

**ASSEMBLY, No. 3797**

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**STATE OF NEW JERSEY**

**221st LEGISLATURE**

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INTRODUCED FEBRUARY 22, 2024

**Sponsored by:**

**Assemblyman SEAN T. KEAN**

**District 30 (Monmouth and Ocean)**

**Assemblywoman JESSICA RAMIREZ**

**District 32 (Hudson)**

**Assemblyman WILLIAM B. SAMPSON, IV**

**District 31 (Hudson)**

**Co-Sponsored by:**

**Assemblymen McGuckin, Karabinchak and Kanitra**

**SYNOPSIS**

“CJ’s Law”; Criminalizes manufacture, sale, and possession of substances containing kratom.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 12/9/2024)**

1 AN ACT concerning controlled dangerous substances, designated as  
2 CJ's Law, amending N.J.S.2C:35-2, and supplementing Title 2C  
3 of the New Jersey Statutes.

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

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

9 2C:35-2. As used in this chapter:

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

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

21 "Controlled dangerous substance" means a drug, substance, or  
22 immediate precursor in Schedules I through V, marijuana and  
23 hashish as defined in this section, any substance the distribution of  
24 which is specifically prohibited in N.J.S.2C:35-3, in section 3 of  
25 P.L.1997, c.194 (C.2C:35-5.2), in section 5 of P.L.1997, c.194  
26 (C.2C:35-5.3), in section 2 of P.L.2011, c.120 (C.2C:35-5.3a), **[or]**  
27 in section 2 of P.L.2013, c.35 (C.2C:35-5.3b), or in section 2 of  
28 P.L. , c. (C. ) (pending before the Legislature as this bill), and  
29 any drug or substance which, when ingested, is metabolized or  
30 otherwise becomes a controlled dangerous substance in the human  
31 body. When any statute refers to controlled dangerous substances,  
32 or to a specific controlled dangerous substance, it shall also be  
33 deemed to refer to any drug or substance which, when ingested, is  
34 metabolized or otherwise becomes a controlled dangerous substance  
35 or the specific controlled dangerous substance, and to any substance  
36 that is an immediate precursor of a controlled dangerous substance  
37 or the specific controlled dangerous substance. The term shall not  
38 include distilled spirits, wine, malt beverages, as those terms are  
39 defined or used in R.S.33:1-1 et seq., tobacco and tobacco products,  
40 or cannabis and cannabis as defined in section 3 of P.L.2021, c.16  
41 (C.24:6I-33). The term, wherever it appears in any law or  
42 administrative regulation of this State, shall include controlled  
43 substance analogs.

44 "Controlled substance analog" means a substance that has a  
45 chemical structure substantially similar to that of a controlled  
46 dangerous substance and that was specifically designed to produce

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

**Matter underlined thus is new matter.**

1 an effect substantially similar to that of a controlled dangerous  
2 substance. The term shall not include a substance manufactured or  
3 distributed in conformance with the provisions of an approved new  
4 drug application or an exemption for investigational use within the  
5 meaning of section 505 of the "Federal Food, Drug and Cosmetic  
6 Act," 52 Stat. 1052 (21 U.S.C. s.355).

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

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

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

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

29 "Drugs" means (1) substances recognized in the official United  
30 States Pharmacopoeia, official Homeopathic Pharmacopoeia of the  
31 United States, or official National Formulary, or any supplement to  
32 any of them; and (2) substances intended for use in the diagnosis,  
33 cure, mitigation, treatment, or prevention of disease in man or other  
34 animals; and (3) substances, other than food, intended to affect the  
35 structure or any function of the body of man or other animals; and  
36 (4) substances intended for use as a component of any substance  
37 specified in (1), (2), and (3) of this definition; but does not include  
38 devices or their components, parts, or accessories. The term "drug"  
39 also does not include: hemp and hemp products cultivated, handled,  
40 processed, transported, or sold pursuant to the "New Jersey Hemp  
41 Farming Act," P.L.2019, c.238 (C.4:28-6 et al.); cannabis as defined  
42 in section 3 of P.L.2021, c.16 (C.24:6I-31 et al.) which is cultivated  
43 and produced for use in a cannabis item, as defined in that section,  
44 in accordance with the "New Jersey Cannabis Regulatory,  
45 Enforcement Assistance, and Marketplace Modernization Act,"  
46 P.L.2021, c.16 (C.24:6I-31 et al.); and cannabis resin as defined in  
47 that section 3 (C.24:6I-33) which is extracted for use in a cannabis  
48 item, as defined in that section, in accordance with that act.

1 "Hashish" means the resin extracted from any part of the plant  
2 Cannabis sativa L. and any compound, manufacture, salt,  
3 derivative, mixture, or preparation of such resin. "Hashish" shall  
4 not mean: hemp and hemp products cultivated, handled, processed,  
5 transported, or sold pursuant to the "New Jersey Hemp Farming  
6 Act," P.L.2019, c.238 (C.4:28-6 et al.); or cannabis resin as defined  
7 in section 3 of P.L.2021, c.16 (C.24:6I-33) which is extracted for  
8 use in a cannabis item, as defined in that section, in accordance with  
9 the "New Jersey Cannabis Regulatory, Enforcement Assistance, and  
10 Marketplace Modernization Act," P.L.2021, c.16 (C.24:6I-31 et al.).

11 "Immediate precursor" means a substance which the Division of  
12 Consumer Affairs in the Department of Law and Public Safety has  
13 found to be and by regulation designates as being the principal  
14 compound commonly used or produced primarily for use, and  
15 which is an immediate chemical intermediary used or likely to be  
16 used in the manufacture of a controlled dangerous substance or  
17 controlled substance analog, the control of which is necessary to  
18 prevent, curtail, or limit such manufacture.

19 "Manufacture" means the production, preparation, propagation,  
20 compounding, conversion, or processing of a controlled dangerous  
21 substance or controlled substance analog, either directly or by  
22 extraction from substances of natural origin, or independently by  
23 means of chemical synthesis, or by a combination of extraction and  
24 chemical synthesis, and includes any packaging or repackaging of  
25 the substance or labeling or relabeling of its container, except that  
26 this term does not include the preparation or compounding of a  
27 controlled dangerous substance or controlled substance analog by  
28 an individual for the individual's own use or the preparation,  
29 compounding, packaging, or labeling of a controlled dangerous  
30 substance: (1) by a practitioner as an incident to the practitioner  
31 administering or dispensing a controlled dangerous substance or  
32 controlled substance analog in the course of the practitioner's  
33 professional practice, or (2) by a practitioner, or under the  
34 practitioner's supervision, for the purpose of, or as an incident to,  
35 research, teaching, or chemical analysis and not for sale.

36 "Marijuana" means all parts of the plant Cannabis sativa L.,  
37 whether growing or not; the seeds thereof, and every compound,  
38 manufacture, salt, derivative, mixture, or preparation of the plant or  
39 its seeds, except those containing resin extracted from the plant.  
40 "Marijuana" shall not mean: hemp and hemp products cultivated,  
41 handled, processed, transported, or sold pursuant to the "New Jersey  
42 Hemp Farming Act," P.L.2019, c.238 (C.4:28-6 et al.); or cannabis  
43 as defined in section 3 of P.L.2021, c.16 (C.24:6I-33) which is  
44 cultivated and produced for use in a cannabis item, as defined in  
45 that section, in accordance with the "New Jersey Cannabis  
46 Regulatory, Enforcement Assistance, and Marketplace  
47 Modernization Act," P.L.2021, c.16 (C.24:6I-31 et al.).

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

- 5 (1) Opium, coca leaves, and opiates;
- 6 (2) A compound, manufacture, salt, derivative, or preparation of  
7 opium, coca leaves, or opiates;
- 8 (3) A substance, and any compound, manufacture, salt,  
9 derivative, or preparation thereof, which is chemically identical  
10 with any of the substances referred to in (1) and (3) of this  
11 definition, except that the words "narcotic drug" as used in this act  
12 shall not include decocainized coca leaves or extracts of coca  
13 leaves, which extracts do not contain cocaine or ecogine.

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

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

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

27 "Person with a substance use disorder" means a person who as a  
28 result of using a controlled dangerous substance or controlled  
29 substance analog or alcohol has been in a state of psychic or  
30 physical dependence, or both, arising from the use of that controlled  
31 dangerous substance or controlled substance analog or alcohol on a  
32 continuous or repetitive basis. Substance use disorder is  
33 characterized by behavioral and other responses, including, but not  
34 limited to, a strong compulsion to take the substance on a recurring  
35 basis in order to experience its psychic effects, or to avoid the  
36 discomfort of its absence.

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

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

42 "Practitioner" means a physician, dentist, veterinarian, scientific  
43 investigator, laboratory, pharmacy, hospital, or other person  
44 licensed, registered, or otherwise permitted to distribute, dispense,  
45 conduct research with respect to, or administer a controlled  
46 dangerous substance or controlled substance analog in the course of  
47 professional practice or research in this State. As used in this  
48 definition:

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

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

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

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

14 (5) "Laboratory" means a laboratory to be entrusted with the  
15 custody of narcotic drugs and the use of controlled dangerous  
16 substances or controlled substance analogs for scientific,  
17 experimental, and medical purposes and for purposes of instruction  
18 approved by the Department of Health.

19 "Prescription legend drug" means any drug which under federal  
20 or State law requires dispensing by prescription or order of a  
21 licensed physician, veterinarian, or dentist and is required to bear  
22 the statement "Rx only" or similar wording indicating that such  
23 drug may be sold or dispensed only upon the prescription of a  
24 licensed medical practitioner and is not a controlled dangerous  
25 substance or stramonium preparation.

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

29 "Residential treatment facility" means any facility licensed and  
30 approved by the Department of Human Services and which is  
31 approved by any county probation department for the inpatient  
32 treatment and rehabilitation of persons with a substance use  
33 disorder.

34 "Schedules I, II, III, IV, and V" are the schedules set forth in  
35 sections 5 through 8 of P.L.1970, c.226 (C.24:21-5 through  
36 24:21-8) and in section 4 of P.L.1971, c.3 (C.24:21-8.1) and as  
37 modified by any regulations issued by the Director of the Division  
38 of Consumer Affairs in the Department of Law and Public Safety  
39 pursuant to the director's authority as provided in section 3 of  
40 P.L.1970, c.226 (C.24:21-3).

41 "State" means the State of New Jersey.

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

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

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

1 the person's own use or for the use of a member of the person's  
2 household or for administration to an animal owned by the person  
3 or by a member of the person's household.

4 (cf: P.L.2023, c.177, s.6)

5

6 2. (New section) a. It is a crime for any person knowingly or  
7 purposely to manufacture, distribute or dispense, or to possess or  
8 have under his control with intent to manufacture, distribute, or  
9 dispense substances containing kratom, also known as mitragyna  
10 speciosa korth.

11 b. A person who violates subsection a. of this section where the  
12 quantity involved, including adulterants and dilutants, is one ounce  
13 or more is guilty of a crime of the second degree.

14 c. A person who violates subsection a. of this section where the  
15 quantity involved, including adulterants and dilutants, is less than  
16 one ounce is guilty of a crime of the third degree.

17

18 3. (New section) a. It is a crime for any person, knowingly or  
19 purposely, to obtain or to possess a substance containing kratom,  
20 also known as, mitragyna speciosa korth).

21 b. A person who violates subsection a. of this section where the  
22 quantity involved, including adulterants and dilutants, is one ounce  
23 or more is guilty of a crime of the third degree.

24 c. A person who violates subsection a. of this section where the  
25 quantity involved, including adulterants and dilutants, is less than  
26 one ounce is guilty of a crime of the fourth degree.

27

28 4. This act shall take effect immediately.

29

30

31

#### STATEMENT

32

33 This bill, designated as "CJ's Law," would criminalize the  
34 manufacture, possession and sale of products containing kratom.

35 Kratom, as known as mitragyna speciosa korth, mitragynine  
36 extract, biak-biak, cratom, gratom, ithang, kakuam, katawn,  
37 kedemba, ketum, krathom, krton, mambog, madat, Maeng da leaf,  
38 nauclea, or Nauclea Speciosa, is a botanical substance that grows  
39 naturally in Southeast Asia. The federal Food and Drug  
40 Administration (FDA) advises that kratom poses a threat to public  
41 health and has the potential for abuse.

42 Kratom is frequently marketed on the Internet for its  
43 psychoactive and opioid-like analgesic effects, and for use in the  
44 treatment of morphine and heroin addiction. However, kratom is  
45 not approved in the United States for any medical use. In a  
46 statement released in April 2022, the FDA warned the public  
47 against using kratom, warning that the substance "affects the same  
48 opioid brain receptors as morphine" and that it appears to have

1 “properties that expose users to the risks of addiction, abuse, and  
2 dependence.” According to the FDA, scientific literature has  
3 disclosed serious concerns regarding the toxicity of kratom in  
4 multiple organ systems, with consumption leading to a number of  
5 health issues, including depressed respiratory function,  
6 nervousness, agitation, aggression, sleeplessness, hallucinations,  
7 delusions, loss of libido, tremors, skin hyperpigmentation, nausea,  
8 vomiting, constipation, and severe withdrawal signs and symptoms.

9 Currently, possession and distribution of kratom is not barred by  
10 federal or New Jersey law. However, the FDA Import Alert # 54-  
11 15 provides guidance for FDA field personnel regarding the  
12 detention of dietary supplements and bulk dietary ingredients that  
13 contain kratom. The FDA has also issued a number of warning  
14 letters and conducted seizures of illegally sold, unapproved, or  
15 misbranded drug products containing kratom that make unproven  
16 claims about their ability to treat or cure opioid addiction and  
17 withdrawal symptoms.

18 Kratom is banned or its uses restricted in several countries,  
19 including Australia, Denmark, Finland, France , Germany, Israel,  
20 Japan, Latvia, Lithuania, Malaysia, Myanmar, New Zealand,  
21 Poland, Romania, Russia, Singapore, South Korea, Thailand, and  
22 Vietnam. Kratom is also illegal in several states, including  
23 Alabama, Arkansas, Indiana, Rhode Island, Vermont, and  
24 Wisconsin. Several states have passed laws restricting its sale and  
25 use, while several other states have introduced legislation that  
26 would ban this drug.

27 This bill amends existing law to include kratom as a controlled  
28 dangerous substance and to sets out gradations for crimes involving  
29 the substance. The bill would make it a crime of the second degree  
30 to manufacture, distribute or dispense, or possess or have under  
31 one’s control with intent to manufacture, distribute, or dispense, a  
32 substance containing kratom in an amount of one ounce or more,  
33 including adulterants and dilutants. A crime of the second degree is  
34 punishable by a term of imprisonment of five to 10 years, a fine of  
35 up to \$150,000, or both. It would be a crime of the third degree to  
36 manufacture, distribute or dispense, or possess or have under one’s  
37 control with intent to manufacture, distribute, or dispense a  
38 substance containing kratom in an amount of less than one ounce,  
39 including adulterants and dilutants. A crime of the third degree is  
40 punishable by a term of imprisonment of three to five years, a fine  
41 of up to \$15,000, or both.

42 Under the bill, the possession of one ounce or more, including  
43 adulterants and dilutants, of a substance containing kratom would  
44 be a crime of the third degree, and possession of less than one  
45 ounce, including adulterants and dilutants, would be a crime of the  
46 fourth degree. A crime of the fourth degree is punishable by a term  
47 of imprisonment of up to 18 months, a fine of up to \$10,000, or  
48 both.



1 CJ's Law is designated in remembrance of Christopher James  
2 (CJ) Holowach, who died at age 33 from cardiac arrest caused by  
3 mixture of drugs that included his physician prescribed Adderol and  
4 kratom.

5 While awaiting arm surgery, CJ Holowach consumed kratom to  
6 numb his arm pain without jeopardizing his recovery from opioid  
7 addiction. However, he was unaware of the dangers of kratom as  
8 the supplement's bottle provided no warning labels or suggestions  
9 on safe dosage amounts. Kratom is marketed in a way to make it  
10 appear to be a safe herbal pain supplement, when it poses serious  
11 health risks. Further, addiction experts warn, echoing the  
12 sentiments of FDA warnings, that kratom can be highly addictive  
13 and create risk of abuse and dependence.

14 It is the sponsor's hope that this bill will stop the sale of kratom  
15 in New Jersey, avoiding further tragedies including death.