

ASSEMBLY, No. 3867

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED FEBRUARY 27, 2024

Sponsored by:

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Co-Sponsored by:

Assemblyman Venezia

SYNOPSIS

Legalizes growing or possessing up to six marijuana plants for personal recreational use, and up to 10 plants for personal medical use, by persons age 21 or older.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/27/2024)

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

3

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

6

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

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

28 b. As set forth in this subsection, growing or possessing
29 marijuana plants for personal recreational use or personal medical
30 use by a person 21 years of age or older shall not be subject to any
31 punishment, as this possession is not a crime, offense, act of
32 delinquency, or civil violation of law. This subsection applies under
33 the following circumstances:

34 (1) A person 21 years of age or older may grow or possess up to
35 six marijuana plants for personal recreational use, with a maximum
36 of 12 plants per household; and

37 (2) A qualifying patient as defined in section 3 of P.L.2009,
38 c.307 (C.24:6I-3), aged 21 years of age or older, or a designated
39 caregiver, as defined in section 3 of P.L.2009, c.307 (C.24:6I-3), 21
40 years of age or older, on behalf of the qualifying patient, may grow
41 or possess up to 10 marijuana plants for personal medical use, with
42 a maximum of 12 plants per household.

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

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 2. (New section) Within 90 days of the effective date of
2 P.L. , c. (C.) (pending before the Legislature as this bill),
3 the Cannabis Regulatory Commission established by section 31 of
4 P.L.2019, c.153 (C.24:6I-24) shall implement rules and regulations
5 to effectuate the purposes of subsection b. of N.J.S.2C:35-4.

6

7 3. This act shall take effect immediately.

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9

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STATEMENT

11

12 This bill would make it legal for a person aged 21 or over to
13 grow and possess certain amounts of marijuana for personal use.

14 P.L.2021, c.16, (the enactment) which legalizes the personal use
15 of cannabis, provides that a person who possesses six ounces or less
16 of marijuana, including any adulterants or dilutants, is not subject to
17 any punishment, as this possession is not a crime, offense, act of
18 delinquency, or civil violation of law. Under the enactment,
19 possession of more than six ounces of marijuana, including any
20 adulterants or dilutants, constitutes a crime of the fourth degree. A
21 crime of the fourth degree is punishable by a term of imprisonment
22 of up to 18 months or a fine of up to \$10,000 or both.

23 P.L.2021, c.16 does not make it legal for a person to grow their
24 own marijuana for personal use.

25 Under the bill, growing or possessing marijuana plants for
26 personal recreational use or personal medical use by a person 21
27 years of age or older would also not be a crime, offense, act of
28 delinquency, or civil violation of law. The bill would apply under
29 the following circumstances:

30 (1) A person 21 years of age or older may grow or possess up to
31 six marijuana plants for personal recreational use, with a maximum
32 of 12 plants per household; and

33 (2) A qualifying patient as defined in section 3 of P.L.2009,
34 c.307 (C.24:6I-3), 21 years of age or older, or a designated
35 caregiver, as defined in section 3 of P.L.2009, c.307 (C.24:6I-3), 21
36 years of age or older, on behalf of the qualifying patient, may grow
37 or possess up to 10 marijuana plants for personal medical use, with
38 a maximum of 12 plants per household.