

SENATE, No. 4685

STATE OF NEW JERSEY
222nd LEGISLATURE

INTRODUCED OCTOBER 1, 2026

Sponsored by:
Senator BRIAN P. STACK
District 33 (Hudson)

SYNOPSIS

Prohibits law enforcement officers, first responders, CDL drivers, or persons who operate heavy equipment from engaging in recreational use of cannabis items.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning use of cannabis by certain employees,
2 amending various parts of the law, and supplementing Title 24 of
3 the Revised Statutes.

4

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

7

8 1. (New Section) a. For the purposes of this section:

9 “CDL driver” means a person who has been issued a commercial
10 driver license (CDL) as that term is defined in section 3 of
11 P.L.1990, c.103 (C.39:3-10.11) and is employed to drive a
12 commercial motor vehicle as that term is defined in section 3 of
13 P.L.1990, c.103 (C.39:3-10.11).

14 “Employer” means an entity that employs law enforcement
15 officers, first responders, CDL drivers, or persons who operate
16 heavy equipment.

17 “First responder” means a law enforcement officer; paid
18 firefighter; paid member of a duly incorporated first aid,
19 emergency, ambulance, or rescue squad association; paid
20 emergency medical technician; paid paramedic; or paid 9-1-1 first
21 responder dispatcher.

22 “Heavy equipment” means machinery that is self-propelled, self-
23 powered, or pulleyed and weighs 5,000 pounds or more, including
24 but not limited to, road-building machines, construction equipment,
25 or apparatus of unusual size or weight that require special permits
26 for transportation on public roads; or motor vehicle that requires a
27 commercial driver’s license to operate.

28 “Person who operates heavy equipment” means any person who
29 operates, navigates, or is in actual physical control of any mobile or
30 stationary heavy equipment.

31 “Law enforcement officer” means a person employed as a
32 permanent full-time member of any State, county or municipal law
33 enforcement agency, department, or division of those governments
34 who is statutorily empowered to act for the detection, investigation,
35 arrest, conviction, detention, or rehabilitation of persons violating
36 the criminal laws of this State or of the United States and statutorily
37 required to successfully complete a training course approved by the
38 Police Training Commission pursuant to P.L.1961, c.56 (C.52:17B-
39 66 et seq.), or certified by the commission as being substantially
40 equivalent to an approved course.

41 b. No person employed as a law enforcement officer, as a first
42 responder, as a CDL driver, or to operate heavy equipment shall
43 engage in the use of a cannabis item, as otherwise permitted under
44 P.L.2021, c.16 (C.24:6I-31 et al.), at any time during the course of
45 the person’s employment whether on or off duty or otherwise

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

Matter underlined thus is new matter.

1 engaged in work responsibilities. An employer may take the
2 following actions to ensure compliance:

3 (1) An employer may discharge from employment or take any
4 punitive action against an employee who is a law enforcement
5 officer, first responder, CDL driver, or a person who operates heavy
6 equipment with respect to compensation, terms, conditions, or other
7 privileges of employment if that person uses cannabis items, as
8 otherwise permitted under P.L.2021, c.16 (C.24:6I-31 et seq.),
9 while employed by the employer. An employee who is a law
10 enforcement officer, first responder, CDL driver, or a person who
11 operates heavy equipment may be subject to adverse action by an
12 employer solely due to the presence of cannabinoid metabolites in
13 the employee's bodily fluid from engaging in conduct otherwise
14 permitted under P.L.2021, c.16 (C.24:6I-31 et al.).

15 (2) An employer may conduct random drug tests of employees to
16 ensure that employees restricted from cannabis use are in
17 compliance with the provisions of this act. The drug test shall
18 include scientifically reliable objective testing methods and
19 procedures, such as testing of blood, urine, or saliva, in order to
20 determine whether an employee who is a law enforcement officer,
21 first responder, CDL driver, or a person who operates heavy
22 equipment engaged in the use of cannabis items.

23 (3) An employer may refuse to hire a prospective law
24 enforcement officer, first responder, CDL driver, or a person who
25 operates heavy equipment due to use of cannabis items, as
26 otherwise permitted under P.L.2021, c.16 (C.24:6I-31 et al.), and
27 may employ the use of drug testing in accordance with subsection b.
28 of this section as part of pre-employment screening.

29 c. Nothing in this section shall be construed to apply to
30 employees who do not meet the definition of "CDL driver," "law
31 enforcement officer," "first responder," or a "person who operates
32 heavy equipment" as set forth in this section, or to limit any of the
33 provisions set forth in subsection b. of section 48 of P.L.2021, c.16
34 (C.24:6I-52).

35
36 2. Section 8 of P.L.2009, c.307 (C.24:6I-8) is amended to read
37 as follows:

38 8. The provisions of P.L.2009, c.307 (C.24:6I-1 et al.) and
39 P.L.2015, c.158 (C.18A:40-12.22 et al.) shall not be construed to
40 permit a person to:

41 a. operate, navigate, or be in actual physical control of any
42 vehicle, aircraft, railroad train, stationary heavy equipment or vessel
43 while under the influence of cannabis; or

44 b. smoke cannabis in a private vehicle, unless the vehicle is not
45 in operation, or in a school bus or other form of public
46 transportation, **in a private vehicle unless the vehicle is not in**
47 **operation**], on any school grounds, in any correctional facility, at

1 any public park or beach, at any recreation center, or in any place
2 where smoking is prohibited pursuant to N.J.S.2C:33-13.

3 A person who commits an act as provided in this section shall be
4 subject to such penalties as are provided by law.
5 (cf: P.L.2019, c.153, s.17)

6
7 3. Section 48 of P.L.2021, c.16 (C.24:6I-52) is amended to read
8 as follows:

9 48. Employers, Driving, Minors and Control of Property.

10 a. (1) **【No】** Except as provided in section 1 of P.L. , c. (C.)
11 (pending before the Legislature as this bill), no employer shall
12 refuse to hire or employ any person or shall discharge from
13 employment or take any adverse action against any employee with
14 respect to compensation, terms, conditions, or other privileges of
15 employment because that person does or does not smoke, vape,
16 aerosolize or otherwise use cannabis items, and an employee shall
17 not be subject to any adverse action by an employer solely due to
18 the presence of cannabinoid metabolites in the employee's bodily
19 fluid from engaging in conduct permitted under P.L.2021, c.16
20 (C.24:6I-31 et al.). However, an employer may require an
21 employee to undergo a drug test upon reasonable suspicion of an
22 employee's usage of a cannabis item while engaged in the
23 performance of the employee's work responsibilities, or upon
24 finding any observable signs of intoxication related to usage of a
25 cannabis item, or following a work-related accident subject to
26 investigation by the employer. A drug test may also be done
27 randomly by the employer, or as part of a pre-employment
28 screening, or regular screening of current employees to determine
29 use during an employee's prescribed work hours. The drug test
30 shall include scientifically reliable objective testing methods and
31 procedures, such as testing of blood, urine, or saliva, and a physical
32 evaluation in order to determine an employee's state of impairment.
33 The physical evaluation shall be conducted by an individual with
34 the necessary certification to opine on the employee's state of
35 impairment, or lack thereof, related to the usage of a cannabis item
36 in accordance with paragraph (2) of this subsection. The employer
37 may use the results of the drug test when determining the
38 appropriate employment action concerning the employee, including,
39 but not limited to dismissal, suspension, demotion, or other
40 disciplinary action.

41 (2) (a) In order to better ensure the protections for prospective
42 employees and employees against refusals to hire or employ, or
43 against being discharged or having any other adverse action taken
44 by an employer, while simultaneously supporting the authority of
45 employers to require employees undergo drug tests under the
46 circumstances set forth in paragraph (1) of this subsection, as well
47 as employer efforts to maintain a drug- and alcohol-free workplace
48 or other drug- or alcohol workplace policy as described in

1 paragraph (1) of subsection b. of this section, the commission, in
2 consultation with the Police Training Commission established
3 pursuant to section 5 of P.L.1961, c.56 (C.52:17B-70), shall
4 prescribe standards in regulation for a Workplace Impairment
5 Recognition Expert certification, to be issued to full- or part-time
6 employees, or others contracted to perform services on behalf of an
7 employer, based on education and training in detecting and
8 identifying an employee's usage of, or impairment from, a cannabis
9 item or other intoxicating substance, and for assisting in the
10 investigation of workplace accidents. The commission's regulations
11 shall also prescribe minimum curriculum courses of study for the
12 certifications, as well as standards for the commission's approval
13 and continuation of approval of non-profit and for-profit programs,
14 organizations, or schools and their instructors to offer courses of
15 study, and may include the use of a Police Training Commission
16 approved school as that term is defined in section 2 of P.L.1961,
17 c.56 (C.52:17B-67) if consented to by the Police Training
18 Commission.

19 (b) Any person who demonstrates to the commission's
20 satisfaction that the person has successfully completed a Drug
21 Recognition Expert program provided by a Police Training
22 Commission approved school, or another program or course
23 conducted by any federal, State, or other public or private agency,
24 the requirements of which are substantially equivalent to the
25 requirements established by the commission pursuant to
26 subparagraph (a) of this paragraph for a Workplace Impairment
27 Recognition Expert certification, may, at the discretion of the
28 commission, be issued this certification, subject to subsequent
29 continuation of certification approval by the commission.

30 b. Nothing in P.L.2021, c.16 (C.24:6I-31 et al.):

31 (1) (a) Requires an employer to amend or repeal, or affect,
32 restrict or preempt the rights and obligations of employers to
33 maintain a drug- and alcohol-free workplace or require an employer
34 to permit or accommodate the use, consumption, being under the
35 influence, possession, transfer, display, transportation, sale, or
36 growth of cannabis or cannabis items in the workplace, or to affect
37 the ability of employers to have policies prohibiting use of cannabis
38 items or intoxication by employees during work hours;

39 (b) If any of the provisions set forth in this paragraph or
40 subsection a. of this section result in a provable adverse impact on
41 an employer subject to the requirements of a federal contract, then
42 the employer may revise their employee prohibitions consistent
43 with federal law, rules, and regulations;

44 (2) Is intended to allow driving under the influence of cannabis
45 items or driving while impaired by cannabis items or to supersede
46 laws related to driving under the influence of marijuana or cannabis
47 items or driving while impaired by marijuana or cannabis items;

1 (3) Is intended to permit the transfer of cannabis items, with or
2 without remuneration, to a person under 21 years of age or to allow
3 a person under 21 years of age to purchase, possess, use, transport,
4 grow, or consume cannabis items, unless the person is under 21
5 years of age, but at least 18 years of age, and an employee of a
6 cannabis establishment, distributor, or delivery service acting in the
7 person's employment capacity;

8 (4) Shall, consistent with subsection c. of section 46 of
9 P.L.2021, c.16 (C.2C:35-10a), prohibit a person or entity that owns
10 or controls a property from prohibiting or otherwise regulating the
11 consumption, use, display, transfer, distribution, sale, or
12 transportation of cannabis items on or in that property, or portion
13 thereof, including a hotel property that is a casino hotel facility as
14 defined in section 19 of P.L.1977, c.110 (C.5:12-19), a casino as
15 defined in section 6 of P.L.1977, c.110 (C.5:12-6), or casino
16 simulcasting facility authorized pursuant to the "Casino
17 Simulcasting Act," P.L.1992, c.19 (C.5:12-191 et al.), provided that
18 a person or entity that owns or controls multifamily housing that is
19 a multiple dwelling as defined in section 3 of P.L.1967, c.76
20 (C.55:13A-3), the structure or specific units of the structure of a
21 cooperative as defined in section 3 of P.L.1987, c.381 (C.46:8D-
22 3), a unit of a condominium as defined in section 3 of P.L.1969,
23 c.257 (C.46:8B-3), or a site in a mobile home park as defined in
24 section 3 of P.L.1983, c.386 (C.40:55D-102), which site is leased to
25 the owner of a manufactured home, as defined in that section, that is
26 installed thereon, may only prohibit or otherwise regulate the
27 smoking, vaping, or aerosolizing, but not other consumption, of
28 cannabis items, and further provided that municipalities may not
29 prohibit delivery, possession, or consumption of cannabis items by
30 a person 21 years of age or older as permitted by section 46 of
31 P.L.2021, c.16 (C.2C:35-10a);

32 (5) Is intended to permit any person to possess, consume, use,
33 display, transfer, distribute, sell, transport, or grow or manufacture
34 cannabis or cannabis items in a school, hospital, detention facility,
35 adult correctional facility, or youth correctional facility;

36 (6) Is intended to permit the smoking, vaping, or aerosolizing of
37 cannabis items in any place that any other law prohibits the
38 smoking of tobacco, including N.J.S.2C:33-13 and the "New Jersey
39 Smoke-Free Air Act," P.L.2005, c.383 (C.26:3D-55 et seq.). Except
40 as otherwise provided by P.L.2021, c.16 (C.24:6I-31 et al.), any
41 fines or civil penalties that may be assessed for the smoking of
42 tobacco in designated places shall be applicable to the smoking,
43 vaping, or aerosolizing of cannabis items.

44 (cf: P.L.2021, c.16, s.48)

1 the person does or does not use cannabis items. Employers are
2 permitted to drug test employees based on a reasonable suspicion of
3 an employee's use of a cannabis item while engaged in the
4 performance of the employee's work responsibilities or upon
5 finding observable signs of intoxication. However, an employer
6 may not require an employee to abstain from recreational usage
7 while off-duty.

8 Under the bill, law enforcement officers, first responders, CDL
9 drivers, or persons who operate heavy equipment are prohibited
10 from using cannabis items on or off-duty. The bill provides that
11 employers of law enforcement officers, first responders, CDL
12 drivers, or persons who operate heavy equipment may discharge
13 from employment or take any adverse action against an employee
14 who is a law enforcement officer, first responder, CDL driver, or a
15 person who operates heavy equipment with respect to
16 compensation, terms, conditions, or other privileges of employment
17 if that person uses cannabis items. Additionally, the bill provides
18 that a law enforcement officer, first responder, CDL driver, or a
19 person who operates heavy equipment may be subject to adverse
20 action by an employer solely due to the presence of cannabinoid
21 metabolites in the employee's bodily fluid from engaging in
22 conduct otherwise permitted under the recreational use statute.

23 Additionally, the bill permits employers to conduct random drug
24 tests to ensure compliance with the prohibition. The drug test is
25 required to include scientifically reliable objective testing methods
26 and procedures, such as testing of blood, urine, or saliva, in order to
27 determine whether the employee has engaged in the use of cannabis
28 items.

29 The bill also permits an employer to refuse to hire a prospective
30 law enforcement officer, first responder, or a person who operates
31 heavy equipment due to use of cannabis items, as otherwise
32 permitted under the recreational use statute and employ the use of
33 drug testing as part of pre-employment screening.

34 The bill provides for definitions of law enforcement officer, first
35 responder, CDL driver, and person who operates heavy equipment.

36 Lastly, the bill amends current law to prohibit 1) the operation of
37 a commercial motor vehicle while using cannabis items, and 2) use
38 of cannabis items in a school bus or other form of public
39 transportation, while the vehicle is not in operation.