

P.L. 2024, CHAPTER 73, *approved September 12, 2024*
Senate, No. 3235 (*Third Reprint*)

1 AN ACT concerning intoxicating hemp products, supplementing
2 Title 24 of the New Jersey Statutes, and amending various
3 sections of statutory law.
4

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

8 1. Section 3 of P.L.2019, c.238 (C.4:28-8) is amended to read as
9 follows:

10 3. As used in sections 1 through 9 of P.L.2019, c.238 (C.4:28-6 et
11 al.), unless the context otherwise requires:

12 "Agent" means an employee or contractor of a hemp producer.

13 "Applicant" means a person, or for a business entity, any person
14 authorized to act on behalf of the business entity, who applies to the
15 department to be a hemp producer in the State.

16 "Commercial sale" means the sale of a product in the stream of
17 commerce at retail, at wholesale, or on the Internet.

18 "Cultivate" means to plant, water, grow, or harvest a plant or crop.

19 "Department" means the New Jersey Department of Agriculture.

20 "Federally defined THC level for hemp" means a delta-9
21 tetrahydrocannabinol concentration of not more than 0.3 percent on a
22 dry weight basis for hemp or in a hemp product.

23 "Handle" means to possess or store a hemp plant on premises
24 owned, operated, or controlled by a hemp producer for any period of
25 time or in a vehicle for any period of time other than during the actual
26 transport of the plant between premises owned, operated, or controlled
27 by hemp producers or persons or entities authorized to produce hemp
28 pursuant to 7 U.S.C. s.1639o et seq. and any state law or rule or
29 regulation adopted pursuant thereto. "Handle" does not mean
30 possession or storage of finished hemp products.

31 "Hemp" means the plant *Cannabis sativa* L. and any part of that
32 plant, including the seeds of the plant and all derivatives, extracts,
33 cannabinoids, isomers, acids, salts, and salts of isomers, whether
34 growing or not, with a **【delta-9】** total tetrahydrocannabinol
35 concentration of not more than 0.3 percent on a dry weight basis.

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 SJU committee amendments adopted May 16, 2024.

²Senate SBA committee amendments adopted June 24, 2024.

³Senate SBA committee amendments adopted June 26, 2024.

1 Hemp and hemp-derived cannabinoids, including cannabidiol, shall be
2 considered an agricultural commodity and not a controlled substance
3 due to the presence of hemp or hemp-derived cannabinoids.

4 "Hemp producer" means a person or business entity authorized by
5 the department to cultivate, handle, or process hemp in the State.

6 "Hemp product" means a finished product with a **[delta-9]** total
7 tetrahydrocannabinol concentration of not more than 0.3 percent, and
8 not more than 0.5 milligrams of total THC per serving and 2.5
9 milligrams of total THC per package, that is derived from or made by
10 processing a hemp plant or plant part and prepared in a form available
11 for commercial sale. The term includes cosmetics, personal care
12 products, food intended for human or animal consumption, cloth,
13 cordage, fiber, fuel, paint, paper, particleboard, plastics, and any
14 product containing one or more hemp-derived cannabinoids such as
15 cannabidiol. Hemp products shall not be considered controlled
16 substances due to the presence of hemp or hemp-derived cannabinoids.
17 "Hemp product" shall not mean a cannabinoid product that is not
18 derived from naturally occurring biologically active chemical
19 constituents and shall not mean an intoxicating hemp product as
20 defined in section 3 of P.L.2021, c.16 (C.24:6I-33).

21 "Process" means to convert hemp into a marketable form.

22 "Secretary" means the Secretary of the New Jersey Department of
23 Agriculture.

24 "Transport" means the movement or shipment of hemp by a hemp
25 producer, a person or entity authorized to produce hemp pursuant to 7
26 U.S.C. s.1639o et seq. and any state law or rule or regulation adopted
27 pursuant thereto, or a hemp producer's or authorized entity's third-
28 party carrier or agent. "Transport" shall not mean the movement or
29 shipment of hemp products.

30 "Total THC" means the total concentration of all
31 tetrahydrocannabinols in ¹[a cannabis item] hemp or a
32 hemp product¹, including delta-8, delta-9, delta-10,
33 tetrahydrocannabinolic acid and any other chemically similar
34 compound, substance, derivative, or isomer of tetrahydrocannabinol,
35 regardless of how derived or manufactured, and any other
36 cannabinoid, other than cannabidiol, identified by the Cannabis
37 Regulatory Commission, in consultation with the Department of
38 Agriculture and the Attorney General, as causing intoxication.

39 (cf: P.L.2019, c.238, s.3)

40

41 2. Section 3 of P.L.2021, c.16 (C.24:6I-33) is amended to read
42 as follows:

43 3. Definitions.

44 As used in P.L.2021, c.16 (C.24:6I-31 et al.) regarding the
45 personal use of cannabis, unless the context otherwise requires:

46 "Alternative treatment center" means an organization issued a
47 permit pursuant to the "Jake Honig Compassionate Use Medical
48 Cannabis Act," P.L.2009, c.307 (C.24:6I-1 et al.) to operate as a

1 medical cannabis cultivator, medical cannabis manufacturer,
2 medical cannabis dispensary, or clinical registrant, as well as any
3 alternative treatment center deemed pursuant to section 7 of that act
4 (C.24:6I-7) to concurrently hold a medical cannabis cultivator
5 permit, a medical cannabis manufacturer permit, and a medical
6 cannabis dispensary permit.

7 "Cannabis" means all parts of the plant *Cannabis sativa* L.,
8 whether growing or not, the seeds thereof, and every compound,
9 manufacture, salt, derivative, mixture, or preparation of the plant or
10 its seeds, except those containing resin extracted from the plant,
11 which are cultivated and, when applicable, manufactured in
12 accordance with P.L.2021, c.16 (C.24:6I-31 et al.) for use in
13 cannabis products as set forth in this act, but shall not include the
14 weight of any other ingredient combined with cannabis to prepare
15 topical or oral administrations, food, drink, or other product.
16 "Cannabis" does not include: medical cannabis dispensed to
17 registered qualifying patients pursuant to the "Jake Honig
18 Compassionate Use Medical Cannabis Act," P.L.2009, c.307
19 (C.24:6I-1 et al.) and P.L.2015, c.158 (C.18A:40-12.22 et al.);
20 marijuana as defined in N.J.S.2C:35-2 and applied to any offense
21 set forth in chapters 35, 35A, and 36 of Title 2C of the New Jersey
22 Statutes, or P.L.2001, c.114 (C.2C:35B-1 et seq.), or marihuana as
23 defined in section 2 of P.L.1970, c.226 (C.24:21-2) and applied to
24 any offense set forth in the "New Jersey Controlled Dangerous
25 Substances Act," P.L.1970, c.226 (C.24:21-1 et al.); or hemp or a
26 hemp product cultivated, handled, processed, transported, or sold
27 pursuant to the "New Jersey Hemp Farming Act," P.L.2019, c.238
28 (C.4:28-6 et al.).

29 "Cannabis consumption area" means, as further described in
30 section 28 of P.L.2019, c.153 (C.24:6I-21), a designated location
31 operated by a licensed cannabis retailer or permit holder for
32 dispensing medical cannabis, for which both a State and local
33 endorsement has been obtained, that is either: (1) an indoor,
34 structurally enclosed area of the cannabis retailer or permit holder
35 that is separate from the area in which retail sales of cannabis items
36 or the dispensing of medical cannabis occurs; or (2) an exterior
37 structure on the same premises as the cannabis retailer or permit
38 holder, either separate from or connected to the cannabis retailer or
39 permit holder, at which cannabis items or medical cannabis either
40 obtained from the retailer or permit holder, or brought by a person
41 to the consumption area, may be consumed.

42 "Cannabis cultivator" means any licensed person or entity that
43 grows, cultivates, or produces cannabis in this State, and sells, and
44 may transport, this cannabis to other cannabis cultivators, or usable
45 cannabis to cannabis manufacturers, cannabis wholesalers, or
46 cannabis retailers, but not to consumers. This person or entity shall
47 hold a Class 1 Cannabis Cultivator license.

1 "Cannabis delivery service" means any licensed person or entity
2 that provides courier services for consumer purchases of cannabis
3 items and related supplies fulfilled by a cannabis retailer in order to
4 make deliveries of the cannabis items and related supplies to that
5 consumer, and which services include the ability of a consumer to
6 purchase the cannabis items directly through the cannabis delivery
7 service, which after presenting the purchase order to the cannabis
8 retailer for fulfillment, is delivered to that consumer. This person
9 or entity shall hold a Class 6 Cannabis Delivery license.

10 "Cannabis distributor" means any licensed person or entity that
11 transports cannabis in bulk intrastate from one licensed cannabis
12 cultivator to another licensed cannabis cultivator, or transports
13 cannabis items in bulk intrastate from any one class of licensed
14 cannabis establishment to another class of licensed cannabis
15 establishment, and may engage in the temporary storage of cannabis
16 or cannabis items as necessary to carry out transportation activities.
17 This person or entity shall hold a Class 4 Cannabis Distributor
18 license.

19 "Cannabis establishment" means a cannabis cultivator, a
20 cannabis manufacturer, a cannabis wholesaler, or a cannabis
21 retailer.

22 "Cannabis extract" means a substance obtained by separating
23 resins from cannabis by: (1) a chemical extraction process using a
24 hydrocarbon-based solvent, such as butane, hexane, or propane; (2)
25 a chemical extraction process using the hydrocarbon-based solvent
26 carbon dioxide, if the process uses high heat or pressure; or (3) any
27 other process identified by the Cannabis Regulatory Commission by
28 rule or regulation.

29 "Cannabis flower" means the flower of the plant *Cannabis sativa*
30 L. within the plant family Cannabaceae.

31 "Cannabis item" means any usable cannabis, cannabis product,
32 cannabis extract, intoxicating hemp product, and any other cannabis
33 resin. "Cannabis item" does not include: any form of medical
34 cannabis dispensed to registered qualifying patients pursuant to the
35 "Jake Honig Compassionate Use Medical Cannabis Act," P.L.2009,
36 c.307 (C.24:6I-1 et al.) and P.L.2015, c.158 (C.18A:40-12.22 et
37 al.); or hemp or a hemp product cultivated, handled, processed,
38 transported, or sold pursuant to the "New Jersey Hemp Farming
39 Act," P.L.2019, c.238 (C.4:28-6 et al.).

40 "Cannabis leaf" means the leaf of the plant *Cannabis sativa* L.
41 within the plant family Cannabaceae.

42 "Cannabis manufacturer" means any licensed person or entity
43 that processes cannabis items in this State by purchasing or
44 otherwise obtaining usable cannabis, manufacturing, preparing, and
45 packaging cannabis items, and selling, and optionally transporting,
46 these items to other cannabis manufacturers, cannabis wholesalers,
47 or cannabis retailers, but not to consumers. This person or entity
48 shall hold a Class 2 Cannabis Manufacturer license."

1 "Cannabis paraphernalia" means any equipment, products, or
2 materials of any kind which are used, intended for use, or designed
3 for use in planting, propagating, cultivating, growing, harvesting,
4 composting, manufacturing, compounding, converting, producing,
5 processing, preparing, testing, analyzing, packaging, repackaging,
6 storing, vaporizing, or containing cannabis, or for ingesting,
7 inhaling, or otherwise introducing a cannabis item into the human
8 body. "Cannabis paraphernalia" does not include drug
9 paraphernalia as defined in N.J.S.2C:36-1 and which is used or
10 intended for use to commit a violation of chapter 35 or 36 of Title
11 2C of the New Jersey Statutes.

12 "Cannabis product" means a product containing usable cannabis,
13 cannabis extract, or any other cannabis resin and other ingredients
14 intended for human consumption or use, including a product
15 intended to be applied to the skin or hair, edible cannabis products,
16 ointments, and tinctures. "Cannabis product" does not include: (1)
17 usable cannabis by itself; or (2) cannabis extract by itself; or (3) any
18 other cannabis resin by itself.

19 "Cannabis resin" means the resin extracted from any part of the
20 plant *Cannabis sativa* L., including cannabis extract and resin
21 extracted using non-chemical processes, processed and used in
22 accordance with P.L.2021, c.16 (C.24:6I-31 et al.). "Cannabis
23 resin" does not include: any form of medical cannabis dispensed to
24 registered qualifying patients pursuant to the "Jake Honig
25 Compassionate Use Medical Cannabis Act," P.L.2009, c.307
26 (C.24:6I-1 et al.) and P.L.2015, c.158 (C.18A:40-12.22 et al.);
27 hashish as defined in N.J.S.2C:35-2 and applied to any offense set
28 forth in chapters 35, 35A, and 36 of Title 2C of the New Jersey
29 Statutes, or P.L.2001, c.114 (C.2C:35B-1 et seq.), or as defined in
30 section 2 of P.L.1970, c.226 (C.24:21-2) and applied to any offense
31 of the "New Jersey Controlled Dangerous Substances Act,"
32 P.L.1970, c.226 (C.24:21-1 et al.); or hemp or a hemp product
33 cultivated, handled, processed, transported, or sold pursuant to the
34 "New Jersey Hemp Farming Act," P.L.2019, c.238 (C.4:28-6 et al.).

35 "Cannabis retailer" means any licensed person or entity that
36 purchases or otherwise obtains usable cannabis from cannabis
37 cultivators and cannabis items from cannabis manufacturers or
38 cannabis wholesalers, and sells these to consumers from a retail
39 store, and may use a cannabis delivery service or a certified
40 cannabis handler for the off-premises delivery of cannabis items
41 and related supplies to consumers. A cannabis retailer shall also
42 accept consumer purchases to be fulfilled from its retail store that
43 are presented by a cannabis delivery service which will be delivered
44 by the cannabis delivery service to that consumer. This person or
45 entity shall hold a Class 5 Cannabis Retailer license.

46 "Cannabis testing facility" means an independent, third-party
47 entity meeting accreditation requirements established by the
48 Cannabis Regulatory Commission that is licensed to analyze and

1 certify cannabis items and medical cannabis for compliance with
2 applicable health, safety, and potency standards.

3 "Cannabis wholesaler" means any licensed person or entity that
4 purchases or otherwise obtains, stores, sells or otherwise transfers,
5 and may transport, cannabis items for the purpose of resale or other
6 transfer to either another cannabis wholesaler or to a cannabis
7 retailer, but not to consumers. This person or entity shall hold a
8 Class 3 Cannabis Wholesaler license.

9 "Commission" means the Cannabis Regulatory Commission
10 established pursuant to section 31 of P.L.2019, c.153 (C.24:6I-24).

11 "Conditional license" means a temporary license designated as
12 either a Class 1 Cannabis Cultivator license, a Class 2 Cannabis
13 Manufacturer license, a Class 3 Cannabis Wholesaler license, a
14 Class 4 Cannabis Distributor license, a Class 5 Cannabis Retailer
15 license, or a Class 6 Cannabis Delivery license that allows the
16 holder to lawfully act as a cannabis cultivator, cannabis
17 manufacturer, cannabis wholesaler, cannabis distributor, cannabis
18 retailer, or cannabis delivery service as the case may be, which is
19 issued pursuant to an abbreviated application process, after which
20 the conditional license holder shall have a limited period of time in
21 which to become fully licensed by satisfying all of the remaining
22 conditions for licensure which were not required for the issuance of
23 the conditional license.

24 "Consumer" means a person 21 years of age or older who
25 purchases, directly or through a cannabis delivery service, acquires,
26 owns, holds, or uses cannabis items for personal use by a person 21
27 years of age or older, but not for resale to others.

28 "Consumption" means the act of ingesting, inhaling, or otherwise
29 introducing cannabis items into the human body.

30 "Delivery" means the transportation of cannabis items and
31 related supplies to a consumer. "Delivery" also includes the use by
32 a licensed cannabis retailer of any third party technology platform
33 to receive, process, and fulfill orders by consumers, which third
34 party shall not be required to be a licensed cannabis establishment,
35 distributor, or delivery service, provided that any physical acts in
36 connection with fulfilling the order and delivery shall be
37 accomplished by a certified cannabis handler performing work for
38 or on behalf of the licensed cannabis retailer, which includes a
39 certified cannabis handler employed or otherwise working on behalf
40 of a cannabis delivery service making off-premises deliveries of
41 consumer purchases fulfilled by that cannabis retailer.

42 "Department" means the Department of Health.

43 "Director" means the Director of the Office of Minority,
44 Disabled Veterans, and Women Cannabis Business Development in
45 the Cannabis Regulatory Commission.

46 "Executive director" means the executive director of the
47 Cannabis Regulatory Commission.

1 "Financial consideration" means value that is given or received
2 either directly or indirectly through sales, barter, trade, fees,
3 charges, dues, contributions, or donations.

4 "Immature cannabis plant" means a cannabis plant that is not
5 flowering.

6 "Impact zone" means any municipality, based on past criminal
7 marijuana enterprises contributing to higher concentrations of law
8 enforcement activity, unemployment, and poverty, or any
9 combination thereof, within parts of or throughout the municipality,
10 that:

11 (1) has a population of 120,000 or more according to the most
12 recently compiled federal decennial census as of the effective date
13 of P.L.2021, c.16 (C.24:6I-31 et al.);

14 (2) based upon data for calendar year 2019, ranks in the top 40
15 percent of municipalities in the State for marijuana- or hashish-
16 related arrests for violation of paragraph (4) of subsection a. of
17 N.J.S.2C:35-10; has a crime index total of 825 or higher based upon
18 the indexes listed in the annual Uniform Crime Report by the
19 Division of State Police; and has a local average annual
20 unemployment rate that ranks in the top 15 percent of all
21 municipalities, based upon average annual unemployment rates
22 estimated for the relevant calendar year by the Office of Research
23 and Information in the Department of Labor and Workforce
24 Development;

25 (3) is a municipality located in a county of the third class, based
26 upon the county's population according to the most recently
27 compiled federal decennial census as of the effective date of
28 P.L.2021, c.16 (C.24:6I-31 et al.), that meets all of the criteria set
29 forth in paragraph (2) other than having a crime index total of 825
30 or higher; or

31 (4) is a municipality located in a county of the second class,
32 based upon the county's population according to the most recently
33 compiled federal decennial census as of the effective date of
34 P.L.2021, c.16 (C.24:6I-31 et al.):

35 (a) with a population of less than 60,000 according to the most
36 recently compiled federal decennial census, that for calendar year
37 2019 ranks in the top 40 percent of municipalities in the State for
38 marijuana- or hashish-related arrests for violation of paragraph (4)
39 of subsection a. of N.J.S.2C:35-10; has a crime index total of 1,000
40 or higher based upon the indexes listed in the 2019 annual Uniform
41 Crime Report by the Division of State Police; but for calendar year
42 2019 does not have a local average annual unemployment rate that
43 ranks in the top 15 percent of all municipalities, based upon average
44 annual unemployment rates estimated for the relevant calendar year
45 by the Office of Research and Information in the Department of
46 Labor and Workforce Development; or

47 (b) with a population of not less than 60,000 or more than
48 80,000 according to the most recently compiled federal decennial

1 census; has a crime index total of 650 or higher based upon the
2 indexes listed in the 2019 annual Uniform Crime Report; and for
3 calendar year 2019 has a local average annual unemployment rate
4 of 3.0 percent or higher using the same estimated annual
5 unemployment rates.

6 “Intoxicating hemp product” means any product cultivated,
7 derived, or manufactured ³in this State³ from hemp regulated
8 pursuant to the “Agricultural Improvement Act of 2018,”
9 Pub.L.115-334 or the “New Jersey Hemp Farming Act,” P.L.2019,
10 c.238 (C.4:28-6 et al.) that is sold in this State that has a
11 concentration of total THC greater than 0.5 milligrams per serving
12 or 2.5 milligrams per package. “Intoxicating hemp product” shall
13 not include a cannabinoid product that is not derived from naturally
14 occurring biologically active chemical constituents and shall not
15 include hemp products as defined in section 3 of P.L.2019, c.238
16 (C.4:28-8).

17 "License" means a license issued under P.L.2021, c.16 (C.24:6I-
18 31 et al.), including a license that is designated as either a Class 1
19 Cannabis Cultivator license, a Class 2 Cannabis Manufacturer
20 license, a Class 3 Cannabis Wholesaler license, a Class 4 Cannabis
21 Distributor license, a Class 5 Cannabis Retailer license, or a Class 6
22 Cannabis Delivery license. The term includes a conditional license
23 for a designated class, except when the context of the provisions of
24 P.L.2021, c.16 (C.24:6I-31 et al.) otherwise intend to only apply to
25 a license and not a conditional license.

26 "Licensee" means a person or entity that holds a license issued
27 under P.L.2021, c.16 (C.24:6I-31 et al.), including a license that is
28 designated as either a Class 1 Cannabis Cultivator license, a Class 2
29 Cannabis Manufacturer license, a Class 3 Cannabis Wholesaler
30 license, a Class 4 Cannabis Distributor license, a Class 5 Cannabis
31 Retailer license, or a Class 6 Cannabis Delivery license, and
32 includes a person or entity that holds a conditional license for a
33 designated class, except when the context of the provisions of
34 P.L.2021, c.16 (C.24:6I-31 et al.) otherwise intend to only apply to
35 a person or entity that holds a license and not a conditional license.

36 "Licensee representative" means an owner, director, officer,
37 manager, employee, agent, or other representative of a licensee, to
38 the extent that the person acts in a representative capacity.

39 "Manufacture" means the drying, processing, compounding, or
40 conversion of usable cannabis into cannabis products or cannabis
41 resins. "Manufacture" does not include packaging or labeling.

42 "Mature cannabis plant" means a cannabis plant that is not an
43 immature cannabis plant.

44 "Medical cannabis" means cannabis dispensed to registered
45 qualifying patients pursuant to the "Jake Honig Compassionate Use
46 Medical Cannabis Act," P.L.2009, c.307 (C.24:6I-1 et al.) and
47 P.L.2015, c.158 (C.18A:40-12.22 et al.). "Medical cannabis" does
48 not include any cannabis or cannabis item which is cultivated,

1 produced, processed, and consumed in accordance with P.L.2021,
2 c.16 (C.24:6I-31 et al.).

3 "Microbusiness" means a person or entity licensed under
4 P.L.2021, c.16 (C.24:6I-31 et al.) as a cannabis cultivator, cannabis
5 manufacturer, cannabis wholesaler, cannabis distributor, cannabis
6 retailer, or cannabis delivery service that may only, with respect to
7 its business operations, and capacity and quantity of product: (1)
8 employ no more than 10 employees; (2) operate a cannabis
9 establishment occupying an area of no more than 2,500 square feet,
10 and in the case of a cannabis cultivator, grow cannabis on an area
11 no more than 2,500 square feet measured on a horizontal plane and
12 grow above that plane not higher than 24 feet; (3) possess no more
13 than 1,000 cannabis plants each month, except that a cannabis
14 distributor's possession of cannabis plants for transportation shall
15 not be subject to this limit; (4) acquire each month, in the case of a
16 cannabis manufacturer, no more than 1,000 pounds of usable
17 cannabis; (5) acquire for resale each month, in the case of a
18 cannabis wholesaler, no more than 1,000 pounds of usable cannabis,
19 or the equivalent amount in any form of manufactured cannabis
20 product or cannabis resin, or any combination thereof; and (6)
21 acquire for retail sale each month, in the case of a cannabis retailer,
22 no more than 1,000 pounds of usable cannabis, or the equivalent
23 amount in any form of manufactured cannabis product or cannabis
24 resin, or any combination thereof.

25 "Noncommercial" means not dependent or conditioned upon the
26 provision or receipt of financial consideration.

27 "Premises" or "licensed premises" includes the following areas
28 of a location licensed under P.L.2021, c.16 (C.24:6I-31 et al.): all
29 public and private enclosed areas at the location that are used in the
30 business operated at the location, including offices, kitchens, rest
31 rooms, and storerooms; all areas outside a building that the
32 Cannabis Regulatory Commission has specifically licensed for the
33 production, manufacturing, wholesaling, distributing, retail sale, or
34 delivery of cannabis items; and, for a location that the commission
35 has specifically licensed for the production of cannabis outside a
36 building, the entire lot or parcel that the licensee owns, leases, or
37 has a right to occupy.

38 "Produce" means the planting, cultivation, growing or harvesting
39 of cannabis. "Produce" does not include the drying of cannabis by a
40 cannabis manufacturer, if the cannabis manufacturer is not
41 otherwise manufacturing cannabis.

42 "Public place" means any place to which the public has access
43 that is not privately owned; or any place to which the public has
44 access where alcohol consumption is not allowed, including, but not
45 limited to, a public street, road, thoroughfare, sidewalk, bridge,
46 alley, plaza, park, playground, swimming pool, shopping area,
47 public transportation facility, vehicle used for public transportation,

1 parking lot, public library, or any other public building, structure, or
2 area.

3 "Radio" means a system for transmitting sound without visual
4 images, and includes broadcast, cable, on-demand, satellite, or
5 Internet programming. "Radio" includes any audio programming
6 downloaded or streamed via the Internet.

7 "Significantly involved person" means a person or entity who
8 holds at least a five percent investment interest in a proposed or
9 licensed cannabis cultivator, cannabis manufacturer, cannabis
10 wholesaler, cannabis distributor, cannabis retailer, or cannabis
11 delivery service, or who is a decision making member of a group
12 that holds at least a 20 percent investment interest in a proposed or
13 licensed cannabis cultivator, cannabis manufacturer, cannabis
14 wholesaler, cannabis distributor, cannabis retailer, or cannabis
15 delivery service, in which no member of that group holds more than
16 a five percent interest in the total group investment interest, and the
17 person or entity makes controlling decisions regarding the proposed
18 or licensed cannabis cultivator, cannabis manufacturer, cannabis
19 wholesaler, cannabis distributor, cannabis retailer, or cannabis
20 delivery service operations.

21 "Television" means a system for transmitting visual images and
22 sound that are reproduced on screens, and includes broadcast, cable,
23 on-demand, satellite, or Internet programming. "Television"
24 includes any video programming downloaded or streamed via the
25 Internet.

26 "THC" means delta-9-tetrahydrocannabinol and its precursor,
27 tetrahydrocannabinolic acid, the main psychoactive chemicals
28 contained in the cannabis plant.

29 "Total THC" means the total concentration of all
30 tetrahydrocannabinols in ¹[a cannabis item] hemp or a hemp
31 product¹, including delta-8, delta-9, delta-10,
32 tetrahydrocannabinolic acid and any other chemically similar
33 compound, substance, derivative, or isomer of
34 tetrahydrocannabinol, regardless of how derived or manufactured,
35 and any other cannabinoid, other than cannabidiol, identified by the
36 Cannabis Regulatory Commission, in consultation with the
37 Department of Agriculture and the Attorney General, as causing
38 intoxication.

39 "Usable cannabis" means the dried leaves and flowers of the
40 female plant *Cannabis sativa* L., and does not include the seedlings,
41 seeds, stems, stalks, or roots of the plant.

42 (cf: P.L.2021, c.16, s.3)

43

44 3. Section 5 of P.L.1970, c.226 (C.24:21-5) is amended to read
45 as follows:

46 5. a. Tests. The director shall place a substance in
47 Schedule I if he finds that the substance: (1) has high potential for
48 abuse; and (2) has no accepted medical use in treatment in the

1 United States; or lacks accepted safety for use in treatment under
2 medical supervision.

3 b. The controlled dangerous substances listed in this section are
4 included in Schedule I, subject to any revision and republishing by
5 the director pursuant to subsection d. of section 3 of P.L.1970,
6 c.226 (C.24:21-3), and except to the extent provided in any other
7 schedule.

8 c. Any of the following opiates, including their isomers, esters,
9 and ethers, unless specifically excepted, whenever the existence of
10 such isomers, esters, ethers and salts is possible within the specific
11 chemical designation:

- 12 (1) Acetylmethadol
- 13 (2) Allylprodine
- 14 (3) Alphacetylmethadol
- 15 (4) Alphameprodine
- 16 (5) Alphamethadol
- 17 (6) Benzethidine
- 18 (7) Betacetylmethadol
- 19 (8) Betameprodine
- 20 (9) Betamethadol
- 21 (10) Betaprodine
- 22 (11) Clonitazene
- 23 (12) Dextromoramide
- 24 (13) Dextrorphan
- 25 (14) Diampromide
- 26 (15) Diethylthiambutene
- 27 (16) Dimenoxadol
- 28 (17) Dimepheptanol
- 29 (18) Dimethylthiambutene
- 30 (19) Dioxaphetyl butyrate
- 31 (20) Dipipanone
- 32 (21) Ethylmethylthiambutene
- 33 (22) Etonitazene
- 34 (23) Etoxadine
- 35 (24) Furethidine
- 36 (25) Hydroxypethidine
- 37 (26) Ketobemidone
- 38 (27) Levomoramide
- 39 (28) Levophenacilmorphan
- 40 (29) Morpheridine
- 41 (30) Noracymethadol
- 42 (31) Norlevorphanol
- 43 (32) Normethadone
- 44 (33) Norpipanone
- 45 (34) Phenadoxone
- 46 (35) Phenampromide
- 47 (36) Phenomorphan
- 48 (37) Phenoperidine

- 1 (38) Piritramide
- 2 (39) Proheptazine
- 3 (40) Properidine
- 4 (41) Racemoramide
- 5 (42) Trimeperidine.
- 6 d. Any of the following narcotic substances, their salts, isomers
- 7 and salts of isomers, unless specifically excepted, whenever the
- 8 existence of such salts, isomers and salts of isomers is possible
- 9 within the specific chemical designation:
- 10 (1) Acetorphine
- 11 (2) Acetylcodeine
- 12 (3) Acetyldihydrocodeine
- 13 (4) Benzylmorphine
- 14 (5) Codeine methylbromide
- 15 (6) Codeine-N-Oxide
- 16 (7) Cyprenorphine
- 17 (8) Desomorphine
- 18 (9) Dihydromorphine
- 19 (10) Etorphine
- 20 (11) Heroin
- 21 (12) Hydromorphanol
- 22 (13) Methyl-desorphine
- 23 (14) Methylhydromorphine
- 24 (15) Morphine methylbromide
- 25 (16) Morphine methylsulfonate
- 26 (17) Morphine-N-Oxide
- 27 (18) Myrophine
- 28 (19) Nicocodeine
- 29 (20) Nicomorphine
- 30 (21) Normorphine
- 31 (22) Phoclo-dine
- 32 (23) Thebacon.
- 33 e. Any material, compound, mixture or preparation which
- 34 contains any quantity of the following hallucinogenic substances,
- 35 their salts, isomers and salts of isomers, unless specifically
- 36 excepted, whenever the existence of such salts, isomers, and salts of
- 37 isomers is possible within the specific chemical designation:
- 38 (1) 3,4-methylenedioxy amphetamine
- 39 (2) 5-methoxy-3,4-methylenedioxy amphetamine
- 40 (3) 3,4,5-trimethoxy amphetamine
- 41 (4) Bufotenine
- 42 (5) Diethyltryptamine
- 43 (6) Dimethyltryptamine
- 44 (7) 4-methyl-2,5-dimethoxylamphetamine
- 45 (8) Ibogaine
- 46 (9) Lysergic acid diethylamide
- 47 (10) **【Marihuana】** Marijuana; except that on and after the
- 48 effective date of the "New Jersey Cannabis Regulatory,

1 Enforcement Assistance, and Marketplace Modernization Act,"
 2 P.L.2021, c.16 (C.24:6I-31 et al.), **【marihuana】** marijuana shall no
 3 longer be included in Schedule I, and shall not be designated or
 4 rescheduled and included in any other schedule by the director
 5 pursuant to the director's designation and rescheduling authority set
 6 forth in section 3 of P.L.1970, c.226 (C.24:21-3).

- 7 (11) Mescaline
 8 (12) Peyote
 9 (13) N-ethyl-3-piperidyl benzilate
 10 (14) N-methyl-3-piperidyl benzilate
 11 (15) Psilocybin
 12 (16) Psilocyn
 13 (17) Tetrahydrocannabinols, including those produced by way of
 14 manufacture, except when found in hemp or a hemp product
 15 cultivated, handled, processed, transported, or sold pursuant to the
 16 "New Jersey Hemp Farming Act," P.L.2019, c.238 (C.4:28-6 et al.),
 17 or cannabis or a cannabis item, as those terms are defined in section
 18 3 of P.L.2021, c.16 (C.24:6I-33), that is grown, cultivated,
 19 produced, **【or】** manufactured, or sold in accordance with the "New
 20 Jersey Cannabis Regulatory, Enforcement Assistance, and
 21 Marketplace Modernization Act," P.L.2021, c.16 (C.24:6I-31 et al.).
 22 (cf: P.L.2021, c.16, s.44)

23
 24 4. (New section) a. A person shall not sell or distribute any
 25 intoxicating hemp product unless:

26 (1) the person is licensed by the Cannabis Regulatory
 27 Commission in accordance with P.L.2021, c.16 (C.24:6I-31 et al.);
 28 ²or

29 (2) the person is a holder of any valid and unrevoked ³plenary
 30 wholesale license or³ plenary retail distribution license, as ³those
 31 terms are³ defined in ³R.S.33:1-11 and³ R.S.33:1-12, and is
 32 approved by the commission to sell intoxicating hemp beverages in
 33 accordance with section 5 of P.L. , c. (C.) (pending before
 34 the Legislature as this bill);² and

35 ²**【(2)】** (3)² the product complies with the provisions of
 36 P.L.2021, c.16 (C.24:6I-31 et al.) and any ²【applicable commission
 37 regulations applicable to cannabis items】 rules or regulations
 38 adopted pursuant thereto².

39 b. (1) It shall be unlawful to sell or distribute a hemp product
 40 or cannabis item that is not derived from naturally occurring
 41 biologically active chemical constituents.

42 (2) Except as otherwise provided by law, it shall be unlawful to
 43 sell or distribute a product intended for human consumption that
 44 contains tetrahydrocannabinol in any detectable amount to a person
 45 under 21 years of age.

46 c. In addition to any other penalty provided by law, any person
 47 licensed by the commission ², or any person approved by the

1 commission to sell intoxicating hemp beverages pursuant to section
 2 5 of P.L. , c. (C.) (pending before the Legislature as this
 3 bill),² who violates subsection a. or b. of this section shall be
 4 subject to any civil penalties or fines adopted by the commission in
 5 accordance with P.L.2021, c.16 (C.24:6I-31 et al.).

6 d. (1) Notwithstanding any provision of the “Administrative
 7 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), ²or
 8 subsection d. of section 5 of P.L. , c. (C.) (pending before
 9 the Legislature as this bill)² to the contrary, and in accordance with
 10 the authority established pursuant to section 18 of P.L.2021, c.16
 11 (C.24:6I-35), the commission, in consultation with the Department
 12 of Agriculture and the Attorney General, and within 180 days of the
 13 effective date of P.L. , c. (C.) (pending before the
 14 Legislature as this bill), is authorized to adopt immediately upon
 15 filing with the Office of Administrative Law rules and regulations
 16 necessary to implement this act.

17 (2) Following any rules or regulations established by the
 18 commission in accordance with subparagraph (1) of this subsection,
 19 the commission shall, in consultation the Department of Agriculture
 20 and the Attorney General, and in accordance with the
 21 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et
 22 seq.), adopt rules and regulations as necessary to implement the
 23 provisions of P.L. , c. (C.) (pending before the Legislature
 24 as this bill).

25 e. (1) Nothing in P.L. , c. (C.) (pending before the
 26 Legislature as this bill) shall be construed or interpreted to limit the
 27 enforceability or applicability of the “Agriculture Improvement Act
 28 of 2018,” Pub.L.115-334 or the “New Jersey Hemp Farming Act,”
 29 P.L.2019, c.238 (C.4:28-6 et al.).

30 (2) ²The requirements of this section and section 5 of P.L. , c.
 31 (C.) (pending before the Legislature as this bill) shall apply to
 32 any online retail sale of an intoxicating hemp product sold in this
 33 State.

34 (3)² The imposition of any fine or other remedy under this act
 35 shall not preclude prosecution for a violation of the criminal laws of
 36 this State.

37
 38 ²5. (New section) a. (1) Notwithstanding P.L.2021, c.16
 39 (C.24:6I-31 et al.), or any rule or regulation adopted pursuant
 40 thereto, the holder of any valid and unrevoked ³plenary wholesale
 41 license or ³ plenary retail distribution license, as ³those terms are³
 42 defined in ³R.S.33:1-11 and³ R.S.33:1-12, may sell or distribute
 43 intoxicating hemp beverages in accordance with this section and
 44 section 4 of P.L. , c. (C.) (pending before the Legislature
 45 as this bill) and the rules and regulations adopted by the Cannabis
 46 Regulatory Commission pursuant to subsection d. of this section.

1 (2) Any intoxicating hemp beverage sold or offered for sale
2 pursuant to paragraph (1) of this section shall not be sold to any
3 person under the age of 21, and shall be stored or displayed in a
4 place that is not accessible to customers without the assistance of an
5 employee of the establishment.

6 b. (1) Upon the effective date of P.L. , c. (C.)
7 (pending before the Legislature as this bill) the holder of any valid
8 and unrevoked ³plenary wholesale license or³ plenary retail
9 distribution license shall not sell any intoxicating hemp beverages.

10 (2) Upon the adoption of rules and regulations by the
11 commission pursuant to subsection d. of this section, any holder of
12 a valid and unrevoked ³plenary wholesale license or³ plenary retail
13 distribution license may submit an application to the commission, in
14 a form and manner as determined by the commission, for approval
15 to sell intoxicating hemp beverages. The commission may approve
16 a valid holder of a ³plenary wholesale license or³ plenary retail
17 distribution license to sell intoxicating hemp beverages in
18 accordance with P.L. , c. (C.) (pending before the
19 Legislature as this bill) and the rules and regulations adopted by the
20 commission.

21 c. Any sale of an intoxicating hemp beverage by a holder of
22 any valid and unrevoked ³plenary wholesale license or³ plenary
23 retail distribution license shall be subject to:

24 (1) the sales tax imposed on cannabis in accordance with the
25 “Sales and Use Tax Act,” P.L.1966, c.30 (C.54:32B-1 et seq.); and

26 (2) the same local cannabis transfer and user tax imposed on
27 cannabis by a municipality pursuant to section 40 of P.L.2021, c.16
28 (C.40:48I-1).

29 All taxes, fees, penalties, and revenues collected pursuant to this
30 section shall be deposited in accordance with section 41 of
31 P.L.2021, c.16 (C.24:6I-50).

32 d. (1) Notwithstanding the rules and regulations adopted
33 pursuant to subsection d. of section 4 of P.L. , c. (C.)
34 (pending before the Legislature as this bill), no later than 12 months
35 after the effective date of this section, the commission, in
36 consultation with the Division of Alcoholic Beverage Control shall
37 adopt, immediately upon filing with the Office of Administrative
38 Law, rules and regulations necessary to implement this section. The
39 rules and regulations adopted pursuant to this section shall be
40 effective for a period not to exceed 18 months following the date of
41 filing and may thereafter be amended, adopted, or readopted by the
42 ³[director] commission³ in accordance with the requirements of
43 P.L.1968, c.410 (C.52:14B-1 et seq.).

44 (2) The rules and regulations adopted pursuant to this section
45 shall include, but not be limited to, provisions concerning:

46 (a) packaging;

47 (b) labeling;

- 1 (c) product testing and safety standards;
- 2 (d) tetrahydrocannabinol amounts permitted in intoxicating hemp
- 3 beverages;
- 4 (e) the number of intoxicating hemp beverages that may be sold
- 5 to a customer at any given time; and
- 6 (f) a fee to be charged by the commission to cover the reasonable
- 7 costs of administering this section.
- 8 For the purposes of this section, “intoxicating hemp beverage”
- 9 means a beverage that is an intoxicating hemp product as that term
- 10 is defined in section 3 of P.L.2021, c.16 (C.24:6I-33).²

11

12 ²6. R.S.33:1-12 is amended to read as follows:

13 33:1-12. Class C licenses shall be subdivided and classified as

14 follows:

15 Plenary retail consumption license. 1. The holder of this license

16 shall be entitled, subject to rules and regulations, to sell any alcoholic

17 beverages for consumption on the licensed premises by the glass or

18 other open receptacle, and also to sell any alcoholic beverages in

19 original containers for consumption off the licensed premises; but this

20 license shall not be issued to permit the sale of alcoholic beverages in

21 or upon any premises in which a grocery, delicatessen, drug store or

22 other mercantile business is carried on, except as hereinafter provided.

23 The holder of this license shall be permitted to conduct consumer

24 wine, beer and spirits tasting events and samplings for a fee or on a

25 complimentary basis pursuant to conditions established by rules and

26 regulations of the Division of Alcoholic Beverage Control, provided

27 however, that the holder of this license complies with the terms and

28 conditions set forth in section 3 of P.L.2009, c.216 (C.33:1-12d).

29 Subject to such rules and regulations established from time to time by

30 the director, the holder of this license shall be permitted to sell

31 alcoholic beverages in or upon the premises in which any of the

32 following is carried on: the keeping of a hotel or restaurant including

33 the sale of mercantile items incidental thereto as an accommodation to

34 patrons; the sale, at an entertainment facility as defined in R.S.33:1-1,

35 having a seating capacity for no less than 4,000 patrons, of mercantile

36 items traditionally associated with the type of event or program held at

37 the site; the sale of distillers', brewers' and vintners' packaged

38 merchandise prepacked as a unit with other suitable objects as gift

39 items to be sold only as a unit; the sale of novelty wearing apparel

40 identified with the name of the establishment licensed under the

41 provisions of this section; the sale of cigars, cigarettes, packaged

42 crackers, chips, nuts and similar snacks and ice at retail as an

43 accommodation to patrons, or the retail sale of nonalcoholic beverages

44 as accessory beverages to alcoholic beverages; or, in commercial

45 bowling establishments, the retail sale or rental of bowling accessories

46 and the retail sale from vending machines of candy, ice cream and

47 nonalcoholic beverages. The fee for this license shall be fixed by the

48 governing board or body of the municipality in which the licensed

1 premises are situated, by ordinance, at not less than \$250 and not more
2 than \$2,500. No ordinance shall be enacted which shall raise or lower
3 the fee to be charged for this license by more than 20% from that
4 charged in the preceding license year or \$500.00, whichever is the
5 lesser. The governing board or body of each municipality may, by
6 ordinance, enact that no plenary retail consumption license shall be
7 granted within its respective municipality.

8 The holder of this license shall be permitted to obtain a restricted
9 brewery license issued pursuant to subsection 1c. of R.S.33:1-10 and
10 to operate a restricted brewery immediately adjoining the licensed
11 premises in accordance with the restrictions set forth in that
12 subsection. All fees related to the issuance of both licenses shall be
13 paid in accordance with statutory law.

14 Seasonal retail consumption license. 2. (1) The holder of this
15 license shall be entitled, subject to rules and regulations, to sell any
16 alcoholic beverages for consumption on the licensed premises by the
17 glass or other open receptacle, and also to sell any alcoholic beverages
18 in original containers for consumption off the licensed premises,
19 during the summer season from May 1 until November 14, inclusive,
20 or during the winter season from November 15 until April 30,
21 inclusive.

22 (2) In addition, the director shall issue to the holder of this license,
23 upon request by the licensee, one-day permits that shall entitle the
24 license holder to sell alcoholic beverages for consumption on the
25 licensed premises during the season when the license holder is not
26 authorized to sell alcoholic beverages pursuant to subparagraph (1) of
27 this subsection. The number of one-day permits issued to a licensee
28 pursuant to this subsection shall not exceed an aggregate of 14 permits
29 in one calendar year. A one-day permit issued pursuant to this
30 subsection shall be valid for 24 consecutive hours. The fee for each
31 one-day permit shall be \$500.

32 The governing body of the municipality in which the licensed
33 premises is situated may place reasonable conditions upon a one-day
34 permit for the purpose of maintaining public safety on the licensed
35 premises and immediately surrounding area. The costs associated with
36 the reasonable conditions placed on the one-day permit shall be
37 assumed by the holder of this license.

38 (3) This license shall not be issued to permit the sale of alcoholic
39 beverages in or upon any premises in which a grocery, delicatessen,
40 drug store or other mercantile business is carried on, except as
41 hereinafter provided. Subject to such rules and regulations established
42 from time to time by the director, the holder of this license shall be
43 permitted to sell alcoholic beverages in or upon the premises in which
44 any of the following is carried on: the keeping of a hotel or restaurant
45 including the sale of mercantile items incidental thereto as an
46 accommodation to patrons; the sale of distillers', brewers' and vintners'
47 packaged merchandise prepaced as a unit with other suitable objects
48 as gift items to be sold only as a unit; the sale of novelty wearing

1 apparel identified with the name of the establishment licensed under
2 the provisions of this section; the sale of cigars, cigarettes, packaged
3 crackers, chips, nuts and similar snacks and ice at retail as an
4 accommodation to patrons; or the retail sale of nonalcoholic beverages
5 as accessory beverages to alcoholic beverages. The fee for this license
6 shall be fixed by the governing board or body of the municipality in
7 which the licensed premises are situated, by ordinance, at 75% of the
8 fee fixed by said board or body for plenary retail consumption
9 licenses. The governing board or body of each municipality may, by
10 ordinance, enact that no seasonal retail consumption license shall be
11 granted within its respective municipality.

12 Plenary retail distribution license. 3. a. The holder of this license
13 shall be entitled, subject to rules and regulations, to sell any alcoholic
14 beverages or intoxicating hemp beverages pursuant to section 5 of
15 P.L. , c. (C.) (pending before the Legislature as this bill), for
16 consumption off the licensed premises, but only in original containers;
17 except that licensees shall be permitted to conduct consumer wine,
18 beer, and spirits tasting events and samplings on a complimentary
19 basis pursuant to conditions established by rules and regulations of the
20 Division of Alcoholic Beverage Control, provided however, that the
21 holder of this license complies with the terms and conditions set forth
22 in section 3 of P.L.2009, c.216 (C.33:1-12d).

23 The governing board or body of each municipality may, by
24 ordinance, enact that this license shall not be issued to permit the sale
25 of alcoholic beverages in or upon any premises in which any other
26 mercantile business is carried on, except that any such ordinance,
27 heretofore or hereafter adopted, shall not prohibit the retail sale of
28 distillers', brewers' and vintners' packaged merchandise prepacked as a
29 unit with other suitable objects as gift items to be sold only as a unit;
30 the sale of novelty wearing apparel identified with the name of the
31 establishment licensed under the provisions of this act; cigars,
32 cigarettes, packaged crackers, chips, nuts and similar snacks, ice, and
33 nonalcoholic beverages as accessory beverages to alcoholic beverages.
34 The fee for this license shall be fixed by the governing board or body
35 of the municipality in which the licensed premises are situated, by
36 ordinance, at not less than \$125 and not more than \$2,500. No
37 ordinance shall be enacted which shall raise or lower the fee to be
38 charged for this license by more than 20% from that charged in the
39 preceding license year or \$500.00, whichever is the lesser. The
40 governing board or body of each municipality may, by ordinance,
41 enact that no plenary retail distribution license shall be granted within
42 its respective municipality.

43 Limited retail distribution license. 3. b. The holder of this license
44 shall be entitled, subject to rules and regulations, to sell any unchilled,
45 brewed, malt alcoholic beverages in quantities of not less than 72 fluid
46 ounces for consumption off the licensed premises, but only in original
47 containers; provided, however, that this license shall be issued only for
48 premises operated and conducted by the licensee as a bona fide

1 grocery store, meat market, meat and grocery store, delicatessen, or
2 other type of bona fide food store at which groceries or other
3 foodstuffs are sold at retail; and provided further that this license shall
4 not be issued except for premises at which the sale of groceries or
5 other foodstuffs is the primary and principal business and at which the
6 sale of alcoholic beverages is merely incidental and subordinate
7 thereto. The fee for this license shall be fixed by the governing body
8 or board of the municipality in which the licensed premises are
9 situated, by ordinance, at not less than \$31 and not more than \$63.
10 The governing board or body of each municipality may, by ordinance,
11 enact that no limited retail distribution license shall be granted within
12 its respective municipality.

13 Plenary retail transit license. 4. The holder of this license shall be
14 entitled, subject to rules and regulations, to sell any alcoholic
15 beverages, for consumption only, on railroad trains, airplanes,
16 limousines and boats, while in transit. The fee for this license for use
17 by a railroad or air transport company shall be \$375, for use by the
18 owners of limousines shall be \$31 per vehicle, and for use on a boat
19 shall be \$63 on a boat 65 feet or less in length, \$125 on a boat more
20 than 65 feet in length but not more than 110 feet in length, and \$375
21 on a boat more than 110 feet in length; such boat lengths shall be
22 determined in the manner prescribed by the Bureau of Customs of the
23 United States Government or any federal agency successor thereto for
24 boat measurement in connection with issuance of marine documents.
25 A license issued under this provision to a railroad or air transport
26 company shall cover all railroad cars and planes operated by any such
27 company within the State of New Jersey. A license for a boat or
28 limousine issued under this provision shall apply only to the particular
29 boat or limousine for which issued, and shall permit the purchase of
30 alcoholic beverages for sale or service in a boat or limousine to be
31 made from any Class A and B licensee or from any Class C licensee
32 whose license privilege permits the sale of alcoholic beverages in
33 original containers for off-premises consumption. An interest in a
34 plenary retail transit license issued in accordance with this section
35 shall be excluded in determining the maximum number of retail
36 licenses permitted under P.L.1962, c.152 (C.33:1-12.31 et seq.).

37 Club license. 5. The holder of this license shall be entitled, subject
38 to rules and regulations, to sell any alcoholic beverages but only for
39 immediate consumption on the licensed premises and only to bona fide
40 club members and their guests. The fee for this license shall be fixed
41 by the governing board or body of the municipality in which the
42 licensed premises are situated, by ordinance, at not less than \$63 and
43 not more than \$188. The governing board or body of each
44 municipality may, by ordinance, enact that no club licenses shall be
45 granted within its respective municipality. Club licenses may be
46 issued only to such corporations, associations and organizations as are
47 operated for benevolent, charitable, fraternal, social, religious,
48 recreational, athletic, or similar purposes, and not for private gain, and

1 which comply with all conditions which may be imposed by the
2 Director of the Division of Alcoholic Beverage Control by rules and
3 regulations.

4 The provisions of section 23 of P.L.2003, c.117 amendatory of this
5 section shall apply to licenses issued or transferred on or after July 1,
6 2003, and to license renewals commencing on or after July 1, 2003.

7 Sporting facility license. 6. The holder of this license shall be
8 entitled, subject to rules and regulations, to sell at retail or to serve any
9 alcoholic beverages as the owner, operator, lessee, or concessionaire of
10 a sporting facility by the glass or other receptacle or in original
11 containers only on the premises of the sporting facility.

12 Notwithstanding any other provision of Title 33 of the Revised
13 Statutes and subject to conditions established by the director, the
14 holder of this license may share direction and control of the premises
15 to be licensed and share proceeds and profits from the sale of alcoholic
16 beverages with the owner, operator, concessionaire, or lessee of the
17 facility. The holder of this license shall be permitted to conduct
18 consumer wine, beer, and spirits tasting events and samplings for a fee
19 or on a complimentary basis provided, however, the license holder
20 complies with the provisions of section 3 of P.L.2009, c.216 (C.33:1-
21 12d) and rules and regulations promulgated thereto. Notwithstanding
22 any law, rule or regulation to the contrary, the holder of this license
23 shall be entitled to establish an all-inclusive area within the licensed
24 sporting facility, provided the all-inclusive area is limited to one area
25 within the sporting facility for each game or event and the capacity of
26 the all-inclusive area does not exceed 500 persons.

27 The fee for this license shall be \$2,500 for venues with a capacity
28 of less than 7,500 persons; \$5,000 for venues with a capacity of not
29 less than 7,500 persons but not more than 14,999 persons; \$7,500 for
30 venues with a capacity of not less than 15,000 persons but not more
31 than 22,499 persons; and \$10,000 for venues with a capacity of 22,500
32 persons or more.

33 For the purposes of this subsection:

34 "Sporting facility" means a stadium, arena, team training facility,
35 or similar venue located on public property where alcoholic beverages
36 are served or sold at retail for consumption on the premises by the
37 glass or other open receptacle or in original containers.

38 "Team training facility" shall include team offices and team
39 headquarters.²

40 (cf: P.L.2018, c.147, s.1)

41

42 ²⁷. Section 41 of P.L.2021, c.16 (C.24:6I-50) is amended to read
43 as follows:

44 41. Cannabis Regulatory, Enforcement Assistance, and
45 Marketplace Modernization Fund.

46 a. All fees and penalties collected by the commission, and all
47 tax revenues on retail sales of cannabis items, and all tax revenues
48 collected pursuant to the provisions of the "Jake Honig

1 Compassionate Use Medical Cannabis Act," P.L.2009, c.307
2 (C.24:6I-1 et al.), except for amounts credited to the Property Tax
3 Reform Account in the Property Tax Relief Fund pursuant to
4 paragraph 7 of Section I of Article VIII of the New Jersey
5 Constitution, [as well as] all revenues, if any, collected for the
6 Social Equity Excise Fee pursuant to section 39 of P.L.2021, c.16
7 (C.54:47F-1), ³[as well as]³ all tax revenues on the retail sale of
8 intoxicating hemp beverages by any plenary retail distribution
9 license holder ³, as well as any fees associated with the approval
10 provided to any plenary wholesale license holder to sell intoxicating
11 hemp beverages³, as defined pursuant to section 5 of P.L. _____, c.
12 (C. _____) (pending before the Legislature as this bill), shall be
13 deposited in a special nonlapsing fund which shall be known as the
14 "Cannabis Regulatory, Enforcement Assistance, and Marketplace
15 Modernization Fund," with 15 percent of the monies deposited
16 being placed into an account within the fund to be known as the
17 "Underage Deterrence and Prevention Account."

18 b. Monies in the fund, other than any monies derived from the
19 Social Equity Excise Fee to be appropriated annually in accordance
20 with subsection d. of this section and the monies placed into the
21 "Underage Deterrence and Prevention Account" within the fund for
22 the commission to fund programs and services in accordance with
23 subsection e. of this section, shall be appropriated annually as
24 follows:

25 (1) at least 70 percent of all tax revenues on retail sales of
26 cannabis items shall be appropriated for investments, including
27 through grants, loans, reimbursements of expenses, and other
28 financial assistance, in municipalities defined as an "impact zone"
29 pursuant to section 3 of P.L.2021, c.16 (C.24:6I-33), as well as
30 provide direct financial assistance to qualifying persons residing
31 therein as recommended by the commission; and (2) the remainder
32 of the monies in the fund shall be appropriated by the Legislature to
33 include the following:

34 (a) to oversee the development, regulation, and enforcement of
35 activities associated with the personal use of cannabis pursuant to
36 P.L.2021, c.16 (C.24:6I-31 et al.), and assist with assuming
37 responsibility from the Department of Health for the further
38 development and expansion, regulation, and enforcement of
39 activities associated with the medical use of cannabis pursuant to
40 the "Jake Honig Compassionate Use Medical Cannabis Act,"
41 P.L.2009, c.307 (C.24:6I-1 et al.) and P.L.2015, c.158 (C.18A:40-
42 12.22 et al.);

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

1 police officer with a working dog as that term is defined in section
2 1 of P.L.2006, c.88 (C.10:5-29.7), as a Drug Recognition Expert for
3 detecting, identifying, and apprehending drug-impaired motor
4 vehicle operators, and pay for the same training costs incurred by
5 the Division of State Police in the Department of Law and Public
6 Safety for the training of a State police officer or trooper, including
7 an officer or trooper with a working dog, as a Drug Recognition
8 Expert, as well as its costs in furnishing additional program
9 instructors to provide Drug Recognition Expert training to police
10 officers, troopers, and working dogs. A municipality or county
11 seeking reimbursement shall apply to the commission, itemizing the
12 costs, with appropriate proofs, for which reimbursement is
13 requested and provide a copy of the certificate issued to the police
14 officer to indicate the successful completion of the program by the
15 police officer, and that officer's working dog, if applicable; and

16 (c) for further investments, including through grants, loans,
17 reimbursements of expenses, and other financial assistance, in
18 municipalities defined as an "impact zone" pursuant to section 3 of
19 P.L.2021, c.16 (C.24:6I-33), as well as provide direct financial
20 assistance to qualifying persons residing therein as recommended
21 by the commission.

22 The monies appropriated pursuant to paragraph (1) of this
23 subsection shall be offset by any revenue constitutionally dedicated
24 to municipalities defined as an "impact zone" pursuant to section 3
25 of P.L.2021, c.16 (C.24:6I-33).

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 State
30 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.2021, c.16 (C.54:47F-1), or, if the
35 commission has not imposed or adjusted the excise fee in the
36 current fiscal year pursuant to that section, then appropriations to be
37 made from the General Fund in an amount equal to the revenues
38 that would have been collected had it imposed or adjusted the fee,
39 in order to invest, through grants, loans, reimbursements of
40 expenses, and other financial assistance, in private for-profit and
41 non-profit organizations, public entities, including any municipality
42 defined as an "impact zone" pursuant to section 3 of P.L.2021, c.16
43 (C.24:6I-33) as well as provide direct financial assistance to
44 qualifying persons as determined by the commission, in order to
45 create, expand, or promote educational and economic opportunities
46 and activities, and the health and well-being of both communities
47 and individuals.

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

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

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

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

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

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

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

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

43 e. The monies deposited in the "Underage Deterrence and
44 Prevention Account" within the fund shall be used by the
45 commission, based on the acceptance of applications submitted on a
46 form and through an approval or denial process promulgated by the
47 commission, to fund private for-profit and non-profit organizations,
48 and county and municipal programs and services that offer social

1 services, educational, recreational, and employment opportunities,
2 and local economic development designed to encourage, improve,
3 and support youthful community activities to divert and prevent
4 persons under 18 years of age from activities associated with the
5 consumption of cannabis items, or marijuana or hashish.²

6 (cf: P.L.2021, c.25, s.5)

7
8 ²[5.] 8.² (New section) a. A person who sells, offers for sale, or
9 distributes any intoxicating hemp product or a hemp product or
10 cannabis item that is not derived from naturally occurring biologically
11 active chemical constituents, in violation of section 4 of P.L. , c.
12 (C.) (pending before the Legislature as this bill), shall be liable to
13 a civil penalty of not less than \$100 for the first violation, not less than
14 \$1,000 for the second violation, and not less than \$10,000 for the third
15 and each subsequent violation. The penalty prescribed by this section
16 shall be collected and enforced by summary proceedings under the
17 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et
18 seq.).

19 b. An official authorized by statute or ordinance to enforce this act
20 or the State or local health codes or consumer protection laws or a law
21 enforcement officer having enforcement authority in that municipality
22 may issue a summons for a violation of the provisions of section 4 of
23 P.L. , c. (C.) (pending before the Legislature as this bill), and
24 may serve and execute all process with respect to the enforcement of
25 this section consistent with the Rules of Court.

26 c. A penalty recovered under the provisions of this section shall be
27 recovered by and in the name of the State by the local health or
28 consumer protection agency or other authorized government entity,
29 including but not limited to the Division of Consumer Affairs in the
30 Department of Law and Public Safety and the Cannabis Regulatory
31 Commission established pursuant to section 31 of P.L.2019, c.153
32 (C.24:6I-24). With respect to an enforcement action brought by a
33 municipal official, half of any monetary penalty shall be paid into the
34 treasury of the municipality in which the violation occurred for the
35 general uses of the municipality, and half shall be deposited in the
36 special nonlapsing fund known as the "Cannabis Regulatory,
37 Enforcement Assistance, and Marketplace Modernization Fund,"
38 established pursuant to section 41 of P.L.2021, c.16 (C.24:6I-50).
39 With respect to an enforcement action brought by any other
40 government entity, any monetary penalty collected pursuant to P.L. ,
41 c. (C.) (pending before the Legislature as this bill) shall be
42 deposited in the special nonlapsing fund known as the "Cannabis
43 Regulatory, Enforcement Assistance, and Marketplace Modernization
44 Fund," established pursuant to section 41 of P.L.2021, c.16 (C.24:6I-
45 50).

46 d. A law enforcement officer, local health official, or other
47 government official from an agency authorized to enforce this section
48 may confiscate any intoxicating hemp product, hemp product, or

1 cannabis item that is sold, offered for sale, or distributed in violation of
2 section 4 of P.L. , , c. (C.) (pending before the Legislature as
3 this bill).

4 e. In addition to the civil penalty authorized under subsection a. of
5 this section, a business found to have committed more than two
6 violations of section 4 of P.L. , c. (C.) (pending before the
7 Legislature as this bill) or found to have committed a third or
8 subsequent violation at any individual location within one year shall be
9 deemed a public nuisance. Notwithstanding any other provision of
10 law, a municipality shall have the power to impose restrictions on the
11 operation, including closure, of any business determined to constitute a
12 public nuisance pursuant to this subsection.

13 ²f. The provisions of P.L. , c. (C.) (pending before the
14 Legislature as this bill) shall not be construed to impose liability on
15 news media that accept, publish, or both, advertising for products or
16 services that fall within the scope of P.L. , c. (C.) (pending
17 before the Legislature as this bill).²

18

19 ²9. Section 40 of P.L.2021, c.16 (C.40:48I-1) is amended to read
20 as follows:

21 40. Optional Local Cannabis Transfer Tax and User Tax.

22 a. (1) A municipality may adopt an ordinance imposing a transfer
23 tax on the sale of cannabis or cannabis items by a cannabis
24 establishment or a holder of a ³plenary wholesale license or³
25 plenary retail distribution license selling an intoxicating hemp
26 beverage in accordance with section 5 of P.L. , c. (C.)
27 (pending before the Legislature as this bill) that is located in the
28 municipality. At the discretion of the municipality, the tax may be
29 imposed on: receipts from the sale of cannabis by a cannabis
30 cultivator to another cannabis cultivator; receipts from the sale of
31 cannabis items from one cannabis establishment to another cannabis
32 establishment; receipts from the retail sales of cannabis items or
33 intoxicating hemp beverages by a cannabis retailer or a holder of a
34 ³plenary wholesale license or³ plenary retail distribution license to
35 retail consumers who are 21 years of age or older; or any
36 combination thereof. Each municipality shall set its own rate or
37 rates, but in no case shall a rate exceed: two percent of the receipts
38 from each sale by a cannabis cultivator; two percent of the receipts
39 from each sale by a cannabis manufacturer; one percent of the
40 receipts from each sale by a cannabis wholesaler; and two percent
41 of the receipts from each sale by a cannabis retailer or holder of a
42 ³plenary wholesale license or³ plenary retail distribution license.

43 (2) A local tax ordinance adopted pursuant to paragraph (1) of
44 this subsection shall also include provisions for imposing a user tax,
45 at the equivalent transfer tax rates, on any concurrent license
46 holder, as permitted by section 33 of P.L.2021, c.16 (C.24:6I-46),
47 operating more than one cannabis establishment , or on any

1 concurrent holder of ³plenary wholesale licenses or³ plenary retail
2 distribution licenses. The user tax shall be imposed on the value of
3 each transfer or use of cannabis or cannabis items not otherwise
4 subject to the transfer tax imposed pursuant to paragraph (1) of this
5 subsection, from the license holder's establishment that is located in
6 the municipality to any of the other license holder's establishments,
7 whether located in the municipality or another municipality.

8 b. (1) A transfer tax or user tax imposed pursuant to this section
9 shall be in addition to any other tax imposed by law. Any
10 transaction for which the transfer tax or user tax is imposed, or
11 could be imposed, pursuant to this section, other than those which
12 generate receipts from the retail sales by cannabis retailers or a
13 holder of a ³plenary wholesale license or³ plenary retail distribution
14 license, shall be exempt from the tax imposed under the "Sales and
15 Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.). The transfer tax
16 or user tax shall be collected or paid, and remitted to the
17 municipality by the cannabis establishment or the holder of the
18 ³plenary wholesale license or³ plenary retail distributor license from
19 the cannabis establishment ³, plenary wholesale license holder,³ or
20 plenary retail distributor purchasing or receiving the cannabis or
21 cannabis item, or from the consumer at the point of sale, on behalf
22 of the municipality by the cannabis retailer ³, plenary wholesale
23 license holder,³ or plenary retail distributor selling the cannabis
24 item to that consumer. The transfer tax or user tax shall be stated,
25 charged, and shown separately on any sales slip, invoice, receipt, or
26 other statement or memorandum of the price paid or payable, or
27 equivalent value of the transfer, for the cannabis or cannabis item.

28 (2) Every cannabis establishment ³, plenary wholesale license
29 holder,³ or plenary retail distributor required to collect a transfer tax
30 or user tax imposed by ordinance pursuant to this section shall be
31 personally liable for the transfer tax or user tax imposed, collected,
32 or required to be collected under this section. Any cannabis
33 establishment ³, plenary wholesale license holder,³ or plenary retail
34 distributor shall have the same right with respect to collecting the
35 transfer tax or user tax from another cannabis establishment ,
36 plenary retail distributor ³, plenary whole license holder,³ or the
37 consumer as if the transfer tax or user tax was a part of the sale and
38 payable at the same time, or with respect to non-payment of the
39 transfer tax or user tax by the cannabis establishment, plenary retail
40 distributor ³, plenary whole license holder,³ or consumer, as if the
41 transfer tax or user tax was a part of the purchase price of the
42 cannabis or cannabis item, or equivalent value of the transfer of the
43 cannabis or cannabis item, and payable at the same time; provided,
44 however, that the chief fiscal officer of the municipality which
45 imposes the transfer tax or user tax shall be joined as a party in any
46 action or proceeding brought to collect the transfer tax or user tax.

1 (3) No cannabis establishment ³, plenary wholesale license
2 holder,³ or plenary retail distributor required to collect a transfer tax
3 or user tax imposed by ordinance pursuant to this section shall
4 advertise or hold out to any person or to the public in general, in
5 any manner, directly or indirectly, that the transfer tax or user tax
6 will not be separately charged and stated to another cannabis
7 establishment, plenary retail distributor, ³, plenary whole license
8 holder,³ or the consumer, or that the transfer tax or user tax will be
9 refunded to the cannabis establishment, plenary retail distributor, ³,
10 plenary whole license holder,³ or the consumer.

11 c. (1) All revenues collected from a transfer tax or user tax
12 imposed by ordinance pursuant to this section shall be remitted to
13 the chief financial officer of the municipality in a manner
14 prescribed by the municipality. The chief financial officer shall
15 collect and administer any transfer tax or user tax imposed by
16 ordinance pursuant to this section. The municipality shall enforce
17 the payment of delinquent taxes or transfer fees imposed by
18 ordinance pursuant to this section in the same manner as provided
19 for municipal real property taxes.

20 (2) (a) In the event that the transfer tax or user tax imposed by
21 ordinance pursuant to this section is not paid as and when due by a
22 cannabis establishment ³, plenary wholesale license holder,³ or
23 plenary retail distributor, the unpaid balance, and any interest
24 accruing thereon, shall be a lien on the parcel of real property
25 comprising the cannabis establishment's ³, plenary wholesale
26 license holder,³ or plenary retail distributor premises in the same
27 manner as all other unpaid municipal taxes, fees, or other charges.
28 The lien shall be superior and paramount to the interest in the parcel
29 of any owner, lessee, tenant, mortgagee, or other person, except the
30 lien of municipal taxes, and shall be on a parity with and deemed
31 equal to the municipal lien on the parcel for unpaid property taxes
32 due and owing in the same year.

33 (b) A municipality shall file in the office of its tax collector a
34 statement showing the amount and due date of the unpaid balance
35 and identifying the lot and block number of the parcel of real
36 property that comprises the delinquent cannabis establishment's ³,
37 plenary wholesale license holder,³ or plenary retail distributor
38 premises. The lien shall be enforced as a municipal lien in the same
39 manner as all other municipal liens are enforced.

40 d. As used in this section:

41 "Cannabis" means the same as that term is defined in section 3 of
42 P.L.2021, c.16 (C.24:6I-33).

43 "Cannabis cultivator" means the same as that term is defined in
44 section 3 of P.L.2021, c.16 (C.24:6I-33).

45 "Cannabis establishment" means the same as that term is defined
46 in section 3 of P.L.2021, c.16 (C.24:6I-33).

1 "Cannabis items" means the same as that term is defined in
2 section 3 of P.L.2021, c.16 (C.24:6I-33).

3 "Cannabis manufacturer" means the same as that term is defined
4 in section 3 of P.L.2021, c.16 (C.24:6I-33).

5 "Cannabis retailer" means the same as that term is defined in
6 section 3 of P.L.2021, c.16 (C.24:6I-33).

7 "Cannabis wholesaler" means the same as that term is defined in
8 section 3 of P.L.2021, c.16 (C.24:6I-33).

9 "Consumer" means the same as that term is defined in section 3
10 of P.L.2021, c.16 (C.24:6I-33).

11 "Premises" means the same as that term is defined in section 3 of
12 P.L.2021, c.16 (C.24:6I-33).²
13 (cf: P.L.2021, c.16, s.40)

14

15 ³10. R.S.33:1-11 is amended to read as follows:

16 33:1-11. Class B licenses shall be subdivided and classified as
17 follows:

18 Plenary wholesale license. 1. The holder of this license shall be
19 entitled, subject to rules and regulations, to sell and distribute
20 alcoholic beverages or intoxicating hemp beverages, in accordance
21 with section 5 of P.L. _____, c. _____ (C. _____) (pending before the
22 Legislature as this bill), to retailers and wholesalers licensed in
23 accordance with this chapter, and to sell and distribute without this
24 State to any persons pursuant to the laws of the places of such sale
25 and distribution, and to maintain a warehouse and salesroom;
26 provided, however, that the delivery of such alcoholic beverages by
27 the holder of this license to retailers licensed under this Title shall
28 be from inventory in a warehouse located in New Jersey which is
29 operated under a plenary wholesale license. The fee for this license
30 shall be \$8,750.

31 Limited wholesale license. 2a. The holder of this license shall be
32 entitled, subject to rules and regulations, to sell and distribute
33 brewed malt alcoholic beverages and naturally fermented wines to
34 retailers and wholesalers licensed in accordance with this chapter,
35 and to sell and distribute without this State to any persons pursuant
36 to the laws of the places of such sale and distribution, and to
37 maintain a warehouse and salesroom. The fee for this license shall
38 be \$1,875.

39 Wine wholesale license. 2b. The holder of this license shall be
40 entitled, subject to rules and regulations, to sell and distribute any
41 naturally fermented, treated, blended, fortified and sparkling wines
42 to retailers and wholesalers licensed in accordance with this
43 chapter, and to sell and distribute without this State to any persons
44 pursuant to the laws of the places of such sale and distribution, and
45 to maintain a warehouse and salesroom; provided, however, that the
46 delivery of such wines by the holder of this license to retailers
47 licensed under this Title shall be from inventory in a warehouse

1 located in New Jersey which is operated under a wine wholesale
2 license. The fee for this license shall be \$3,750.

3 State beverage distributor's license. 2c.(1) The holder of this
4 license shall be entitled, subject to rules and regulations, to sell and
5 distribute unchilled, brewed, malt alcoholic beverages in original
6 containers only, in quantities of not less than 144 fluid ounces and
7 chilled draught malt alcoholic beverages in kegs, barrels or other
8 similar containers of at least one fluid gallon in capacity, to retailers
9 licensed in accordance with this chapter, and to sell and distribute
10 without this State to any person pursuant to the laws of the places of
11 such sale and distribution, and to maintain a warehouse and
12 salesroom. The holder of this license may sell unchilled, brewed,
13 malt alcoholic beverages in original containers only, in quantities of
14 not less than 144 fluid ounces and chilled draught malt alcoholic
15 beverages in kegs, barrels or other similar containers of at least 7.75
16 fluid gallons in capacity, at retail; provided, however, that such
17 sales shall be made only for consumption off the licensed premises.
18 This license shall not be issued to any person holding a plenary or
19 limited brewery license, nor shall it be issued to any person directly
20 or indirectly interested in any brewery within or without this State.
21 This license shall not be issued for premises in or upon which any
22 retail business, except the sale of malt alcoholic beverages and
23 nonalcoholic beverages, is carried on. The fee for this license shall
24 be \$1,031.

25 (2) After the effective date of P.L.1995, c. 309 any license
26 issued or transferred pursuant to this subsection for a premises
27 located in a municipality in a county of the fifth or sixth class shall
28 be limited to prohibit retail sales.

29 (3) The holder of a license issued pursuant to this subsection
30 shall not be entitled to sell malt alcoholic beverages at retail as
31 provided in paragraph (1) of this subsection, at hours of the day or
32 on days of the week during which sales by holders of plenary retail
33 distributors licenses are prohibited in the municipality in which the
34 licensed premises is located or in a municipality which, in
35 accordance with the provisions of this title, prohibits all retail sales
36 of wine and malt alcoholic beverages in original bottle or can
37 containers.

38 The provisions of section 22 of P.L.2003 , c.117 amendatory of
39 this section shall apply to licenses issued or transferred on or after
40 July 1, 2003, and to license renewals commencing on or after July
41 1, 2003.³

42 (cf: P.L.2003, c.117, s.22)

43
44 ²~~6.~~ ³~~10.~~ ²~~11.~~ ³ (New section) The Cannabis Regulatory
45 Commission, in consultation with the Division of Consumer Affairs in
46 the Department of Law and Public Safety ²~~and~~ ² the Business
47 Action Center in the Department of State, ²~~and the Division of~~
48 Alcoholic Beverage Control in the Department of Law and Public

1 Safety² shall develop and implement a public education program to
2 educate businesses across the State on the provisions of P.L. , c.
3 (C.) (pending before the Legislature as this bill).

4
5 ²~~[7.]~~ ³~~[11.]~~ ²~~12.~~ ³ ²Paragraph (2) of subsection b. of section 4
6 and section 6 of this act shall take effect immediately. The remainder
7 of this act shall take effect 180 days after enactment, except that the
8 Cannabis Regulatory Commission may take any anticipatory
9 administrative action in advance as shall be necessary for the
10 implementation of this act] This act shall take effect as follows:

11 a. Paragraph (2) of subsection b. of section 4 shall take effect
12 immediately;

13 b. The remainder of this act shall take effect 30 days after
14 enactment, except that the Cannabis Regulatory Commission may take
15 any anticipatory administrative action in advance as shall be necessary
16 for the implementation of this act².

17
18
19
20
21 _____
22 Regulates production and sale of certain intoxicating hemp
products.