

24:21-2

LEGISLATIVE HISTORY CHECKLIST

NJSA: 24:21-2 (Controlled Dangerous Substances--amends)

LAWS OF: 1985 CHAPTER: 134

Bill No: A901

Sponsor(s): Shusted and others

Date Introduced: January 30, 1984

Committee: Assembly: Judiciary

Senate: Judiciary

Amended during passage: No Substituted for S1166 (not attached since identical to A901)

Date of Passage: Assembly: June 18, 1984

Senate: January 31, 1985

Date of Approval: April 12, 1985

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly Yes

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: ~~No~~ Yes

Following were printed:

Reports: No

Hearings: No

ASSEMBLY, No. 901  
STATE OF NEW JERSEY

INTRODUCED JANUARY 30, 1984

By Assemblymen SHUSTED, ROCCO, Assemblywoman OGDEN  
and Assemblyman GILL

AN ACT to amend the "New Jersey Controlled Dangerous Substances Act," approved October 19, 1970 (P. L. 1970, c. 226).

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. Section 2 of P. L. 1970, c. 226 (C. 24:21-2) is amended to  
2 read as follows:

3 2. Definitions. As used in this act:

4 "Administer" means the direct application of a controlled  
5 dangerous substance, whether by injection, inhalation, ingestion,  
6 or any other means, to the body of a patient or research subject  
7 by: (1) a practitioner (or, in his presence, by his lawfully autho-  
8 rized agent), or (2) the patient or research subject at the lawful  
9 direction and in the presence of the practitioner.

10 "Agent" means an authorized person who acts on behalf of or  
11 at the direction of a manufacturer, distributor, or dispenser but  
12 does not include a common or contract carrier, public warehouse-  
13 man, or employee thereof.

14 "Bureau of Narcotics and Dangerous Drugs" means the Bureau  
15 of Narcotics and Dangerous Drugs, United States Department of  
16 Justice.

17 "Commissioner" means the State Commissioner of Health.

18 "Controlled dangerous substance" means a drug, substance, or  
19 immediate precursor in Schedules I through V of article 2 of this  
20 act. The term shall not include distilled spirits, wine, malt  
21 beverages, as those terms are defined or used in R. S. 33:1-1 et seq.,  
22 or tobacco and tobacco products.

**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 printed in italics *thus* is new matter.

23 "Counterfeit substance" means a controlled dangerous substance  
24 which, or the container or labeling of which, without authorization,  
25 bears the trademark, trade name, or other identifying mark,  
26 imprint, number or device, or any likeness thereof, of a manu-  
27 facturer, distributor, or dispenser other than the person or persons  
28 who in fact manufactured, distributed or dispensed such substance  
29 and which thereby falsely purports or is represented to be the  
30 product of, or to have been distributed by, such other manufacturer,  
31 distributor, or dispenser.

32 "Deliver" or "delivery" means the actual, constructive, or at-  
33 tempted transfer from one person to another of a controlled danger-  
34 ous substance, whether or not there is an agency relationship.

35 "Dispense" means to deliver a controlled dangerous substance  
36 to an ultimate user or research subject by or pursuant to the lawful  
37 order of a practitioner, including the prescribing, administering,  
38 packaging, labeling, or compounding necessary to prepare the  
39 substance for that delivery. "Dispenser" means a practitioner  
40 who dispenses.

41 "Distribute" means to deliver other than by administering or  
42 dispensing a controlled dangerous substance. "Distributor" means  
43 a person who distributes.

44 "Drugs" means (a) substances recognized in the official United  
45 States Pharmacopoeia, official Homeopathic Pharmacopoeia of the  
46 United States, or official National Formulary, or any supplement  
47 to any of them; and (b) substances intended for use in the diagnosis,  
48 cure, mitigation, treatment, or prevention of disease in man or  
49 other animals; and (c) substances (other than food) intended to  
50 affect the structure or any function of the body of man or other  
51 animals; and (d) substances intended for use as a component of  
52 any article specified in subsections (a), (b) and (c) of this section;  
53 but does not include devices or their components, parts or  
54 accessories.

55 "Drug dependent person" means a person who is using a con-  
56 trolled dangerous substance and who is in a state of psychic or  
57 physical dependence, or both, arising from the use of that controlled  
58 dangerous substance on a continuous basis. Drug dependence is  
59 characterized by behavioral and other responses, including but not  
60 limited to a strong compulsion to take the substance on a recurring  
61 basis in order to experience its psychic effects, or to avoid the  
62 discomfort of its absence.

63 "Hashish" means the resin extracted from any part of the plant  
64 *Genus Cannabis [sativa] L. and any compound, manufacture, salt,*  
65 *derivative, mixture, or preparation of such resin.*

66 "Marihuana" means all parts of the plant *Genus Cannabis*  
67 **[sativa]** L., whether growing or not; the seeds thereof; **[the resin**  
68 **extracted from any part of such plant;]** and every compound,  
69 manufacture, salt, derivative, mixture, or preparation of such  
70 plant or its seeds **[or resin]**, *except those containing resin ex-*  
71 *tracted from such plant;* but shall not include the mature stalks of  
72 such plant, fiber produced from such stalks, oil or cake made from  
73 the seeds of such plant, any other compound, manufacture, salt,  
74 derivative, mixture, or preparation of such mature stalks **[(except**  
75 **the resin extracted therefrom)]**, fiber, oil, or cake, or the sterilized  
76 seed of such plant which is incapable of germination.

77 "Manufacture" means the production, preparation, propagation,  
78 compounding, conversion or processing of a controlled dangerous  
79 substance, either directly or by extraction from substances of  
80 natural origin, or independently by means of chemical synthesis,  
81 or by a combination of extraction and chemical synthesis, and  
82 includes any packaging or repackaging of the substance or labeling  
83 or relabeling of its container, except that this term does not include  
84 the preparation or compounding of a controlled dangerous sub-  
85 stance by an individual for his own use or the preparation, com-  
86 pounding, packaging, or labeling of a controlled dangerous sub-  
87 stance: (1) by a practitioner as an incident to his administering  
88 or dispensing of a controlled dangerous substance in the course of  
89 his professional practice, or (2) by a practitioner (or under his  
90 supervision) for the purpose of, or as an incident to, research,  
91 teaching, or chemical analysis and not for sale.

92 "Narcotic drug" means any of the following, whether produced  
93 directly or indirectly by extraction from substances of vegetable  
94 origin, or independently by means of chemical synthesis, or by a  
95 combination of extraction and chemical synthesis:

96 (a) Opium, coca leaves, and opiates;

97 (b) A compound, manufacture, salt, derivative, or preparation  
98 of opium, coca leaves, or opiates;

99 (c) A substance (and any compound, manufacture, salt, deriv-  
100 ative, or preparation thereof) which is chemically identical with  
101 any of the substances referred to in subsections (a) and (b), except  
102 that the words "narcotic drug" as used in this act shall not include  
103 decocainized coca leaves or extracts of coca leaves, which extracts  
104 do not contain cocaine or ecgonine.

105 "Official written order" means an order written on a form pro-  
106 vided for that purpose by the Attorney General of the United  
107 States or his delegate, under any laws of the United States making  
108 provisions therefor, if such order forms are authorized and re-

109 quired by the federal law, and if no such form is provided, then  
110 on an official form provided for that purpose by the State Depart-  
111 ment of Health.

112 "Opiate" means any dangerous substance having an addiction-  
113 forming or addiction-sustaining liability similar to morphine or  
114 being capable of conversion into a drug having such addiction-  
115 forming or addiction-sustaining liability. It does not include,  
116 unless specifically designated as controlled under section 3 of this  
117 act, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan  
118 and its salts (dextromethorphan). It does include its racemic and  
119 levorotatory forms.

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

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

124 "Pharmacist" means a registered pharmacist of this State.

125 "Pharmacy owner" means the owner of a store or other place  
126 of business where controlled dangerous substances are compounded  
127 or dispensed by a registered pharmacist; but nothing in this chap-  
128 ter contained shall be construed as conferring on a person who is  
129 not registered or licensed as a pharmacist any authority, right or  
130 privilege that is not granted to him by the pharmacy laws of this  
131 State.

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

134 "Practitioner" means a physician, dentist, veterinarian, scien-  
135 tific investigator, laboratory, pharmacy, hospital or other person  
136 licensed, registered, or otherwise permitted to distribute, dispense,  
137 conduct research with respect to, or administer a controlled danger-  
138 ous substance in the course of professional practice or research in  
139 this State.

140 (a) "Physician" means a physician authorized by law to practice  
141 medicine in this or any other state and any other person authorized  
142 by law to treat sick and injured human beings in this or any other  
143 state and

144 (b) "Veterinarian" means a veterinarian authorized by law to  
145 practice veterinary medicine in this State.

146 (c) "Dentist" means a dentist authorized by law to practice  
147 dentistry in this State.

148 (d) "Hospital" means any federal institution, or any institution  
149 for the care and treatment of the sick and injured, operated or  
150 approved by the appropriate State department as proper to be  
151 entrusted with the custody and professional use of controlled  
152 dangerous substances.

153 (e) "Laboratory" means a laboratory to be entrusted with the  
 154 custody of narcotic drugs and the use of controlled dangerous  
 155 substances for scientific, experimental and medical purposes and  
 156 for purposes of instruction approved by the State Department of  
 157 Health.

158 "Production" includes the manufacture, planting, cultivation,  
 159 growing, or harvesting of a controlled dangerous substance.

160 "Immediate precursor" means a substance which the State De-  
 161 partment of Health has found to be and by regulation designates  
 162 as being the principal compound commonly used or produced  
 163 primarily for use, and which is an immediate chemical intermediary  
 164 used or likely to be used in the manufacture of a controlled danger-  
 165 ous substance, the control of which is necessary to prevent, curtail,  
 166 or limit such manufacture.

167 "State" means the State of New Jersey.

168 "Ultimate user" means a person who lawfully possesses a con-  
 169 trolled dangerous substance for his own use or for the use of a  
 170 member of his household or for administration to an animal owned  
 171 by him or by a member of his household.

1 2. This act shall take effect immediately.

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#### STATEMENT

This bill would amend certain definitions in the New Jersey Controlled Dangerous Substances Act. The definition of hashish would be amended to clarify the legislative intent that it should include the compressed compound of vegetation and high concentration of resin which is known in the drug culture as hashish. The definition of marihuana is amended to make clear that hashish is not included within that term. Further amendments to both definitions make it clear that the Legislature intended that all species of Cannabis are prohibited by the act.

A 901 (1985)

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 901**

**STATE OF NEW JERSEY**

DATED: APRIL 26, 1984

Assembly Bill No. 901 amends the definitions for hashish and marihuana in the New Jersey Controlled Dangerous Substances Act. The definition of hashish is amended to clarify that it includes any compound, manufacture, salt, derivative, mixture or preparation of resin extracted from any part of the plant Genus Cannabis.

The definition of marihuana is amended to clarify that hashish is not included within that term. With the clarification of these definitions, all species of Genus Cannabis are covered by the New Jersey Controlled Dangerous Substances Act.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 901**

**STATE OF NEW JERSEY**

DATED: DECEMBER 13, 1984

This bill amends the definitions of the terms "hashish" and "marihuana" as used in the Controlled Dangerous Substances Act. Presently, "hashish" is defined as the resin extracted from any part of the plant Genus Cannabis L. The bills expand this definition to include any compound, manufacture, salt, derivative, mixture or preparation of such resin. The definition of "marihuana" is amended to clarify that hashish is not included within that term.

The definitions of the terms of "hashish" and "marihuana" affect the degree to which an offense is punishable. For example under N. J. S. 24:21-20, possession of 25 grams of marihuana is punishable by up to five years imprisonment and/or a fine of up to \$15,000.00. Possession of more than five grams of hashish is subject to the same possible punishment. Possession of less than 25 grams of marihuana or five grams of hashish is punishable as a disorderly persons offense.



## ASSEMBLY, No. 902

BILLS SIGNED  
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APRIL 12, 1985

A-3074, sponsored by Assemblyman Willie B. Brown, D-Essex, which amends the Urban Renewal Corporation and Association Law of 1961 to permit municipalities to grant tax abatements for certain new condominium construction in distressed urban areas.

A-1934, sponsored by Assemblyman John S. Penn, R-Somerset, which raises the salaries for members of the Real Estate Commission from the current level of \$4,000 per year to \$10,000 per year for members and \$15,000 for the Chairman of the Commission.

A-1648, sponsored by Assemblyman Joseph V. Doria, Jr., D-Hudson, which increases from \$40 million to \$80 million the amount of county college bonds for capital projects to which State support may be made available. State support is limited to half the amount of outstanding bonds.

A-901/S-1166, sponsored by Assemblyman Thomas J. Shusted, R-Camden, and State Senator John H. Dorsey, R-Morris, which clarifies the legal definitions of hashish and marijuana.

A-1103, sponsored by Assemblyman Joseph D. Patero, D-Somerset, which increases the ceiling for wage claims to be investigated by the Department of Labor from \$300 to \$2,000. The \$300 limit was established in 1964.

A-617, sponsored by Assemblyman Thomas J. Deverin, D-Middlesex, which establishes procedures for obtaining guardianship over mentally incompetent adults who, as minors, received services from the Division of Mental Retardation.

A-5, sponsored by Assemblyman Richard A. Zimmer, R-Hunterdon, which exempts religious and non-profit organizations participating in country or agricultural fairs from complying with the minimum wage requirements.