 any inquiry in the same manner as if the records were expunged
20 records pursuant to the provisions of subsection a. of N.J.S.2C:52-
21 15.

22 The Attorney General may use the records described herein to
23 generate the number of occurrences and other statistics concerning
24 first, second, third and subsequent violations of paragraph (1) of
25 this subsection, the municipal, county or other geographic areas
26 within which first, second, third and subsequent violations occur,
27 and the law enforcement agencies involved in first, second, third
28 and subsequent violations, which are to be compiled and made
29 available by the Attorney General in accordance with section 4 of
30 P.L. , c. (C.) (pending before the Legislature as this bill).
31 The identity of any person named in a record shall not be revealed
32 or included in the information to be compiled and made available in
33 accordance with that section.

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

37 (ii) any records pertaining to a person's acceptance of assistance
38 from an agency or organization to which a law enforcement referral
39 was made shall not be revealed, reviewed, or considered in any
40 manner with respect to any current or subsequent juvenile
41 delinquency matter, including but not limited to, a charge, filing,
42 eligibility or decision for diversion or discharge, or sentencing,
43 other disposition, or related decision affecting the juvenile, or with
44 respect to any current or subsequent prosecution for committing an
45 offense or other violation of law, including but not limited to, a
46 charge, filing, eligibility or decision for diversion or discharge, or
47 sentencing, other disposition, or related decision affecting an adult
48 under 21 years of age. Also, these records shall be deemed

1 confidential and shall not be subject to public inspection or copying
2 pursuant to the provisions of P.L.1963, c.73 (C.47:1A-1 et seq.),
3 and their existence shall not be acknowledged based upon any
4 inquiry in the same manner as if the records were expunged records
5 pursuant to the provisions of subsection a. of N.J.S.2C:52-15.

6 (c) all of the records maintained by a law enforcement agency
7 and reported to the Attorney General as described in
8 subsubparagraph (i) of subparagraph (b) of this paragraph shall be
9 destroyed or permanently deleted by the law enforcement agency
10 and Attorney General on the second anniversary following the
11 creation of the record concerning a violation, or not later than the
12 last day of the month in which that second anniversary date falls, or
13 alternatively not later than the 21st birthday of a person who is the
14 subject of a record, or not later than the last day of the month in
15 which that birthday falls, whichever date occurs sooner, except that
16 a record shall be maintained upon request by the person named in
17 the record or representative thereof, the law enforcement officer
18 who made the record, or the law enforcement agency currently
19 maintaining the record if it involves a lawsuit, disciplinary
20 complaint, or criminal prosecution arising from the violation
21 described in the record, based on an assertion that the record has
22 evidentiary or exculpatory value. Upon final disposition of the
23 matter for which the extended record retention was requested, the
24 record shall be destroyed or permanently deleted.

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

31 b. ¹**【Whenever 【this offense】** a violation of subsection a. of
32 this section is committed in a motor vehicle, the court shall, in
33 addition to the sentence authorized **【for the offense】** under that
34 subsection, suspend or postpone for six months the driving privilege
35 of the defendant. Upon the conviction of finding of guilt of any
36 person under this section, the court shall forward a report to the
37 New Jersey Motor Vehicle Commission stating the first and last day
38 of the suspension or postponement period imposed by the court
39 pursuant to this section. If a person at the time of the imposition of
40 a sentence is less than 17 years of age, the period of license
41 postponement, including a suspension or postponement of the
42 privilege of operating a motorized bicycle, shall commence on the
43 day the sentence is imposed and shall run for a period of six months
44 after the person reaches the age of 17 years.

45 If a person at the time of the imposition of a sentence has a valid
46 driver's license issued by this State, the court shall immediately
47 collect the license and forward it to the commission along with the
48 report. If for any reason the license cannot be collected, the court

1 shall include in the report the complete name, address, date of birth,
2 eye color, and sex of the person as well as the first and last date of
3 the license suspension period imposed by the court.

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

12 If the person convicted or found guilty under this section is not a
13 New Jersey resident, the court shall suspend or postpone, as
14 appropriate, the non-resident driving privilege of the person based
15 on the age of the person and submit to the commission the required
16 report. The court shall not collect the license of a non-resident
17 convicted under this section. Upon receipt of a report by the court,
18 the commission shall notify the appropriate officials in the licensing
19 jurisdiction of the suspension or postponement. ~~](Deleted by~~
20 ~~amendment, P.L. , c.) (pending before the Legislature as this~~
21 ~~bill)]¹~~

22 c. ¹~~][In addition to the general [penalty] penalties prescribed~~
23 ~~[for a disorderly persons offense] under this section,~~ the court may
24 require any person who violates ~~[this act] paragraph (1) of~~
25 ~~subsection a. of this section for possession or consumption of an~~
26 ~~alcoholic beverage~~ to participate in an alcohol or drug abuse
27 education or treatment program, authorized by the Division of
28 Mental Health and Addiction Services in the Department of Human
29 Services, for a period not to exceed ~~[the maximum period of~~
30 ~~confinement prescribed by law for the offense for which the~~
31 ~~individual has been convicted] 30 days.] (Deleted by amendment,~~
32 ~~P.L. , c.) (pending before the Legislature as this bill)]¹~~

33 d. Nothing in this act shall apply to possession of alcoholic
34 beverages by any such person while actually engaged in the
35 performance of employment pursuant to an employment permit
36 issued by the Director of the Division of Alcoholic Beverage
37 Control, or for a bona fide hotel or restaurant, in accordance with
38 the provisions of R.S.33:1-26, or while actively engaged in the
39 preparation of food while enrolled in a culinary arts or hotel
40 management program at a county vocational school or post-
41 secondary educational institution; and nothing in this section shall
42 apply to possession of cannabis items by any such person while
43 actually engaged in the performance of employment by a cannabis
44 establishment, distributor, or delivery service as permitted pursuant
45 to the “New Jersey Cannabis Regulatory, Enforcement Assistance,
46 and Marketplace Modernization Act,” P.L. , c. (C.) (passed

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

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

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

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

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

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

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

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

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

41

42 ¹**【3.** N.J.S.2C:35-5 is amended to read as follows:

43 2C:35-5. Manufacturing, Distributing or Dispensing. a. Except
44 as authorized by P.L.1970, c.226 (C.24:21-1 et seq.), it shall be
45 unlawful for any person knowingly or purposely:

- 1 (1) To manufacture, distribute or dispense, or to possess or have
2 under his control with intent to manufacture, distribute or dispense,
3 a controlled dangerous substance or controlled substance analog; or
- 4 (2) To create, distribute, or possess or have under his control
5 with intent to distribute, a counterfeit controlled dangerous
6 substance.
- 7 b. Any person who violates subsection a. with respect to:
- 8 (1) Heroin, or its analog, or coca leaves and any salt, compound,
9 derivative, or preparation of coca leaves, and any salt, compound,
10 derivative, or preparation thereof which is chemically equivalent or
11 identical with any of these substances, or analogs, except that the
12 substances shall not include decocainized coca leaves or extractions
13 which do not contain cocaine or ecogine, or 3,4-
14 methylenedioxyamphetamine or 3,4-
15 methylenedioxyamphetamine, in a quantity of five ounces or more
16 including any adulterants or dilutants is guilty of a crime of the first
17 degree. The defendant shall, except as provided in N.J.S.2C:35-12,
18 be sentenced to a term of imprisonment by the court. The term of
19 imprisonment shall include the imposition of a minimum term
20 which shall be fixed at, or between, one-third and one-half of the
21 sentence imposed, during which the defendant shall be ineligible for
22 parole. Notwithstanding the provisions of subsection a. of
23 N.J.S.2C:43-3, a fine of up to \$500,000 may be imposed;
- 24 (2) A substance referred to in paragraph (1) of this subsection,
25 in a quantity of one-half ounce or more but less than five ounces,
26 including any adulterants or dilutants is guilty of a crime of the
27 second degree;
- 28 (3) A substance referred to paragraph (1) of this subsection in a
29 quantity less than one-half ounce including any adulterants or
30 dilutants is guilty of a crime of the third degree except that,
31 notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, a
32 fine of up to \$75,000 may be imposed;
- 33 (4) A substance classified as a narcotic drug in Schedule I or II
34 other than those specifically covered in this section, or the analog of
35 any such substance, in a quantity of one ounce or more including
36 any adulterants or dilutants is guilty of a crime of the second
37 degree;
- 38 (5) A substance classified as a narcotic drug in Schedule I or II
39 other than those specifically covered in this section, or the analog of
40 any such substance, in a quantity of less than one ounce including
41 any adulterants or dilutants is guilty of a crime of the third degree
42 except that, notwithstanding the provisions of subsection b. of
43 N.J.S.2C:43-3, a fine of up to \$75,000 may be imposed;
- 44 (6) Lysergic acid diethylamide, or its analog, in a quantity of
45 100 milligrams or more including any adulterants or dilutants, or
46 phencyclidine, or its analog, in a quantity of 10 grams or more
47 including any adulterants or dilutants, is guilty of a crime of the
48 first degree. Except as provided in N.J.S.2C:35-12, the court shall

1 impose a term of imprisonment which shall include the imposition
2 of a minimum term, fixed at, or between, one-third and one-half of
3 the sentence imposed by the court, during which the defendant shall
4 be ineligible for parole. Notwithstanding the provisions of
5 subsection a. of N.J.S.2C:43-3, a fine of up to \$500,000 may be
6 imposed;

7 (7) Lysergic acid diethylamide, or its analog, in a quantity of
8 less than 100 milligrams including any adulterants or dilutants, or
9 where the amount is undetermined, or phencyclidine, or its analog,
10 in a quantity of less than 10 grams including any adulterants or
11 dilutants, or where the amount is undetermined, is guilty of a crime
12 of the second degree;

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

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

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

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

33 (b) Marijuana in a quantity of five pounds or more but less than
34 25 pounds including any adulterants or dilutants, or 10 or more but
35 fewer than 50 marijuana plants, regardless of weight, or hashish in a
36 quantity of one pound or more but less than five pounds, including
37 any adulterants and dilutants, is guilty of a crime of the second
38 degree;

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

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

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

16 (b) On and after the effective date of P.L. , c. (C.)
17 (passed both Houses on December 17, 2020 as Second Reprint of
18 Assembly Bill No. 21), marijuana in a quantity of one ounce or less
19 including any adulterants or dilutants, or hashish in a quantity of
20 five grams or less including any adulterants or dilutants, is, for a
21 first offense, subject to a **【written】** point-of-violation warning, as
22 defined in section 1 of P.L.1979, c.264 (C.2C:33-15), which also
23 **【indicates】** includes a written indication that any subsequent
24 violation is a crime punishable by a term of imprisonment, a fine, or
25 both, and for a second or subsequent offense, is guilty of a crime of
26 the fourth degree;

27 (i) The odor of marijuana or hashish, or burnt marijuana or
28 hashish, shall not constitute reasonable articulable suspicion to
29 initiate a search of a person to determine a violation of
30 subparagraph (b) of paragraph (12) of this subsection. A person
31 who violates this subparagraph shall not be subject to arrest,
32 detention, or otherwise be taken into custody, unless the person is
33 being arrested, detained, or otherwise taken into custody for also
34 committing another violation of law for which that action is legally
35 permitted or required;

36 (ii) A person shall not be deprived of any legal or civil right,
37 privilege, benefit, or opportunity provided pursuant to any law
38 solely by reason of committing a violation of subparagraph (b) of
39 paragraph (12) of this subsection, nor shall committing one or more
40 violations modify any legal or civil right, privilege, benefit, or
41 opportunity provided pursuant to any law, including, but not limited
42 to, the granting, renewal, forfeiture, or denial of a license, permit,
43 or certification, qualification for and the receipt, alteration,
44 continuation, or denial of any form of financial assistance, housing
45 assistance, or other social services, rights of or custody by a
46 biological parent, or adoptive or foster parent, or other legal
47 guardian of a child or newborn infant, or pregnant woman, in any
48 action or proceeding by the Division of Child Protection and

1 Permanency in the Department of Children and Families, or
2 qualification, approval, or disapproval to serve as a foster parent or
3 other legal guardian;

4 (iii) Point-of-violation warnings conducted pursuant
5 subparagraph (b) of paragraph (12) of subsection b. of this section
6 shall be reported to the Attorney General in the same manner as
7 actions referred to as curbside adjustments pursuant to Attorney
8 General Law Enforcement Directive No. 2020-12, and this
9 reporting may also include information for use in determining
10 whether a person who violates this subparagraph had previously
11 been subjected to a point-of-violation warning for a prior violation
12 of this subparagraph, provided that the information may be used for
13 that purpose only and shall not be included in the statistical
14 reporting compiled and made available by the Attorney General in
15 accordance with section 3 of P.L. , c. (C.) (pending before
16 the Legislature as this bill) and pursuant to Attorney General Law
17 Enforcement Directive No. 2020-12.

18 (iv) All local and county law enforcement authorities shall,
19 following the submission process used for the uniform crime
20 reporting system established by P.L.1966, c.37 (C.52:17B-
21 5.1 et seq.), submit a quarterly report to the Uniform Crime
22 Reporting Unit, within the Division of State Police in the
23 Department of Law and Public Safety, or to another designated
24 recipient determined by the Attorney General, containing the
25 number of second or subsequent violations of subparagraph (b) of
26 paragraph (12) of this subsection committed within their respective
27 jurisdictions, plus the race, ethnicity, gender, and age of each
28 person committing a violation, and the disposition of each person's
29 violation. These violations and associated information, along with
30 a quarterly summary of violations investigated, and associated
31 information collected, by the Division of State Police for the same
32 period shall be summarized by county and municipality in an annual
33 report, and both quarterly summaries and annual reports shall be
34 made available at no cost to the public on the Division of State
35 Police's Internet website;

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

41 (14) Any Schedule V substance, or its analog, is guilty of a
42 crime of the fourth degree except that, notwithstanding the
43 provisions of subsection b. of N.J.S.2C:43-3, a fine of up to
44 \$25,000 may be imposed.

45 c. Where the degree of the offense for violation of this section
46 depends on the quantity of the substance, the quantity involved
47 shall be determined by the trier of fact, other than with respect to a
48 first violation of subparagraph (b) of paragraph (12) of subsection

1 b. of this section which is subject to a written point-of-violation
2 warning as set forth in that subparagraph. Where the indictment or
3 accusation so provides, the quantity involved in individual acts of
4 manufacturing, distribution, dispensing or possessing with intent to
5 distribute may be aggregated in determining the grade of the
6 offense, whether distribution or dispensing is to the same person or
7 several persons, provided that each individual act of manufacturing,
8 distribution, dispensing or possession with intent to distribute was
9 committed within the applicable statute of limitations.

10 (cf: P.L.2021, c. , s.55)】¹

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

1 4. (New section) a. (1) The Attorney General shall biannually
2 issue a comprehensive report detailing the ¹number of occurrences
3 and other¹ statistics ¹【for】, without revealing or including any
4 personal identifying information, concerning first, second, third and
5 subsequent violations of paragraph (1) of subsection a. of section 1
6 of P.L.1979, c.264 (C.2C:33-15) involving the possession or
7 consumption of any alcoholic beverage, marijuana, hashish, or
8 cannabis items by persons under the legal age to purchase alcoholic
9 beverages or cannabis items, the municipal, county or other
10 geographic areas within which first, second, third and subsequent
11 violations occur, and the law enforcement agencies involved in
12 first, second, third and subsequent violations, covering¹ the
13 previous six-month period ¹【on all point-of-violation warnings and
14 juvenile interventions conducted pursuant section 1 of P.L.1979,
15 c.264 (C.2C:33-15) for violations of that section involving underage
16 possession or consumption of marijuana, hashish, or cannabis items,
17 which were compiled and made available in accordance with that
18 section and pursuant to Attorney General Law Enforcement
19 Directive No. 2020-12】¹. The initial report shall be issued by June
20 30, 2021, ¹the second report shall be issued by January 30, 2022,¹
21 and ¹then the next report issued¹ every six months thereafter. Each
22 report shall also be submitted to the Governor and the Legislature
23 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1).

24 ¹(2) The Attorney General shall also make reports available to
25 the task force established pursuant to subsection b. of this section
26 based on the Attorney General’s periodic review of body worn
27 camera recordings of law enforcement officers responding to a call
28 for service related to a violation or suspected violation of paragraph
29 (1) of subsection a. of section 1 of P.L.1979, c.264 (C.2C:33-15), or
30 at the initiation of any other law enforcement or investigative
31 encounter between an officer and a person related to a violation or
32 suspected violation of that paragraph, which recordings are required
33 to be made in accordance with paragraph (4) of subsection a. of
34 section 1 of P.L.1979, c.264 (C.2C:33-15). The periodic review
35 shall be conducted using body worn camera recordings both
36 selected by the Attorney General and randomly determined, and the
37 task force may request an Attorney General review a particular
38 municipality, region, or time period. The identity of any person
39 included in a recording reviewed by the Attorney General shall be
40 kept confidential and shall not be revealed to the members of the
41 task force or any staff provided to the task force by the Department
42 of Law and Public Safety pursuant to paragraph (6) of subsection b.
43 of this section to support its work.¹

44 b. (1) A taskforce shall be established in the Department of
45 Law and Public Safety, comprised of 26 members to review each
46 ¹Attorney General¹ report ¹described in subsection a. of this
47 section¹, and make recommendations thereon to the Governor and

1 Legislature related to law enforcement activities to address the
2 enforcement of underage possession or consumption of ¹alcoholic
3 beverages,¹ marijuana, hashish, or cannabis items in violation of
4 section 1 of P.L.1979, c.264 (C.2C:33-15), as well as the broader
5 issue of underage possession or consumption of these substances.

6 (2) The membership of the taskforce shall include the following
7 individuals:

8 (a) the Attorney General, or a designee;

9 (b) the Public Defender, or a designee;

10 (c) the Commissioner of the Department of Children and
11 Families, or a designee;

12 (d) the Commissioner of Education, or a designee;

13 (e) a representative from the Juvenile Justice Commission,
14 appointed by the Governor;

15 (f) a representative from the Division of Criminal Justice in the
16 Department of Law and Public Safety, appointed by the Governor;

17 (g) the Chair of the Governor's Juvenile Justice Delinquency and
18 Prevention Committee;

19 (h) two members appointed by the Governor upon the
20 recommendation of the President of the Senate ¹, at least one of
21 whom shall be a member of the Legislative Black Caucus or
22 Legislative Latino Caucus, determined in coordination with the
23 members recommended by the Speaker of the General Assembly
24 pursuant to subparagraph (i) of this paragraph, so that there is at
25 least one member of each caucus serving as a member of the task
26 force¹;

27 (i) two members appointed by the Governor upon the
28 recommendation of the Speaker of the General Assembly ¹, at least
29 one of whom shall be a member of the Legislative Black Caucus or
30 Legislative Latino Caucus, determined in coordination with the
31 members recommended by the Senate President pursuant to
32 subparagraph (h) of this paragraph, so that there is at least one
33 member of each caucus serving as a member of the task force¹;

34 (j) ¹**【**a Judge of the Superior Court, who is currently assigned to
35 the Chancery Division, Family Part for juvenile delinquency
36 matters, to be chosen by **】**¹ the Administrative Director of the Courts
37 ¹, or a designee¹;

38 (k) a representative from the New Jersey Institute for Social
39 Justice, appointed by the Governor;

40 (l) a representative from the American Civil Liberties Union of
41 New Jersey, appointed by the Governor;

42 (m) a representative from the County Prosecutors Association of
43 New Jersey who is actively and presently involved in juvenile
44 matters, appointed by the Governor;

45 (n) a representative from the New Jersey Juvenile Officers
46 Association, appointed by the Governor;

- 1 (o) one representative each from the Annie E. Casey Foundation
2 and Vera Institute of Justice, both appointed by the Governor;
- 3 (p) a representative of the NAACP New Jersey State Conference,
4 appointed by the Governor;
- 5 (q) a representative of Salvation and Social Justice, appointed by
6 the Governor;
- 7 (r) a representative from the County Youth Services
8 Commission Administrators, appointed by the Governor;
- 9 (s) a representative from the faith-based ethical community in
10 New Jersey, appointed by the Governor;
- 11 (t) a representative of an employee organization representing
12 employees who work at juvenile justice facilities, appointed by the
13 Governor; and
- 14 (u) three representatives who have been involved with the New
15 Jersey juvenile justice system, appointed by the Governor,
16 including at least one representative of a non-profit organization
17 that deals with juvenile justice issues and at least one individual
18 who has been subject to the custody of the juvenile justice system.
- 19 (3) All members appointed by the Governor ¹, other than the
20 members of the Legislature recommended for appointment,¹ shall
21 serve at the pleasure of the Governor. ¹The members of the
22 Legislature shall serve on the task force during their elective term
23 of office.¹ Any vacancies in the membership of the task force shall
24 be filled in the same manner as the original appointments were
25 made.
- 26 (4) Members of the task force shall serve without compensation,
27 but shall be reimbursed for necessary expenditures incurred in the
28 performance of their duties as members of the task force within the
29 limits of funds appropriated or otherwise made available to the task
30 force for its purposes.
- 31 (5) The task force shall organize as soon as practicable
32 following the appointment of its members. The task force shall
33 choose a chairperson from among its members and shall appoint a
34 secretary who need not be a member of the task force.
- 35 (6) The Department of Law and Public Safety shall provide such
36 stenographic, clerical, and other administrative assistants, and such
37 professional staff as the task force requires to carry out its work.
- 38
- 39 ¹5. Section 41 of P.L. , c. (C.) (passed both Houses of
40 the Legislature on December 17, 2020 as Second Reprint of
41 Assembly Bill No. 21) is amended to read as follows:
- 42 41. Cannabis Regulatory, Enforcement Assistance, and
43 Marketplace Modernization Fund.
- 44 a. All fees and penalties collected by the commission, and all
45 tax revenues on retail sales of cannabis items, and all tax revenues
46 collected pursuant to the provisions of the “Jake Honig
47 Compassionate Use Medical Cannabis Act,” P.L.2009, c.307

1 (C.24:6I-1 et al.), except for amounts credited to the Property Tax
2 Reform Account in the Property Tax Relief Fund pursuant to
3 paragraph 7 of Section I of Article VIII of the New Jersey
4 Constitution, as well as all revenues, if any, collected for the Social
5 Equity Excise Fee pursuant to section 39 of P.L. , c. (C.)
6 (passed both Houses of the Legislature on December 17, 2020 as
7 Second Reprint of Assembly Bill No. 21), shall be deposited in a
8 special nonlapsing fund which shall be known as the “Cannabis
9 Regulatory, Enforcement Assistance, and Marketplace
10 Modernization Fund [.] ,” with 15 percent of the monies deposited
11 being placed into an account within the fund to be known as the
12 “Underage Deterrence and Prevention Account.”

13 b. Monies in the fund, other than any monies derived from the
14 Social Equity Excise Fee to be appropriated annually in accordance
15 with subsection d. of this section and the monies placed into the
16 “Underage Deterrence and Prevention Account” within the fund for
17 the commission to fund programs and services in accordance with
18 subsection e. of this section, shall be appropriated annually as
19 follows:

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

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

31 (a) to oversee the development, regulation, and enforcement of
32 activities associated with the personal use of cannabis pursuant to
33 P.L. , c. (C.) (passed both Houses of the Legislature on
34 December 17, 2020 as Second Reprint of Assembly Bill No. 21),
35 and assist with assuming responsibility from the Department of
36 Health for the further development and expansion, regulation, and
37 enforcement of activities associated with the medical use of
38 cannabis pursuant to the “Jake Honig Compassionate Use Medical
39 Cannabis Act,” P.L.2009, c.307 (C.24:6I-1 et al.) and P.L.2015,
40 c.158 (C.18A:40-12.22 et al.);

41 (b) to reimburse the expenses incurred by any county or
42 municipality for the training costs associated with the attendance
43 and participation of a police officer from its law enforcement unit,
44 as those terms are defined in section 2 of P.L.1961, c.56 (C.52:17B-
45 67), in a program provided by an approved school, also defined in
46 that section, which trains and certifies the police officer, including a
47 police officer with a working dog as that term is defined in section
48 1 of P.L.2006, c.88 (C.10:5-29.7), as a Drug Recognition Expert for

1 detecting, identifying, and apprehending drug-impaired motor
2 vehicle operators, and pay for the same training costs incurred by
3 the Division of State Police in the Department of Law and Public
4 Safety for the training of a State police officer or trooper, including
5 an officer or trooper with a working dog, as a Drug Recognition
6 Expert, as well as its costs in furnishing additional program
7 instructors to provide Drug Recognition Expert training to police
8 officers, troopers, and working dogs. A municipality or county
9 seeking reimbursement shall apply to the commission, itemizing the
10 costs, with appropriate proofs, for which reimbursement is
11 requested and provide a copy of the certificate issued to the police
12 officer to indicate the successful completion of the program by the
13 police officer, and that officer's working dog, if applicable; and

14 (c) for further investments, including through grants, loans,
15 reimbursements of expenses, and other financial assistance, in
16 municipalities defined as an "impact zone" pursuant to section 3 of
17 P.L. , c. (C.) (passed both Houses of the Legislature on
18 December 17, 2020 as Second Reprint of Assembly Bill No. 21), as
19 well as provide direct financial assistance to qualifying persons
20 residing therein as recommended by the commission.

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

26 c. Any remaining available monies, after the appropriation of
27 those monies in the fund in accordance with subsection b. of this
28 section, shall be deposited in the State's General Fund.

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

1 and activities, and the health and well-being of both communities
2 and individuals.

3 (b) Not less than 30 days prior to submitting its
4 recommendations to the Governor and Legislature pursuant to
5 subparagraph (a) of this paragraph, the commission shall hold at
6 least three regional public hearing throughout the State, with at least
7 one hearing in the northern, central, and southern regions of the
8 State, to solicit the public input on the social equity investments to
9 be made as described in this section.

10 (2) The commission's recommendations to the Governor and
11 Legislature may include, but are not limited to, recommending
12 investments in the following categories of social equity programs:

13 (a) educational support, including literacy programs, extended
14 learning time programs that endeavor to close the achievement gap
15 and provide services for enrolled students after the traditional
16 school day, GED application and preparedness assistance, tutoring
17 programs, vocational programming, and financial literacy;

18 (b) economic development, including the encouragement and
19 support of community activities so as to stimulate economic activity
20 or increase or preserve residential amenities, and business
21 marketing, and job skills and readiness training, specific
22 employment training, and apprenticeships;

23 (c) social support services, including food assistance, mental
24 health services, substance use disorders treatment and recovery,
25 youth recreation and mentoring services, life skills support services,
26 and reentry and other rehabilitative services for adults and juveniles
27 being released from incarceration; and

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

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

37 (4) Prior to the first day of each fiscal year, the Legislature shall
38 provide to the commission a statement which lists the investments,
39 including the investment recipients and investment amount, to be
40 made by appropriations as set forth in paragraph (1) of this
41 subsection based upon recommendations presented to the Governor
42 and Legislature pursuant to paragraphs (1) through (3) of this
43 subsection, and how the investment is intended to support and
44 advance social equity as described in this subsection.

45 e. The monies deposited in the "Underage Deterrence and
46 Prevention Account" within the fund shall be used by the
47 commission, based on the acceptance of applications submitted on a
48 form and through an approval or denial process promulgated by the

1 commission, to fund private for-profit and non-profit organizations,
2 and county and municipal programs and services that offer social
3 services, educational, recreational, and employment opportunities,
4 and local economic development designed to encourage, improve,
5 and support youthful community activities to divert and prevent
6 persons under 18 years of age from activities associated with the
7 consumption of cannabis items, or marijuana or hashish.¹

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

9
10 ¹6. (New section) a. A person who is not otherwise subject to
11 the penalty provisions for a licensed cannabis establishment,
12 distributor, or delivery service, or agent or employee thereof, for
13 selling or otherwise providing a cannabis item to a person under 21
14 years of age as set forth in section 64 of P.L. , c. (C.)
15 (passed both Houses of the Legislature on December 17, 2020 as
16 Second Reprint of Assembly Bill No. 21), shall not, either directly
17 or indirectly by an agent or employee, sell, offer for sale, distribute
18 for commercial purpose or otherwise at no cost or minimal cost or
19 with coupons or rebate offers, give, or furnish, any cannabis item as
20 defined in section 3 of P.L. , c. (C.) (passed both Houses of
21 the Legislature on December 17, 2020 as Second Reprint of
22 Assembly Bill No. 21) to a person under 21 years of age.

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

45 c. The establishment of all of the following shall constitute a
46 defense to any action brought pursuant to subsection a. of this
47 section:

1 (1) that the purchaser or the recipient of the cannabis item
2 falsely represented, by producing a driver's license or non-driver
3 identification card issued by the New Jersey Motor Vehicle
4 Commission, a similar card issued pursuant to the laws of another
5 state or the federal government of Canada, a photographic
6 identification card issued by a county clerk, or other form of
7 government-issued identification described in subparagraph (a) of
8 paragraph (6) of subsection a. of section 18 of P.L. , c. (C.)
9 (passed both Houses of the Legislature on December 17, 2020 as
10 Second Reprint of Assembly Bill No. 21), that the purchaser or
11 recipient was of legal age to make the purchase or receive the
12 cannabis item;

13 (2) that the appearance of the purchaser or recipient was such
14 that an ordinary prudent person would believe the purchaser or
15 recipient to be of legal age to make the purchase or receive the
16 cannabis item; and

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

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

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

43
44 ^{18.} The title of P.L.1995, c.304 is amended to read as follows:
45 AN ACT concerning penalties for the sale and distribution of
46 **【tobacco】** certain regulated products to persons under the age of
47 **【18】** 21 years, amending N.J.S.2A:170-51 and P.L.1987, c.423,

1 and supplementing chapter 170 of Title 2A of the New Jersey
2 Statutes.¹

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

4

5 ¹9. Section 3 of P.L.1995, c.304 (C.2A:170-51.1) is amended to
6 read as follows:

7 3. A person 21 years of age or older who purchases a tobacco
8 product or cannabis item as defined section 3 of P.L. _____,
9 c. (C. _____) (passed both Houses of the Legislature on December
10 17, 2020 as Second Reprint of Assembly Bill No. 21) for a person
11 who is under 21 years of age is a petty disorderly person.¹

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

13

14 ¹10. Section 3 of P.L.1999, c.90 (C.2C:33-13.1) is amended to
15 read as follows:

16 3. a. A person who sells or gives to a person under 21 years of
17 age any cigarettes made of tobacco or of any other matter or
18 substance which can be smoked, or any cigarette paper or tobacco
19 in any form, including smokeless tobacco, or any electronic
20 smoking device that can be used to deliver nicotine or other
21 substances to the person inhaling from the device, including, but not
22 limited to, an electronic cigarette, cigar, cigarillo, or pipe, or any
23 cartridge or other component of the device or related product, or
24 any cannabis item as defined in section 3 of P.L. _____, c. (C. _____)
25 (passed both Houses of the Legislature on December 17, 2020 as
26 Second Reprint of Assembly Bill No. 21), including an employee of
27 a retail dealer licensee under P.L.1948, c.65 (C.54:40A-1 et seq.) or
28 employee of a licensed cannabis establishment, cannabis distributor,
29 or cannabis delivery service under P.L. _____, c. (C. _____) (passed
30 both Houses of the Legislature on December 17, 2020 as Second
31 Reprint of Assembly Bill No. 21), who actually sells or otherwise
32 provides a tobacco product **[or]** , electronic smoking device , or
33 cannabis item to a person under 21 years of age, shall be punished
34 by a fine as provided for a petty disorderly persons offense. A
35 person who has been previously punished under this section and
36 who commits another offense under it may be punishable by a fine
37 of twice that provided for a petty disorderly persons offense.

38 b. The establishment of all of the following shall constitute a
39 defense to any prosecution brought pursuant to subsection a. of this
40 section:

41 (1) that the purchaser or recipient of the tobacco product **[or]** ,
42 electronic smoking device , or cannabis item falsely represented, by
43 producing **[either]** a driver's license or non-driver identification
44 card issued by the New Jersey Motor Vehicle Commission, a
45 similar card issued pursuant to the laws of another state or the
46 federal government of Canada, **[or]** a photographic identification
47 card issued by a county clerk, or other form of government-issued

1 identification described in subparagraph (a) of paragraph (6) of
 2 subsection a. of section 18 of P.L. , c. (C.) (passed both
 3 Houses of the Legislature on December 17, 2020 as Second Reprint
 4 of Assembly Bill No. 21), that the purchaser or recipient was of
 5 legal age to purchase or receive the tobacco product **【or】** ,
 6 electronic smoking device, or cannabis item;

7 (2) that the appearance of the purchaser or recipient of the
 8 tobacco product **【or】** , electronic smoking device , or cannabis item
 9 was such that an ordinary prudent person would believe the
 10 purchaser or recipient to be of legal age to purchase or receive the
 11 tobacco product **【or】** , electronic smoking device , or cannabis
 12 item; and

13 (3) that the sale or distribution of the tobacco product **【or】** ,
 14 electronic smoking device , or cannabis item was made in good
 15 faith, relying upon the production of the identification set forth in
 16 paragraph (1) of this subsection, the appearance of the purchaser or
 17 recipient, and in the reasonable belief that the purchaser or recipient
 18 was of legal age to purchase or receive the tobacco product **【or】** ,
 19 electronic smoking device , or cannabis item .

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

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

29

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

33 46. Personal Use of Cannabis Items.

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

1 a. Possessing, displaying, purchasing, or transporting: cannabis
2 paraphernalia; one ounce (28.35 grams) or less of useable cannabis;
3 the equivalent of one ounce (28.35 grams) or less of usable
4 cannabis as a cannabis product in solid, liquid, or concentrate form,
5 based upon an equivalency calculation for different product forms
6 set by the Cannabis Regulatory Commission, established pursuant
7 to section 31 of P.L.2019, c.153 (C.24:6I-24), in its regulations, and
8 for which the commission may utilize research conducted in other
9 states on the issue of product equivalency calculations when setting
10 this equivalency; or 5 grams (0.176 ounce) or less of cannabis resin.
11 Possessing, displaying, purchasing, or transporting at any one time
12 any amount of any cannabis items described herein in an amount
13 greater than as permitted pursuant to this subsection shall be
14 considered a violation of the “Comprehensive Drug Reform Act of
15 1987,” P.L.1987, c.106 (N.J.S.2C:35-1 et al.), and subject the
16 person to prosecution as if the person possessed, displayed,
17 purchased, or transported marijuana or hashish in violation of that
18 act;

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

1 c. Taking delivery of or consuming a lawfully possessed
2 cannabis item, provided that nothing in this section shall permit a
3 person to smoke, vape, or aerosolize any cannabis item in a public
4 place. This prohibition includes the smoking, vaping, or
5 aerosolizing of a cannabis item in any public place pursuant to law
6 that prohibits the smoking of tobacco, including N.J.S.2C:33-13 and
7 the “New Jersey Smoke-Free Air Act,” P.L.2005, c.383 (C.26:3D-
8 55 et seq.), and any indoor public place, as that term is defined in
9 section 3 of P.L.2005, c.383 (C.26:3D-57), or portion thereof, even
10 if the smoking of tobacco is otherwise permitted in that place or
11 portion thereof pursuant to the “New Jersey Smoke-Free Air Act”;
12 except that the smoking, vaping, or aerosolizing of a cannabis item
13 shall be permitted in a cannabis consumption area as set forth in
14 section 28 of P.L.2019, c.153 (C.24:6I-21), and may be permitted
15 by the person or entity that owns or controls a hotel, motel, or other
16 lodging establishment as defined in section 1 of P.L.1967, c.95
17 (C.29:4-5) in up to 20 percent of its guest rooms. The smoking,
18 vaping, or aerosolizing of a cannabis item may also be prohibited or
19 otherwise regulated in multifamily housing that is a multiple
20 dwelling as defined in section 3 of P.L.1967, c.76 (C.55:13A-3), as
21 decided by the person or entity that owns or controls the
22 multifamily housing, or prohibited or otherwise regulated in the
23 structure or specific units of the structure of a cooperative as
24 defined in section 3 of P.L.1987, c.381 (C.46:8D-3) by the
25 corporation or other legal entity that owns the structure, or
26 prohibited or otherwise regulated in the units of a condominium, as
27 those terms are defined by section 3 of P.L.1969, c.257 (C.46:8B-
28 3), if approved by the association for the condominium and a
29 majority of all of the condominium’s unit owners, as those terms
30 are defined in that section. Except as otherwise provided by P.L. ,
31 c. (C.) (passed both Houses of the Legislature on December
32 17, 2020 as Second Reprint of Assembly Bill No. 21), any penalties
33 that may be assessed for the smoking of tobacco where prohibited
34 under the “New Jersey Smoke-Free Air Act” shall be applicable to
35 the smoking, vaping, or aerosolizing of cannabis items where
36 prohibited. Concerning the consumption of any cannabis item,
37 other than by smoking, vaping, or aerosolizing: a person or entity
38 that owns or controls a property, other than multifamily housing
39 that is a multiple dwelling as defined in section 3 of P.L.1967, c.76
40 (C.55:13A-3), the structure or specific units of the structure of a
41 cooperative as defined in section 3 of P.L.1987, c.381 (C.46:8D-3),
42 a unit of a condominium, as those terms are defined by section 3 of
43 P.L.1969, c.257 (C.46:8B-3), or a site in a mobile home park as
44 defined in section 3 of P.L.1983, c.386 (C.40:55D-102), which site
45 is leased to the owner of a manufactured home, as defined in that
46 section, that is installed thereon, may prohibit or otherwise regulate
47 the consumption of cannabis items on or in that property, including
48 a casino hotel facility as defined in section 19 of P.L.1977, c.110

1 (C.5:12-19) with respect to a hotel property, a casino as defined in
2 section 6 of P.L.1977, c.110 (C.5:12-6), or casino simulcasting
3 facility authorized pursuant to the “Casino Simulcasting Act,”
4 P.L.1992, c.19 (C.5:12-191 et al.); **and** a municipality may enact
5 an ordinance making it an unlawful act for any person 21 years of
6 age or older to consume, other than by smoking, vaping, or
7 aerosolizing, any cannabis item in a public place, including any
8 indoor public place as that term is defined in section 3 of P.L.2005,
9 c.383 (C.26:3D-57), or portion thereof, and providing a civil
10 penalty for a violation in accordance with section 77 of P.L. ,
11 c. (C.) (passed both Houses of the Legislature on December
12 17, 2020 as Second Reprint of Assembly Bill No. 21); **and**

13 d. Assisting another person to engage in any of the acts
14 described in subsections a. through c. of this section, provided that
15 the person being assisted is of legal age to purchase cannabis items
16 and the assistance being provided is without remuneration.¹
17 (cf: P.L.2021, c. , s.46)
18

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

22 64. Prohibition of Persons Under the Legal Age Purchasing
23 Cannabis or Cannabis Resin.

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

27 a. A cannabis establishment licensee, cannabis distributor
28 licensee, or cannabis delivery service licensee, either directly or
29 indirectly by an agent or employee, shall not sell, offer for sale,
30 distribute for commercial purpose at no cost or minimal cost, or
31 give or furnish for consumption, any cannabis items to a person
32 under 21 years of age.

33 b. Any licensee or employee or agent of a licensee who
34 **allows** violates subsection a. of this section who sells or
35 otherwise provides a person under **the age of** 21 **to procure**
36 years of age cannabis items which, pursuant to section 46 of P.L. ,
37 c. (C.) (passed both Houses of the Legislature as Second
38 Reprint of Assembly Bill No. 21) are **not unlawful** lawful for
39 persons 21 years of age or older to procure for personal use, shall be
40 subject to a civil penalty of not less than \$250 for the first violation;
41 \$500 for the second violation; and **\$1,000** shall be guilty of a
42 petty disorderly persons offense for the third and each subsequent
43 violation; a civil penalty imposed pursuant to this subsection shall
44 be in addition **subject** to any penalty that may be imposed
45 pursuant to section 3 of P.L.1999, c.90 (C.2C:33-13.1). Subject to a
46 hearing, a licensee’s license may also be revoked, suspended, or
47 otherwise limited. The civil penalties provided for in this subsection

1 shall be recovered by a summary proceeding pursuant to the
2 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10
3 et seq.).

4 c. The establishment of all of the following facts by a licensee,
5 employee, or agent, allowing any such person under **【the age of】** 21
6 years of age to procure cannabis items shall constitute a defense to
7 any violation of the provisions of subsection a. **【or b.】** of this
8 section:

9 (1) That the purchaser or recipient of the cannabis item falsely
10 represented that the purchaser or recipient was of legal age to make
11 the purchase or receive the cannabis item, by producing a driver's
12 license or non-driver identification card issued by the New Jersey
13 Motor Vehicle Commission, a similar card issued pursuant to the
14 laws of another state or the federal government of Canada, a
15 photographic identification card issued by a county clerk, or other
16 form of government-issued identification **【card as set forth】**
17 described in subparagraph (a) of paragraph (6) of subsection a. of
18 section 18 of P.L. , c. (C.) (passed both Houses of the
19 Legislature on December 17, 2020 as Second Reprint of Assembly
20 Bill No. 21), to determine the consumer's identity and age; **【and】**

21 (2) That the appearance of the purchaser or recipient was such
22 that an ordinary prudent person would believe the purchaser or
23 recipient to be of legal age to purchase or receive the cannabis item;
24 and

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

30 d. **【It shall be unlawful for a】** A person under **【the age of】** 21
31 **【to】** years of age shall not purchase, acquire, or attempt to purchase
32 or acquire a cannabis item, even if the cannabis item may be legally
33 purchased by persons at or above the legal age for purchasing
34 cannabis items.

35 For purposes of this subsection, purchasing a cannabis item
36 includes accepting a cannabis item, and acquiring a cannabis item
37 includes consuming a cannabis item.

38 e. **【It shall be unlawful for a】** A person under **【the age of】** 21
39 **【to】** years of age shall not present or offer to a cannabis
40 establishment, distributor, or delivery service, or the cannabis
41 establishment's, distributor's, or delivery service's agent or
42 employee, any written or oral evidence of age or other personal
43 identifying information that is false, fraudulent, or not actually the
44 person's own, including the use of a driver's license or other
45 government-issued form of identification in violation of section 1 of
46 P.L.1983, c.565 (C.2C:21-2.1), N.J.S.2C:21-17, section 5 of

1 P.L.2003, c.184 (C.2C:21-17.2), or section 6 of P.L.1968, c.313
2 (C.33:1-81.7), for the purpose of:

3 (1) Purchasing, attempting to purchase, or otherwise procuring
4 or attempting to procure cannabis items; or

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

7 f. Except as permitted by the commission by rule or regulation,
8 or as necessary on an emergency basis, a person under legal age for
9 purchasing cannabis items may not enter or attempt to enter any
10 portion of a licensed premises that is posted or otherwise identified
11 as being prohibited to the use of persons under legal age for
12 purchasing cannabis items, unless accompanied by and supervised
13 by a parent or legal guardian.

14 g. **【**Any person under the legal age to purchase cannabis, who
15 knowingly possesses without legal authority or who knowingly
16 consumes any cannabis item, in any school, public conveyance,
17 public place, place of public assembly, or motor vehicle, shall be
18 guilty of an offense as set forth in section 1 of P.L.1979, c.264
19 (C.2C:33-15). Any person under the legal age to purchase
20 cannabis, who knowingly possesses without legal authority or who
21 knowingly consumes, any cannabis item on private property shall
22 be guilty of a municipal violation as set forth in section 1 of
23 P.L.2000, c.33 (C.40:48-1.2).**】** (Deleted by amendment, P.L. ,
24 c.) (pending before the Legislature as this bill)

25 h. The prohibitions of this section do not apply to a person
26 under the legal age for purchasing cannabis items who is acting
27 under the direction of the commission or under the direction of
28 State or local law enforcement agencies for the purpose of
29 investigating possible violations of the laws prohibiting the sale of
30 cannabis items to persons who are under the legal age for
31 purchasing cannabis items.

32 i. The prohibitions of this section do not apply to a person
33 under the legal age for purchasing cannabis items who is acting
34 under the direction of a licensee for the purpose of investigating
35 possible violations by employees of the licensee of laws prohibiting
36 sales of cannabis items to persons who are under the legal age for
37 purchasing cannabis items.¹

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

39

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

42 1. a. A person who knowingly sells, offers or exposes for sale,
43 or otherwise transfers, or possesses with the intent to sell, offer or
44 expose for sale, or otherwise transfer, a document, printed form or
45 other writing which falsely purports to be a driver's license, birth
46 certificate or other document issued by a governmental agency and
47 which could be used as a means of verifying a person's identity or

1 age or any other personal identifying information is guilty of a
2 crime of the second degree.

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

9 c. A person who knowingly exhibits, displays or utters a
10 document or other writing which falsely purports to be a driver's
11 license, birth certificate or other document issued by a
12 governmental agency and which could be used as a means of
13 verifying a person's identity or age or any other personal identifying
14 information is guilty of a crime of the third degree. A violation of
15 N.J.S.2C:28-7, constituting a disorderly persons offense, section 1
16 of P.L.1979, c.264 (C.2C:33-15), section 64 of P.L. , c. (C.)
17 (passed both Houses of the Legislature on December 17, 2020 as
18 Second Reprint of Assembly Bill No. 21), R.S.33:1-81 or section 6
19 of P.L.1968, c.313 (C.33:1-81.7) in a case where the person uses the
20 personal identifying information of another to illegally purchase an
21 alcoholic beverage or for using the personal identifying information
22 of another to misrepresent the person's age for the purpose of
23 obtaining tobacco, cannabis item, or other consumer product denied
24 to persons under 21 years of age shall not [, except as otherwise set
25 forth in this subsection,] constitute an offense under this subsection
26 if the actor received only that benefit or service and did not
27 perpetrate or attempt to perpetrate any additional injury or fraud on
28 another. [If a person used the personal identifying information of
29 another to misrepresent the person's age for the purpose of illegally
30 obtaining any cannabis item available for lawful consumption
31 pursuant to the "New Jersey Cannabis Regulatory, Enforcement
32 Assistance, and Marketplace Modernization Act," P.L. ,
33 c. (C.) (passed both Houses of the Legislature as Second
34 Reprint of Assembly Bill No. 21), the person shall be subject to a
35 civil penalty of \$50. The civil penalty provided for in this
36 subjection shall be collected pursuant to the "Penalty Enforcement
37 Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.), in a summary
38 proceeding before the municipal court having jurisdiction. A civil
39 penalty recovered under the provisions of this subsection shall be
40 recovered by and in the name of the State by the local municipality.
41 The penalty shall be paid into the treasury of the municipality in
42 which the violation occurred for the general use of the
43 municipality.]

44 d. A person who knowingly possesses a document or other
45 writing which falsely purports to be a driver's license, birth
46 certificate or other document issued by a governmental agency and
47 which could be used as a means of verifying a person's identity or
48 age or any other personal identifying information is guilty of a

1 crime of the fourth degree. A violation of N.J.S.2C:28-7,
2 constituting a disorderly persons offense, section 1 of P.L.1979,
3 c.264 (C.2C:33-15), section 64 of P.L. , c. (C.) (passed both
4 Houses of the Legislature on December 17, 2020 as Second Reprint
5 of Assembly Bill No. 21), R.S.33:1-81 or section 6 of P.L.1968,
6 c.313 (C.33:1-81.7) in a case where the person uses the personal
7 identifying information of another to illegally purchase an alcoholic
8 beverage or for using the personal identifying information of
9 another to misrepresent his age for the purpose of obtaining
10 tobacco, any cannabis item, or other consumer product denied to
11 persons under 21 years of age shall not **],** except as otherwise set
12 forth in this subsection,**]** constitute an offense under this subsection
13 if the actor received only that benefit or service and did not
14 perpetrate or attempt to perpetrate any additional injury or fraud on
15 another. **[**If the personal identifying information of another is used
16 to obtain any cannabis item available for lawful consumption
17 pursuant to the “New Jersey Cannabis Regulatory, Enforcement
18 Assistance, and Marketplace Modernization Act,” P.L. ,
19 c. (C.) (passed both Houses of the Legislature as Second
20 Reprint of Assembly Bill No. 21), the person shall be subject to a
21 civil penalty of \$50. The penalty provided for in this subsection
22 shall be collected pursuant to the “Penalty Enforcement Law of
23 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.), in a summary
24 proceeding before the municipal court having jurisdiction. A
25 penalty recovered under the provisions of this subsection shall be
26 recovered by and in the name of the State by the local municipality.
27 The penalty shall be paid into the treasury of the municipality in
28 which the violation occurred for the general use of the
29 municipality.**]**

30 e. In addition to any other disposition authorized by this Title,
31 the provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43), or any
32 other statute indicating the dispositions that may be ordered for an
33 adjudication of delinquency, and, notwithstanding the provisions of
34 subsection c. of N.J.S.2C:43-2, every person convicted of, or
35 adjudicated delinquent or penalized for a violation of any offense
36 defined in this section shall forthwith forfeit his right to operate a
37 motor vehicle over the highways of this State for a period to be
38 fixed by the court at not less than six months or more than two
39 years which shall commence on the day the sentence is imposed. In
40 the case of any person who at the time of the imposition of the
41 sentence is less than 17 years of age, the period of the suspension of
42 driving privileges authorized herein, including a suspension of the
43 privilege of operating a motorized bicycle, shall commence on the
44 day the sentence is imposed and shall run for a period as fixed by
45 the court of not less than six months or more than two years after
46 the day the person reaches the age of 17 years. If the driving
47 privilege of any person is under revocation, suspension, or
48 postponement for a violation of any provision of this Title or Title

1 39 of the Revised Statutes at the time of any conviction or
2 adjudication of delinquency for a violation of any offense defined in
3 this chapter or chapter 36 of this Title, the revocation, suspension,
4 or postponement period imposed herein shall commence as of the
5 date of termination of the existing revocation, suspension or
6 postponement.

7 The court before whom any person is convicted of, or
8 adjudicated delinquent or penalized for a violation of any offense
9 defined in this section shall collect forthwith the New Jersey
10 driver's license or licenses of that person and forward the license or
11 licenses to the Chief Administrator of the New Jersey Motor
12 Vehicle Commission along with a report indicating the first and last
13 day of the suspension or postponement period imposed by the court
14 pursuant to this section. If the court is for any reason unable to
15 collect the license or licenses of the person, the court shall cause a
16 report of the conviction or adjudication of delinquency to be filed
17 with the director. The report shall include the complete name,
18 address, date of birth, eye color and sex of the person and shall
19 indicate the first and last day of the suspension or postponement
20 period imposed by the court pursuant to this section. The court
21 shall inform the person orally and in writing that if the person is
22 convicted of personally operating a motor vehicle during the period
23 of license suspension or postponement imposed pursuant to this
24 section, the person shall, upon conviction, be subject to the
25 penalties set forth in R.S.39:3-40. A person shall be required to
26 acknowledge receipt of the written notice in writing. Failure to
27 receive a written notice or failure to acknowledge in writing the
28 receipt of a written notice shall not be a defense to a subsequent
29 charge of a violation of R.S.39:3-40. If the person is the holder of a
30 driver's license from another jurisdiction, the court shall not collect
31 the license, but shall notify forthwith the director who shall notify
32 the appropriate officials in that licensing jurisdiction. The court
33 shall, however, in accordance with the provisions of this section,
34 revoke the person's non-resident driving privileges in this State.

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

40

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

42 2C:21-17. Impersonation; Theft of identity; crime.

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

47 (1) Impersonates another or assumes a false identity and does an
48 act in such assumed character or false identity for the purpose of

1 obtaining a benefit for himself or another or to injure or defraud
2 another;

3 (2) Pretends to be a representative of some person or
4 organization and does an act in such pretended capacity for the
5 purpose of obtaining a benefit for himself or another or to injure or
6 defraud another;

7 (3) Impersonates another, assumes a false identity or makes a
8 false or misleading statement regarding the identity of any person,
9 in an oral or written application for services, for the purpose of
10 obtaining services;

11 (4) Obtains any personal identifying information pertaining to
12 another person and uses that information, or assists another person
13 in using the information, in order to assume the identity of or
14 represent himself as another person, without that person's
15 authorization and with the purpose to fraudulently obtain or attempt
16 to obtain a benefit or services, or avoid the payment of debt or other
17 legal obligation or avoid prosecution for a crime by using the name
18 of the other person; or

19 (5) Impersonates another, assumes a false identity or makes a
20 false or misleading statement, in the course of making an oral or
21 written application for services, with the purpose of avoiding
22 payment for prior services. Purpose to avoid payment for prior
23 services may be presumed upon proof that the person has not made
24 full payment for prior services and has impersonated another,
25 assumed a false identity or made a false or misleading statement
26 regarding the identity of any person in the course of making oral or
27 written application for services.

28 As used in this section:

29 "Benefit" means, but is not limited to, any property, any
30 pecuniary amount, any services, any pecuniary amount sought to be
31 avoided or any injury or harm perpetrated on another where there is
32 no pecuniary value.

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

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

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

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

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

1 d. A violation of N.J.S.2C:28-7, constituting a disorderly
2 persons offense, section 1 of P.L.1979, c.264 (C.2C:33-15), section
3 64 of P.L. , c. (C.) (passed both Houses of the Legislature
4 on December 17, 2020 as Second Reprint of Assembly Bill No. 21),
5 R.S.33:1-81 or section 6 of P.L.1968, c.313 (C.33:1-81.7) in a case
6 where the person uses the personal identifying information of
7 another to illegally purchase an alcoholic beverage or for using the
8 personal identifying information of another to misrepresent the
9 person's age for the purpose of obtaining tobacco, any cannabis
10 item, or other consumer product denied to persons under 21 years of
11 age shall not **], except as otherwise set forth in this subsection,]**
12 constitute an offense under this section if the actor received only
13 that benefit or service and did not perpetrate or attempt to perpetrate
14 any additional injury or fraud on another. **【If a person used the**
15 **personal identifying information of another to misrepresent the**
16 **person's age for the purpose of illegally obtaining any cannabis**
17 **item available for lawful consumption pursuant to the "New Jersey**
18 **Cannabis Regulatory, Enforcement Assistance, and Marketplace**
19 **Modernization Act," P.L. , c. (C.) (passed both Houses of**
20 **the Legislature as Second Reprint of Assembly Bill No. 21), the**
21 **person shall be subject to a civil penalty of \$50. The civil penalty**
22 **provided for in this subsection shall be collected pursuant to the**
23 **"Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10**
24 **et seq.), in a summary proceeding before the municipal court having**
25 **jurisdiction. A civil penalty recovered under the provisions of this**
26 **subsection shall be recovered by and in the name of the State by the**
27 **local municipality. The penalty shall be paid into the treasury of**
28 **the municipality in which the violation occurred for the general use**
29 **of the municipality.】**

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

36
37 ¹15. Section 5 of P.L.2003, c.184 (C.2C:21-17.2) is amended to
38 read as follows:

39 5. a. A person is guilty of a crime of the second degree if, in
40 obtaining or attempting to obtain a driver's license, birth certificate
41 or other document issued by a governmental agency which could be
42 used as a means of verifying a person's identity, age or any other
43 personal identifying information, that person knowingly exhibits,
44 displays or utters a document or other writing which falsely
45 purports to be a driver's license, birth certificate or other document
46 issued by a governmental agency or which belongs or pertains to a
47 person other than the person who possesses the document.

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

7 c. A violation of N.J.S.2C:28-7, constituting a disorderly
8 persons offense, section 1 of P.L.1979, c.264 (C.2C:33-15), section
9 64 of P.L. , c. (C.) (passed both Houses of the Legislature
10 on December 17, 2020 as Second Reprint of Assembly Bill No. 21),
11 R.S.33:1-81 or section 6 of P.L.1968, c.313 (C.33:1-81.7) in a case
12 where the person uses the personal identifying information of
13 another to illegally purchase an alcoholic beverage or for using the
14 personal identifying information of another to misrepresent his age
15 for the purpose of obtaining tobacco, any cannabis item, or other
16 consumer product denied to persons under 21 years of age shall not
17 **【, except as otherwise set forth in this subsection,】** constitute an
18 offense under this section if the actor received only that benefit or
19 service and did not perpetrate or attempt to perpetrate any
20 additional injury or fraud on another. **【If the personal identifying**
21 **information of another is used to obtain any cannabis item available**
22 **for lawful consumption pursuant to the “New Jersey Cannabis**
23 **Regulatory, Enforcement Assistance, and Marketplace**
24 **Modernization Act,” P.L. , c. (C.) (passed both Houses of**
25 **the Legislature as Second Reprint of Assembly Bill No. 21), the**
26 **person shall be subject to a civil penalty of \$50. The civil penalty**
27 **provided for in this subsection shall be collected pursuant to the**
28 **“Penalty Enforcement Law of 1999,” P.L.1999, c.274 (C.2A:58-10**
29 **et seq.), in a summary proceeding before the municipal court having**
30 **jurisdiction. A civil penalty recovered under the provisions of this**
31 **subsection shall be recovered by and in the name of the State by the**
32 **local municipality. The penalty shall be paid into the treasury of**
33 **the municipality in which the violation occurred for the general use**
34 **of the municipality.】¹**

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

36
37 ¹16. Section 76 of P.L. , c. (C.) (passed both Houses of
38 the Legislature on December 17, 2020 as Second Reprint of
39 Assembly Bill No. 21) is amended to read as follows:

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

41 40:48-1. Ordinances; general purpose. The governing body of
42 every municipality may make, amend, repeal and enforce
43 ordinances to:

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

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

1 Officers and employees; duties, terms and salaries. 3. Prescribe
2 and define, except as otherwise provided by law, the duties and
3 terms of office or employment, of all officers and employees; and to
4 provide for the employment and compensation of such officials and
5 employees, in addition to those provided for by statute, as may be
6 deemed necessary for the efficient conduct of the affairs of the
7 municipality;

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

13 Salaries instead of fees; disposition of fees. 5. Provide that any
14 officer or employee receiving compensation for his services, in
15 whole or in part by fees, whether paid by the municipality or
16 otherwise, shall be paid a salary to be fixed in the ordinance, and
17 thereafter all fees received by such officer or employee shall be
18 paid into the municipal treasury;

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

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

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

31 Swimming; bathing costume; prohibition of public nudity. 9.
32 Regulate or prohibit swimming or bathing in the waters of, in, or
33 bounding the municipality, and to regulate or prohibit persons from
34 appearing upon the public streets, parks and places clad in bathing
35 costumes or robes, or costumes of a similar character; regulate or
36 prohibit persons from appearing in a state of nudity upon all lands
37 within its borders which are under the jurisdiction of the State
38 including, without limitation, all lands owned by, controlled by,
39 managed by or leased by the State;

40 Prohibit annoyance of persons or animals. 10. Regulate or
41 prohibit any practice tending to frighten animals, or to annoy or
42 injure persons in the public streets;

43 Animals; pounds; establishment and regulation. 11. Establish
44 and regulate one or more pounds, and to prohibit or regulate the
45 running at large of horses, cattle, dogs, swine, goats and other
46 animals, and to authorize their impounding and sale for the penalty
47 incurred, and the costs of impounding, keeping and sale; to regulate
48 or prohibit the keeping of cattle, goats or swine in any part of the

1 municipality; to authorize the destruction of dogs running at large
2 therein;

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

5 Building regulations; wooden structures. 13. Regulate and
6 control the construction, erection, alteration and repair of buildings
7 and structures of every kind within the municipality; and to
8 prohibit, within certain limits, the construction, erection or
9 alteration of buildings or structures of wood or other combustible
10 material;

11 Inflammable materials; inspect docks and buildings. 14.
12 Regulate the use, storage, sale and disposal of inflammable or
13 combustible materials, and to provide for the protection of life and
14 property from fire, explosions and other dangers; to provide for
15 inspections of buildings, docks, wharves, warehouses and other
16 places, and of goods and materials contained therein, to secure the
17 proper enforcement of such ordinance;

18 Dangerous structures; removal or destruction; procedure. 15.
19 Provide for the removal or destruction of any building, wall or
20 structure which is or may become dangerous to life or health, or
21 might tend to extend a conflagration; and to assess the cost thereof
22 as a municipal lien against the premises;

23 Chimneys and boilers. 16. Regulate the construction and setting
24 up of chimneys, furnaces, stoves, boilers, ovens and other
25 contrivances in which fire is used;

26 Explosives. 17. Regulate, in conformity with the statutes of this
27 State, the manufacture, storage, sale, keeping or conveying of
28 gunpowder, nitroglycerine, dynamite and other explosives;

29 Firearms and fireworks. 18. Regulate and prohibit the sale and
30 use of guns, pistols, firearms, and fireworks of all descriptions;

31 Soft coal. 19. Regulate the use of soft coal in locomotives,
32 factories, power houses and other places;

33 Theaters, schools, churches and public places. 20. Regulate the
34 use of theaters, cinema houses, public halls, schools, churches, and
35 other places where numbers of people assemble, and the exits
36 therefrom, so that escape therefrom may be easily and safely made
37 in case of fire or panic; and to regulate any machinery, scenery,
38 lights, wires and other apparatus, equipment or appliances used in
39 all places of public amusement;

40 Excavations. 21. Regulate excavations below the established
41 grade or curb line of any street, not greater than eight feet, which
42 the owner of any land may make, in the erection of any building
43 upon his own property; and to provide for the giving of notice, in
44 writing, of such intended excavation to any adjoining owner or
45 owners, and that they will be required to protect and care for their
46 several foundation walls that may be endangered by such
47 excavation; and to provide that in case of the neglect or refusal, for
48 10 days, of such adjoining owner or owners to take proper action to

1 secure and protect the foundations of any adjacent building or other
2 structure, that the party or parties giving such notice, or their
3 agents, contractors or employees, may enter into and upon such
4 adjoining property and do all necessary work to make such
5 foundations secure, and may recover the cost of such work and
6 labor in so protecting such adjacent property; and to make such
7 further and other provisions in relation to the proper conduct and
8 performance of said work as the governing body or board of the
9 municipality may deem necessary and proper;

10 Sample medicines. 22. Regulate and prohibit the distribution,
11 depositing or leaving on the public streets or highways, public
12 places or private property, or at any private place or places within
13 any such municipality, any medicine, medicinal preparation or
14 preparations represented to cure ailments or diseases of the body or
15 mind, or any samples thereof, or any advertisements or circulars
16 relating thereto, but no ordinance shall prohibit a delivery of any
17 such article to any person above the age of 12 years willing to
18 receive the same;

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

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

25 Care of injured employees. 25. Provide for the payment of
26 compensation and for medical attendance to any officer or
27 employee of the municipality injured in the performance of his
28 duty;

29 Bulkheads and other structures. 26. Fix and determine the lines
30 of bulkheads or other works or structures to be erected, constructed
31 or maintained by the owners of lands facing upon any navigable
32 water in front of their lands, and in front of or along any highway or
33 public lands of said municipality, and to designate the materials to
34 be used, and the type, height and dimensions thereof;

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

37 Appropriation for life-saving apparatus. 28. Appropriate
38 moneys to safeguard people from drowning within its borders, by
39 location of apparatus or conduct of educational work in harmony
40 with the plans of the United States volunteer life-saving corps in
41 this State;

42 Fences. 29. Regulate the size, height and dimensions of any
43 fences between the lands of adjoining owners, whether built or
44 erected as division or partition fences between such lands, and
45 whether the same exist or be erected entirely or only partly upon the
46 lands of any such adjoining owners, or along or immediately
47 adjacent to any division or partition line of such lands. To provide,
48 in such ordinance, the manner of securing, fastening or shoring such

1 fences, and for surveying the land when required by statute, and to
2 prohibit in any such ordinance the use at a height of under 10 feet
3 from the ground, of any device, such as wire or cable, that would be
4 dangerous to pedestrians, equestrians, bicyclists, or drivers of off-
5 the-road vehicles, unless that device is clearly visible to pedestrians,
6 equestrians, bicyclists or drivers of off-the-road vehicles. In the
7 case of fences thereafter erected contrary to the provisions thereof,
8 the governing body may provide for a penalty for the violation of
9 such ordinance, and in the case of such fence or fences erected or
10 existing at the time of the passage of any such ordinance, may
11 provide therein for the removal, change or alteration thereof, so as
12 to make such fence or fences comply with the provisions of any
13 such ordinance;

14 Advertise municipality. 30. Appropriate funds for advertising
15 the advantages of the municipality;

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

32 Joint municipal action on consent for the provision of cable
33 television service. 32. Establish programs and procedures pursuant
34 to which a municipality may act together with one or more
35 municipalities in granting municipal consent for the provision of
36 cable television service pursuant to the provisions of the "Cable
37 Television Act," P.L.1972, c.186 (C.48:5A-1 et seq.) as amended
38 and supplemented. Notwithstanding the provisions of any other
39 law, rule or regulation to the contrary, two or more municipalities
40 acting jointly pursuant to the provisions of P.L.1972, c.186
41 (C.48:5A-1 et seq.) shall not be deemed a public utility pursuant to
42 R.S.48:1-1 et seq., to the extent those municipalities are solely
43 engaged in granting municipal consent jointly and are not otherwise
44 owning or operating any facility for the provision of cable
45 television service as provided in P.L.1972, c.186 (C.48:5A-
46 1 et seq.);

47 Private cable television service aggregation programs. 33.
48 Establish programs and procedures pursuant to which a

1 municipality may employ the services of a private aggregator for
2 the purpose of facilitating the joint action of two or more
3 municipalities in granting municipal consent for the provision of
4 cable television service provided that any such municipality shall
5 adhere to the provisions of the "Cable Television Act," P.L.1972,
6 c.186 (C.48:5A-1 et seq.) as amended and supplemented, and to the
7 provisions of the "Local Public Contracts Law," P.L.1971, c.198
8 (C.40A:11-1 et seq.) as amended and supplemented.
9 Notwithstanding the provisions of any other law, rule or regulation
10 to the contrary, a municipality that employs the services of a private
11 aggregator pursuant to the provisions of P.L.1972, c.186 (C.48:5A-
12 1 et seq.) shall not be deemed a public utility pursuant to R.S.48:1-
13 1 et seq., to the extent that the municipality is solely engaged in
14 employing the services of a private aggregator for the purpose of
15 facilitating the joint action of two or more municipalities in
16 granting municipal consent and is not otherwise owning or
17 operating any facility for the provision of cable television service as
18 provided in P.L.1972, c.186 (C.48:5A-1 et seq.);

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

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

31

32 ¹17. (New section) a. (1) The Police Training Commission in
33 the Department of Law and Public Safety shall adopt a training
34 course regarding law enforcement interactions with persons under
35 the lawful age to purchase alcoholic beverages or cannabis items
36 based upon the legalization of a personal use cannabis marketplace
37 pursuant to the "New Jersey Cannabis Regulatory, Enforcement
38 Assistance, and Marketplace Modernization Act," P.L. ,
39 c. (C.) (passed both Houses of the Legislature on December
40 17, 2020 as Second Reprint of Assembly Bill No. 21), the
41 decriminalization of marijuana and hashish pursuant to P.L. , c.
42 (C.) (passed both Houses of the Legislature on December 17,
43 2020 as Third Reprint of Assembly Committee Substitute for
44 Assembly Bill Nos. 1897 and 4269), and the enforcement of
45 violations of applicable statutes associated with the underage
46 possession or consumption of alcoholic beverages, marijuana,
47 hashish, or cannabis items pursuant to those enactments and the
48 companion enactment, P.L. , c. (C.) (pending before the

1 Legislature as this bill), and which includes the recognition of and
2 methods to address and avoid racial disparities and implicit bias,
3 and means for interacting with vulnerable juvenile populations.
4 The training course shall be administered by the employing agency
5 as part of the in-service training provided to each local police
6 officer in each law enforcement unit operating in this State.

7 (2) Prior to being appointed to permanent status as a local police
8 officer in a law enforcement unit, an individual shall be required to
9 complete the training course adopted under paragraph (1) of this
10 subsection. Every local police officer appointed prior to the
11 effective date of this section shall, within 18 months of that
12 effective date, satisfactorily complete a training course on law
13 enforcement interactions as described in paragraph (1) of this
14 subsection.

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

19 b. Within 45 days of the effective date of P.L. , c. (C.)
20 (pending before the Legislature as this bill), the Attorney General
21 shall prepare a notice explaining the provisions of the enactments
22 set forth in paragraph (1) of subsection a. of this section pertaining
23 to persons under the lawful age to purchase alcoholic beverages or
24 cannabis items and the violations of applicable statutes associated
25 with the underage possession or consumption of alcoholic
26 beverages, marijuana, hashish, or cannabis items, and transmit the
27 notice to the chief or director of every municipal police department,
28 every municipal prosecutor, every county prosecutor, and the
29 Superintendent of the New Jersey State Police. The notice shall be
30 disseminated to every law enforcement officer and shall be re-
31 enforced at roll calls and academy service training and continuing
32 education programs so as to ensure that all officers and prosecutors
33 are educated of their responsibilities under the relevant
34 enactments.¹

35
36 ¹18. The following are repealed:

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

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

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

40
41 ¹[5.] ¹19.¹ This act shall take effect immediately ¹[], but shall
42 not become operable until P.L. , c. (C.) (passed both
43 Houses on December 17, 2020 as Second Reprint of Assembly Bill
44 No. 21) takes effect¹ .

45

46

47

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