

[First Reprint]

SENATE, No. 3235

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED MAY 13, 2024

Sponsored by:

Senator M. TERESA RUIZ

District 29 (Essex and Hudson)

Senator PAUL D. MORIARTY

District 4 (Atlantic, Camden and Gloucester)

SYNOPSIS

Regulates production and sale of certain intoxicating hemp products.

CURRENT VERSION OF TEXT

As reported by the Senate Judiciary Committee on May 16, 2024, with amendments.



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

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

41 "Hemp product" means a finished product with a **【delta-9】 total**
42 tetrahydrocannabinol concentration of not more than 0.3 percent, and
43 not more than 0.5 milligrams of total THC per serving and 2.5
44 milligrams of total THC per package, that is derived from or made by
45 processing a hemp plant or plant part and prepared in a form available

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.

1 for commercial sale. The term includes cosmetics, personal care
2 products, food intended for human or animal consumption, cloth,
3 cordage, fiber, fuel, paint, paper, particleboard, plastics, and any
4 product containing one or more hemp-derived cannabinoids such as
5 cannabidiol. Hemp products shall not be considered controlled
6 substances due to the presence of hemp or hemp-derived cannabinoids.
7 "Hemp product" shall not mean a cannabinoid product that is not
8 derived from naturally occurring biologically active chemical
9 constituents and shall not mean an intoxicating hemp product as
10 defined in section 3 of P.L.2021, c.16 (C.24:6I-33).

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

12 "Secretary" means the Secretary of the New Jersey Department of
13 Agriculture.

14 "Transport" means the movement or shipment of hemp by a hemp
15 producer, a person or entity authorized to produce hemp pursuant to 7
16 U.S.C. s.1639o et seq. and any state law or rule or regulation adopted
17 pursuant thereto, or a hemp producer's or authorized entity's third-
18 party carrier or agent. "Transport" shall not mean the movement or
19 shipment of hemp products.

20 "Total THC" means the total concentration of all
21 tetrahydrocannabinols in ¹[a cannabis item] hemp or a
22 hemp product¹, including delta-8, delta-9, delta-10,
23 tetrahydrocannabinolic acid and any other chemically similar
24 compound, substance, derivative, or isomer of tetrahydrocannabinol,
25 regardless of how derived or manufactured, and any other
26 cannabinoid, other than cannabidiol, identified by the Cannabis
27 Regulatory Commission, in consultation with the Department of
28 Agriculture and the Attorney General, as causing intoxication.

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

30

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

33 3. Definitions.

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

36 "Alternative treatment center" means an organization issued a
37 permit pursuant to the "Jake Honig Compassionate Use Medical
38 Cannabis Act," P.L.2009, c.307 (C.24:6I-1 et al.) to operate as a
39 medical cannabis cultivator, medical cannabis manufacturer, medical
40 cannabis dispensary, or clinical registrant, as well as any alternative
41 treatment center deemed pursuant to section 7 of that act (C.24:6I-7) to
42 concurrently hold a medical cannabis cultivator permit, a medical
43 cannabis manufacturer permit, and a medical cannabis dispensary
44 permit.

45 "Cannabis" means all parts of the plant *Cannabis sativa* L., whether
46 growing or not, the seeds thereof, and every compound, manufacture,
47 salt, derivative, mixture, or preparation of the plant or its seeds, except
48 those containing resin extracted from the plant, which are cultivated

1 and, when applicable, manufactured in accordance with P.L.2021, c.16
2 (C.24:6I-31 et al.) for use in cannabis products as set forth in this act,
3 but shall not include the weight of any other ingredient combined with
4 cannabis to prepare topical or oral administrations, food, drink, or
5 other product. "Cannabis" does not include: medical cannabis
6 dispensed to registered qualifying patients pursuant to the "Jake Honig
7 Compassionate Use Medical Cannabis Act," P.L.2009, c.307 (C.24:6I-
8 1 et al.) and P.L.2015, c.158 (C.18A:40-12.22 et al.); marijuana as
9 defined in N.J.S.2C:35-2 and applied to any offense set forth in
10 chapters 35, 35A, and 36 of Title 2C of the New Jersey Statutes, or
11 P.L.2001, c.114 (C.2C:35B-1 et seq.), or marihuana as defined in
12 section 2 of P.L.1970, c.226 (C.24:21-2) and applied to any offense set
13 forth in the "New Jersey Controlled Dangerous Substances Act,"
14 P.L.1970, c.226 (C.24:21-1 et al.); or 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 "Cannabis consumption area" means, as further described in
18 section 28 of P.L.2019, c.153 (C.24:6I-21), a designated location
19 operated by a licensed cannabis retailer or permit holder for dispensing
20 medical cannabis, for which both a State and local endorsement has
21 been obtained, that is either: (1) an indoor, structurally enclosed area
22 of the cannabis retailer or permit holder that is separate from the area
23 in which retail sales of cannabis items or the dispensing of medical
24 cannabis occurs; or (2) an exterior structure on the same premises as
25 the cannabis retailer or permit holder, either separate from or
26 connected to the cannabis retailer or permit holder, at which cannabis
27 items or medical cannabis either obtained from the retailer or permit
28 holder, or brought by a person to the consumption area, may be
29 consumed.

30 "Cannabis cultivator" means any licensed person or entity that
31 grows, cultivates, or produces cannabis in this State, and sells, and
32 may transport, this cannabis to other cannabis cultivators, or usable
33 cannabis to cannabis manufacturers, cannabis wholesalers, or cannabis
34 retailers, but not to consumers. This person or entity shall hold a Class
35 1 Cannabis Cultivator license.

36 "Cannabis delivery service" means any licensed person or entity
37 that provides courier services for consumer purchases of cannabis
38 items and related supplies fulfilled by a cannabis retailer in order to
39 make deliveries of the cannabis items and related supplies to that
40 consumer, and which services include the ability of a consumer to
41 purchase the cannabis items directly through the cannabis delivery
42 service, which after presenting the purchase order to the cannabis
43 retailer for fulfillment, is delivered to that consumer. This person or
44 entity shall hold a Class 6 Cannabis Delivery license.

45 "Cannabis distributor" means any licensed person or entity that
46 transports cannabis in bulk intrastate from one licensed cannabis
47 cultivator to another licensed cannabis cultivator, or transports
48 cannabis items in bulk intrastate from any one class of licensed

1 cannabis establishment to another class of licensed cannabis
2 establishment, and may engage in the temporary storage of cannabis or
3 cannabis items as necessary to carry out transportation activities. This
4 person or entity shall hold a Class 4 Cannabis Distributor license.

5 "Cannabis establishment" means a cannabis cultivator, a cannabis
6 manufacturer, a cannabis wholesaler, or a cannabis retailer.

7 "Cannabis extract" means a substance obtained by separating
8 resins from cannabis by: (1) a chemical extraction process using a
9 hydrocarbon-based solvent, such as butane, hexane, or propane; (2) a
10 chemical extraction process using the hydrocarbon-based solvent
11 carbon dioxide, if the process uses high heat or pressure; or (3) any
12 other process identified by the Cannabis Regulatory Commission by
13 rule or regulation.

14 "Cannabis flower" means the flower of the plant *Cannabis sativa*
15 L. within the plant family Cannabaceae.

16 "Cannabis item" means any usable cannabis, cannabis product,
17 cannabis extract, intoxicating hemp product, and any other cannabis
18 resin. "Cannabis item" does not include: any form of medical cannabis
19 dispensed to registered qualifying patients pursuant to the "Jake Honig
20 Compassionate Use Medical Cannabis Act," P.L.2009, c.307 (C.24:6I-
21 1 et al.) and P.L.2015, c.158 (C.18A:40-12.22 et al.); or hemp or a
22 hemp product cultivated, handled, processed, transported, or sold
23 pursuant to the "New Jersey Hemp Farming Act," P.L.2019, c.238
24 (C.4:28-6 et al.).

25 "Cannabis leaf" means the leaf of the plant *Cannabis sativa* L.
26 within the plant family Cannabaceae.

27 "Cannabis manufacturer" means any licensed person or entity that
28 processes cannabis items in this State by purchasing or otherwise
29 obtaining usable cannabis, manufacturing, preparing, and packaging
30 cannabis items, and selling, and optionally transporting, these items to
31 other cannabis manufacturers, cannabis wholesalers, or cannabis
32 retailers, but not to consumers. This person or entity shall hold a Class
33 2 Cannabis Manufacturer license."

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

45 "Cannabis product" means a product containing usable cannabis,
46 cannabis extract, or any other cannabis resin and other ingredients
47 intended for human consumption or use, including a product intended
48 to be applied to the skin or hair, edible cannabis products, ointments,

1 and tinctures. "Cannabis product" does not include: (1) usable
2 cannabis by itself; or (2) cannabis extract by itself; or (3) any other
3 cannabis resin by itself.

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

19 "Cannabis retailer" means any licensed person or entity that
20 purchases or otherwise obtains usable cannabis from cannabis
21 cultivators and cannabis items from cannabis manufacturers or
22 cannabis wholesalers, and sells these to consumers from a retail store,
23 and may use a cannabis delivery service or a certified cannabis handler
24 for the off-premises delivery of cannabis items and related supplies to
25 consumers. A cannabis retailer shall also accept consumer purchases
26 to be fulfilled from its retail store that are presented by a cannabis
27 delivery service which will be delivered by the cannabis delivery
28 service to that consumer. This person or entity shall hold a Class 5
29 Cannabis Retailer license.

30 "Cannabis testing facility" means an independent, third-party entity
31 meeting accreditation requirements established by the Cannabis
32 Regulatory Commission that is licensed to analyze and certify
33 cannabis items and medical cannabis for compliance with applicable
34 health, safety, and potency standards.

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

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

43 "Conditional license" means a temporary license designated as
44 either a Class 1 Cannabis Cultivator license, a Class 2 Cannabis
45 Manufacturer license, a Class 3 Cannabis Wholesaler license, a Class 4
46 Cannabis Distributor license, a Class 5 Cannabis Retailer license, or a
47 Class 6 Cannabis Delivery license that allows the holder to lawfully
48 act as a cannabis cultivator, cannabis manufacturer, cannabis

1 wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery
2 service as the case may be, which is issued pursuant to an abbreviated
3 application process, after which the conditional license holder shall
4 have a limited period of time in which to become fully licensed by
5 satisfying all of the remaining conditions for licensure which were not
6 required for the issuance of the conditional license.

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

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

13 "Delivery" means the transportation of cannabis items and related
14 supplies to a consumer. "Delivery" also includes the use by a licensed
15 cannabis retailer of any third party technology platform to receive,
16 process, and fulfill orders by consumers, which third party shall not be
17 required to be a licensed cannabis establishment, distributor, or
18 delivery service, provided that any physical acts in connection with
19 fulfilling the order and delivery shall be accomplished by a certified
20 cannabis handler performing work for or on behalf of the licensed
21 cannabis retailer, which includes a certified cannabis handler
22 employed or otherwise working on behalf of a cannabis delivery
23 service making off-premises deliveries of consumer purchases fulfilled
24 by that cannabis retailer.

25 "Department" means the Department of Health.

26 "Director" means the Director of the Office of Minority, Disabled
27 Veterans, and Women Cannabis Business Development in the
28 Cannabis Regulatory Commission.

29 "Executive director" means the executive director of the Cannabis
30 Regulatory Commission.

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

34 "Immature cannabis plant" means a cannabis plant that is not
35 flowering.

36 "Impact zone" means any municipality, based on past criminal
37 marijuana enterprises contributing to higher concentrations of law
38 enforcement activity, unemployment, and poverty, or any combination
39 thereof, within parts of or throughout the municipality, that:

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

43 (2) based upon data for calendar year 2019, ranks in the top 40
44 percent of municipalities in the State for marijuana- or hashish-related
45 arrests for violation of paragraph (4) of subsection a. of N.J.S.2C:35-
46 10; has a crime index total of 825 or higher based upon the indexes
47 listed in the annual Uniform Crime Report by the Division of State
48 Police; and has a local average annual unemployment rate that ranks in

1 the top 15 percent of all municipalities, based upon average annual
2 unemployment rates estimated for the relevant calendar year by the
3 Office of Research and Information in the Department of Labor and
4 Workforce Development;

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

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

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

26 (b) with a population of not less than 60,000 or more than 80,000
27 according to the most recently compiled federal decennial census; has
28 a crime index total of 650 or higher based upon the indexes listed in
29 the 2019 annual Uniform Crime Report; and for calendar year 2019
30 has a local average annual unemployment rate of 3.0 percent or higher
31 using the same estimated annual unemployment rates.

32 “Intoxicating hemp product” means any product cultivated,
33 derived, or manufactured from hemp regulated pursuant to the
34 “Agricultural Improvement Act of 2018,” Pub.L.115-334 or the “New
35 Jersey Hemp Farming Act,” P.L.2019, c.238 (C.4:28-6 et al.) that is
36 sold in this State that has a concentration of total THC greater than 0.5
37 milligrams per serving or 2.5 milligrams per package. “Intoxicating
38 hemp product” shall not include a cannabinoid product that is not
39 derived from naturally occurring biologically active chemical
40 constituents and shall not include hemp products as defined in section
41 3 of P.L.2019, c.238 (C.4:28-8).

42 "License" means a license issued under P.L.2021, c.16 (C.24:6I-31
43 et al.), including a license that is designated as either a Class 1
44 Cannabis Cultivator license, a Class 2 Cannabis Manufacturer license,
45 a Class 3 Cannabis Wholesaler license, a Class 4 Cannabis Distributor
46 license, a Class 5 Cannabis Retailer license, or a Class 6 Cannabis
47 Delivery license. The term includes a conditional license for a
48 designated class, except when the context of the provisions of

1 P.L.2021, c.16 (C.24:6I-31 et al.) otherwise intend to only apply to a
2 license and not a conditional license.

3 "Licensee" means a person or entity that holds a license issued
4 under P.L.2021, c.16 (C.24:6I-31 et al.), including a license that is
5 designated as either a Class 1 Cannabis Cultivator license, a Class 2
6 Cannabis Manufacturer license, a Class 3 Cannabis Wholesaler
7 license, a Class 4 Cannabis Distributor license, a Class 5 Cannabis
8 Retailer license, or a Class 6 Cannabis Delivery license, and includes a
9 person or entity that holds a conditional license for a designated class,
10 except when the context of the provisions of P.L.2021, c.16 (C.24:6I-
11 31 et al.) otherwise intend to only apply to a person or entity that holds
12 a license and not a conditional license.

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

16 "Manufacture" means the drying, processing, compounding, or
17 conversion of usable cannabis into cannabis products or cannabis
18 resins. "Manufacture" does not include packaging or labeling.

19 "Mature cannabis plant" means a cannabis plant that is not an
20 immature cannabis plant.

21 "Medical cannabis" means cannabis dispensed to registered
22 qualifying patients pursuant to the "Jake Honig Compassionate Use
23 Medical Cannabis Act," P.L.2009, c.307 (C.24:6I-1 et al.) and
24 P.L.2015, c.158 (C.18A:40-12.22 et al.). "Medical cannabis" does not
25 include any cannabis or cannabis item which is cultivated, produced,
26 processed, and consumed in accordance with P.L.2021, c.16 (C.24:6I-
27 31 et al.).

28 "Microbusiness" means a person or entity licensed under P.L.2021,
29 c.16 (C.24:6I-31 et al.) as a cannabis cultivator, cannabis
30 manufacturer, cannabis wholesaler, cannabis distributor, cannabis
31 retailer, or cannabis delivery service that may only, with respect to its
32 business operations, and capacity and quantity of product: (1) employ
33 no more than 10 employees; (2) operate a cannabis establishment
34 occupying an area of no more than 2,500 square feet, and in the case of
35 a cannabis cultivator, grow cannabis on an area no more than 2,500
36 square feet measured on a horizontal plane and grow above that plane
37 not higher than 24 feet; (3) possess no more than 1,000 cannabis plants
38 each month, except that a cannabis distributor's possession of cannabis
39 plants for transportation shall not be subject to this limit; (4) acquire
40 each month, in the case of a cannabis manufacturer, no more than
41 1,000 pounds of usable cannabis; (5) acquire for resale each month, in
42 the case of a cannabis wholesaler, no more than 1,000 pounds of
43 usable cannabis, or the equivalent amount in any form of
44 manufactured cannabis product or cannabis resin, or any combination
45 thereof; and (6) acquire for retail sale each month, in the case of a
46 cannabis retailer, no more than 1,000 pounds of usable cannabis, or the
47 equivalent amount in any form of manufactured cannabis product or
48 cannabis resin, or any combination thereof.

1 "Noncommercial" means not dependent or conditioned upon the
2 provision or receipt of financial consideration.

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

13 "Produce" means the planting, cultivation, growing or harvesting
14 of cannabis. "Produce" does not include the drying of cannabis by a
15 cannabis manufacturer, if the cannabis manufacturer is not otherwise
16 manufacturing cannabis.

17 "Public place" means any place to which the public has access that
18 is not privately owned; or any place to which the public has access
19 where alcohol consumption is not allowed, including, but not limited
20 to, a public street, road, thoroughfare, sidewalk, bridge, alley, plaza,
21 park, playground, swimming pool, shopping area, public transportation
22 facility, vehicle used for public transportation, parking lot, public
23 library, or any other public building, structure, or area.

24 "Radio" means a system for transmitting sound without visual
25 images, and includes broadcast, cable, on-demand, satellite, or Internet
26 programming. "Radio" includes any audio programming downloaded
27 or streamed via the Internet.

28 "Significantly involved person" means a person or entity who
29 holds at least a five percent investment interest in a proposed or
30 licensed cannabis cultivator, cannabis manufacturer, cannabis
31 wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery
32 service, or who is a decision making member of a group that holds at
33 least a 20 percent investment interest in a proposed or licensed
34 cannabis cultivator, cannabis manufacturer, cannabis wholesaler,
35 cannabis distributor, cannabis retailer, or cannabis delivery service, in
36 which no member of that group holds more than a five percent interest
37 in the total group investment interest, and the person or entity makes
38 controlling decisions regarding the proposed or licensed cannabis
39 cultivator, cannabis manufacturer, cannabis wholesaler, cannabis
40 distributor, cannabis retailer, or cannabis delivery service operations.

41 "Television" means a system for transmitting visual images and
42 sound that are reproduced on screens, and includes broadcast, cable,
43 on-demand, satellite, or Internet programming. "Television" includes
44 any video programming downloaded or streamed via the Internet.

45 "THC" means delta-9-tetrahydrocannabinol and its precursor,
46 tetrahydrocannabinolic acid, the main psychoactive chemicals
47 contained in the cannabis plant.

1 “Total THC” means the total concentration of all
2 tetrahydrocannabinols in ¹[a cannabis item] hemp or a hemp
3 product¹, including delta-8, delta-9, delta-10, tetrahydrocannabinolic
4 acid and any other chemically similar compound, substance,
5 derivative, or isomer of tetrahydrocannabinol, regardless of how
6 derived or manufactured, and any other cannabinoid, other than
7 cannabidiol, identified by the Cannabis Regulatory Commission, in
8 consultation with the Department of Agriculture and the Attorney
9 General, as causing intoxication.

10 "Usable cannabis" means the dried leaves and flowers of the
11 female plant Cannabis sativa L., and does not include the seedlings,
12 seeds, stems, stalks, or roots of the plant.

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

14

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

17 5. a. Tests. The director shall place a substance in
18 Schedule I if he finds that the substance: (1) has high potential for
19 abuse; and (2) has no accepted medical use in treatment in the
20 United States; or lacks accepted safety for use in treatment under
21 medical supervision.

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

27 c. Any of the following opiates, including their isomers, esters,
28 and ethers, unless specifically excepted, whenever the existence of
29 such isomers, esters, ethers and salts is possible within the specific
30 chemical designation:

- 31 (1) Acetylmethadol
- 32 (2) Allylprodine
- 33 (3) Alphacetylmethadol
- 34 (4) Alphameprodine
- 35 (5) Alphamethadol
- 36 (6) Benzethidine
- 37 (7) Betacetylmethadol
- 38 (8) Betameprodine
- 39 (9) Betamethadol
- 40 (10) Betaprodine
- 41 (11) Clonitazene
- 42 (12) Dextromoramide
- 43 (13) Dextrophan
- 44 (14) Diampromide
- 45 (15) Diethylthiambutene
- 46 (16) Dimenoxadol
- 47 (17) Dimepheptanol
- 48 (18) Dimethylthiambutene

- 1 (19) Dioxaphetyl butyrate
- 2 (20) Dipipanone
- 3 (21) Ethylmethylthiambutene
- 4 (22) Etonitazene
- 5 (23) Etoxeridine
- 6 (24) Furethidine
- 7 (25) Hydroxypethidine
- 8 (26) Ketobemidone
- 9 (27) Levomoramide
- 10 (28) Levophenacymorphan
- 11 (29) Morpheridine
- 12 (30) Noracymethadol
- 13 (31) Norlevorphanol
- 14 (32) Normethadone
- 15 (33) Norpipanone
- 16 (34) Phenadoxone
- 17 (35) Phenampromide
- 18 (36) Phenomorphan
- 19 (37) Phenoperidine
- 20 (38) Piritramide
- 21 (39) Proheptazine
- 22 (40) Properidine
- 23 (41) Racemoramide
- 24 (42) Trimeperidine.

25 d. Any of the following narcotic substances, their salts, isomers
26 and salts of isomers, unless specifically excepted, whenever the
27 existence of such salts, isomers and salts of isomers is possible
28 within the specific chemical designation:

- 29 (1) Acetorphine
- 30 (2) Acetylcodeine
- 31 (3) Acetyldihydrocodeine
- 32 (4) Benzylmorphine
- 33 (5) Codeine methylbromide
- 34 (6) Codeine-N-Oxide
- 35 (7) Cyprenorphine
- 36 (8) Desomorphine
- 37 (9) Dihydromorphine
- 38 (10) Etorphine
- 39 (11) Heroin
- 40 (12) Hydromorphanol
- 41 (13) Methyldesorphine
- 42 (14) Methylhydromorphine
- 43 (15) Morphine methylbromide
- 44 (16) Morphine methylsulfonate
- 45 (17) Morphine-N-Oxide
- 46 (18) Myorphine
- 47 (19) Nicocodeine
- 48 (20) Nicomorphine

- 1 (21) Normorphine
- 2 (22) Phoclodine
- 3 (23) Thebacon.
- 4 e. Any material, compound, mixture or preparation which
- 5 contains any quantity of the following hallucinogenic substances,
- 6 their salts, isomers and salts of isomers, unless specifically
- 7 excepted, whenever the existence of such salts, isomers, and salts of
- 8 isomers is possible within the specific chemical designation:
 - 9 (1) 3,4-methylenedioxy amphetamine
 - 10 (2) 5-methoxy-3,4-methylenedioxy amphetamine
 - 11 (3) 3,4,5-trimethoxy amphetamine
 - 12 (4) Bufotenine
 - 13 (5) Diethyltryptamine
 - 14 (6) Dimethyltryptamine
 - 15 (7) 4-methyl-2,5-dimethoxylamphetamine
 - 16 (8) Ibogaine
 - 17 (9) Lysergic acid diethylamide
 - 18 (10) **【Marihuana】** Marijuana; except that on and after the
 - 19 effective date of the "New Jersey Cannabis Regulatory,
 - 20 Enforcement Assistance, and Marketplace Modernization Act,"
 - 21 P.L.2021, c.16 (C.24:6I-31 et al.), **【marihuana】** marijuana shall no
 - 22 longer be included in Schedule I, and shall not be designated or
 - 23 rescheduled and included in any other schedule by the director
 - 24 pursuant to the director's designation and rescheduling authority set
 - 25 forth in section 3 of P.L.1970, c.226 (C.24:21-3).
 - 26 (11) Mescaline
 - 27 (12) Peyote
 - 28 (13) N-ethyl-3-piperidyl benzilate
 - 29 (14) N-methyl-3-piperidyl benzilate
 - 30 (15) Psilocybin
 - 31 (16) Psilocyn
 - 32 (17) Tetrahydrocannabinols, including those produced by way of
 - 33 manufacture, except when found in hemp or a hemp product
 - 34 cultivated, handled, processed, transported, or sold pursuant to the
 - 35 "New Jersey Hemp Farming Act," P.L.2019, c.238 (C.4:28-6 et al.),
 - 36 or cannabis or a cannabis item, as those terms are defined in section
 - 37 3 of P.L.2021, c.16 (C.24:6I-33), that is grown, cultivated,
 - 38 produced, **【or】** manufactured, or sold in accordance with the "New
 - 39 Jersey Cannabis Regulatory, Enforcement Assistance, and
 - 40 Marketplace Modernization Act," P.L.2021, c.16 (C.24:6I-31 et al.).
 - 41 (cf: P.L.2021, c.16, s.44)
 - 42
 - 43 4. (New section) a. A person shall not sell or distribute any
 - 44 intoxicating hemp product unless:
 - 45 (1) the person is licensed by the Cannabis Regulatory
 - 46 Commission in accordance with P.L.2021, c.16 (C.24:6I-31 et al.);
 - 47 and

1 (2) the product complies with the provisions of P.L.2021, c.16
2 (C.24:6I-31 et al.) and any applicable commission regulations
3 applicable to cannabis items.

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

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

11 c. In addition to any other penalty provided by law, any person
12 licensed by the commission who violates subsection a. or b. of this
13 section shall be subject to any civil penalties or fines adopted by the
14 commission in accordance with P.L.2021, c.16 (C.24:6I-31 et al.).

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

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

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

37 (2) The imposition of any fine or other remedy under this act
38 shall not preclude prosecution for a violation of the criminal laws of
39 this State.

40

41 5. (New section) a. A person who sells, offers for sale, or
42 distributes any intoxicating hemp product or a hemp product or
43 cannabis item that is not derived from naturally occurring
44 biologically active chemical constituents, in violation of section 4
45 of P.L. , c. (C.) (pending before the Legislature as this
46 bill), shall be liable to a civil penalty of not less than \$100 for the
47 first violation, not less than \$1,000 for the second violation, and not
48 less than \$10,000 for the third and each subsequent violation. The

1 penalty prescribed by this section shall be collected and enforced by
2 summary proceedings under the "Penalty Enforcement Law of
3 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

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

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

32 d. A law enforcement officer, local health official, or other
33 government official from an agency authorized to enforce this
34 section may confiscate any intoxicating hemp product, hemp
35 product, or cannabis item that is sold, offered for sale, or distributed
36 in violation of section 4 of P.L. . , c. (C.) (pending before
37 the Legislature as this bill).

38 e. In addition to the civil penalty authorized under subsection a.
39 of this section, a business found to have committed more than two
40 violations of section 4 of P.L. , c. (C.) (pending before the
41 Legislature as this bill) or found to have committed a third or
42 subsequent violation at any individual location within one year shall
43 be deemed a public nuisance. Notwithstanding any other provision
44 of law, a municipality shall have the power to impose restrictions
45 on the operation, including closure, of any business determined to
46 constitute a public nuisance pursuant to this subsection.

47

1 6. (New section) The Cannabis Regulatory Commission, in
2 consultation with the Division of Consumer Affairs in the
3 Department of Law and Public Safety and the Business Action
4 Center in the Department of State, shall develop and implement a
5 public education program to educate businesses across the State on
6 the provisions of P.L. , c. (C.) (pending before the
7 Legislature as this bill).

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