

January 19, 1971

LEGISLATIVE HISTORY OF R.S. 24:21-1 to 43,  
~~24:21-1 to 43~~, 2A:170-77.8 and 77.9

Copy

(Controlled dangerous substances)

(1970 Act)

(1971 Amendment)

Beginning in 1967, and reaching a floodtide in 1968, 1969 and 1970, writings appeared distinguishing marijuana from other narcotics and proposing reform of the law. During the same period, use of marijuana in America by juveniles and adults increased markedly. "Narcotics" became one of the issues high on every list of legal, medical or social problems.

Many recommendations for change were made, the major New Jersey ones are in the list which follows.

Governor's Message:

974.901 N.J. Governor (Cahill)  
G52 Drug abuse--Problem of the decade.  
Special message ... to the Legislature ...  
April 27, 1970 (copy enclosed).

Hearings and reports (1966-1970):

- 974.901 N.J. Commission on Narcotic Control.  
N17 Report of study and recommendations.  
1st- , 1955- .
- 974.90 N.J. Legislature. Narcotic Drug Study Commission.  
N222 An Interim Report [1966].  
1966
- 974.90 N.J. Legislature. Narcotic Drug Study Commission.  
N222 An interim report [1966].  
1967
- 974.90 N.J. Legislature. Narcotic Drug Study Commission.  
N222 Final report, 1967.  
1969
- 974.90 Lacey, Frederick B.  
C929 Recommendations to the 1970 ... Legislature ...  
1970 to curb the power and influence of organized crime  
in New Jersey.

- 974.901 N.J. Legislature. Narcotic Drug Study Commission.  
N18 Interim reports, 1963-1967.
- 974.90 N.J. Legislature. Narcotic Drug Study Commission.  
N222 Public hearing. Held May 4, 1966.  
1966a
- 974.90 N.J. Legislature. Narcotic Drug Study Commission.  
N222 Final report-1967. [1969].  
1969
- 974.90 N.J. State Law Enforcement Program Assistance Agency.  
N222 Staff report: a desk-book on drug abuse.  
1969b 1969.
- 974.90 N.J. Legislature. Senate. Committee on Law, Public  
C5815 Safety & Defense.  
1968c Public hearings on ... (Eavesdropping and  
Dept. of Criminal Justice).
- 974.90 N.J. Legislature. Senate. Committee on Air, Water  
N222 Pollution and Public Safety.  
1970b Public hearing on pending narcotics legislation ...  
Held ... Sept. 9, 1970.

Prior to the September 9 hearing in Trenton, preliminary hearings were held during the summer in other cities (no copies available at the State Library as of January 1971 - one may be transcribed at a later date).

**Previous bills:**

From 1966 thru October 1970, a total of 81 bills were introduced dealing with one or more topics included in this law. A list of them may be obtained by consulting the Subject Index to Bills, under "Narcotics."

**Similar bills:**

- 1970 - A967 - Hollenbeck & others.  
"Dangerous Substances Control Act"  
No statement.  
Also patterned on Uniform Act (see below).

Senate Bill 851 of 1970 as originally introduced was modeled on:

- TB94 Uniform state controlled dangerous substances act.  
N2 (Revised January 2, 1970).  
U58a (Includes comments on each section).

KF  
105  
M  
120

0.105

Bills enacted into law:

L. 1970, Chapter 226 - S851

Introduced May 7 by Dickinson [and 12 others].  
No statement (copy of original bill enclosed).  
October 5 - Passed Senate, amended (copy enclosed).  
October 8 - Passed Assembly.  
October 19 - Approved.

L. 1971, Chapter 3 - S993

Introduced December 7, 1970 by Dickinson [ & 7 others].  
Not amended during passage.  
No statement (copy of original bill enclosed).

A selection of clippings from the hundreds in: V.F.--N.J.--Narcotics  
is enclosed.

RSL/PC

## Marijuana, Law and Medicine; a selected bibliography

October 1969

Books

- Kaplan, John  
Marijuana. Thos. Jefferson Pub. Co., 1969 on  
order
- Oursler, W.C.  
Marijuana: the facts, the truth. P.S. Ericksson, 613.83  
1968. Our
- Rosevear, John.  
Pot; a handbook of marihuana. University Books, R178.8  
1967. R818
- Solomon, David.  
The marihuana papers. Bobbs-Merrill, 1966. 178.808  
Sol

Articles

- Ball, J.C.  
Marihuana smoking in the United States. 32 LP  
Federal Probation 8 (September 1968). F
- Chopra, G.A.  
Man and marijuana. 4 International Journal of the Per  
Addictions 215 (June 1969). I
- Legalization of marijuana. 21 Vanderbilt Law Review LP  
517 (May 1968). V
- Marijuana and the law: problem of education or enforce- on  
ment? 1 Univ. of San Fernando Valley Law Review order  
139 (January 1968). *with case file*
- Marihuana and the law: symposium. 3 Suffolk University LP  
Law Review 1 (Fall 1968). S
- Marijuana and the law: the constitutional challenges to LP  
marijuana laws in light of the social aspects of V  
marijuana use. 13 Villanova Law Review 851  
(Summer 1968).
- out* Marijuana laws: a need for reform. 22 Arkansas Law LP  
Review 359 (Summer 1968). A
- Tauro, G.J.  
Marijuana and relevent problems--1969. 4 American LP  
Criminal Law Quarterly 174 (Spring 1969). A
- Wallenstein, D.  
Marijuana possession as an aspect of the right of LP  
privacy. 5 Criminal Law Bulletin 59 (March 1969). C
- Weil, A.T.  
Clinical and psychological effects of marihuana in Per  
man. 162 Science 1234 (Dec. 13, 1968). S

Weiss & Wizner.

LP

Pot, prayer, politics and privacy: the right to cut your own throat in your own way. 54 Iowa Law Review 709 (April 1969).

Symposium 56 Calif. L. Rev. 1 (1968)

" 19 Hastings L.J. 602 (1968)

[OFFICIAL COPY REPRINT]

SENATE, No. 851

STATE OF NEW JERSEY

INTRODUCED OCTOBER 8, 1970

By Senators DICKINSON, KNOWLTON, HAGEDORN, DELTUFO,  
SCHIAFFO, WOODCOCK, SEARS, WALLWORK, CRABIEL,  
LYNCH and BATEMAN

Referred to Committee on Air and Water Pollution and Public Health

AN ACT pertaining to the control of dangerous substances and  
amending and repealing parts of the statutory law.

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

ARTICLE 1. SHORT TITLE; DEFINITIONS

1 1. Short Title. This act shall be known and may be cited as the  
2 "New Jersey Controlled Dangerous Substances Act."

1 2. Definitions. As used in this act:

2 \***["Administer"** means to deliver, by a practitioner, in his pres-  
3 ence, a controlled dangerous substance to the ultimate user or  
4 human research subject by injection, or for inhalation, or ingestion,  
5 or by any other means.]\*

5A \**"Administer"* means the direct application of a controlled  
5B dangerous substance, whether by injection, inhalation, ingestion,  
5C or any other means, to the body of a patient or research subject  
5D by: (1) a practitioner (or, in his presence, by his lawfully autho-  
5E rized agent), or (2) the patient or research subject at the lawful  
5F direction and in the presence of the practitioner.\*

6 "Agent" means an authorized person who acts on behalf of or at  
7 the direction of a manufacturer, distributor, or dispenser but does  
8 not include a common or contract carrier, public warehouseman, or  
9 employee thereof.

10 "Bureau of Narcotics and Dangerous Drugs" means the Bureau  
11 of Narcotics and Dangerous Drugs, United States Department of  
12 Justice.

13 "Commissioner" means the State Commissioner of Health.

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

14 \*["Control" means to add, remove, or change the placement of a  
15 drug, substance or immediate precursor pursuant to article 2 of this  
16 act.]\*

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

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

31 \*["Dispense" means to distribute a controlled dangerous substance  
32 to an ultimate user or human research subject by or pursuant  
33 to the lawful order of a practitioner, including the prescribing, administering,  
34 packaging, labeling, or compounding necessary to prepare the substance for such  
35 distribution.]

36 "Dispenser" is a practitioner who distributes a controlled dangerous  
37 substance to an ultimate user or human research subject.

38 "Distribute" means the actual, constructive, or attempted transfer  
39 of a controlled dangerous substance whether or not there exists  
40 an agency relationship.

41 "Distributor" means a person who actually or constructively  
42 transfers or attempts to transfer a controlled dangerous substance  
43 whether or not there exists an agency relationship.]\*

43A \*"*Deliver*" or "*delivery*" means the actual, constructive, or  
43B attempted transfer from one person to another of a controlled  
43C dangerous substance, whether or not there is an agency relationship.  
43D *ship*.

43E "*Dispense*" means to deliver a controlled dangerous substance  
43F to an ultimate user or research subject by or pursuant to the lawful  
43G order of a practitioner, including the prescribing, administering,  
43H packaging, labeling, or compounding necessary to prepare the  
43I substance for that delivery. "Dispenser" means a practitioner  
43J who dispenses.

43K "*Distribute*" means to deliver other than by administering or  
43L dispensing a controlled dangerous substance. "Distributor" means  
43M a person who distributes.\*

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

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

62 “Marihuana” means all parts of the plant *Cannabis sativa* L.,  
 63 whether growing or not; the seeds thereof; the resin extracted from  
 64 any part of such plant; and every compound, manufacture, salt,  
 65 derivative, mixture, or preparation of such plant, its seeds or resin,  
 66 but shall not include the mature stalks of such plant, fiber produced  
 67 from such stalks, oil or cake made from the seeds of such plant, any  
 68 other compound, manufacture, salt, derivative, mixture, or prepara-  
 69 tion of such mature stalks (except the resin extracted therefrom),  
 70 fiber, oil, or cake, or the sterilized seed of such plant which is  
 71 incapable of germination.

72 \***[**“Manufacture” means the production, preparation, propaga-  
 73 tion, compounding, or processing of a controlled dangerous sub-  
 74 stance, either directly or indirectly by extraction from substances of  
 75 natural origin, or independently by means of chemical synthesis or  
 76 by a combination of extraction and chemical synthesis.

77 “Manufacturer” includes any person who packages, repackages,  
 78 or labels any container of any controlled dangerous substance,  
 79 except practitioners who dispense or compound prescription orders  
 80 for delivery to the ultimate consumer.**]**\*

80A \**“Manufacture” means the production, preparation, propaga-*  
 80B *tion, compounding, conversion or processing of a controlled danger-*  
 80C *ous substance, either directly or by extraction from substances of*  
 80D *natural origin, or independently by means of chemical synthesis,*  
 80E *or by a combination of extraction and chemical synthesis, and in-*



80F *cludes any packaging or repackaging of the substance or labeling*  
 80G *or relabeling of its container, except that this term does not include*  
 80H *the preparation or compounding of a controlled dangerous sub-*  
 80I *stance by an individual for his own use or the preparation, com-*  
 80J *pounding, packaging, or labeling of a controlled dangerous sub-*  
 80K *stance: (1) by a practitioner as an incident to his administering*  
 80L *or dispensing of a controlled dangerous substance in the course of*  
 80M *his professional practice, or (2) by a practitioner (or under his*  
 80N *supervision) for the purpose of, or as an incident to, research,*  
 80O *teaching, or chemical analysis and not for sale.\**

81 “Narcotic drug” means any of the following, whether produced  
 82 directly or indirectly by extraction from substances of vegetable  
 83 origin, or independently by means of chemical synthesis, or by a  
 84 combination of extraction and chemical synthesis:

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

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

88 (c) A substance (and any compound, manufacture, salt, deriva-  
 89 tive, or preparation thereof) which is chemically identical with  
 90 any of the substances referred to in subsections (a) and (b), except  
 91 that the words “narcotic drug” as used in this act shall not include  
 92 decocainized coca leaves or extracts of coca leaves, which extracts  
 93 do not contain cocaine or ecgonine.

93A \**“Official written order” means an order written on a form pro-*  
 93B *vided for that purpose by the Attorney General of the United States*  
 93C *or his delegate, under any laws of the United States making pro-*  
 93D *vision therefor, if such order forms are authorized and required*  
 93E *by the Federal law, and if no such form is provided, then on an*  
 93F *official form provided for that purpose by the State Department of*  
 93G *Health.\**

94 “Opiate” means any dangerous substance having an addiction-  
 95 forming or addiction-sustaining liability similar to morphine or  
 96 being capable of conversion into a drug having such addiction-  
 97 forming or addiction-sustaining liability. *\*It does not include, un-*  
 97A *less specifically designated as controlled under section 3 of this*  
 97B *act, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan*  
 97C *and its salts (dextromethorphan). It does include its racemic and*  
 97D *levorotatory forms.\**

98 “Opium poppy” means the plant of the species *Papaver somni-*  
 99 *ferum L.*, except the seeds thereof.

100 “Person” means any corporation, association, partnership, trust,  
 101 other institution or entity or one or more individuals.

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

103 "Pharmacy owner" means the owner of a store or other place  
104 of business where controlled dangerous substances are compounded  
105 or dispensed by a registered pharmacist; but nothing in this chapter  
106 contained shall be construed as conferring on a person who is not  
107 registered or licensed as a pharmacist any authority, right or  
108 privilege that is not granted to him by the pharmacy laws of this  
109 State.

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

112 "Practitioner" means a physician, dentist, veterinarian, scientific  
113 investigator, laboratory, pharmacy, hospital or other person li-  
114 censed, registered, or otherwise permitted to distribute, dispense,  
115 conduct research with respect to, or administer a controlled danger-  
116 ous substance in the course of professional practice or research in  
117 this State.

118 (a) "Physician" means a physician authorized by law to practice  
119 medicine in this or any other State and any other person authorized  
120 by law to treat sick and injured human beings in this or any other  
121 State and

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

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

126 (d) "Hospital" means any Federal institution, or any institu-  
127 tion for the care and treatment of the sick and injured, operated or  
128 approved by the appropriate State department as proper to be en-  
129 trusted with the custody and professional use of controlled danger-  
130 ous substances.

131 (e) "Laboratory" means a laboratory to be intrusted with the  
132 custody of narcotic drugs and the use of controlled dangerous sub-  
133 stances for scientific, experimental and medical purposes and for  
134 purposes of instruction approved by the State Department of  
135 Health.

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

138 "Immediate precursor" means a substance which the State De-  
139 partment of Health has found to be and by regulation designates  
140 as being the principal compound commonly used or produced pri-  
141 marily for use, and which is an immediate chemical intermediary  
142 used or likely to be used in the manufacture of a controlled danger-  
143 ous substance, the control of which is necessary to prevent, curtail,  
144 or limit such manufacture.

145 "State" means the State of New Jersey.

146 "Ultimate user" means a person who lawfully possesses a con-  
 147 trolled dangerous substance for his own use or for the use of a  
 148 member of his household or for administration to an animal owned  
 149 by him or by a member of his household.

#### ARTICLE 2. STANDARDS AND SCHEDULES

1 3. Authority to control. a. The commissioner shall administer  
 2 \***[**the provisions of this act and shall control all substances enumer-  
 3 ated in sections 5 through 8 of this act. In determining whether to**]**\*  
 3A *\*the provisions of this act and may add substances to or delete or*  
 3B *reschedule all substances enumerated in the schedules in sections 5*  
 3C *through 8 of this act. In determining whether to\** control a sub-  
 4 stance, the commissioner shall consider the following:

- 5 (1) Its actual or relative potential for abuse;
- 6 (2) Scientific evidence of its pharmacological effect, if known;
- 7 (3) State of current scientific knowledge regarding the sub-  
 8 stance;
- 9 (4) Its history and current pattern of abuse;
- 10 (5) The scope, duration, and significance of abuse;
- 11 (6) What, if any, risk there is to the public health;
- 12 (7) Its psychic or physiological dependence liability; and
- 13 (8) Whether the substance is an immediate precursor of a sub-  
 14 stance already controlled under this article.

15 After considering the above factors, the commissioner shall make  
 16 findings with respect thereto and shall issue an order controlling  
 17 the substance if he finds that the substance has a potential for abuse.

18 b. If the commissioner designates a substance as an immediate  
 19 precursor, substances which are precursors of the controlled pre-  
 20 cursor shall not be subject to control solely because they are pre-  
 21 cursors of the controlled precursor.

22 \***[**c. Any substance which shall be designated as a controlled dan-  
 23 gerous substance and controlled and scheduled under Federal law  
 24 shall be similiarly controlled under this act after the expiration of  
 25 30 days from publication in the Federal Register of a final order  
 26 designating a substance as a controlled dangerous substance or  
 27 rescheduling a substance, unless, within such 30-day period, the  
 28 commissioner objects to such inclusion or rescheduling. In such**]**\*

28A *\*c. If any substance is designated, rescheduled or deleted as a*  
 28B *controlled dangerous substance under Federal law and notice*  
 28C *thereof is given to the commissioner, the commissioner shall sim-*  
 28D *ilarly control the substance under this act after the expiration of*  
 28E *30 days from publication in the Federal Register of a final order*  
 28F *designating a substance as a controlled dangerous substance or*

28G *rescheduling or deleting a substance, unless within that 30-day*  
 28H *period, the commissioner objects to inclusion, rescheduling, or de-*  
 29 *letion. In that\* case, the commissioner shall cause to be published*  
 30 *in the New Jersey Register and made public the reasons for his*  
 31 *objection and shall afford all interested parties an opportunity to*  
 32 *be heard. At the conclusion of any such hearing, the commissioner*  
 33 *shall publish and make public his decision, which shall be final un-*  
 34 *less the substance is specifically otherwise dealt with by an act of*  
 35 *the Legislature. Upon publication of objection to inclusion or re-*  
 36 *scheduling under this act by the commissioner, control of such sub-*  
 37 *stance under this section shall automatically be stayed until such*  
 38 *time as the commissioner makes public his final decision.*

38A *\*The Commissioner of Health may by regulation exclude any*  
 38B *nonnarcotic substance from a schedule if such substance may, under*  
 38C *the provisions of Federal or State law, be lawfully sold over the*  
 38D *counter without a prescription, unless otherwise controlled pursu-*  
 38E *ant to rules and regulations promulgated by the department.\**

39 d. The State Department of Health shall update and republish  
 40 the schedules in sections 5 through 8 on a semiannual basis for 2  
 41 years from the effective date of this act and thereafter on an annual  
 42 basis.

1 4. Schedules of controlled substances. The schedules contained  
 2 in sections 5 through 8 of this act include the controlled dangerous  
 3 substances listed or to be listed by whatever official name, common  
 4 or usual name, chemical name, or trade name designated.

1 \***5.** Schedule I. In determining that a substance comes within  
 2 this schedule, the commissioner shall find a high potential for abuse,  
 3 no accepted medical use in the United States, and a lack of accepted  
 4 safety for use in treatment. The following are controlled dangerous  
 5 substances and are included in this schedule and as the schedule  
 6 may be revised and republished by the commissioner pursuant to  
 7 section 3 d. and, except to the extent provided in any other schedule :

8 a. Any of the following opiates, including their isomers, esters,**]**\*  
 8A *\*5. Schedule I. a. Tests. The commissioner shall place a sub-*  
 8B *stance in Schedule I if he finds that the substance: (1) has high*  
 8C *potential for abuse; and (2) has no accepted medical use in treat-*  
 8D *ment in the United States; or lacks accepted safety for use in treat-*  
 8E *ment under medical supervision.*

8F *b. The controlled dangerous substances listed in this section are*  
 8G *included in Schedule I, subject to any revision and republishing by*  
 8H *the commissioner pursuant to section 3d, and except to the extent*  
 8I *provided in any other schedule.*

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

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

49 (40) Properidine

50 (41) Racemoramide

51 (42) Trimeperidine.

52 \***[b.]**\* \*d.\* Any of the following *\*narcotic\** substances, their  
53 salts, isomers and salts of isomers, unless specifically excepted,  
54 whenever the existence of such salts, isomers and salts of isomers  
55 is possible within the specific chemical designation:

56 (1) Acetorphine

57 (2) Acetylcodone

58 (3) Acetyldihydrocodeine

59 (4) Benzylmorphine

60 (5) Codeine methylbromide

61 (6) Codeine-N-Oxide

62 (7) Cyprenorphine

63 (8) Desomorphine

64 \***[(9) Dihydrocodeine]**\*

65 \***[(10)]**\* \*(9)\* Dihydromorphine

66 \***[(11)]**\* \*(10)\* Etorphine

67 \***[(12)]**\* \*(11)\* Heroin

68 \***[(13)]**\* \*(12)\* Hydromorphinol

69 \***[(14)]**\* \*(13)\* Methyldesorphine

70 \***[(15)]**\* \*(14)\* Methylhydromorphine

71 \***[(16)]**\* \*(15)\* Morphine methylbromide

72 \***[(17)]**\* \*(16)\* Morphine methylsulfonate

73 \***[(18)]**\* \*(17)\* Morphine-N-Oxide

74 \***[(19)]**\* \*(18)\* Myrophine

75 \***[(20)]**\* \*(19)\* Nicocodeine

76 \***[(21)]**\* \*(20)\* Nicomorphine

77 \***[(22)]**\* \*(21)\* Normorphine

78 \***[(23)]**\* \*(22)\* Phoclodine

79 \***[(24)]**\* \*(23)\* Thebacon.

80 \***[c.]**\* \*e.\* Any material, compound, mixture or preparation  
81 which contains any quantity of the following hallucinogenic sub-  
82 stances, their salts, isomers and salts of isomers, unless specifically  
83 excepted, whenever the existence of such salts, isomers, and salts of  
84 isomers is possible within the specific chemical designation:

85 \***[(1) Bufotenine]**

86 (2) Diethyltryptamine

87 (3) Dimethyltryptamine

88 (4) 4-methyl-2,5-dimethoxyamphetamine

89 (5) Ibogaine

90 (6) Lysergic acid diethylamide

91 (7) Marihuana

- 92 (8) Mescaline  
 93 (9) Peyote  
 94 (10) Psilocybin.  
 95 (11) Psilocyn  
 96 (12) Tetrahydrocannabinols  
 97 (13) MDA  
 98 (14) MMDA  
 99 (15) TMA.】\*  
 100 \*(1) *3,4-methylenedioxy amphetamine*  
 101 (2) *5-methoxy-3,4-methylenedioxy amphetamine*  
 102 (3) *3,4,5-trimethoxy amphetamine*  
 103 (4) *Bufotenine*  
 104 (5) *Diethyltryptamine*  
 105 (6) *Dimethyltryptamine*  
 106 (7) *4-methyl-2, 5-dimethoxylamphetamine*  
 107 (8) *Ibogaine*  
 108 (9) *Lysergic acid diethylamide*  
 109 (10) *Marihuana*  
 110 (11) *Mescaline*  
 111 (12) *Peyote*  
 112 (13) *N-ethyl-3-piperidyl benzilate*  
 113 (14) *N-methyl-3-piperidyl benzilate*  
 114 (15) *Psilocybin*  
 115 (16) *Psilocyn*  
 116 (17) *Tetrahydrocannabinols.\**

1 \*【6. Schedule II. In determining that a substance comes within  
 2 this schedule, the commissioner shall find a high potential for abuse,  
 3 currently accepted medical use in the United States or currently  
 4 accepted medical use with severe restrictions, and abuse may lead  
 5 to severe psychic or physical dependence. The following are con-  
 6 trolled dangerous substances and are included in this schedule and  
 7 as the schedule may be revised and republished by the commissioner  
 8 pursuant to section 3 d. and, except to the extent provided in any  
 9 other schedule:

10 a. Any of the following substances except those narcotic drugs】\*

10A \*6. Schedule II. a. Tests. The commissioner shall place a sub-  
 10B stance in Schedule II if he finds that the substance: (1) has high  
 10C potential abuse; (2) has currently accepted medical use in treat-  
 10D ment in the United States, or currently accepted medical use with  
 10E severe restrictions; and (3) abuse may lead to severe psychic or  
 10F physical dependence.

10G b. The controlled dangerous substances listed in this section are  
 10H included in Schedule II, subject to any revision and republishing by

10I *the commissioner pursuant to section 3d, and except to the extent*  
 10J *provided in any other schedule.*

10K *c. Any of the following substances except those narcotic drugs\**  
 11 listed in other schedules whether produced directly or indirectly by  
 12 extraction from substances of vegetable origin, or independently by  
 13 means of chemical synthesis, or by combination of extraction and  
 14 chemical synthesis:

15 (1) Opium and opiate, and any salt, compound, derivative,  
 16 or preparation of opium or opiate.

17 (2) Any salt, compound, derivative, or preparation thereof  
 18 which is chemically equivalent or identical with any of the  
 19 substances referred to in clause 1, except that these substances  
 20 shall not include the isoquinoline alkaloids of opium.

21 (3) Opium poppy and poppy straw.

22 (4) Coca leaves and any salt, compound, derivative, or prep-  
 23 aration of coca leaves, and any salt, compound, derivative, or  
 24 preparation thereof which is chemically equivalent or identical  
 25 with any of these substances, except that the substances shall  
 26 not include decocainized coca leaves or extractions do not con-  
 27 tain cocaine or ecogine.

28 \***[b.]**\* *d.*\* Any of the following opiates, including their isomers,  
 29 esters, ethers, salts, and salts of isomers, esters and ethers, unless  
 30 specifically excepted, whenever the existence of such isomers, esters,  
 31 ethers, and salts is possible within the specific chemical designation:

32 (1) Alphaprodine

33 (2) Anileridine

34 (3) Bezitramide

34A \*(4) *Dihydrocodeine*\*

35 \***[(4)]**\* \*(5)\* Diphenoxylate

36 \***[(5)]**\* \*(6)\* Fentanyl

37 \***[(6)]**\* \*(7)\* Isomethadone

38 \***[(7)]**\* \*(8)\* Levomethorphan

39 \***[(8)]**\* \*(9)\* Levorphanol

40 \***[(9)]**\* \*(10)\* Metazocine

41 \***[(10)]**\* \*(11)\* Methadone

42 \***[(11)]**\* \*(12)\* Methadone—Intermediate, 4-cyano-2-  
 43 dimethylamino-4, 4-diphenyl butane

44 \***[(12)]**\* \*(13)\* Moramide—Intermediate, 2-methyl-3-  
 45 morpholino-1, 1-diphenyl-propane-carboxylic acid

46 \***[(13)]**\* \*(14)\* Pethidine

47 \***[(14)]**\* \*(15)\* Pethidine—Intermediate—A,  
 48 4-cyano-1-methyl-4-phenylpiperidine

49 \***[(15)]**\* \*(16)\* Pethidine—Intermediate—B,



- 50 ethyl-4-phenylpiperidine-4-carboxylate  
 51 \*[(16)]\* \*(17)\* Pethidine—Intermediate—C,  
 52 1-methyl-4-phenylpiperidine-4-carboxylic acid  
 53 \*[(17)]\* \*(18)\* Phenazocine  
 54 \*[(18)]\* \*(19)\* Piminodine  
 55 \*[(19)]\* \*(20)\* Racemethorphan  
 56 \*[(20)]\* \*(21)\* Racemorphan.

1 \*7. Schedule III. In determining that a substance comes within  
 2 this schedule, the commissioner shall find a potential for abuse less  
 3 than the substances listed in Schedules I and II, currently accepted  
 4 medical use in the United States, and abuse may lead to moderate  
 5 or low physical dependence or high psychological dependence.

6 The following are classes of controlled dangerous substances and  
 7 are included in this schedule and as the schedule may be revised and  
 8 republished by the commissioner pursuant to section 3 d. and, ex-  
 9 cept to the extent provided in any other schedule :

10 a. Any material, compound, mixture, or preparation which con-]\*

10A \*7. Schedule III. a. Tests. The commissioner shall place a sub-  
 10B stance in Schedule III if he finds that the substance: (1) has a  
 10C potential for abuse less than the substances listed in Schedules I  
 10D and II; (2) has currently accepted medical use in treatment in the  
 10E United States; and (3) abuse may lead to moderate or low physical  
 10F dependence or high psychological dependence.

10G b. The controlled dangerous substances listed in this section are  
 10H included in Schedule III, subject to any revision and republishing  
 10I by the commissioner pursuant to section 3d, and except to the extent  
 10J provided in any other schedule.

10K c. Any material, compound, mixture, or preparation which con-  
 11 tains any quantity of the following substances having a potential  
 12 for abuse associated with a stimulant effect on the central nervous  
 13 system :

14 (1) Amphetamine, its salts, optical isomers, and salts of its  
 15 optical isomers.

16 (2) Phenmetrazine and its salts.

17 (3) Any substance which contains any quantity of meth-  
 18 amphetamine, including its salts, isomers, and salts of isomers.

19 (4) Methylphenidate.

20 \*[(b.)]\* \*d.\* Any material, compound, mixture, or preparation  
 21 which contains any quantity of the following substances having a  
 22 potential for abuse associated with a depressant effect on the  
 23 central nervous system :

24 (1) Any substance which contains any quantity of a deriva-  
 25 tive of barbituric acid, or any salt of a derivative of barbituric

26 acid, except those substances which are specifically listed in  
27 other schedules

- 28 (2) Chloral betaine
- 29 (3) Chloral hydrate
- 30 (4) Chlorhexadol
- 31 (5) Ethchlorvynol
- 32 (6) Ethinamate
- 33 (7) Glutethimide
- 34 (8) Lysergic acid
- 35 (9) Lysergic acid amide
- 36 (10) Methyprylon
- 37 (11) Pareldehyde
- 38 (12) Petrichloral
- 39 (13) Phencyclidine
- 40 (14) Sulfondiethylmethane
- 41 (15) Sulfonethylmethane
- 42 (16) Sulfonmethane.

43 \***[c.]**\* \*e.\* Nalorphine.

44 \***[d.]**\* \*f.\* Any material, compound, mixture, or preparation con-  
45 taining limited quantities of any of the following narcotic drugs,  
46 or any salts thereof:

47 (1) Not more than 1.80 grams of codeine *\*or any of its salts\**  
48 per 100 milliliters or not more than 90 milligrams per dosage  
49 unit, with an equal or greater quantity of an isoquinoline  
49A alkaloid of opium.

50 (2) Not more than 1.80 grams of codeine *\*or any of its salts\**  
51 per 100 milliliters or not more than 90 milligrams per dosage  
52 unit, with one or more active, nonnarcotic ingredients in recog-  
53 nized therapeutic amount.

54 (3) Not more than 300 milligrams of dihydrocodeinone *\*or*  
55 *any of its salts\** per 100 milliliters or not more than 15 milli-  
56 grams per dosage unit, with a fourfold or greater quantity of  
57 an isoquinoline alkaloid of opium.

58 (4) Not more than 300 milligrams of dihydrocodeinone *\*or*  
59 *any of its salts\** per 100 milliliters or not more than 15 milli-  
60 grams per dosage unit, with one or more active, nonnarcotic  
61 ingredients in recognized therapeutic amounts.

62 (5) Not more than 1.80 grams of dihydrocodeine *\*or any of*  
63 *its salts\** per 100 milliliters or not more than 90 milligrams per  
64 dosage unit, with one or more active, nonnarcotic ingredients  
65 in recognized therapeutic amounts.

66 (6) Not more than 300 milligrams of ethylmorphine *\*or any*  
67 *of its salts\** per 100 milliliters or not more than 15 milligrams

68 per dosage unit, with one or more active, nonnarcotic ingredi-  
69 ents in recognized therapeutic amounts.

70 (7) Not more than 500 milligrams of opium *\*or any of its*  
71 *salts\** per 100 milliliters or per 100 grams, or not more than 25  
72 milligrams per dosage unit, with one or more active, nonnar-  
73 cotic ingredients in recognized therapeutic amounts.

74 (8) Not more than 50 milligrams of morphine *\*or any of its*  
75 *salts\** per 100 milliliters or per 100 grams with one or more  
76 active, nonnarcotic ingredients in recognized therapeutic  
76A amounts.

77 \***[e.]**\* *\*g.\** The commissioner may by regulation except any com-  
78 pound, mixture, or preparation containing any stimulant or depres-  
79 sant substance listed in subsections a. and b. of this schedule from  
80 the application of all or any part of this act if the compound, mix-  
81 ture, or preparation contains one or more active medicinal ingredi-  
82 ents not having a stimulant or depressant effect on the central ner-  
83 vous system; provided, that such admixtures shall be included  
84 therein in such combinations, quantity, proportion, or concentration  
85 as to vitiate the potential for abuse of the substances which do have  
86 a stimulant or depressant effect on the central nervous system.

1 \***[8. Schedule IV.** In determining that a substance comes within  
2 this schedule, the commissioner shall find a low potential for abuse  
3 relative to the substances listed in Schedule III, currently accepted  
4 medical use in the United States, and limited physical dependence  
5 and psychological dependence liability or either thereof relative to  
6 the substances listed in Schedule III.

7 The following are controlled dangerous substances and are in-  
8 cluded in this Schedule: any compound, mixture, or preparation con-  
9 taining limited quantities of any of the following narcotic drugs,]\*

10 \*8. *Schedule IV. a. Tests. The commissioner shall place a sub-*  
10A *stance in Schedule IV if he finds that the substance: (1) has low*  
10B *potential for abuse relative to the substances listed in Schedule III;*  
10C *(2) has currently accepted medical use in treatment in the United*  
10D *States; and (3) has limited physical dependence or psychological*  
10E *dependence liability relative to the substances listed in Schedule III.*

10F *b. The controlled dangerous substances listed in this section are*  
10G *included in Schedule IV.*

10H *c. Any compound, mixture, or preparation containing limited*  
10I *quantities of any of the following narcotic drugs,\* which shall*  
11 include one or more nonnarcotic active medicinal ingredients in  
12 sufficient proportion to confer upon the compound, mixture, or  
13 preparation, valuable medicinal qualities other than those possessed  
13A by the narcotic drug alone:

14 (1) Not more than 200 milligrams of codeine *\*or any of its*  
 15 *salts\** per 100 milliliters or per 100 grams;

16 (2) Not more than 100 milligrams of dihydrocodeine *\*or any*  
 17 *of its salts\** per 100 milliliters or per 100 grams;

18 (3) Not more than 50 milligrams of ethylmorphine *\*or any*  
 19 *of its salts\** per 100 milliliters or per 100 grams;

20 (4) Not more than 2.5 milligrams of diphenoxylate and not  
 21 less than 25 micrograms of **\*[atrophine]\*** *\*atropine\** sulfate  
 21A per dosage unit;

22 (5) Not more than 100 milligrams of opium *\*or any of its*  
 23 *salts\** per 100 milliliters or per 100 grams.

ARTICLE 3. REGULATION OF MANUFACTURE, DISTRIBUTION  
 AND DISPENSING OF CONTROLLED DANGEROUS SUBSTANCES

1 9. Rules and regulations. The commissioner is authorized to  
 2 promulgate rules and regulations and to charge reasonable fees  
 3 relating to the registration and control of the manufacture, distribu-  
 4 tion, and dispensing of controlled dangerous substances within this  
 5 State.

1 10. Registration requirements. a. Every person who manufac-  
 2 tures, distributes, or dispenses any controlled dangerous substance  
 3 within this State or who proposes to engage in the manufacture,  
 4 distribution, or dispensing of any controlled dangerous substance  
 5 within this State, shall obtain annually a registration issued by the  
 6 State Department of Health in accordance with the rules and regu-  
 7 lations promulgated by it.

7A *\*b. Persons registered by the commissioner under this act to*  
 7B *manufacture, distribute, dispense, or conduct research with con-*  
 7C *trolled dangerous substances are authorized to possess, manufac-*  
 7D *ture, distribute, dispense, or conduct research with those substances*  
 7E *to the extent authorized by their registration and in conformity with*  
 7F *the other provisions of this article.\**

8 **\*[b.]\*** *\*c.\** The following persons shall not be required to register  
 9 and may lawfully have under their control or possess controlled  
 10 dangerous substances under the provisions of this act; provided,  
 11 however, that nothing in this section shall be construed as conferring  
 12 on a person who is not registered or licensed as a practitioner or as  
 13 a pharmacist any authority, right or privilege that is not granted  
 14 him by the laws of this State:

15 (1) An agent, or an employee thereof, of any registered manufac-  
 16 turer, distributor, or dispenser of any controlled dangerous sub-  
 17 stance if such agent is acting in the usual course of his business or  
 18 employment;

19 (2) A common carrier or warehouseman, or an employee thereof,  
20 whose possession of any controlled dangerous substance is in the  
21 usual course of his business or employment;

22 (3) An ultimate user or a person in possession of any controlled  
23 dangerous substance pursuant to a lawful order of a practitioner\***[**;  
24 and**]**\* *or in lawful possession of a Schedule IV substance\**;

25 (4) Peace officers or employees in the performance of their offi-  
26 cial duties requiring possession or control of controlled dangerous  
27 substances; or to temporary incidental possession by employees or  
28 agents of persons lawfully entitled to possession, or by persons  
29 whose possession is authorized for the purpose of aiding peace  
30 officers in performing their official duties.

31 \***[c.]**\* *\*d.\** The commissioner may, by regulation, waive the re-  
32 quirement for registration of certain manufacturers, distributors,  
33 or dispensers if he finds it consistent with the public health and  
33A safety.

34 \***[d.]**\* *\*e.\** A separate registration shall be required at each  
35 principal place of business or professional practice where the  
36 applicant manufactures, distributes, or dispenses controlled dan-  
36A gerous substances.

37 \***[e.]**\* *\*f.\** The commissioner is authorized to inspect the estab-  
38 lishment of a registrant or applicant for registration in accordance  
39 with the rules and regulations promulgated by him.

1 11. Registration. a. The State Department of Health shall not  
2 register an applicant to manufacture or distribute controlled dan-  
3 gerous substances included in Schedules I through IV of article 2  
4 of this act unless it determines that the issuance of such registration  
5 is consistent with the public interest. In determining the public  
6 interest, the following factors shall be considered:

7 (1) Maintenance of effective controls against diversion of partic-  
8 ular controlled dangerous substances \***[and any Schedule I or II**  
9 **substance compounded therefrom into]**\* other than legitimate  
10 medical, scientific, or industrial channels;

11 (2) Compliance with applicable State and local laws;

12 \***[**(3) Prior conviction record of applicant under Federal and  
13 State laws relating to controlled dangerous substances;**]**\*

13A *\*(3) Any convictions of the applicant under any Federal and*  
13B *State laws relating to any controlled dangerous substance;\**

14 (4) Past experience in the manufacture of controlled dangerous  
15 substances, and the existence in the *\*applicant's\** establishment  
16 of effective controls against diversion; \***[and]**\*

16A *\*(5) Furnishing by the applicant false or fraudulent material in*  
16B *any application filed under this act;*

16C (6) *Suspension or revocation of the applicant's Federal registra-*  
 16D *tion to manufacture, distribute, or dispense controlled dangerous*  
 16E *substances as authorized by Federal law; and\**

17 \*[(5)]\* \*(7)\* Such other factors as may be relevant to and  
 18 consistent with the public health and safety.

19 b. Registration granted under subsection a. of this section shall  
 20 not entitle a registrant to manufacture and distribute controlled  
 21 dangerous substances in Schedule I or II other than those specified  
 22 in the registration.

23 c. Practitioners shall be registered to dispense substances in  
 24 Schedules II through IV if they are authorized to dispense *\*or*  
 25 *conduct research\** under *\*[the law of this State. Registration for*  
 26 *the purpose of bona fide research involving use of Schedule I*  
 27 *substances by a practitioner deemed qualified by the commissioner*  
 28 *may be denied only on a ground specified in section 12a. or if there*  
 29 *are reasonable grounds to believe that the applicant will abuse or*  
 30 *unlawfully transfer such substances or fail to safeguard adequately*  
 31 *his supply of such substances against diversion from legitimate*  
 31A *medical or scientific use.]\* \*the law of this State. The commissioner*  
 31B *need not require separate registration under this article for prac-*  
 31C *titioners engaging in research with nonnarcotic controlled danger-*  
 31D *ous substances in Schedules II through IV where the registrant is*  
 31E *already registered under this article in another capacity. Prac-*  
 31F *titioners registered under Federal law to conduct research in*  
 31G *Schedule I substances are permitted to conduct research in Schedule*  
 31H *I substances within this State upon furnishing the commissioner*  
 31I *evidence of that Federal registration.*

31J d. *Compliance by manufacturers and distributors with the pro-*  
 31K *visions of the Federal law respecting registration (excluding fees)*  
 31L *entitles them to be registered under this act.\**

32 \*[(d.)]\* \*e.\* The State Department of Health shall initially permit  
 33 persons to register who own or operate any establishment engaged  
 34 in the manufacture, distribution or dispensing of any controlled  
 35 dangerous substances prior to the effective date of this act and who  
 36 are registered or licensed by the State.

37 \*[(e.)]\* Compliance by manufacturers and distributors with the pro-  
 38 visions of Federal law respecting registration (excluding fees) shall  
 39 be deemed compliance with this section.]\*\*

1 12. Denial, revocation, or suspension of registration. a. A regis-  
 2 tration pursuant to section 11 to manufacture, distribute, or dis-  
 3 pense a controlled dangerous substance, may be suspended or  
 4 revoked by the commissioner upon a finding that the registrant:  
 5 (1) Has materially falsified any application filed pursuant to  
 6 this act or required by this act; or

- 7 (2) Has been convicted of an indictable offense under this act  
8 or any law of the United States, or of any State, relating to any  
9 substance defined herein as a controlled dangerous substance; or
- 10 (3) Has violated or failed to comply with any duly promulgated  
11 regulation of the commissioner and such violation or failure to  
12 comply reflects adversely on the licensee's reliability and integrity  
13 with respect to controlled dangerous substances; or
- 14 (4) Has had his Federal registration suspended or revoked by  
15 competent Federal authority and is no longer authorized by Federal  
16 law to engage in the manufacturing, distribution, or dispensing of  
17 controlled dangerous substances; or
- 18 (5) Has had his registration suspended or revoked by competent  
19 authority of another state for violation of its laws or regulations  
20 comparable to those of this State relating to the manufacture, dis-  
21 tribution or dispensing of controlled dangerous substances.
- 22 b. The commissioner may limit revocation or suspension of a  
23 registration to the particular controlled dangerous substance with  
24 respect to which grounds for revocation or suspension exist.
- 25 c. Before taking action pursuant to this section or pursuant to  
26 a denial of registration under section 11, the commissioner shall  
27 serve upon the applicant or registrant an order to show cause why  
28 registration should not be denied, revoked, or suspended. The order  
29 to show cause shall contain a statement of the basis thereof and  
30 shall call upon the applicant or registrant to appear before the  
31 commissioner at a time and place stated in the order, but in no event  
32 less than 30 days after the date of receipt of the order unless an  
33 earlier date is requested by the applicant or registrant and agreed  
34 to by the commissioner. Proceedings to deny, revoke, or suspend  
35 shall be conducted pursuant to this section in accordance with the  
36 provisions of the "Administrative Procedure Act" (C. 52:14B-1  
37 et seq.). Such proceedings shall be independent of, and not in lieu  
38 of, criminal prosecutions or other proceedings under this act or any  
39 law of the State.
- 40 d. The commissioner may, in his discretion, suspend any regis-  
41 tration simultaneously with the institution of proceedings under  
42 this section in cases where he finds that there is an imminent danger  
43 to the public health or safety. Such suspensions shall continue in  
44 effect until the conclusion of such proceedings, including judicial  
45 review thereof, unless sooner withdrawn by the commissioner or  
46 dissolved by a court of competent jurisdiction.
- 47 e. In the event the commissioner suspends or revokes a registra-  
48 tion granted under section 11, all controlled dangerous substances  
49 owned or possessed by the registrant pursuant to such registration

50 at the time of suspension or the effective date of the revocation  
51 order, as the case may be, may in the discretion of the commissioner  
52 be placed under seal. No disposition may be made of substances  
53 under seal until the time for taking an appeal has elapsed or until  
54 all appeals have been concluded unless a court, upon application  
55 therefor, orders the sale of perishable substances and the deposit  
56 of the proceeds of the sale with the court. Upon a revocation order  
57 becoming final, all such controlled dangerous substances \***[shall]**\*  
58 \**may*\* be forfeited to the State.

59 f. The commissioner shall promptly notify the Bureau of Nar-  
60 cotics and Dangerous Drugs of all orders suspending or revoking  
61 registration and all forfeitures of controlled dangerous substances.

1 \***[13. Records of registrants. Upon the effective date of this act,**  
2 each registrant manufacturing, distributing or dispensing con-  
3 trolled dangerous substances in Schedules I, II, III or IV shall make  
4 a complete and accurate record of all stocks of such dangerous sub-  
5 stances on hand. Thereafter, complete and accurate records of all  
6 such dangerous substances shall be maintained in such manner and  
7 for such periods as shall be prescribed by the commissioner by rule  
8 or regulation. This subsection shall not apply to practitioners who  
9 lawfully prescribe or administer, but not otherwise dispense, con-  
10 trolled dangerous substances listed in Schedules II, III, or IV of  
11 this act.]\*

12 \**13. Records of registrants. Persons registered to manufacture,*  
13 *distribute, or dispense controlled dangerous substances under this*  
14 *act shall keep records and maintain inventories in conformance*  
15 *with the recordkeeping and inventory requirements of Federal law*  
16 *and with such additional rules as may be issued by the commis-*  
17 *sioner.\**

1 14. Order forms. a. Controlled dangerous substances in Schedule  
2 I and II shall be distributed only by a registrant, pursuant to an  
3 official written order form, clearly identifying it as covering or  
4 relating to Schedule I and Schedule II, or either thereof, controlled  
5 dangerous substances and bearing the registration number of the  
6 registrant. Except as provided herein, compliance with Federal law  
7 respecting order forms shall be deemed compliance with this  
8 section.

9 b. A pharmacist, only upon an official written order, may sell to  
10 a practitioner in quantities not exceeding one ounce at any one time,  
11 aqueous or oleaginous solutions compounded by him of which the  
12 content of narcotic drugs or other controlled dangerous substances  
13 does not exceed a proportion greater than 20% of the complete  
14 solution, to be used for medical purposes.



15 c. An official written order for any controlled dangerous sub-  
16 stance *\*in Schedule I or Schedule II\** shall be signed in triplicate  
17 by the person giving said order or by his duly authorized agent.  
18 The original and triplicate shall be presented to the person who  
19 sells or dispenses the controlled dangerous substance or substances  
20 named therein. In the event of the acceptance of such order by said  
21 person, except as may be otherwise required by rule, regulation, or  
22 order of the commissioner, each party to the transaction shall  
23 preserve his copy of such order for a period of 2 years, in such a  
24 way as to be readily accessible for inspection by any public officer or  
25 employee engaged in the enforcement of this chapter.

1 15. Prescriptions. a. Except when dispensed directly in good  
2 faith by a practitioner, other than a pharmacist, in the course of his  
3 professional practice only, to an ultimate user, no controlled dan-  
4 gerous substance included in Schedule II, which is a prescription  
5 *\*drug\** as defined in R. S. 45:14-14 may be dispensed without the  
6 written prescription of a practitioner; provided that in emergency  
7 situations, as prescribed by the State Department of Health by  
8 regulation, such drug may be dispensed upon oral prescription  
9 reduced promptly to writing and filed by the pharmacist, if such  
10 oral prescription is authorized by Federal law. Prescriptions shall  
11 be retained in conformity with the requirements of section 13 of this  
12 act. No prescription for a Schedule II substance may be refilled.

13 b. Except when dispensed directly in good faith by a practitioner,  
14 other than a pharmacist, in the course of his professional practice  
15 only, to an ultimate user, no controlled dangerous substance in-  
16 cluded in Schedule III which is a prescription *\*drug\** as defined in  
17 R. S. 45:14-14 may be dispensed without a written or oral prescrip-  
18 tion. Such prescription may not be filled or refilled more than six  
19 months after the date thereof or be refilled more than five times  
20 after the date of the prescription, unless renewed by the  
20A practitioner.

21 c. No controlled dangerous substance included in Schedule IV  
22 may be distributed or dispensed other than for a valid and accepted  
23 medical purpose.

24 d. A practitioner other than a veterinarian who prescribes a  
25 controlled dangerous substance in good faith and in the course of  
26 his professional practice may administer the same or cause the same  
27 to be administered by a nurse or intern under his direction and  
28 supervision.

29 e. A veterinarian who prescribes a controlled dangerous sub-  
30 stance not for use by a human being in good faith and in the course  
31 of his professional practice may administer the same or cause the

32 same to be administered by an assistant or orderly under his direc-  
33 tion and supervision.

34 f. A person who has obtained a controlled dangerous substance  
35 from the prescribing practitioner for administration to a patient  
36 during the absence of the practitioner shall return to the practi-  
37 tioner any unused portion of the substance when it is no longer re-  
38 quired by the patient or when its return is requested by the practi-  
38A tioner.

39 g. Whenever it appears to the State Department of Health that  
40 a drug not considered to be a prescription drug under existing State  
41 law should be so considered because of its abuse potential, it shall  
42 so advise the State Board of Pharmacy and furnish to it all avail-  
43 able data relevant thereto.

#### ARTICLE 4. LABELS AND CONTAINERS

1 16. Form of label on containers of manufacturers and whole-  
2 salers; altering or removing label. Whenever a manufacturer sells  
3 or dispenses a controlled dangerous substance in a package pre-  
4 pared by him, he shall securely affix to each package in which that  
5 substance is contained a label showing in legible English the name  
6 and address of the vendor and the quantity, kind and form of the  
7 substance contained therein. Whenever a wholesaler sells or dis-  
8 penses a controlled dangerous substance in any package or shipping  
9 container other than the package in which received from the manu-  
10 facturer, he shall securely affix to such package a label showing in  
11 legible English his name and address.

12 No person except a pharmacist for the purpose of filling a pre-  
13 scription under this act, shall alter, deface or remove any label so  
14 affixed by the manufacturer.

1 17. Form of label to be used by pharmacists; altering or remov-  
2 ing label. Whenever a pharmacist sells or dispenses any controlled  
3 dangerous substance on a prescription issued by a practitioner he  
4 shall affix to the container in which such drug is sold or dispensed,  
5 a label showing his own name, address, and registry number, or the  
6 name, address, and registry number of the pharmacist or pharmacy  
7 owner for whom he is lawfully acting; the name and address of the  
8 patient or, if the patient is an animal, the name and address of the  
9 owner of the animal and the species of the animal; the name,  
10 address and registry number of the practitioner by whom the pre-  
11 scription was written; \***[and]**\* such directions as may be stated  
12 on the prescription *\*and such directions as may be required by rules*  
12A *or regulations promulgated by the commissioner.\**

13 No person shall alter, deface, or remove any label so affixed as  
14 long as any of the original contents remain.

1 18. Drug to be kept in original container. An individual to whom  
 2 or for whose use any controlled dangerous substance has been pre-  
 3 scribed, sold or dispensed, by a practitioner and the owner of any  
 4 animal for which any such substance has been prescribed, sold, or  
 5 dispensed by a veterinarian, may lawfully possess it only in the  
 6 container in which it was delivered to him by the person selling or  
 7 dispensing the same.

ARTICLE 5. OFFENSES AND PENALTIES

1 19. Prohibited acts A.—Manufacturing, distributing, or dis-  
 2 pensing—Penalties. a. Except as authorized by this act, it shall be  
 3 unlawful for any person:

4 (1) To manufacture, distribute, or dispense, or to possess or have  
 5 under his control with intent to manufacture, distribute, or dispense,  
 6 a controlled dangerous substance; or

7 (2) To create, distribute, or possess or have under his control  
 8 with intent to distribute, a counterfeit controlled dangerous sub-  
 9 stance.

10 b. Any person who violates subsection a. with respect to:

11 (1) A substance classified in Schedules I or II which is a narcotic  
 12 drug is guilty of a high misdemeanor and shall be punished by im-  
 13 prisonment for not more than 12 years, a fine of not more than  
 14 \$25,000.00, or both; or

15 (2) Any other controlled dangerous substance classified in Sched-  
 16 ules I, II, or III is guilty of a high misdemeanor and shall be  
 17 punished by imprisonment for not more than five years, a fine of  
 18 not more than \$15,000.00, or both; or

19 (3) A substance classified in Schedule IV is guilty of a misde-  
 20 meanor and shall be punished by imprisonment for not more than  
 21 1 year, a fine of not more than \$5,000.00, or both.

1 20. Prohibited acts B.—Possession, use or being under influence  
 2 —Penalties. a. It is unlawful for any person \*[( )]\* \*,\* knowingly or  
 3 intentionally\*[( )]\* \*,\* to obtain, or to possess, actually or con-  
 4 structively, a controlled dangerous substance unless such substance  
 5 was obtained directly, or pursuant to a valid prescription or order  
 6 from a practitioner, while acting in the course of his professional  
 7 practice, or except as otherwise authorized by this act. Any person  
 8 who violates this section with respect to:

9 (1) A substance classified in Schedule I or II which is a narcotic  
 10 drug and any other controlled dangerous substance classified in  
 11 Schedule I, II or III, is guilty of a high misdemeanor and shall be  
 12 punished by imprisonment for not more than 5 years, a fine of not  
 13 more than \$15,000.00, or both, except as provided in subsection a.(3)  
 14 below;

15 (2) Any controlled dangerous substance classified in Schedule IV  
16 is guilty of a misdemeanor and shall be punished by imprisonment  
17 of not more than 1 year, a fine of not more than \$5,000.00, or both;  
18 or

19 (3) Possession of more than \***[50]**\* \*25\* grams of marihuana, or  
20 more than \***[20]**\* \*5\* grams of hashish is guilty of a high misde-  
21 meanor and shall be punished by imprisonment for not more than 5  
22 years, a fine of not more than \$15,000.00, or both; provided, how-  
23 ever, that any person who violates this section with respect to  
24 \***[50]**\* \*25\* grams or less of marihuana, or \***[20]**\* \*5\* grams or  
24A less of hashish is a disorderly person.

25 b. Any person who uses or who is under the influence of any  
26 controlled dangerous substance, as defined in this act, for a purpose  
27 other than the treatment of sickness or injury as prescribed or  
28 administered by a person duly authorized by law to treat sick and  
29 injured human beings, is a disorderly person.

30 In a prosecution under this subsection, it shall not be necessary  
31 for the State to prove that the accused did use or was under the  
32 influence of any specific narcotic drug or drugs, but it shall be  
33 sufficient for a conviction under this subsection for the State to  
34 prove that the accused did use or was under the influence of some  
35 controlled dangerous substance or counterfeit controlled dangerous  
36 substance as defined in this act, by \***[providing]**\* \*proving\* that  
37 the accused did manifest physical and physiological symptoms or  
38 reactions caused by the use of any \***[narcotic drug]**\* \*controlled  
38A dangerous substance\*.

39 c. In addition to the general penalty prescribed for a disorderly  
40 person's offense pursuant to N. J. S. 2A:169-4, every person  
41 adjudged a disorderly person for a violation of this subsection  
42 \***[may]**\* *shall*\*, at the discretion of the sentencing judge, forth-  
43 with forfeit his right to operate a motor vehicle over the highways  
44 of this State for a period of not more than 2 years from the date of  
45 his conviction and until such privilege shall be restored to him by  
46 the Director of Motor Vehicles upon application to and after \***[a**  
47 hearing and determination by, the director that such person is no  
48 longer a user of controlled dangerous substances]\* \*certification  
49 by a physician to the director that such person is no longer a drug  
50 dependent person\* within the meaning of this act. The court before  
51 whom any person is convicted of a violation of this section shall  
52 cause a report of such conviction to be filed with the Director of  
53 Motor Vehicles.

1 21. Prohibited acts C.—Records and order forms of registered  
2 manufacturers and distributors—Penalties. a. It shall be unlawful  
3 for any person:

4 (1) Who is subject to the requirements of article 3 of this act to  
5 distribute or dispense a controlled dangerous substance in violation  
6 of section 14;

7 (2) Who is a registrant, to manufacture, distribute, or dispense  
8 a controlled dangerous substance not authorized by his registration;

9 (3) To omit, remove, alter, or obliterate a symbol, label or mark  
10 required by Federal or State law;

11 (4) To refuse or fail to make, keep or furnish any record, notifica-  
12 tion, order form, statement, invoice or information required under  
13 this act;

14 (5) To refuse, any entry into any premises or inspection autho-  
15 rized by this act; or,

16 (6) \***[To]**\* *\*Knowingly to\** keep or maintain any store, shop,  
17 warehouse, dwelling house, building, vehicle, boat, aircraft, or any  
18 place whatever, which is resorted to by persons using controlled  
19 dangerous substances in violation of this act for the purpose of  
20 using such substances, or which is used for the keeping or selling  
21 of the same in violation of this act.

22 b. Any person who violates this section shall be subject to a  
23 fine of not more than \$25,000.00; provided, that if the violation is  
24 prosecuted by an accusation or indictment which alleges that the  
25 violation was committed knowingly or intentionally, and the trier  
26 of fact specifically finds that the violation was committed knowingly  
27 or intentionally, such person is guilty of a high misdemeanor and  
28 shall be punished by imprisonment for not more than 3 years, or by  
29 a fine of not more than \$25,000.00, or both.

1 22. Prohibited acts D.—Fraud or misrepresentation by regis-  
2 tered manufacturers or distributors—Penalties. a. It shall be un-  
3 lawful for any person knowingly or intentionally:

4 (1) Who is a registrant to distribute a controlled dangerous  
5 substance classified in Schedule I or II, in the course of his legiti-  
6 mate business, except pursuant to an order form as required by  
7 section 14 of this act;

8 (2) To use in the course of the manufacture or distribution of a  
9 controlled dangerous substance a registration number which is  
10 fictitious, revoked, suspended or issued to another person:

11 (3) To acquire or obtain possession of a controlled dangerous  
12 substance by misrepresentation, fraud, forgery, deception or sub-  
13 terfuge;

14 (4) To furnish false or fraudulent material information in, or  
 15 omit any material information from, any application, report, or  
 16 other document required to be kept or filed under this act, or any  
 17 record required to be kept by this act; or

18 (5) To make, distribute, or possess any punch, die, plate, stone,  
 19 or other thing designed to print, imprint, or reproduce the trade-  
 20 mark, trade name, or other identifying mark, imprint, or device of  
 21 another or any likeness of any of the foregoing upon any drug or  
 22 container or labeling thereof so as to render such drug a counterfeit  
 23 controlled dangerous substance.

24 b. Any person who violates this section shall be punished by  
 25 imprisonment for not more than 3 years, or by a fine of not more  
 26 than \$30,000.00, or both.

1 23. General Penalty. Any person who violates any provision of  
 2 this act for which no specific penalty is provided shall be guilty of  
 3 a misdemeanor.

1 \*~~24. Endeavor and conspiracy. a. Any person who endeavors~~  
 2 ~~or]~~\*

2A \*24. *Attempt, Endeavor and Conspiracy. a. Any person who*  
 3 *attempts, endeavors or\** conspires to commit any offense defined in  
 4 this act is punishable by imprisonment or fine or both which may not  
 5 exceed the maximum punishment prescribed for the offense, the  
 5A commission of which was the object of the endeavor of conspiracy.

6 b. Information communicated to a practitioner in an effort un-  
 7 lawfully to obtain or procure the administration of a controlled  
 8 dangerous substance shall not be a privileged communication.

1 25. Additional penalties. Any penalty imposed for violation of  
 2 this act shall be in addition to, and not in lieu of, any civil or  
 3 \*~~administrative penalty or sanction authorized by law. A convic-~~  
 4 ~~tion or acquittal under Federal law or the law of another state~~  
 5 ~~having a substantially similar law shall be a bar to prosecution in~~  
 6 ~~this State for the same act or offense.]~~\*

7 *\*administrative penalty or sanction authorized by law. In any*  
 8 *case where a violation of this act is a violation of a Federal law*  
 9 *or the law of another state, the conviction or acquittal under Federal*  
 10 *law or the law of another state for the same act is a bar to prose-*  
 11 *cution in this State.\**

1 26. Distribution to persons under age 18. a. Any person who is  
 2 at least 18 years of age who violates subsection 19 a. (1) by dis-  
 3 tributing a substance listed in Schedules I or II which is a narcotic  
 4 drug to a person 17 years of age or younger who is at least 3 years  
 5 his junior is punishable by a term of imprisonment of up to twice

6 that authorized by subsection 19 b. (1), (2) or (3) or by the fine  
7 authorized by subsection 19 b. (1), or by both.

8 b. Any person who is at least 18 years of age who violates sub-  
9 section 19 a. (1) by distributing any other controlled dangerous  
10 substance listed in Schedules I, II, III or IV to a person 17 years  
11 of age or younger who is at least 3 years his junior is punishable  
12 by a term of imprisonment up to twice that authorized by sub-  
13 sections 19 b. (2) or (3), or by the fine authorized by subsections  
14 19 b. (2) or (3), or both.

1 27. Conditional discharge for certain first offenses; expunging  
2 of records. Whenever any person who has not previously been  
3 convicted of any offense under the provisions of this act or, sub-  
4 sequent to the effective date of this act, under any law of the United  
5 States, this State or of any other state, relating to narcotic drugs,  
6 \***marihuana, or stimulant, depressant, or hallucinogenic drugs, is**  
7 convicted of any offense under subsections 20 a. (2) and (3) and b.,  
8 subsection 26 b. or subsection 19 b. (3), the court may, without]\*  
8A *\*marihuana, or stimulant, depressant, or hallucinogenic drugs,*  
8B *pleads guilty to or is found guilty of any offense under subsections*  
8C *20a (2) and (3) and b., the court may, without\** entering a judg-  
9 ment of \***[guilt]\* \*conviction\*** and with the consent of such per-  
10 son, after proper reference to the Controlled Dangerous Substances  
11 Registry, as established and defined in the Controlled Dangerous  
12 \***[Substances Registry, that such person during the period of such**  
13 **place such person on probation upon such reasonable terms and]\***  
13A *\*Substances Registry Act, place such person on probation upon*  
14 *such reasonable terms and\** conditions as it may require, or as  
15 otherwise provided by law. Upon violation of a term or condition  
16 of probation, the court may enter an adjudication of guilt and pro-  
17 ceed as otherwise provided. Upon fulfillment of the terms and con-  
18 ditions of probation, the court shall discharge such person and  
19 dismiss the proceedings against him. Discharge and dismissal under  
20 this section shall be without court adjudication of guilt and shall  
21 not be deemed a conviction for purposes of disqualifications or dis-  
22 abilities, if any, imposed by law upon conviction of a crime or dis-  
23 orderly person offense, but shall be reported by the clerk of the  
24 court pursuant to the Controlled Dangerous Substances Registry  
25 Act. Discharge and dismissal under this section may occur only  
26 once with respect to any person.

1 28. Expunging of records of young offenders placed on proba-  
2 tion. After a period of not less than 6 months, which shall begin to  
3 run immediately upon the expiration of a term of probation imposed  
4 upon any person under this act, such person, who at the time of the

5 offense was 21 years of age or younger, may apply to the court for  
6 an order to expunge from all official records, except from those  
7 records maintained under the Controlled Dangerous Substances  
8 Registry, as established and defined in the Controlled Dangerous  
9 Substances Registry Act of 1970, all recordations of his arrest, trial  
10 and conviction pursuant to this section. If the court determines,  
11 after a hearing and after reference to the Controlled Dangerous  
12 Substances Registry, that such person during the period of such  
13 probation and during the period of time prior to his application to  
14 the court under this section has not been guilty of any serious or  
15 repeated violation of the conditions of such probation, it shall enter  
16 such order. The effect of such order shall be to restore such person,  
17 in the contemplation of the law, to the status he occupied prior to  
18 such arrest and trial. No person as to whom such order has been  
19 entered shall be held thereafter under any provision of any law to  
20 be guilty of perjury or otherwise giving a false statement by reason  
21 of his failures to recite or acknowledge such arrest or trial in re-  
22 sponse to any inquiry made of him for any purpose.

1 29. Second or subsequent offenses. a. Any person convicted of  
2 any offense under this act, if the offense is a second or subsequent  
3 offense, shall be punished by a term of imprisonment of up to twice  
4 that otherwise authorized, by up to twice the fine otherwise autho-  
5 rized, or by both; provided, however, that this section shall not  
6 apply to section 20 a. (2) and (3) and b. offenses.

7 b. For purposes of this section, an offense shall be considered  
8 a second or subsequent offense, if, prior to the commission of the  
9 offense, the offender has at any time been convicted of an offense  
10 or offenses under this act or under any law of the United States or  
11 of any state relating to narcotic drugs, marihuana, depressant,  
12 stimulant, or hallucinogenic drugs.

1 30. Thefts of large quantities of controlled dangerous substances  
2 from legitimate registrants. Notwithstanding any other provisions  
3 of this article 5, any person who by misrepresentation, fraud,  
4 forgery, deception, subterfuge, or by force of arms obtains a con-  
5 trolled dangerous substance or substances in excess of one kilogram  
6 from a legitimate registrant or from a common carrier legitimately  
7 transporting such substance or substances in the ordinary course  
8 of business is guilty of a high misdemeanor and shall be punished  
9 by imprisonment of not more than 12 years, or by a fine of not more  
10 than \$25,000.00, or both.

#### ARTICLE 6. ENFORCEMENT AND ADMINISTRATIVE PROVISIONS

1 31. Powers of enforcement personnel. a. It is hereby made the  
2 duty of the State Department of Health, its officers, agents, inspec-



3 tors and representatives, and of all peace officers within the State,  
4 and of the Attorney General and all county prosecutors, to enforce  
5 all provisions of this act, except those specifically delegated, and to  
6 cooperate with all agencies charged with the enforcement of the  
7 laws of the United States, of this State, and of all other states,  
8 relating to narcotic drugs or controlled dangerous substances, and  
9 it shall be the duty of the Board of Pharmacy in the Division of  
10 Professional Boards in the Department of Law and Public Safety,  
11 its officers, agents, inspectors and representatives also to assist the  
12 State Department of Health, peace officers and county prosecutors  
13 in the enforcement of all provisions of this act relating to the  
14 handling of controlled dangerous substances by pharmacy owners  
15 and pharmacists.

16 b. Authority is hereby granted to the Commissioner of Health:

17 (1) To promulgate all necessary rules and regulations for the  
18 efficient enforcement of this act;

19 (2) To promulgate, insofar as applicable, regulations from time  
20 to time promulgated by the Attorney General of the United States;

21 (3) To promulgate an order relative to any controlled dangerous  
22 substance under this act when the delay occasioned by acting  
23 through promulgation of a regulation would constitute an imminent  
24 danger to the public health or safety.

25 (a) An order of the commissioner shall take effect im-  
26 mediately, but it shall expire 120 days after promulgation  
27 thereof. Rules and regulations pursuant to such order may be  
28 adopted and promulgated by the commissioner but they shall  
29 not take effect until he has given due notice of his intention to  
30 take such action and has held a public hearing.

31 (b) Any person who denies that a drug or pharmaceutical  
32 preparation is properly subject to an order by the commissioner  
33 which applies the provisions of this act to such drug or phar-  
34 maceutical preparation, may apply to the commissioner for a  
35 hearing which must be afforded, except where a drug or phar-  
36 maceutical preparation has been the subject of a prior hearing  
37 or determination by the commissioner, in which case a hearing  
38 shall be discretionary with the commissioner. In such case a  
39 decision must be rendered by the commissioner or his designee  
40 within 48 hours of the request for a hearing. If the petitioning  
41 party is aggrieved by the decision, he shall have the right to  
42 apply for injunctive relief against the order. Jurisdiction for  
43 such injunctive relief shall be in the Superior Court of New  
44 Jersey by way of summary proceedings.

45 c. In addition to the powers set forth in subsection a., of this  
46 section, any officer or employee of the State Department of Health  
47 designated by the commissioner may:

48 (1) Execute search warrants, arrest warrants, administrative  
49 inspection warrants, subpoenas, and summonses issued under the  
50 authority of this State;

51 (2) Make seizures of property pursuant to the provisions of this  
52 act; and

53 (3) Perform such other law enforcement duties as may be desig-  
54 nated by the commissioner with the approval of the Attorney  
55 General.

1 32. Administrative inspections and warrants. a. Issuance and  
2 execution of administrative inspection warrants shall be as follows:

3 (1) Any judge of a court having jurisdiction in the municipality  
4 where the inspection or seizure is to be conducted, may, upon proper  
5 oath or affirmation showing probable cause, issue warrants for the  
6 purpose of conducting administrative inspections authorized by this  
7 act or regulations thereunder, and seizures of property appropriate  
8 to such inspections. For the purposes of this section, "probable  
9 cause" means a valid public interest in the effective enforcement of  
10 the act or regulations sufficient to justify administrative inspection  
11 of the area, premises, building or conveyance in the circumstances  
12 specified in the application for the warrant;

13 (2) A warrant shall issue only upon an affidavit of an officer or  
14 employee duly designated and having knowledge of the facts alleged,  
15 sworn to before the judge and establishing the grounds for issuing  
16 the warrant. If the judge is satisfied that grounds for the applica-  
17 tion exist or that there is probable cause to believe they exist, he  
18 shall issue a warrant identifying the area, premises, building, or  
19 conveyance to be inspected, the purpose of such inspection, and,  
20 where appropriate, the type of property to be inspected, if any. The  
21 warrant shall identify the item or types of property to be seized,  
22 if any. The warrant shall be directed to a person authorized by  
23 section 31 to execute it. The warrant shall state the grounds for its  
24 issuance and the name of the person or persons whose affidavit has  
25 been taken in support thereof. It shall command the person to  
26 whom it is directed to inspect the area, premises, building, or con-  
27 veyance identified for the purpose specified, and where appropriate,  
28 shall direct the seizure of the property specified. The warrant shall  
29 direct that it be served during normal business hours. It shall  
30 designate the judge to whom it shall be returned;

31 (3) A warrant issued pursuant to this section must be executed  
32 and returned within 10 days of its date. If property is seized

33 pursuant to a warrant, the person executing the warrant shall give  
34 to the person from whom or from whose premises the property was  
35 taken a copy of the warrant and a receipt for the property taken or  
36 shall leave the copy and receipt at the place from which the property  
37 was taken. The return of the warrant shall be made promptly and  
38 shall be accompanied by a written inventory of any property taken.  
39 The inventory shall be made in the presence of the person executing  
40 the warrant and of the person from whose possession or premises  
41 the property was taken, if they are present, or in the presence of at  
42 least one credible person other than the person executing the  
43 warrant. The clerk of the court, upon request, shall deliver a copy  
44 of the inventory to the person from whom or from whose premises  
45 the property was taken and to the applicant for the warrant; and

46 (4) The judge who has issued a warrant under this section shall  
47 attach to the warrant a copy of the return and all papers filed in  
48 connection therewith and shall cause them to be filed with the court  
49 which issued such warrant.

50 b. The commissioner is authorized to make administrative in-  
51 spections of controlled premises in accordance with the following  
52 provisions:

53 (1) For the purposes of this article only, "controlled premises"  
54 means:

55 (a) Places where persons registered or exempted from regis-  
56 tration requirements under this act are required to keep rec-  
57 ords, and

58 (b) Places including factories, warehouses, establishments,  
59 and conveyances where persons registered or exempted from  
60 registration requirements under this act are permitted to hold,  
61 manufacture, compound, process, sell, deliver, or otherwise  
62 dispose of any controlled dangerous substance.

63 (2) When so authorized by an administrative inspection warrant  
64 issued pursuant to subsection \***[b. (1) (a)]**\* *a. (1)*\* of this section  
65 an officer or employee designated by the commissioner upon pre-  
66 senting the warrant and appropriate credentials to the owner,  
67 operator, or agent in charge, shall have the right to enter controlled  
68 premises for the purpose of conducting an administrative inspec-  
68A tion.

69 (3) When so authorized by an administrative inspection warrant,  
70 an officer or employee designated by the commissioner shall have  
71 the right:

72 (a) To inspect and copy records required by this act to be  
73 kept;

74 (b) To inspect, within reasonable limits and in a reasonable  
 75 manner, controlled premises and all pertinent equipment,  
 76 finished and unfinished material, containers and labeling found  
 77 therein, and, except as provided in subsection b. (5) of this  
 78 section, all other things therein including records, files, papers,  
 79 processes, controls, and facilities bearing on violation of this  
 80 act; and

81 (c) To inventory any stock of any controlled dangerous sub-  
 82 stance therein and obtain samples of any such substance.

83 (4) This section shall not be construed to prevent entries and  
 84 administrative inspections (including seizures of property) without  
 85 a warrant:

86 (a) With the consent of the owner, operator or agent in  
 87 charge of the controlled premises;

88 (b) In situations presenting imminent danger to health or  
 89 safety;

90 (c) In situations involving inspection of conveyances where  
 91 there is reasonable cause to believe that the mobility of the con-  
 92 veyance makes it impracticable to obtain a warrant;

93 (d) In any other exceptional or emergency circumstance  
 94 where time or opportunity to apply for a warrant is lacking;  
 95 and,

96 (e) In all other situations where a warrant is not constitu-  
 97 tionally required.

98 (5) Except when the owner, operator, or agent in charge of the  
 99 controlled premises so consents in writing, no inspection authorized  
 100 by this section shall extend to:

101 (a) Financial data;

102 (b) Sales data other than shipment data; \***[or]**\*

103 (c) Pricing data\***[.]**\* \*;\*

104 \*(d) Personnel data; or

105 (e) Research data.\*

1 33. Injunctions. The Superior Court shall have jurisdiction in  
 2 accordance with the rules of court to enjoin violations of this act.

1 34. Cooperative arrangements. a. The commissioner may co-  
 2 operate with Federal and other State agencies in discharging his  
 3 responsibilities concerning traffic in dangerous substances and in  
 4 suppressing the abuse of dangerous substances. To this end, he is  
 5 authorized to:

6 (1) Except as otherwise provided by law, arrange for the ex-  
 7 change of information between government officials concerning the  
 8 use and abuse of dangerous substances; provided, however, that in  
 9 no case shall any officer having knowledge by virtue of his office

10 of any such prescription, order or record divulge such knowledge,  
11 except in connection with a prosecution or proceeding in court or  
12 before a licensing board or officer to which prosecution or proceed-  
13 ing the person to records relate, is a party;

14 (2) Coordinate and cooperate in training programs on dangerous  
15 substances law enforcement at the local and State levels;

16 (3) Conduct programs of eradication aimed at destroying wild  
17 or illicit growth of plant species from which controlled dangerous  
18 substances may be extracted.

19 b. Results, information, and evidence received from the Bureau  
20 of Narcotics and Dangerous Drugs relating to the regulatory func-  
21 tions of this act, including results of inspections conducted by that  
22 agency, may be relied upon and acted upon by the commissioner in  
23 conformance with his regulatory functions under this act.

1 35. Nuisances and Forfeitures. a. The maintenance of any build-  
2 ing, conveyance or premises whatever which is resorted to by  
3 persons for the unlawful manufacture, distribution, dispensing, ad-  
4 ministration or use of controlled dangerous substances shall con-  
5 stitute the keeping of a common nuisance.

6 b. The following shall be subject to forfeiture and no property  
7 right shall exist in them:

8 (1) All controlled dangerous substances which have been manu-  
9 factured, distributed, dispensed or acquired in violation of the  
10 provisions of this act;

11 (2) All raw materials, products and equipment of any kind which  
12 are used, or intended for use, in manufacturing, compounding,  
13 processing, delivering, importing, or exporting any controlled dan-  
14 gerous substance in violation of the provisions of this act;

15 (3) All property which is used or intended for use, as a container  
16 for property described in subsections b. (1) and (2) above;

17 (4) All conveyances including aircraft, vehicles, or vessels, which  
18 are used or intended for use, to transport, or in any manner to  
18A facilitate the transportation, for the purpose of sale or receipt of  
19 property described in b. (1) or (2) above, except that:

20 (a) No conveyance used by any person as a common carrier  
21 in the transaction or business as a common carrier shall be  
22 forfeited under the provisions of this chapter unless it shall  
23 appear that the owner or other person in charge of such con-  
24 veyance was a consenting party or privy to a violation of this  
25 act, and

26 (b) No conveyance shall be forfeited under the provisions  
27 of this section by reason of any act or omission, established by  
28 the owner thereof to have been committed or omitted without

29 the knowledge or consent of such owner, and by any person  
30 other than such owner while such conveyance was unlawfully  
31 in the possession of a person other than the owner in violation  
32 of the criminal laws of the United States, or of any state, and

33 (5) All books, records, and research, including formulas, micro-  
34 film, tapes, and data which are used, or intended for use, in viola-  
35 tion of this act.

36 c. Any property subject to forfeiture under this act may be  
37 seized by the State or any person charged with enforcement of this  
38 act, upon process issued by any court of competent jurisdiction  
39 over the property except that seizure without such process may be  
40 made when:

41 (1) It is not inconsistent with the Constitution of this State and  
42 the United States;

43 (2) The property subject to seizure has been the subject of a  
44 prior judgment in favor of the State in a criminal injunction or  
45 forfeiture proceeding under this act;

46 (3) The commissioner or any other person charged with enforce-  
47 ment of this act has probable cause to believe that the property is  
48 directly or indirectly dangerous to health or safety; or

49 (4) The commissioner or any other person charged with enforce-  
50 ment of this act has probable cause to believe that the property has  
51 been used or intended to be used in violation of this act.

52 In the event of seizure pursuant to paragraphs (3) and (4) of  
53 this subsection, proceedings under subsection d. of this section shall  
54 be instituted promptly.

55 d. Property taken or detained under this section shall not be  
56 repleviable, but shall be deemed to be in the custody of the State  
57 or political subdivision, acting as agent for the State, whichever  
58 may have seized said property, and subject only to the orders and  
59 decrees of the court or the official having jurisdiction thereof. When-  
60 ever property is seized under the provisions of this act, the State  
61 may:

62 (1) Place the property under seal;

63 (2) Remove the property to a place designated by it; or

64 (3) Require that the political subdivision or State take custody  
65 of the property and remove it to an appropriate location for dis-  
66 position in accordance with law.

67 e. Whenever any property, including motor vehicles and other  
68 conveyances, is forfeited under this act, it shall be forthwith de-  
69 posited in the custody of the Director of the Division of Purchase  
70 and Property, State Department of the Treasury, whereupon dis-  
71 position of such property shall be carried out in the following  
72 manner:

73 (1) Any State agency or bureau, or any county or municipality,  
74 having a demonstrated need for specific property or classes of prop-  
75 erty, subject to forfeiture under this act, shall make application for  
76 such property to the Director of the Division of Budget and Ac-  
77 counting, State Department of the Treasury, and shall clearly set  
78 forth in the application his or its need for the property and the  
79 use to which such property will be put; and

80 (2) The Director of the Division of Budget and Accounting shall  
81 review all applications for such property submitted pursuant to  
82 subsection e. (1) of this section, and shall make a determination  
83 based on necessity and advisability, as to final disposition, and shall  
84 so notify the applicant and the Director of Purchase and Property,  
85 subject to such rules and regulations as may be required.

86 (3) In the event no application or disposition is made under (1)  
87 or (2) above the Director of Purchase and Property shall dispose  
88 of such property in the manner authorized by law for disposal of  
89 surplus property.

90 f. All substances listed in Schedule I that are possessed, trans-  
91 ferred, sold, or offered for sale in violation of the provisions of this  
92 act shall be deemed contraband and seized and summarily forfeited  
93 to the State of New Jersey. Similarly, all substances listed in  
94 Schedule I, *\*the owners of\** which are unknown, shall be deemed  
95 contraband and summarily forfeited to the State of New Jersey.

96 (1) All species of plants from which controlled substances in  
97 Schedules I and II may be derived which have been planted or  
98 cultivated in violation of this act, or of which the owners or cultiva-  
99 tors are unknown, or which are wild growths, may be seized and  
100 summarily forfeited to the State of New Jersey.

101 (2) The failure upon demand by the commissioner, or his duly  
102 authorized agent, of the person in occupancy or in control of land  
103 or premises upon which such species of plants are growing or being  
104 stored, to produce an appropriate registration, or proof that he is  
105 the holder thereof, shall constitute authority for the seizure and  
106 forfeiture.

107 g. Whenever any property is subject to forfeiture under this act,  
108 such forfeiture may be enforced by a civil action, commenced by the  
109 seizing authority in the name of the State of New Jersey and against  
110 the property sought to be forfeited.

111 (1) Complaint. The complaint shall be verified on oath or affirma-  
112 tion. It shall describe with reasonable particularity the property  
113 that is the subject matter of the action and the place of seizure and  
114 shall contain such allegations as may be required by this act.

115 (2) Process. Upon the filing of the complaint, the clerk shall  
116 forthwith issue a warrant for the seizure of the property that is the  
117 subject matter of the action and deliver it to the sheriff for service.

118 (3) Notice. The notice requirements of the Rules of Court for  
119 an in rem action shall be followed.

120 (4) Claim and answer. The claimant of property that is the sub-  
121 ject of an action under this section shall file his claim within 10 days  
122 after the execution of process, or within such additional time as may  
123 be allowed by the court, and shall serve his answer within 20 days  
124 after the filing of the claim. The claim shall be verified on oath or  
125 affirmation, and shall state the interest in the property by virtue of  
126 which the claimant demands its restitution and the right to defend  
127 the action. If the claim is made on behalf of the person entitled to  
128 possession by an agent, bailee or attorney, it shall state that he is  
129 duly authorized to make the claim. At the time of answering the  
130 claimant shall also serve answers to any interrogatories served with  
131 the complaint.

1 36. Reports of conviction of manufacturers and practitioners.  
2 Whenever a manufacturer or practitioner is convicted of violating  
3 any provision of this act or of a rule or regulation issued thereunder,  
4 the court shall cause a copy of the judgment and sentence and  
5 opinion of the court, if any, to be sent to the State Department or  
6 professional board, as the case may be, by which the defendant was  
7 registered or licensed.

1 37. Burden of proof; liabilities; immunity. a. It shall not be  
2 necessary for the State to negate any exemption or exception set  
3 forth in this act in any complaint, information, indictment or other  
4 pleading or in any trial, hearing, or other proceeding under this  
5 act, and the burden of proof of any such exemption or exception  
6 shall be upon the person claiming its benefit.

7 b. In the absence of proof that a person is the duly authorized  
8 holder of an appropriate registration or order form issued under  
9 this act, he shall be presumed not to be the holder of such registra-  
10 tion or form, and the burden of proof shall be upon him to rebut  
11 such presumption.

12 c. No liability shall be imposed by virtue of this act upon any  
13 duly authorized State officer, engaged in the enforcement of this  
14 act, who shall be engaged in the enforcement of any law or mu-  
15 nicipal ordinance relating to controlled dangerous substances.

1 38. Judicial review. All final determinations, findings and con-  
2 clusions of the commissioner under this act shall be final and  
3 conclusive decisions of the matters involved, subject to the provi-  
4 sions for judicial review provided by the Rules of Court.



## ARTICLE \*6.\* \*7.\* MISCELLANEOUS

1 39. Reports by practitioners of drug dependent persons. Every  
2 practitioner, within 24 hours after determining that a person is a  
3 drug dependent person by reason of the use of a controlled danger-  
4 ous substance for purposes other than the treatment of sickness or  
5 injury prescribed and administered as authorized by law, \*he\*  
6 shall report such determination verbally or by mail to the \*Super-  
7 intendent of State Police\* \*Commissioner of the State Department  
8 of Health. Such a report by a physician shall be confidential and  
9 shall not be admissible in any criminal proceeding. The commis-  
10 sioner, in his discretion, may also treat any other reports submitted  
11 under this section as confidential if he determines that it is in the  
12 best interest of the drug dependent person and the public health and  
13 welfare\*. A practitioner who fails to make a report required by this  
14 section is a disorderly person.

1 40. Pending proceedings. a. Prosecutions for any violation of  
2 law occurring prior to the effective date of this act shall not be  
3 affected or abated by the repealers contained in section 46 of this  
4 act.

5 b. Civil seizures or forfeitures and injunctive proceedings com-  
6 menced prior to the effective date of this act shall not be affected  
7 or abated by the repealers contained in section 46 of this act.

8 c. All administrative proceedings pending before any enforcing  
9 authority on the effective date of this act shall be continued and  
10 brought to final determination in accord with laws and regulations  
11 in effect prior to the effective date of this act. Such drugs placed  
12 under control prior to the effective date of this act which are not  
13 listed within Schedules I through IV shall automatically be con-  
14 trolled and listed in the appropriate schedule.

15 d. The provisions of this act shall be applicable to violations of  
16 law, seizures and forfeiture, injunctive proceedings, administrative  
17 proceedings and investigations which occur following its effective  
18 date.

1 41. Continuation of regulations. Any orders, rules and regula-  
2 tions which have been promulgated under any law affected by this  
3 act and which are in effect on the day preceding the effective date  
4 of this act shall continue in effect until modified, superseded or  
5 repealed by the State Department of Health.

1 42. Uniformity of interpretation. This act shall be so construed  
2 as to effectuate its general purpose to make uniform the law of  
3 those states which enact it.

1 43. Severability. If any clause, sentence, subdivision, paragraph,  
2 section or part of this act be adjudged to be unconstitutional or

3 invalid, such judgment shall not affect, impair or invalidate the  
4 remainder thereof, but shall be confined in its operation to the  
5 clause, sentence, subdivision, paragraph, section or part thereof  
6 directly involved in the case in which said judgment shall have been  
7 rendered.

1 44. Section 1 of P. L. 1962, chapter 113 (C. 2A:170-77.8) is  
2 amended to read as follows:

3 1. Except as hereinafter provided, any person who uses or is  
4 under the influence of, or who possesses or has under his control,  
5 in any form, any [depressant or stimulant drug as defined pursuant  
6 to law or any other] prescription legend drug which is not a nar-  
7 cotic, *depressant or stimulant drug or controlled dangerous sub-*  
8 *stance* within the meaning of [chapter 18 of Title 24 of the Re-  
9 vised Statutes] *existing law*, unless obtained from, or on a valid  
10 prescription of, a duly licensed physician, veterinarian or dentist,  
11 is a disorderly person.

12 In a prosecution under this act, it shall not be necessary for the  
13 State to prove that the accused did use or was under the influence  
14 of any specific drug or drugs, but it shall be sufficient for a convic-  
15 tion under this act for the State to prove that the accused did use  
16 or was under the influence of some drug or drugs as aforesaid by  
17 proving that the accused did manifest physical and physiological  
18 symptoms or reactions caused by the use of any such drug.

1 45. Section 2 of P. L. 1962, chapter 113 (C. 2A:170-77.9) is  
2 amended to read as follows:

3 2. Except as hereinafter provided, any person who sells, dis-  
4 penses or gives away, in any form, any [depressant or stimulant  
5 drug as defined pursuant to law or any other prescription legend  
6 drug which is not a narcotic within the meaning of chapter 18 of  
7 Title 24 of the Revised Statutes] *prescription legend drug which is*  
8 *not a narcotic, depressant or stimulant drug or controlled danger-*  
9 *ous substance within the meaning of existing law*, is a disorderly  
10 person.

1 \*46. *Within 1 year after the date the Federal Commission on*  
2 *Marihuana and Drug Abuse submits its report to the President*  
3 *and the United States Congress, the Legislature shall conduct a*  
4 *comprehensive study and review of the penalties established in this*  
5 *act concerning offenses relating to the use and possession of mari-*  
6 *huana.\**

1 \*46.\* \*47.\* The following acts and parts of acts are repealed:  
2 R. S. 24:18-1 to 24:18-7, 24:18-9 to 24:18-16, 24:18-18 to  
3 24:18-28, 24:18-30 to 24:18-48 (constituting the remaining sections  
4 in chapter 18 of Title 24 of the Revised Statutes not previously

5 repealed); P. L. 1953, chapter 190 (C. 24:18-24.1, 24:18-24.2); P. L.  
6 1951, chapter 57 (C. 24:18-38.1 to 24:18-38.3); P. L. 1966, chapter  
7 314, sections 1-3 (C. 24:6C-1 to 24:6C-3); N. J. S. 2A:170-8.

1 \*~~47.~~\* \*48.\* Effective date. This act shall take effect on the  
2 ninetieth day following the date of its enactment.

SENATE, No. 851

STATE OF NEW JERSEY

INTRODUCED MAY 7, 1970

By Senators DICKINSON, KNOWLTON, HAGEDORN, DELTUFO,  
SCHIAFFO, WOODCOCK, SEARS, WALLWORK, CRABIEL,  
LYNCH and BATEMAN

Referred to Committee on Air and Water Pollution and Public Health

AN ACT pertaining to the control of dangerous substances and  
amending and repealing parts of the statutory law.

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

ARTICLE 1. SHORT TITLE; DEFINITIONS

1 1. Short Title. This act shall be known and may be cited as the  
2 "New Jersey Controlled Dangerous Substances Act."

1 2. Definitions. As used in this act:

2 "Administer" means to deliver, by a practitioner, in his presence,  
3 a controlled dangerous substance to the ultimate user or human  
4 research subject by injection, or for inhalation, or ingestion, or by  
5 any other means.

6 "Agent" means an authorized person who acts on behalf of or at  
7 the direction of a manufacturer, distributor, or dispenser but does  
8 not include a common or contract carrier, public warehouseman, or  
9 employee thereof.

10 "Bureau of Narcotics and Dangerous Drugs" means the Bureau  
11 of Narcotics and Dangerous Drugs, United States Department of  
12 Justice.

13 "Commissioner" means the State Commissioner of Health.

14 "Control" means to add, remove, or change the placement of a  
15 drug, substance or immediate precursor pursuant to article 2 of this  
16 act.

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

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

31 “Dispense” means to distribute a controlled dangerous substance  
32 to an ultimate user or human research subject by or pursuant to  
33 the lawful order of a practitioner, including the prescribing, ad-  
34 ministering, packaging, labeling, or compounding necessary to pre-  
35 pare the substance for such distribution.

36 “Dispenser” is a practitioner who distributes a controlled dan-  
37 gerous substance to an ultimate user or human research subject.

38 “Distribute” means the actual, constructive, or attempted trans-  
39 fer of a controlled dangerous substance whether or not there exists  
40 an agency relationship.

41 “Distributor” means a person who actually or constructively  
42 transfers or attempts to transfer a controlled dangerous substance  
43 whether or not there exists an agency relationship.

44 “Drugs” means (a) articles 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) articles intended for use in the diagnosis,  
48 cure, mitigation, treatment, or prevention of disease in man or other  
49 animals; and (c) articles (other than food) intended to affect the  
50 structure or any function of the body of man or other animals; and  
51 (d) articles intended for use as a component of any article specified  
52 in subsections (a), (b) and (c) of this section; but does not include  
53 devices or their components, parts, or accessories.

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

62 “Marihuana” means all parts of the plant *Cannabis sativa* L.,  
63 whether growing or not; the seeds thereof; the resin extracted from

64 any part of such plant; and every compound, manufacture, salt,  
65 derivative, mixture, or preparation of such plant, its seeds or resin,  
66 but shall not include the mature stalks of such plant, fiber produced  
67 from such stalks, oil or cake made from the seeds of such plant, any  
68 other compound, manufacture, salt, derivative, mixture, or prepara-  
69 tion of such mature stalks (except the resin extracted therefrom),  
70 fiber, oil, or cake, or the sterilized seed of such plant which is  
71 incapable of germination.

72 "Manufacture" means the production, preparation, propagation,  
73 compounding, or processing of a controlled dangerous substance,  
74 either directly or indirectly by extraction from substances of  
75 natural origin, or independently by means of chemical synthesis or  
76 by a combination of extraction and chemical synthesis.

77 "Manufacturer" includes any person who packages, repackages,  
78 or labels any container of any controlled dangerous substance,  
79 except practitioners who dispense or compound prescription orders  
80 for delivery to the ultimate consumer.

81 "Narcotic drug" means any of the following, whether produced  
82 directly or indirectly by extraction from substances of vegetable  
83 origin, or independently by means of chemical synthesis, or by a  
84 combination of extraction and chemical synthesis:

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

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

88 (c) A substance (and any compound, manufacture, salt, deriva-  
89 tive, or preparation thereof) which is chemically identical with  
90 any of the substances referred to in subsections (a) and (b), except  
91 that the words "narcotic drug" as used in this act shall not include  
92 decocainized coca leaves or extracts of coca leaves, which extracts  
93 do not contain cocaine or ecgonine.

94 "Opiate" means any dangerous substance having an addiction-  
95 forming or addiction-sustaining liability similar to morphine or  
96 being capable of conversion into a drug having such addiction-  
97 forming or addiction-sustaining liability.

98 "Opium poppy" means the plant of the species *Papaver somni-*  
99 *ferum* L., except the seeds thereof.

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

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

103 "Pharmacy owner" means the owner of a store or other place  
104 of business where controlled dangerous substances are compounded  
105 or dispensed by a registered pharmacist; but nothing in this chapter

106 contained shall be construed as conferring on a person who is not  
107 registered or licensed as a pharmacist any authority, right or  
108 privilege that is not granted to him by the pharmacy laws of this  
109 State.

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

112 "Practitioner" means a physician, dentist, veterinarian, scientific  
113 investigator, laboratory, pharmacy, hospital or other person li-  
114 censed, registered, or otherwise permitted to distribute, dispense,  
115 conduct research with respect to, or administer a controlled danger-  
116 ous substance in the course of professional practice or research in  
117 this State.

118 (a) "Physician" means a physician authorized by law to practice  
119 medicine in this or any other State and any other person authorized  
120 by law to treat sick and injured human beings in this or any other  
121 State and

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

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

126 (d) "Hospital" means any Federal institution, or any institu-  
127 tion for the care and treatment of the sick and injured, operated or  
128 approved by the appropriate State department as proper to be in-  
129 structed with the custody and professional use of controlled danger-  
130 ous substances.

131 (e) "Laboratory" means a laboratory to be intrusted with the  
132 custody of narcotic drugs and the use of controlled dangerous sub-  
133 stances for scientific, experimental and medical purposes and for  
134 purposes of instruction approved by the State Department of  
135 Health.

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

138 "Immediate precursor" means a substance which the State De-  
139 partment of Health has found to be and by regulation designates  
140 as being the principal compound commonly used or produced pri-  
141 marily for use, and which is an immediate chemical intermediary  
142 used or likely to be used in the manufacture of a controlled danger-  
143 ous substance, the control of which is necessary to prevent, curtail,  
144 or limit such manufacture.

145 "State" means the State of New Jersey.

146 "Ultimate user" means a person who lawfully possesses a con-  
147 trolled dangerous substance for his own use or for the use of a

148 member of his household or for administration to an animal owned  
149 by him or by a member of his household.

ARTICLE 2. STANDARDS AND SCHEDULES

1 3. Authority to control. a. The commissioner shall administer  
2 the provisions of this act and shall control all substances enumer-  
3 ated in sections 5 through 8 of this act. In determining whether to  
4 control a substance, the commissioner shall consider the following:

- 5 (1) Its actual or relative potential for abuse;
- 6 (2) Scientific evidence of its pharmacological effect, if known;
- 7 (3) State of current scientific knowledge regarding the sub-  
8 stance;
- 9 (4) Its history and current pattern of abuse;
- 10 (5) The scope, duration, and significance of abuse;
- 11 (6) What, if any, risk there is to the public health;
- 12 (7) Its psychic or physiological dependence liability; and
- 13 (8) Whether the substance is an immediate precursor of a sub-  
14 stance already controlled under this article.

15 After considering the above factors, the commissioner shall make  
16 findings with respect thereto and shall issue an order controlling  
17 the substance if he finds that the substance has a potential for abuse.

18 b. If the commissioner designates a substance as an immediate  
19 precursor, substances which are precursors of the controlled pre-  
20 cursor shall not be subject to control solely because they are pre-  
21 cursors of the controlled precursor.

22 c. Any substance which shall be designated as a controlled dan-  
23 gerous substance and controlled and scheduled under Federal law  
24 shall be similiarly controlled under this act after the expiration of  
25 30 days from publication in the Federal Register of a final order  
26 designating a substance as a controlled dangerous substance or  
27 rescheduling a substance, unless, within such 30-day period, the  
28 commissioner objects to such inclusion or rescheduling. In such  
29 case, the commissioner shall cause to be published in the New Jersey  
30 Register and made public the reasons for his objection and shall  
31 afford all interested parties an opportunity to be heard. At the  
32 conclusion of any such hearing, the commissioner shall publish and  
33 make public his decision, which shall be final unless the substance is  
34 specifically otherwise dealt with by an act of the Legislature. Upon  
35 publication of objection to inclusion or rescheduling under this act  
36 by the commissioner, control of such substance under this section  
37 shall automatically be stayed until such time as the commissioner  
38 makes public his final decision.

39 d. The State Department of Health shall update and republish  
40 the schedules in sections 5 through 8 on a semiannual basis for 2



41 years from the effective date of this act and thereafter on an annual  
42 basis.

1 4. Schedules of controlled substances. The schedules contained  
2 in sections 5 through 8 of this act include the controlled dangerous  
3 substances listed or to be listed by whatever official name, common  
4 or usual name, chemical name, or trade name designated.

1 5. Schedule I. In determining that a substance comes within this  
2 schedule, the commissioner shall find a high potential for abuse, no  
3 accepted medical use in the United States, and a lack of accepted  
4 safety for use in treatment. The following are controlled dangerous  
5 substances and are included in this schedule and as the schedule  
6 may be revised and republished by the commissioner pursuant to  
7 section 3 d. and, except to the extent provided in any other schedule:

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

- 10 (1) Acetylmethadol
- 11 (2) Allyprodine
- 12 (3) Alphacetylmethadol
- 13 (4) Alphameprodine
- 14 (5) Alphamethadol
- 15 (6) Benzethidine
- 16 (7) Betacetylmethadol
- 17 (8) Betameprodine
- 18 (9) Betamethadol
- 19 (10) Betaprodine
- 20 (11) Clonitazene
- 21 (12) Dextromoramide
- 22 (13) Dextrorphan
- 23 (14) Diampromide
- 24 (15) Diethylthiambutene
- 25 (16) Dimenoxadol
- 26 (17) Dimepheptanol
- 27 (18) Dimethylthiambutene
- 28 (19) Dioxaphetyl butyrate
- 29 (20) Dipipanone
- 30 (21) Ethylmethylthiambutene
- 31 (22) Etonitazene
- 32 (23) Etoperidine
- 33 (24) Furethidine
- 34 (25) Hydroxypethidine

- 35 (26) Ketobemidone
- 36 (27) Levomoramide
- 37 (28) Levophenacymorphan
- 38 (29) Morpheridine
- 39 (30) Noracymethadol
- 40 (31) Norlevorphanol
- 41 (32) Normethadone
- 42 (33) Norpipanone
- 43 (34) Phenadoxone
- 44 (35) Phenampromide
- 45 (36) Phenomorphan
- 46 (37) Phenoperidine
- 47 (38) Piritramide
- 48 (39) Proheptazine
- 49 (40) Properidine
- 50 (41) Racemoramide
- 51 (42) Trimeperidine.

52 b. Any of the following substances, their salts, isomers and salts  
53 of isomers, unless specifically excepted, whenever the existence of  
54 such salts, isomers and salts of isomers is possible within the  
55 specific chemical designation:

- 56 (1) Acetorphine
- 57 (2) Acetylcodone
- 58 (3) Acetyldihydrocodeine
- 59 (4) Benzylmorphine
- 60 (5) Codeine methylbromide
- 61 (6) Codeine-N-Oxide
- 62 (7) Cyprenorphine
- 63 (8) Desomorphine
- 64 (9) Dihydrocodeine
- 65 (10) Dihydromorphine
- 66 (11) Etorphine
- 67 (12) Heroin
- 68 (13) Hydromorphenol
- 69 (14) Methyldesorphine
- 70 (15) Methylhydromorphine
- 71 (16) Morphine methylbromide
- 72 (17) Morphine methylsulfonate
- 73 (18) Morphine-N-Oxide
- 74 (19) Myrophine
- 75 (20) Nicocodeine
- 76 (21) Nicomorphine
- 77 (22) Normorphine

78 (23) Phoclocline

79 (24) Thebacon.

80 c. Any material, compound, mixture or preparation which con-  
81 tains any quantity of the following hallucinogenic substances, their  
82 salts, isomers and salts of isomers, unless specifically excepted,  
83 whenever the existence of such salts, isomers, and salts of isomers  
84 is possible within the specific chemical designation:

85 (1) Bufotenine

86 (2) Diethyltryptamine

87 (3) Dimethyltryptamine

88 (4) 4-methyl-2,5-dimethoxyamphetamine

89 (5) Ibogaine

90 (6) Lysergic acid diethylamide

91 (7) Marihuana

92 (8) Mescaline

93 (9) Peyote

94 (10) Psilocybin.

95 (11) Psilocyn

96 (12) Tetrahydrocannabinols

97 (13) MDA

98 (14) MMDA

99 (15) TMA.

1 6. Schedule II. In determining that a substance comes within  
2 this schedule, the commissioner shall find a high potential for abuse,  
3 currently accepted medical use in the United States or currently  
4 accepted medical use with severe restrictions, and abuse may lead  
5 to severe psychic or physical dependence. The following are con-  
6 trolled dangerous substances and are included in this schedule and  
7 as the schedule may be revised and republished by the commissioner  
8 pursuant to section 3 d. and, except to the extent provided in any  
9 other schedule:

10 a. Any of the following substances except those narcotic drugs  
11 listed in other schedules whether produced directly or indirectly by  
12 extraction from substances of vegetable origin, or independently by  
13 means of chemical synthesis, or by combination of extraction and  
14 chemical synthesis:

15 (1) Opium and opiate, and any salt, compound, derivative,  
16 or preparation of opium or opiate.

17 (2) Any salt, compound, derivative, or preparation thereof  
18 which is chemically equivalent or identical with any of the  
19 substances referred to in clause 1, except that these substances  
20 shall not include the isoquinoline alkaloids of opium.

21 (3) Opium poppy and poppy straw.  
 22 (4) Coca leaves and any salt, compound, derivative, or prep-  
 23 aration of coca leaves, and any salt, compound, derivative, or  
 24 preparation thereof which is chemically equivalent or identical  
 25 with any of these substances, except that the substances shall  
 26 not include decocainized coca leaves or extractions do not con-  
 27 tain cocaine or ecogine.

28 b. Any of the following opiates, including their isomers, esters,  
 29 ethers, salts, and salts of isomers, esters and ethers, unless specif-  
 30 ically excepted, whenever the existence of such isomers, esters,  
 31 ethers, and salts is possible within the specific chemical designation :

- 32 (1) Alphaprodine  
 33 (2) Anileridine  
 34 (3) Bezitramide  
 35 (4) Diphenoxylate  
 36 (5) Fentanyl  
 37 (6) Isomethadone  
 38 (7) Levomethorphan  
 39 (8) Levorphanol  
 40 (9) Metazocine  
 41 (10) Methadone  
 42 (11) Methadone—Intermediate, 4-cyano-2-dimethylamino-4,  
 43 4-diphenyl butane  
 44 (12) Moramide—Intermediate, 2-methyl-3-morpholino-1,  
 45 1-diphenyl-propane-carboxylic acid  
 46 (13) Pethidine  
 47 (14) Pethidine—Intermediate—A,  
 48 4-cyano-1-methyl-4-phenylpiperidine  
 49 (15) Pethidine—Intermediate—B,  
 50 ethyl-4-phenylpiperidine-4-carboxylate  
 51 (16) Pethidine—Intermediate—C,  
 52 1-methyl-4-phenylpiperidine-4-carboxylic acid  
 53 (17) Phenazocine  
 54 (18) Piminodine  
 55 (19) Racemethorphan  
 56 (20) Racemorphan.

1 7. Schedule III. In determining that a substance comes within  
 2 this schedule, the commissioner shall find a potential for abuse less  
 3 than the substances listed in Schedules I and II, currently accepted  
 4 medical use in the United States, and abuse may lead to moderate  
 5 or low physical dependence or high psychological dependence.

6 The following are classes of controlled dangerous substances and  
 7 are included in this schedule and as the schedule may be revised and

8 republished by the commissioner pursuant to section 3 d. and, ex-  
9 cept to the extent provided in any other schedule:

10 a. Any material, compound, mixture, or preparation which con-  
11 tains any quantity of the following substances having a potential  
12 for abuse associated with a stimulant effect on the central nervous  
13 system:

14 (1) Amphetamine, its salts, optical isomers, and salts of its  
15 optical isomers.

16 (2) Phenmetrazine and its salts.

17 (3) Any substance which contains any quantity of meth-  
18 amphetamine, including its salts, isomers, and salts of isomers.

19 (4) Methylphenidate.

20 b. Any material, compound, mixture, or preparation which con-  
21 tains any quantity of the following substances having a potential  
22 for abuse associated with a depressant effect on the central nervous  
23 system:

24 (1) Any substance which contains any quantity of a deriva-  
25 tive of barbituric acid, or any salt of a derivative of barbituric  
26 acid, except those substances which are specifically listed in  
27 other schedules

28 (2) Chloral betaine

29 (3) Chloral hydrate

30 (4) Chlorhexadol

31 (5) Ethchlorvynol

32 (6) Ethinamate

33 (7) Glutethimide

34 (8) Lysergic acid

35 (9) Lysergic acid amide

36 (10) Methyprylon

37 (11) Pareldehyde

38 (12) Petrichloral

39 (13) Phencyclidine

40 (14) Sulfondiethylmethane

41 (15) Sulfonethylmethane

42 (16) Sulfonmethane.

43 c. Nalorphine.

44 d. Any material, compound, mixture, or preparation containing  
45 limited quantities of any of the following narcotic drugs, or any  
46 salts thereof:

47 (1) Not more than 1.80 grams of codeine per 100 milliliters  
48 or not more than 90 milligrams per dosage unit, with an equal  
49 or greater quantity of an isoquinoline alkaloid of opium.

50 (2) Not more than 1.80 grams of codeine per 100 milliliters  
51 or not more than 90 milligrams per dosage unit, with one or  
52 more active, nonnarcotic ingredients in recognized therapeutic  
53 amount.

54 (3) Not more than 300 milligrams of dihydrocodeinone per  
55 100 milliliters or not more than 15 milligrams per dosage unit,  
56 with a fourfold or greater quantity of an isoquinoline alkaloid  
57 of opium.

58 (4) Not more than 300 milligrams of dihydrocodeinone per  
59 100 milliliters or not more than 15 milligrams per dosage unit,  
60 with one or more active, nonnarcotic ingredients in recognized  
61 therapeutic amounts.

62 (5) Not more than 1.80 grams of dihydrocodeine per 100  
63 milliliters or not more than 90 milligrams per dosage unit, with  
64 one or more active, nonnarcotic ingredients in recognized thera-  
65 peutic amounts.

66 (6) Not more than 300 milligrams of ethylmorphine per 100  
67 milliliters or not more than 15 milligrams per dosage unit, with  
68 one or more active, nonnarcotic ingredients in recognized thera-  
69 peutic amounts.

70 (7) Not more than 500 milligrams of opium per 100 milli-  
71 liters or per 100 grams, or not more than 25 milligrams per  
72 dosage unit, with one or more active, nonnarcotic ingredients  
73 in recognized therapeutic amounts.

74 (8) Not more than 50 milligrams of morphine per 100 milli-  
75 liters or per 100 grams with one or more active, nonnarcotic  
76 ingredients in recognized therapeutic amounts.

77 e. The commissioner may by regulation except any compound,  
78 mixture, or preparation containing any stimulant or depressant  
79 substance listed in subsections a. and b. of this schedule from the  
80 application of all or any part of this act if the compound, mixture,  
81 or preparation contains one or more active medicinal ingredients  
82 not having a stimulant or depressant effect on the central nervous  
83 system; provided, that such admixtures shall be included therein in  
84 such combinations, quantity, proportion, or concentration as to  
85 vitiate the potential for abuse of the substances which do have a  
86 stimulant or depressant effect on the central nervous system.

1 8. Schedule IV. In determining that a substance comes within  
2 this schedule, the commissioner shall find a low potential for abuse  
3 relative to the substances listed in Schedule III, currently accepted  
4 medical use in the United States, and limited physical dependence  
5 and psychological dependence liability or either thereof relative to  
6 the substances listed in Schedule III.

7 The following are controlled dangerous substances and are in-  
 8 cluded in this Schedule: any compound, mixture, or preparation  
 9 containing limited quantities of any of the following narcotic drugs,  
 10 which shall include one or more nonnarcotic active medicinal in-  
 11 gredients in sufficient proportion to confer upon the compound, mix-  
 12 ture, or preparation, valuable medicinal qualities other than those  
 13 possessed by the narcotic drug alone:

14 (1) Not more than 200 milligrams of codeine per 100 milli-  
 15 liters or per 100 grams;

16 (2) Not more than 100 milligrams of dihydrocodeine per 100  
 17 milliliters or per 100 grams;

18 (3) Not more than 50 milligrams of ethylmorphine per 100  
 19 milliliters or per 100 grams;

20 (4) Not more than 2.5 milligrams of diphenoxylate and not  
 21 less than 25 micrograms of atrophine sulfate per dosage unit;

22 (5) Not more than 100 milligrams of opium per 100 milliliters  
 23 or per 100 grams.

ARTICLE 3. REGULATION OF MANUFACTURE, DISTRIBUTION  
 AND DISPENSING OF CONTROLLED DANGEROUS SUBSTANCES

1 9. Rules and regulations. The commissioner is authorized to  
 2 promulgate rules and regulations and to charge reasonable fees  
 3 relating to the registration and control of the manufacture, distribu-  
 4 tion, and dispensing of controlled dangerous substances within this  
 5 State.

1 10. Registration requirements. a. Every person who manufac-  
 2 tures, distributes, or dispenses any controlled dangerous substance  
 3 within this State or who proposes to engage in the manufacture,  
 4 distribution, or dispensing of any controlled dangerous substance  
 5 within this State, shall obtain annually a registration issued by the  
 6 State Department of Health in accordance with the rules and regu-  
 7 lations promulgated by it.

8 b. The following persons shall not be required to register and  
 9 may lawfully have under their control or possess controlled danger-  
 10 ous substances under the provisions of this act; provided, however,  
 11 that nothing in this section shall be construed as conferring on a  
 12 person who is not registered or licensed as a practitioner or as a  
 13 pharmacist any authority, right or privilege that is not granted him  
 14 by the laws of this State:

15 (1) An agent, or an employee thereof, of any registered manufac-  
 16 turer, distributor, or dispenser of any controlled dangerous sub-  
 17 stance if such agent is acting in the usual course of his business or  
 18 employment;

19 (2) A common carrier or warehouseman, or an employee thereof,  
20 whose possession of any controlled dangerous substance is in the  
21 usual course of his business or employment;

22 (3) An ultimate user or a person in possession of any controlled  
23 dangerous substance pursuant to a lawful order of a practitioner;  
24 and

25 (4) Peace officers or employees in the performance of their offi-  
26 cial duties requiring possession or control of controlled dangerous  
27 substances; or to temporary incidental possession by employees or  
28 agents of persons lawfully entitled to possession, or by persons  
29 whose possession is authorized for the purpose of aiding peace  
30 officers in performing their official duties.

31 c. The commissioner may, by regulation, waive the requirement  
32 for registration of certain manufacturers, distributors, or dispen-  
33 sers if he finds it consistent with the public health and safety.

34 d. A separate registration shall be required at each principal  
35 place of business or professional practice where the applicant manu-  
36 factures, distributes, or dispenses controlled dangerous substances.

37 e. The commissioner is authorized to inspect the establishment of  
38 a registrant or applicant for registration in accordance with the  
39 rules and regulations promulgated by him.

1 11. Registration. a. The State Department of Health shall not  
2 register an applicant to manufacture or distribute controlled dan-  
3 gerous substances included in Schedules I through IV of article 2  
4 of this act unless it determines that the issuance of such registration  
5 is consistent with the public interest. In determining the public  
6 interest, the following factors shall be considered:

7 (1) Maintenance of effective controls against diversion of partic-  
8 ular controlled dangerous substances and any Schedule I or II sub-  
9 stance compounded therefrom into other than legitimate medical,  
10 scientific, or industrial channels;

11 (2) Compliance with applicable State and local laws;

12 (3) Prior conviction record of applicant under Federal and State  
13 laws relating to controlled dangerous substances;

14 (4) Past experience in the manufacture of controlled dangerous  
15 substances, and the existence in the establishment of effective con-  
16 trols against diversion; and

17 (5) Such other factors as may be relevant to and consistent with  
18 the public health and safety.

19 b. Registration granted under subsection a. of this section shall  
20 not entitle a registrant to manufacture and distribute controlled  
21 dangerous substances in Schedule I or II other than those specified  
22 in the registration.



23 c. Practitioners shall be registered to dispense substances in  
24 Schedules II through IV if they are authorized to dispense under  
25 the law of this State. Registration for the purpose of bona fide  
26 research involving use of Schedule I substances by a practitioner  
27 deemed qualified by the commissioner may be denied only on a  
28 ground specified in section 12a. or if there are reasonable grounds  
29 to believe that the applicant will abuse or unlawfully transfer such  
30 substances or fail to safeguard adequately his supply of such sub-  
31 stances against diversion from legitimate medical or scientific use.

32 d. The State Department of Health shall initially permit persons  
33 to register who own or operate any establishment engaged in the  
34 manufacture, distribution or dispensing of any controlled danger-  
35 ous substances prior to the effective date of this act and who are  
36 registered or licensed by the State.

37 e. Compliance by manufacturers and distributors with the pro-  
38 visions of Federal law respecting registration (excluding fees) shall  
39 be deemed compliance with this section.

1 12. Denial, revocation, or suspension of registration. a. A regis-  
2 tration pursuant to section 11 to manufacture, distribute, or dis-  
3 pense a controlled dangerous substance, may be suspended or  
4 revoked by the commissioner upon a finding that the registrant:

5 (1) Has materially falsified any application filed pursuant to  
6 this act or required by this act; or

7 (2) Has been convicted of an indictable offense under this act  
8 or any law of the United States, or of any State, relating to any  
9 substance defined herein as a controlled dangerous substance; or

10 (3) Has violated or failed to comply with any duly promulgated  
11 regulation of the commissioner and such violation or failure to  
12 comply reflects adversely on the licensee's reliability and integrity  
13 with respect to controlled dangerous substances; or

14 (4) Has had his Federal registration suspended or revoked by  
15 competent Federal authority and is no longer authorized by Federal  
16 law to engage in the manufacturing, distribution, or dispensing of  
17 controlled dangerous substances; or

18 (5) Has had his registration suspended or revoked by competent  
19 authority of another state for violation of its laws or regulations  
20 comparable to those of this State relating to the manufacture, dis-  
21 tribution or dispensing of controlled dangerous substances.

22 b. The commissioner may limit revocation or suspension of a  
23 registration to the particular controlled dangerous substance with  
24 respect to which grounds for revocation or suspension exist.

25 c. Before taking action pursuant to this section or pursuant to  
26 a denial of registration under section 11, the commissioner shall

27 serve upon the applicant or registrant an order to show cause why  
28 registration should not be denied, revoked, or suspended. The order  
29 to show cause shall contain a statement of the basis thereof and  
30 shall call upon the applicant or registrant to appear before the  
31 commissioner at a time and place stated in the order, but in no event  
32 less than 30 days after the date of receipt of the order unless an  
33 earlier date is requested by the applicant or registrant and agreed  
34 to by the commissioner. Proceedings to deny, revoke, or suspend  
35 shall be conducted pursuant to this section in accordance with the  
36 provisions of the "Administrative Procedure Act" (C. 52:14B-1  
37 et seq.). Such proceedings shall be independent of, and not in lieu  
38 of, criminal prosecutions or other proceedings under this act or any  
39 law of the State.

40 d. The commissioner may, in his discretion, suspend any regis-  
41 tration simultaneously with the institution of proceedings under  
42 this section in cases where he finds that there is an imminent danger  
43 to the public health or safety. Such suspensions shall continue in  
44 effect until the conclusion of such proceedings, including judicial  
45 review thereof, unless sooner withdrawn by the commissioner or  
46 dissolved by a court of competent jurisdiction.

47 e. In the event the commissioner suspends or revokes a registra-  
48 tion granted under section 11, all controlled dangerous substances  
49 owned or possessed by the registrant pursuant to such registration  
50 at the time of suspension or the effective date of the revocation  
51 order, as the case may be, may in the discretion of the commissioner  
52 be placed under seal. No disposition may be made of substances  
53 under seal until the time for taking an appeal has elapsed or until  
54 all appeals have been concluded unless a court, upon application  
55 therefor, orders the sale of perishable substances and the deposit  
56 of the proceeds of the sale with the court. Upon a revocation order  
57 becoming final, all such controlled dangerous substances shall be  
58 forfeited to the State.

59 f. The commissioner shall promptly notify the Bureau of Nar-  
60 cotics and Dangerous Drugs of all orders suspending or revoking  
61 registration and all forfeitures of controlled dangerous substances.

1 13. Records of registrants. Upon the effective date of this act,  
2 each registrant manufacturing, distributing or dispensing con-  
3 trolled dangerous substances in Schedules I, II, III or IV shall make  
4 a complete and accurate record of all stocks of such dangerous sub-  
5 stances on hand. Thereafter, complete and accurate records of all  
6 such dangerous substances shall be maintained in such manner and  
7 for such periods as shall be prescribed by the commissioner by rule

8 or regulation. This subsection shall not apply to practitioners who  
9 lawfully prescribe or administer, but not otherwise dispense, con-  
10 trolled dangerous substances listed in Schedules II, III, or IV of  
11 this act.

1 14. Order forms. a. Controlled dangerous substances in Schedule  
2 I and II shall be distributed only by a registrant, pursuant to an  
3 official written order form, clearly identifying it as covering or  
4 relating to Schedule I and Schedule II, or either thereof, controlled  
5 dangerous substances and bearing the registration number of the  
6 registrant. Except as provided herein, compliance with Federal law  
7 respecting order forms shall be deemed compliance with this  
8 section.

9 b. A pharmacist, only upon an official written order, may sell to  
10 a practitioner in quantities not exceeding one ounce at any one time,  
11 aqueous or oleaginous solutions compounded by him of which the  
12 content of narcotic drugs or other controlled dangerous substances  
13 does not exceed a proportion greater than 20% of the complete  
14 solution, to be used for medical purposes.

15 c. An official written order for any controlled dangerous sub-  
16 stance shall be signed in triplicate by the person giving said order  
17 or by his duly authorized agent. The original and triplicate shall  
18 be presented to the person who sells or dispenses the controlled  
19 dangerous substance or substances named therein. In the event of  
20 the acceptance of such order by said person, except as may be other-  
21 wise required by rule, regulation, or order of the commissioner, each  
22 party to the transaction shall preserve his copy of such order for a  
23 period of 2 years, in such a way as to be readily accessible for in-  
24 spection by any public officer or employee engaged in the enforce-  
25 ment of this chapter.

1 15. Prescriptions. a. Except when dispensed directly in good  
2 faith by a practitioner, other than a pharmacist, in the course of his  
3 professional practice only, to an ultimate user, no controlled dan-  
4 gerous substance included in Schedule II, which is a prescription  
5 as defined in R. S. 45:14-14 may be dispensed without the written  
6 prescription of a practitioner; provided that in emergency situa-  
7 tions, as prescribed by the State Department of Health by regula-  
8 tion, such drug may be dispensed upon oral prescription reduced  
9 promptly to writing and filed by the pharmacist, if such oral pre-  
10 scription is authorized by Federal law. Prescriptions shall be re-  
11 tained in conformity with the requirements of section 13 of this  
12 act. No prescription for a Schedule II substance may be refilled.

13 b. Except when dispensed directly in good faith by a practitioner,

14 other than a pharmacist, in the course of his professional practice  
 15 only, to an ultimate user, no controlled dangerous substance in-  
 16 cluded in Schedule III which is a prescription as defined in R. S.  
 17 45:14-14 may be dispensed without a written or oral prescription.  
 18 Such prescription may not be filled or refilled more than six months  
 19 after the date thereof or be refilled more than five times after the  
 20 date of the prescription, unless renewed by the practitioner.

21 c. No controlled dangerous substance included in Schedule IV  
 22 may be distributed or dispensed other than for a valid and accepted  
 23 medical purpose.

24 d. A practitioner other than a veterinarian who prescribes a  
 25 controlled dangerous substance in good faith and in the course of  
 26 his professional practice may administer the same or cause the same  
 27 to be administered by a nurse or intern under his direction and  
 28 supervision.

29 e. A veterinarian who prescribes a controlled dangerous sub-  
 30 stance not for use by a human being in good faith and in the course  
 31 of his professional practice may administer the same or cause the  
 32 same to be administered by an assistant or orderly under his direc-  
 33 tion and supervision.

34 f. A person who has obtained from the prescribing practitioner  
 35 for administration to a patient during the absence of the practi-  
 36 tioner shall return to the practitioner any unused portion of the  
 37 substance when it is no longer required by the patient or when its  
 38 return is requested by the practitioner.

39 g. Whenever it appears to the State Department of Health that  
 40 a drug not considered to be a prescription drug under existing State  
 41 law should be so considered because of its abuse potential, it shall  
 42 so advise the State Board of Pharmacy and furnish to it all avail-  
 43 able data relevant thereto.

#### ARTICLE 4. LABELS AND CONTAINERS

1 16. Form of label on containers of manufacturers and whole-  
 2 salers; altering or removing label. Whenever a manufacturer sells  
 3 or dispenses a controlled dangerous substance in a package pre-  
 4 pared by him, he shall securely affix to each package in which that  
 5 substance is contained a label showing in legible English the name  
 6 and address of the vendor and the quantity, kind and form of the  
 7 substance contained therein. Whenever a wholesaler sells or dis-  
 8 penses a controlled dangerous substance in any package or shipping  
 9 container other than the package in which received from the manu-  
 10 facturer, he shall securely affix to such package a label showing in  
 11 legible English his name and address.

12 No person except a pharmacist for the purpose of filling a pre-  
 13 scription under this act, shall alter, deface or remove any label so  
 14 affixed by the manufacturer.

1 17. Form of label to be used by pharmacists; altering or remov-  
 2 ing label. Whenever a pharmacist sells or dispenses any controlled  
 3 dangerous substance on a prescription issued by a practitioner he  
 4 shall affix to the container in which such drug is sold or dispensed,  
 5 a label showing his own name, address, and registry number, or the  
 6 name, address, and registry number of the pharmacist or pharmacy  
 7 owner for whom he is lawfully acting; the name and address of the  
 8 patient or, if the patient is an animal, the name and address of the  
 9 owner of the animal and the species of the animal; the name,  
 10 address and registry number of the practitioner by whom the pre-  
 11 scription was written; and such directions as may be stated on the  
 12 prescription.

13 No person shall alter, deface, or remove any label so affixed as  
 14 long as any of the original contents remain.

1 18. Drug to be kept in original container. An individual to whom  
 2 or for whose use any controlled dangerous substance has been pre-  
 3 scribed, sold or dispensed, by a practitioner and the owner of any  
 4 animal for which any such substance has been prescribed, sold, or  
 5 dispensed by a veterinarian, may lawfully possess it only in the  
 6 container in which it was delivered to him by the person selling or  
 7 dispensing the same.

#### ARTICLE 5. OFFENSES AND PENALTIES

1 19. Prohibited acts A.—Manufacturing, distributing, or dis-  
 2 pensing—Penalties. a. Except as authorized by this act, it shall be  
 3 unlawful for any person:

4 (1) To manufacture, distribute, or dispense, or to possess or have  
 5 under his control with intent to manufacture, distribute, or dispense,  
 6 a controlled dangerous substance; or

7 (2) To create, distribute, or possess or have under his control  
 8 with intent to distribute, a counterfeit controlled dangerous sub-  
 9 stance.

10 b. Any person who violates subsection a. with respect to:

11 (1) A substance classified in Schedules I or II which is a narcotic  
 12 drug is guilty of a high misdemeanor and shall be punished by im-  
 13 prisonment for not more than 12 years, a fine of not more than  
 14 \$25,000.00, or both; or

15 (2) Any other controlled dangerous substance classified in Sched-  
 16 ules I, II, or III is guilty of a high misdemeanor and shall be  
 17 punished by imprisonment for not more than five years, a fine of  
 18 not more than \$15,000.00, or both; or

19 (3) A substance classified in Schedule IV is guilty of a misde-  
 20 meanor and shall be punished by imprisonment for not more than  
 21 1 year, a fine of not more than \$5,000.00, or both.

1 20. Prohibited acts B.—Possession, use or being under influence  
 2 —Penalties. a. It is unlawful for any person (knowingly or inten-  
 3 tionally) to obtain, or to possess, actually or constructively, a con-  
 4 trolled dangerous substance unless such substance was obtained  
 5 directly, or pursuant to a valid prescription or order from a prac-  
 6 titioner, while acting in the course of his professional practice, or  
 7 except as otherwise authorized by this act. Any person who violates  
 8 this section with respect to:

9 (1) A substance classified in Schedule I or II which is a narcotic  
 10 drug and any other controlled dangerous substance classified in  
 11 Schedule I, II or III, is guilty of a high misdemeanor and shall be  
 12 punished by imprisonment for not more than 5 years, a fine of not  
 13 more than \$15,000.00, or both, except as provided in subsection a.(3)  
 14 below;

15 (2) Any controlled dangerous substance classified in Schedule IV  
 16 is guilty of a misdemeanor and shall be punished by imprisonment  
 17 of not more than 1 year, a fine of not more than \$5,000.00, or both;  
 18 or

19 (3) Possession of more than 50 grams of marihuana, or more  
 20 than 20 grams of hashish is guilty of a high misdemeanor and shall  
 21 be punished by imprisonment for not more than 5 years, a fine of not  
 22 more than \$15,000.00, or both; provided, however, that any person  
 23 who violates this section with respect to 50 grams or less of mar-  
 24 ihuana, or 20 grams or less of hashish is a disorderly person.

25 b. Any person who uses or who is under the influence of any  
 26 controlled dangerous substance, as defined in this act, for a purpose  
 27 other than the treatment of sickness or injury as prescribed or  
 28 administered by a person duly authorized by law to treat sick and  
 29 injured human beings, is a disorderly person.

30 In a prosecution under this subsection, it shall not be necessary  
 31 for the State to prove that the accused did use or was under the  
 32 influence of any specific narcotic drug or drugs, but it shall be  
 33 sufficient for a conviction under this subsection for the State to  
 34 prove that the accused did use or was under the influence of some  
 35 controlled dangerous substance or counterfeit controlled dangerous  
 36 substance as defined in this act, by providing that the accused did  
 37 manifest physical and physiological symptoms or reactions caused  
 38 by the use of any narcotic drug.

39 c. In addition to the general penalty prescribed for a disorderly  
40 person's offense pursuant to N. J. S. 2A:169-4, every person  
41 adjudged a disorderly person for a violation of this subsection may,  
42 at the discretion of the sentencing judge, forthwith forfeit his right  
43 to operate a motor vehicle over the highways of this State for a  
44 period of not more than 2 years from the date of his conviction and  
45 until such privilege shall be restored to him by the Director of  
46 Motor Vehicles upon application to and after a hearing and deter-  
47 mination by, the director that such person is no longer a user of  
48 controlled dangerous substances within the meaning of this act.  
49 The court before whom any person is convicted of a violation of  
50 this section shall cause a report of such conviction to be filed with  
51 the Director of Motor Vehicles.

1 21. Prohibited acts C.—Records and order forms of registered  
2 manufacturers and distributors—Penalties. a. It shall be unlawful  
3 for any person:

4 (1) Who is subject to the requirements of article 3 of this act to  
5 distribute or dispense a controlled dangerous substance in violation  
6 of section 14;

7 (2) Who is a registrant, to manufacture, distribute, or dispense  
8 a controlled dangerous substance not authorized by his registration;

9 (3) To omit, remove, alter, or obliterate a symbol, label or mark  
10 required by Federal or State law;

11 (4) To refuse or fail to make, keep or furnish any record, notifica-  
12 tion, order form, statement, invoice or information required under  
13 this act;

14 (5) To refuse, any entry into any premises or inspection autho-  
15 rized by this act; or,

16 (6) To keep or maintain any store, shop, warehouse, dwelling  
17 house, building, vehicle, boat, aircraft, or any place whatever, which  
18 is resorted to by persons using controlled dangerous substances in  
19 violation of this act for the purpose of using such substances, or  
20 which is used for the keeping or selling of the same in violation of  
21 this act.

22 b. Any person who violates this section shall be subject to a  
23 fine of not more than \$25,000.00; provided, that if the violation is  
24 prosecuted by an accusation or indictment which alleges that the  
25 violation was committed knowingly or intentionally, and the trier  
26 of fact specifically finds that the violation was committed knowingly  
27 or intentionally, such person is guilty of a high misdemeanor and  
28 shall be punished by imprisonment for not more than 3 years, or by  
29 a fine of not more than \$25,000.00, or both.

1 22. Prohibited acts D.—Fraud or misrepresentation by regis-  
2 tered manufacturers or distributors—Penalties. a. It shall be un-  
3 lawful for any person knowingly or intentionally:

4 (1) Who is a registrant to distribute a controlled dangerous  
5 substance classified in Schedule I or II, in the course of his legiti-  
6 mate business, except pursuant to an order form as required by  
7 section 14 of this act;

8 (2) To use in the course of the manufacture or distribution of a  
9 controlled dangerous substance a registration number which is  
10 fictitious, revoked, suspended or issued to another person:

11 (3) To acquire or obtain possession of a controlled dangerous  
12 substance by misrepresentation, fraud, forgery, deception or sub-  
13 terfuge;

14 (4) To furnish false or fraudulent material information in, or  
15 omit any material information from, any application, report, or  
16 other document required to be kept or filed under this act, or any  
17 record required to be kept by this act; or

18 (5) To make, distribute, or possess any punch, die, plate, stone,  
19 or other thing designed to print, imprint, or reproduce the trade-  
20 mark, trade name, or other identifying mark, imprint, or device of  
21 another or any likeness of any of the foregoing upon any drug or  
22 container or labeling thereof so as to render such drug a counterfeit  
23 controlled dangerous substance.

24 b. Any person who violates this section shall be punished by  
25 imprisonment for not more than 3 years, or by a fine of not more  
26 than \$30,000.00, or both.

1 23. General Penalty. Any person who violates any provision of  
2 this act for which no specific penalty is provided shall be guilty of  
3 a misdemeanor.

1 24. Endeavor and conspiracy. a. Any person who endeavors or  
2 conspires to commit any offense defined in this act is punishable by  
3 imprisonment or fine or both which may not exceed the maximum  
4 punishment prescribed for the offense, the commission of which was  
5 the object of the endeavor or conspiracy.

6 b. Information communicated to a practitioner in an effort un-  
7 lawfully to obtain or procure the administration of a controlled  
8 dangerous substance shall not be a privileged communication.

1 25. Additional penalties. Any penalty imposed for violation of  
2 this act shall be in addition to, and not in lieu of, any civil or  
3 administrative penalty or sanction authorized by law. A conviction  
4 or acquittal under Federal law or the law of another state having  
5 a substantially similar law shall be a bar to prosecution in this  
6 State for the same act or offense.



1 26. Distribution to persons under age 18. a. Any person who is  
2 at least 18 years of age who violates subsection 19 a. (1) by dis-  
3 tributing a substance listed in Schedules I or II which is a narcotic  
4 drug to a person 17 years of age or younger who is at least 3 years  
5 his junior is punishable by a term of imprisonment of up to twice  
6 that authorized by subsection 19 b. (1), (2) or (3) or by the fine  
7 authorized by subsection 19 b. (1), or by both.

8 b. Any person who is at least 18 years of age who violates sub-  
9 section 19 a. (1) by distributing any other controlled dangerous  
10 substance listed in Schedules I, II, III or IV to a person 17 years  
11 of age or younger who is at least 3 years his junior is punishable  
12 by a term of imprisonment up to twice that authorized by sub-  
13 sections 19 b. (2) or (3), or by the fine authorized by subsections  
14 19 b. (2) or (3), or both.

1 27. Conditional discharge for certain first offenses; expunging  
2 of records. Whenever any person who has not previously been  
3 convicted of any offense under the provisions of this act or, sub-  
4 sequent to the effective date of this act, under any law of the United  
5 States, this State or of any other state, relating to narcotic drugs,  
6 marihuana, or stimulant, depressant, or hallucinogenic drugs, is  
7 convicted of any offense under subsections 20 a. (2) and (3) and b.,  
8 subsection 26 b. or subsection 19 b. (3), the court may, without  
9 entering a judgment of guilt and with the consent of such person,  
10 after proper reference to the Controlled Dangerous Substance  
11 Registry, as established and defined in the Controlled Dangerous  
12 Substances Registry, that such person during the period of such  
13 place such person on probation upon such reasonable terms and  
14 conditions as it may require, or as otherwise provided by law. Upon  
15 violation of a term or condition of probation, the court may enter an  
16 adjudication of guilt and proceed as otherwise provided. Upon ful-  
17 fillment of the terms and conditions of probation, the court shall  
18 discharge such person and dismiss the proceedings against him.  
19 Discharge and dismissal under this section shall be without court  
20 adjudication of guilt and shall not be deemed a conviction for pur-  
21 poses of disqualifications or disabilities, if any, imposed by law  
22 upon conviction of a crime or disorderly person offense, but shall  
23 be reported by the clerk of the court pursuant to the Controlled  
24 Dangerous Substances Registry Act. Discharge and dismissal un-  
25 der this section may occur only once with respect to any person.

1 28. Expunging of records of young offenders placed on proba-  
2 tion. After a period of not less than 6 months, which shall begin to  
3 run immediately upon the expiration of a term of probation imposed

4 upon any person under this act, such person, who at the time of the  
5 offense was 21 years of age or younger, may apply to the court for  
6 an order to expunge from all official records, except from those  
7 records maintained under the Controlled Dangerous Substances  
8 Registry, as established and defined in the Controlled Dangerous  
9 Substances Registry Act of 1970, all recordations of his arrest, trial  
10 and conviction pursuant to this section. If the court determines,  
11 after a hearing and after reference to the Controlled Dangerous  
12 Substance Registry, that such person during the period of such  
13 probation and during the period of time prior to his application to  
14 the court under this section has not been guilty of any serious or  
15 repeated violation of the conditions of such probation, it shall enter  
16 such order. The effect of such order shall be to restore such person,  
17 in the contemplation of the law, to the status he occupied prior to  
18 such arrest and trial. No person as to whom such order has been  
19 entered shall be held thereafter under any provision of any law to  
20 be guilty of perjury or otherwise giving a false statement by reason  
21 of his failures to recite or acknowledge such arrest or trial in re-  
22 sponse to any inquiry made of him for any purpose.

1 29. Second or subsequent offenses. a. Any person convicted of  
2 any offense under this act, if the offense is a second or subsequent  
3 offense, shall be punished by a term of imprisonment of up to twice  
4 that otherwise authorized, by up to twice the fine otherwise autho-  
5 rized, or by both; provided, however, that this section shall not  
6 apply to section 20 a. (2) and (3) and b. offenses.

7 b. For purposes of this section, an offense shall be considered  
8 a second or subsequent offense, if, prior to the commission of the  
9 offense, the offender has at any time been convicted of an offense  
10 or offenses under this act or under any law of the United States or  
11 of any state relating to narcotic drugs, marihuana, depressant,  
12 stimulant, or hallucinogenic drugs.

1 30. Thefts of large quantities of controlled dangerous substances  
2 from legitimate registrants. Notwithstanding any other provisions  
3 of this article 5, any person who by misrepresentation, fraud,  
4 forgery, deception, subterfuge, or by force of arms obtains a con-  
5 trolled dangerous substance or substances in excess of one kilogram  
6 from a legitimate registrant or from a common carrier legitimately  
7 transporting such substance or substances in the ordinary course  
8 of business is guilty of a high misdemeanor and shall be punished  
9 by imprisonment of not more than 12 years, or by a fine of not more  
10 than \$25,000.00, or both.

## ARTICLE 6. ENFORCEMENT AND ADMINISTRATIVE PROVISIONS

1 31. Powers of enforcement personnel. a. It is hereby made the  
2 duty of the State Department of Health, its officers, agents, inspec-  
3 tors and representatives, and of all peace officers within the State,  
4 and of the Attorney General and all county prosecutors, to enforce  
5 all provisions of this act, except those specifically delegated, and to  
6 cooperate with all agencies charged with the enforcement of the  
7 laws of the United States, of this State, and of all other states,  
8 relating to narcotic drugs or controlled dangerous substances, and  
9 it shall be the duty of the Board of Pharmacy in the Division of  
10 Professional Boards in the Department of Law and Public Safety,  
11 its officers, agents, inspectors and representatives also to assist the  
12 State Department of Health, peace officers and county prosecutors  
13 in the enforcement of all provisions of this act relating to the  
14 handling of controlled dangerous substances by pharmacy owners  
15 and pharmacists.

16 b. Authority is hereby granted to the Commissioner of Health:

17 (1) To promulgate all necessary rules and regulations for the  
18 efficient enforcement of this act;

19 (2) To promulgate, insofar as applicable, regulations from time  
20 to time promulgated by the Attorney General of the United States;

21 (3) To promulgate an order relative to any controlled dangerous  
22 substance under this act when the delay occasioned by acting  
23 through promulgation of a regulation would constitute an imminent  
24 danger to the public health or safety.

25 (a) An order of the commisioner shall take effect im-  
26 mediately, but it shall expire 120 days after promulgation  
27 thereof. Rules and regulations pursuant to such order may be  
28 adopted and promulgated by the commissioner but they shall  
29 not take effect until he has given due notice of his intention to  
30 take such action and has held a public hearing.

31 (b) Any person who denies that a drug or pharmaceutical  
32 preparation is properly subject to an order by the commissioner  
33 which applies the provisions of this act to such drug or phar-  
34 maceutical preparation, may apply to the commissioner for a  
35 hearing which must be afforded, except where a drug or phar-  
36 maceutical preparation has been the subject of a prior hearing  
37 or determination by the commissioner, in which case a hearing  
38 shall be discretionary with the commissioner. In such case a  
39 decision must be rendered by the commissioner or his designee  
40 within 48 hours of the request for a hearing. If the petitioning  
41 party is aggrieved by the decision, he shall have the right to

42 apply for injunctive relief against the order. Jurisdiction for  
43 such injunctive relief shall be in the Superior Court of New  
44 Jersey by way of summary proceedings.

45 c. In addition to the powers set forth in subsection a., of this  
46 section, any officer or employee of the State Department of Health  
47 designated by the commissioner may:

48 (1) Execute search warrants, arrest warrants, administrative  
49 inspection warrants, subpoenas, and summonses issued under the  
50 authority of this State;

51 (2) Make seizures of property pursuant to the provisions of this  
52 act; and

53 (3) Perform such other law enforcement duties as may be desig-  
54 nated by the commissioner with the approval of the Attorney  
55 General.

1 32. Administrative inspections and warrants. a. Issuance and  
2 execution of administrative inspection warrants shall be as follows:

3 (1) Any judge of a court having jurisdiction in the municipality  
4 where the inspection or seizure is to be conducted, may, upon proper  
5 oath or affirmation showing probable cause, issue warrants for the  
6 purpose of conducting administrative inspections authorized by this  
7 act or regulations thereunder, and seizures of property appropriate  
8 to such inspections. For the purposes of this section, "probable  
9 cause" means a valid public interest in the effective enforcement of  
10 the act or regulations sufficient to justify administrative inspection  
11 of the area, premises, building or conveyance in the circumstances  
12 specified in the application for the warrant;

13 (2) A warrant shall issue only upon an affidavit of an officer or  
14 employee duly designated and having knowledge of the facts alleged,  
15 sworn to before the judge and establishing the grounds for issuing  
16 the warrant. If the judge is satisfied that grounds for the applica-  
17 tion exist or that there is probable cause to believe they exist, he  
18 shall issue a warrant identifying the area, premises, building, or  
19 conveyance to be inspected, the purpose of such inspection, and,  
20 where appropriate, the type of property to be inspected, if any. The  
21 warrant shall identify the item or types of property to be seized,  
22 if any. The warrant shall be directed to a person authorized by  
23 section 26 to execute it. The warrant shall state the grounds for its  
24 issuance and the name of the person or persons whose affidavit has  
25 been taken in support thereof. It shall command the person to  
26 whom it is directed to inspect the area, premises, building, or con-  
27 veyance identified for the purpose specified, and where appropriate,  
28 shall direct the seizure of the property specified. The warrant shall

29 direct that it be served during normal business hours. It shall  
30 designate the judge to whom it shall be returned;

31 (3) A warrant issued pursuant to this section must be executed  
32 and returned within 10 days of its date. If property is seized  
33 pursuant to a warrant, the person executing the warrant shall give  
34 to the person from whom or from whose premises the property was  
35 taken a copy of the warrant and a receipt for the property taken or  
36 shall leave the copy and receipt at the place from which the property  
37 was taken. The return of the warrant shall be made promptly and  
38 shall be accompanied by a written inventory of any property taken.  
39 The inventory shall be made in the presence of the person executing  
40 the warrant and of the person from whose possession or premises  
41 the property was taken, if they are present, or in the presence of at  
42 least one credible person other than the person executing the  
43 warrant. The clerk of the court, upon request, shall deliver a copy  
44 of the inventory to the person from whom or from whose premises  
45 the property was taken and to the applicant for the warrant; and

46 (4) The judge who has issued a warrant under this section shall  
47 attach to the warrant a copy of the return and all papers filed in  
48 connection therewith and shall cause them to be filed with the court  
49 which issued such warrant.

50 b. The commissioner is authorized to make administrative in-  
51 spections of controlled premises in accordance with the following  
52 provisions:

53 (1) For the purposes of this article only, "controlled premises"  
54 means:

55 (a) Places where persons registered or exempted from regis-  
56 tration requirements under this act are required to keep rec-  
57 ords, and

58 (b) Places including factories, warehouses, establishments,  
59 and conveyances where persons registered or exempted from  
60 registration requirements under this act are permitted to hold,  
61 manufacture, compound, process, sell, deliver, or otherwise  
62 dispose of any controlled dangerous substance.

63 (2) When so authorized by an administrative inspection warrant  
64 issued pursuant to subsection b. (1) (a) of this section an officer or  
65 employee designated by the commissioner upon presenting the  
66 warrant and appropriate credentials to the owner, operator, or  
67 agent in charge, shall have the right to enter controlled premises for  
68 the purpose of conducting an administrative inspection.

69 (3) When so authorized by an administrative inspection warrant,  
70 an officer or employee designated by the commissioner shall have  
71 the right:

72 (a) To inspect and copy records required by this act to be  
73 kept;

74 (b) To inspect, within reasonable limits and in a reasonable  
75 manner, controlled premises and all pertinent equipment,  
76 finished and unfinished material, containers and labeling found  
77 therein, and, except as provided in subsection b. (5) of this  
78 section, all other things therein including records, files, papers,  
79 processes, controls, and facilities bearing on violation of this  
80 act; and

81 (c) To inventory any stock of any controlled dangerous sub-  
82 stance therein and obtain samples of any such substance.

83 (4) This section shall not be construed to prevent entries and  
84 administrative inspections (including seizures of property) without  
85 a warrant:

86 (a) With the consent of the owner, operator or agent in  
87 charge of the controlled premises;

88 (b) In situations presenting imminent danger to health or  
89 safety;

90 (c) In situations involving inspection of conveyances where  
91 there is reasonable cause to believe that the mobility of the con-  
92 veyance makes it impracticable to obtain a warrant;

93 (d) In any other exceptional or emergency circumstance  
94 where time or opportunity to apply for a warrant is lacking;  
95 and,

96 (e) In all other situations where a warrant is not constitu-  
97 tionally required.

98 (5) Except when the owner, operator, or agent in charge of the  
99 controlled premises so consents in writing, no inspection authorized  
100 by this section shall extend to:

101 (a) Financial data;

102 (b) Sales data other than shipment data; or

103 (c) Pricing data.

1 33. Injunctions. The Superior Court shall have jurisdiction in  
2 accordance with the rules of court to enjoin violations of this act.

1 34. Cooperative arrangements. a. The commissioner may co-  
2 operate with Federal and other State agencies in discharging its  
3 responsibilities concerning traffic in dangerous substances and in  
4 suppressing the abuse of dangerous substances. To this end, he is  
5 authorized to:

6 (1) Except as otherwise provided by law, arrange for the ex-  
7 change of information between government officials concerning the  
8 use and abuse of dangerous substances; provided, however, that in

9 no case shall any officer having knowledge by virtue of his office  
10 of any such prescription, order or record divulge such knowledge,  
11 except in connection with a prosecution or proceeding in court or  
12 before a licensing board or officer to which prosecution or proceed-  
13 ing the person to records relate, is a party;

14 (2) Coordinate and cooperate in training programs on dangerous  
15 substances law enforcement at the local and State levels;

16 (3) Conduct programs of eradication aimed at destroying wild  
17 or illicit growth of plant species from which controlled dangerous  
18 substances may be extracted.

19 b. Results, information, and evidence received from the Bureau  
20 of Narcotics and Dangerous Drugs relating to the regulatory func-  
21 tions of this act, including results of inspections conducted by that  
22 agency, may be relied upon and acted upon by the commissioner in  
23 conformance with his regulatory functions under this act.

1 35. Nuisances and Forfeitures. a. The maintenance of any build-  
2 ing, conveyance or premises whatever which is resorted to by  
3 persons for the unlawful manufacture, distribution, dispensing, ad-  
4 ministration or use of controlled dangerous substances shall con-  
5 stitute the keeping of a common nuisance.

6 b. The following shall be subject to forfeiture and no property  
7 right shall exist in them:

8 (1) All controlled dangerous substances which have been manu-  
9 factured, distributed, dispensed or acquired in violation of the  
10 provisions of this act;

11 (2) All raw materials, products and equipment of any kind which  
12 are used, or intended for use, in manufacturing, compounding,  
13 processing, delivering, importing, or exporting any controlled dan-  
14 gerous substance in violation of the provisions of this act;

15 (3) All property which is used or intended for use, as a container  
16 for property described in subsections b. (1) and (2) above;

17 (4) All conveyances including aircraft, vehicles, or vessels, which  
18 are used or intended for use, to transport, or in any manner to  
18A facilitate the transportation, for the purpose of sale or receipt of  
19 property described in b. (1) or (2) above, except that:

20 (a) No conveyance used by any person as a common carrier  
21 in the transaction or business as a common carrier shall be  
22 forfeited under the provisions of this chapter unless it shall  
23 appear that the owner or other person in charge of such con-  
24 veyance was a consenting party or privy to a violation of this  
25 act, and

26 (b) No conveyance shall be forfeited under the provisions  
27 of this section by reason of any act or omission, established by  
28 the owner thereof to have been committed or omitted without  
29 the knowledge or consent of such owner, and by any person  
30 other than such owner while such conveyance was unlawfully  
31 in the possession of a person other than the owner in violation  
32 of the criminal laws of the United States, or of any state, and

33 (5) All books, records, and research, including formulas, micro-  
34 film, tapes, and data which are used, or intended for use, in viola-  
35 tion of this act.

36 c. Any property subject to forfeiture under this act may be  
37 seized by the State or any person charged with enforcement of this  
38 act, upon process issued by any court of competent jurisdiction  
39 over the property except that seizure without such process may be  
40 made when:

41 (1) It is not inconsistent with the Constitution of this State and  
42 the United States;

43 (2) The property subject to seizure has been the subject of a  
44 prior judgment in favor of the State in a criminal injunction or  
45 forfeiture proceeding under this act;

46 (3) The commissioner or any other person charged with enforce-  
47 ment of this act has probable cause to believe that the property is  
48 directly or indirectly dangerous to health or safety; or

49 (4) The commissioner or any other person charged with enforce-  
50 ment of this act has probable cause to believe that the property has  
51 been used or intended to be used in violation of this act.

52 In the event of seizure pursuant to paragraphs (3) and (4) of  
53 this subsection, proceedings under subsection d. of this section shall  
54 be instituted promptly.

55 d. Property taken or detained under this section shall not be  
56 repleviable, but shall be deemed to be in the custody of the State  
57 or political subdivision, acting as agent for the State, whichever  
58 may have seized said property, and subject only to the orders and  
59 decrees of the court or the official having jurisdiction thereof. When-  
60 ever property is seized under the provisions of this act, the State  
61 may:

62 (1) Place the property under seal;

63 (2) Remove the property to a place designated by it; or

64 (3) Require that the political subdivision or State take custody  
65 of the property and remove it to an appropriate location for dis-  
66 position in accordance with law.

67 e. Whenever any property, including motor vehicles and other  
68 conveyances, is forfeited under this act, it shall be forthwith de-



69 posited in the custody of the Director of the Division of Purchase  
70 and Property, State Department of the Treasury, whereupon dis-  
71 position of such property shall be carried out in the following  
72 manner:

73 (1) Any State agency or bureau, or any county or municipality,  
74 having a demonstrated need for specific property or classes of prop-  
75 erty, subject to forfeiture under this act, shall make application for  
76 such property to the Director of the Division of Budget and Ac-  
77 counting, State Department of the Treasury, and shall clearly set  
78 forth in the application his or its need for the property and the  
79 use to which such property will be put; and

80 (2) The Director of the Division of Budget and Accounting shall  
81 review all applications for such property submitted pursuant to  
82 subsection e. (1) of this section, and shall make a determination  
83 based on necessity and advisability, as to final disposition, and shall  
84 so notify the applicant and the Director of Purchase and Property,  
85 subject to such rules and regulations as may be required.

86 (3) In the event no application or disposition is made under (1)  
87 or (2) above the Director of Purchase and Property shall dispose  
88 of such property in the manner authorized by law for disposal of  
89 surplus property.

90 f. All substances listed in Schedule I that are possessed, trans-  
91 ferred, sold, or offered for sale in violation of the provisions of this  
92 act shall be deemed contraband and seized and summarily forfeited  
93 to the State of New Jersey. Similarly, all substances listed in  
94 Schedule I, which are unknown, shall be deemed contraband and  
95 summarily forfeited to the State of New Jersey.

96 (1) All species of plants from which controlled substances in  
97 Schedules I and II may be derived which have been planted or  
98 cultivated in violation of this act, or of which the owners or cultiva-  
99 tors are unknown, or which are wild growths, may be seized and  
100 summarily forfeited to the State of New Jersey.

101 (2) The failure upon demand by the commissioner, or his duly  
102 authorized agent, of the person in occupancy or in control of land  
103 or premises upon which such species of plants are growing or being  
104 stored, to produce an appropriate registration, or proof that he is  
105 the holder thereof, shall constitute authority for the seizure and  
106 forfeiture.

107 g. Whenever any property is subject to forfeiture under this act,  
108 such forfeiture may be enforced by a civil action, commenced by the  
109 seizing authority in the name of the State of New Jersey and against  
110 the property sought to be forfeited.

111 (1) Complaint. The complaint shall be verified on oath or affirma-  
112 tion. It shall describe with reasonable particularity the property  
113 that is the subject matter of the action and the place of seizure and  
114 shall contain such allegations as may be required by this act.

115 (2) Process. Upon the filing of the complaint, the clerk shall  
116 forthwith issue a warrant for the seizure of the property that is the  
117 subject matter of the action and deliver it to the sheriff for service.

118 (3) Notice. The notice requirements of the Rules of Court for  
119 an in rem action shall be followed.

120 (4) Claim and answer. The claimant of property that is the sub-  
121 ject of an action under this section shall file his claim within 10 days  
122 after the execution of process, or within such additional time as may  
123 be allowed by the court, and shall serve his answer within 20 days  
124 after the filing of the claim. The claim shall be verified on oath or  
125 affirmation, and shall state the interest in the property by virtue of  
126 which the claimant demands its restitution and the right to defend  
127 the action. If the claim is made on behalf of the person entitled to  
128 possession by an agent, bailee or attorney, it shall state that he is  
129 duly authorized to make the claim. At the time of answering the  
130 claimant shall also serve answers to any interrogatories served with  
131 the complaint.

1 36. Reports of conviction of manufacturers and practitioners.  
2 Whenever a manufacturer or practitioner is convicted of violating  
3 any provision of this act or of a rule or regulation issued thereunder,  
4 the court shall cause a copy of the judgment and sentence and  
5 opinion of the court, if any, to be sent to the State Department or  
6 professional board, as the case may be, by which the defendant was  
7 registered or licensed.

1 37. Burden of proof; liabilities; immunity. a. It shall not be  
2 necessary for the State to negate any exemption or exception set  
3 forth in this act in any complaint, information, indictment or other  
4 pleading or in any trial, hearing, or other proceeding under this  
5 act, and the burden of proof of any such exemption or exception  
6 shall be upon the person claiming its benefit.

7 b. In the absence of proof that a person is the duly authorized  
8 holder of an appropriate registration or order form issued under  
9 this act, he shall be presumed not to be the holder of such registra-  
10 tion or form, and the burden of proof shall be upon him to rebut  
11 such presumption.

12 c. No liability shall be imposed by virtue of this act upon any  
13 duly authorized State officer, engaged in the enforcement of this  
14 act, who shall be engaged in the enforcement of any law or mu-  
15 nicipal ordinance relating to controlled dangerous substances.

1 38. Judicial review. All final determinations, findings and con-  
2 clusions of the commissioner under this act shall be final and  
3 conclusive decisions of the matters involved, subject to the provi-  
4 sions for judicial review provided by the Rules of Court.

ARTICLE 6. MISCELLANEOUS

1 39. Reports by practitioners of drug dependent persons. Every  
2 practitioner, within 24 hours after determining that a person is a  
3 drug dependent person by reason of the use of a controlled danger-  
4 ous substance for purposes other than the treatment of sickness or  
5 injury prescribed and administered as authorized by law, he shall  
6 report such determination verbally or by mail to the Superintendent  
7 of State Police. A practitioner who fails to make a report required  
8 by this section is a disorderly person.

1 40. Pending proceedings. a. Prosecutions for any violation of  
2 law occurring prior to the effective date of this act shall not be  
3 affected or abated by the repealers contained in section 46 of this  
4 act.

5 b. Civil seizures or forfeitures and injunctive proceedings com-  
6 menced prior to the effective date of this act shall not be affected  
7 or abated by the repealers contained in section 46 of this act.

8 c. All administrative proceedings pending before any enforcing  
9 authority on the effective date of this act shall be continued and  
10 brought to final determination in accord with laws and regulations  
11 in effect prior to the effective date of this act. Such drugs placed  
12 under control prior to the effective date of this act which are not  
13 listed within Schedules I through IV shall automatically be con-  
14 trolled and listed in the appropriate schedule.

15 d. The provisions of this act shall be applicable to violations of  
16 law, seizures and forfeiture, injunctive proceedings, administrative  
17 proceedings and investigations which occur following its effective  
18 date.

1 41. Continuation of regulations. Any orders, rules and regula-  
2 tions which have been promulgated under any law affected by this  
3 act and which are in effect on the day preceding the effective date  
4 of this act shall continue in effect until modified, superseded or  
5 repealed by the State Department of Health.

1 42. Uniformity of interpretation. This act shall be so construed  
2 as to effectuate its general purpose to make uniform the law of  
3 those states which enact it.

1 43. Severability. If any clause, sentence, subdivision, paragraph,  
2 section or part of this act be adjudged to be unconstitutional or

3 invalid, such judgment shall not affect, impair or invalidate the  
 4 remainder thereof, but shall be confined in its operation to the  
 5 clause, sentence, subdivision, paragraph, section or part thereof  
 6 directly involved in the case in which said judgment shall have been  
 7 rendered.

1 44. Section 1 of P. L. 1962, chapter 113 (C. 2A:170-77.8) is  
 2 amended to read as follows:

3 1. Except as hereinafter provided, any person who uses or is  
 4 under the influence of, or who possesses or has under his control,  
 5 in any form, any [depressant or stimulant drug as defined pursuant  
 6 to law or any other] prescription legend drug which is not a nar-  
 7 cotic, *depressant or stimulant drug or controlled dangerous sub-*  
 8 *stance* within the meaning of [chapter 18 of Title 24 of the Re-  
 9 vised Statutes] *existing law*, unless obtained from, or on a valid  
 10 prescription of, a duly licensed physician, veterinarian or dentist,  
 11 is a disorderly person.

12 In a prosecution under this act, it shall not be necessary for the  
 13 State to prove that the accused did use or was under the influence  
 14 of any specific drug or drugs, but it shall be sufficient for a convic-  
 15 tion under this act for the State to prove that the accused did use  
 16 or was under the influence of some drug or drugs as aforesaid by  
 17 proving that the accused did manifest physical and physiological  
 18 symptoms or reactions caused by the use of any such drug.

1 45. Section 2 of P. L. 1962, chapter 113 (C. 2A:170-77.9) is  
 2 amended to read as follows:

3 2. Except as hereinafter provided, any person who sells, dis-  
 4 penses or gives away, in any form, any [depressant or stimulant  
 5 drug as defined pursuant to law or any other prescription legend  
 6 drug which is not a narcotic within the meaning of chapter 18 of  
 7 Title 24 of the Revised Statutes] *prescription legend drug which is*  
 8 *not a narcotic, depressant or stimulant drug or controlled danger-*  
 9 *ous substance within the meaning of existing law*, is a disorderly  
 10 person.

1 46. The following acts and parts of acts are repealed:

2 R. S. 24:18-1 to 24:18-7, 24:18-9 to 24:18-16, 24:18-18 to  
 3 24:18-28, 24:18-30 to 24:18-48 (constituting the remaining sections  
 4 in chapter 18 of Title 24 of the Revised Statutes not previously  
 5 repealed); P. L. 1953, chapter 190 (C. 24:18-24.1, 24:18-24.2); P. L.  
 6 1951, chapter 57 (C. 24:18-38.1 to 24:18-38.3); P. L. 1966, chapter  
 7 314, sections 1-3 (C. 24:6C-1 to 24:6C-3); N. J. S. 2A:170-8.

1 47. Effective date. This act shall take effect on the ninetieth day  
 2 following the date of its enactment.

SENATE COMMITTEE AMENDMENTS TO  
**SENATE, No. 851**

**STATE OF NEW JERSEY**

ADOPTED SEPTEMBER 28, 1970

Amend page 1, section 2, lines 2 through 5, omit lines 2 through 5, and insert the following:

“ ‘Administer’ means the direct application of a controlled dangerous substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by: (1) a practitioner (or, in his presence, by his lawfully authorized agent), or (2) the patient or research subject at the lawful direction and in the presence of the practitioner.”.

Amend page 1, section 2, lines 14 through 16, omit.

Amend page 2, section 2, lines 31 through 43, omit lines 31 through 43, and insert the following:

“ ‘Deliver’ or ‘delivery’ means the actual, constructive, or attempted transfer from one person to another of a controlled dangerous substance, whether or not there is an agency relationship.

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

‘Distribute’ means to deliver other than by administering or dispensing a controlled dangerous substance. ‘Distributor’ means a person who distributes.”.

Amend page 2, section 2, line 44, omit “articles”, insert “substances”.

Amend page 2, section 2, line 47, omit “articles”, insert “substances”.

Amend page 2, section 2, line 49, omit “articles”, insert “substances”.

Amend page 2, section 2, line 51, omit “articles”, insert “substances”.

Amend page 3, section 2, lines 72 through 80, omit lines 72 through 80, and insert the following:

“ ‘Manufacture’ means the production, preparation, propagation, compounding, conversion or processing of a controlled dangerous substance, either directly or by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a controlled dangerous substance by an individual for his own use or the preparation, compounding, packaging, or labeling of a controlled dangerous substance: (1) by a practitioner as an incident to his administering or dispensing of a controlled dangerous substance in the course of his professional practice, or (2) by a practitioner (or under his supervision) for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale.”

Amend page 3, section 2, line 93, after line 93 and before line 94, add:

“ ‘Official written order’ means an order written on a form provided for that purpose by the Attorney General of the United States or his delegate, under any laws of the United States making provision therefore, if such order forms are authorized and required by the Federal law, and if no such form is provided, then on an official form provided for that purpose by the State Department of Health.”

Amend page 3, section 2, line 97, after “liability.”, insert “It does not include, unless specifically designated as controlled under section 3 of this act, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.”

Amend page 5, section 3, lines 2 and 3, omit lines 2 and 3, and insert the following: “the provisions of this act and may add substances to or delete or reschedule all substances enumerated in the schedules in sections 5 through 8 of this act. In determining whether to”

Amend page 5, section 3, lines 22 through 28, omit lines 22 through 28, and insert the following:

“c. If any substance is designated, rescheduled or deleted as a controlled dangerous substance under Federal law and notice thereof is given to the commissioner, the commissioner shall similarly control the substance under this act after the expiration of 30 days from publication in the Federal Register of a final order designating a substance as a controlled dangerous substance or rescheduling or deleting a substance, unless within that 30-day period, the commissioner objects to inclusion, rescheduling, or deletion. In that”

Amend page 5, section 3, after line 38, insert:

“The Commissioner of Health may by regulation exclude any non-narcotic substance from a schedule if such substance may, under the provisions of Federal or State law, be lawfully sold over the counter without a prescription, unless otherwise controlled pursuant to rules and regulations promulgated by the department.”.

Amend page 6, section 5, lines 1 through 8, omit lines 1 through 8, and insert the following:

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

b. The controlled dangerous substances listed in this section are included in Schedule I, subject to any revision and republishing by the commissioner pursuant to section 3d, and except to the extent provided in any other schedule.

c. Any of the following opiates, including their isomers, esters,”.

Amend page 7, section 5, line 52, omit “b.”, insert “d.”; after the word “following”, insert “narcotic”.

Amend pages 7 and 8, section 5, line 64, omit line 64, and renumber items (10)-(24) as (9)-(23).

Amend page 8, section 5, 80, omit “c.”, insert “e.”.

Amend page 8, section 5, lines 85 through 99, omit, and insert the following:

- (1) 3,4-methylenedioxy amphetamine
- (2) 5-methoxy-3,4-methylenedioxy amphetamine
- (3) 3,4,5-trimethoxy amphetamine
- (4) Bufotenine
- (5) Diethyltryptamine
- (6) Dimethyltryptamine
- (7) 4-methyl-2,5-dimethoxylamphetamine
- (8) Ibogaine
- (9) Lysergic acid diethylamide
- (10) Marihuana
- (11) Mescaline
- (12) Peyote
- (13) Nethyl-3-piperidyl benzilate
- (14) N-methyl-3-piperidyl benzilate
- (15) Psilocybin
- (16) Psilocyn
- (17) Tetrahydrocannabinols

Amend page 8, section 6, lines 1 through 10, omit lines 1 through 10, and insert the following:

“6. Schedule II. a. Tests. The commissioner shall place a substance in Schedule II if he finds that the substance: (1) has high potential for abuse; (2) has currently accepted medical use in treatment in the United States, or currently accepted medical use with severe restrictions; and (3) abuse may lead to severe psychic or physical dependence.

b. The controlled dangerous substances listed in this section are included in Schedule II, subject to any revision and republishing by the commissioner pursuant to section 3d, and except to the extent provided in any other schedule.

c. Any of the following substances except those narcotic drugs”.

Amend page 9, section 6, line 28, omit “b.”, insert “d.”.

Amend page 9, section 6, line 34, after line 34, insert “(4) Dihydrocodeine”.

Amend page 9, section 6, lines 35 through 56, renumber items “(4)”-“(20)” as “(5)”-“(21)”.

Amend page 9 and 10, section 7, lines 1 through 10, omit line 1 through 10, and insert the following:

“7. Schedule III. a. Tests. The commissioner shall place a substance in Schedule II if he finds that the substance: (1) has a potential for abuse less than the substances listed in Schedules I and II; (2) has currently accepted medical use in treatment in the United States; and (3) abuse may lead to moderate or low physical dependence or high psychological dependence.

b. The controlled dangerous substances listed in this section are included in Schedule III, subject to any revision and republishing by the commissioner pursuant to section 3d, and except to the extent provided in any other schedule.

c. Any material, compound, mixture, or preparation which con-”

Amend page 10, section 7, line 20, omit “b.”, insert “d.”.

Amend page 10, section 7, line 43, omit “c.” insert “e.”.

Amend page 10, section 7, line 44, omit “d.”, insert “f.”.

Amend page 10, section 7, line 47, after the word “codeine”, insert the phrase “or any of its salts”.

Amend page 11, section 7, line 50, after the word “codeine”, insert the phrase “or any of its salts”.

Amend page 11, section 7, line 54, after the word “dihydrocodeinone”, insert the phrase “or any of its salts”.

Amend page 11, section 7, line 58, after the word “dihydrocodeinone”, insert the phrase “or any of its salts”.

Amend page 11, section 7, line 62, after the word “dihydrocodeine”, insert the phrase “or any of its salts”.



Amend page 11, section 7, line 66, after the word "ethylmorphine", insert the phrase "or any of its salts".

Amend page 11, section 7, line 70, after the word "opium", insert the phrase "or any of its salts".

Amend page 11, section 7, line 74, after the word "morphine", insert the phrase "or any of its salts".

Amend page 11, section 7, line 77, omit "e." insert "g.".

Amend pages 11 and 12, section 8, lines 1 through 9, omit lines 1 through 9 and insert the following:

"8. Schedule IV. a. Tests. The commissioner shall place a substance in Schedule IV if he finds that the substance: (1) has low potential for abuse relative to the substances listed in Schedule III; (2) has currently accepted medical use in treatment in the United States; and (3) has limited physical dependence or psychological dependence liability relative to the substances listed in Schedule III.

b. The controlled dangerous substances listed in this section are included in Schedule IV.

c. Any compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs,"

Amend page 13, section 10, line 23, omit " ;".

Amend page 13, section 10, line 24, omit "and", and insert "or in lawful possession of a Schedule IV substance".

Amend page 13, section 10, line 31, omit "c.", and insert "d.".

Amend page 13, section 10, line 34, omit "d.", and insert "e.".

Amend page 13, section 10, line 37, omit "e.", and insert "f.".

Amend page 13, section 11, line 8, omit "and any Schedule I or II sub-".

Amend page 13, section 11, line 9, omit "stance compounded therefrom into".

Amend page 13, section 11, lines 12 and 13, omit lines 12 and 13, and insert "(3) Any convictions of the applicant under any Federal and State laws relating to any controlled dangerous substance;"

Amend page 13, section 11, line 15, between the words "the" and "establishment", insert the word "applicant's".

Amend page 13, section 11, line 16, omit the word "and".

Amend page 13, section 11, line 16, after line 16 and before 17, insert the following:

"(5)Furnishing by the applicant false or fraudulent material in any application filed under this act;

(6) Suspension or revocation of the applicant's Federal registration to manufacture, distribute, or dispense controlled dangerous substances as authorized by Federal law; and".

Amend page 13, section 11, line 17, omit "(5)", insert "(7)".

Amend page 14, section 11, line 24, after the word “dispense”, insert “or conduct research”.

Amend page 14, section 11, lines 25 through 31, omit lines 25 through 31 and insert the following: “the law of this State. The commissioner need not require separate registration under this article for practitioners engaging in research with nonnarcotic controlled dangerous substances in Schedules II through IV where the registrant is already registered under this article in another capacity. Practitioners registered under Federal law to conduct research in Schedule I substances are permitted to conduct research in Schedule I substances within this State upon furnishing the commissioner evidence of that Federal registration.

d. Compliance by manufacturers and distributors with the provisions of the Federal law respecting registration (excluding fees) entitles them to be registered under this act.”.

Amend page 14, section 11, line 32, omit “d.”, and insert “e.”.

Amend page 14, section 11, lines 37 through 39, omit lines 37 through 39.

Amend page 15, section 12, line 57, omit “shall”, and insert “may”.

Amend pages 15 and 16, section 13, lines 1 through 11, omit lines 1 through 11, and insert the following:

“13. Records of registrants. Persons registered to manufacture, distribute, or dispense controlled dangerous substances under this act shall keep records and maintain inventories in conformance with the recordkeeping and inventory requirements of Federal law and with such additional rules as may be issued by the commissioner.”.

Amend page 16, section 14, lines 15 and 16, after the word “substance”, insert “in Schedule I or Schedule II.”.

Amend page 16, section 15, line 4, after “prescription”, insert “drug”.

Amend page 17, section 15, line 16, after “prescription”, insert “drug”.

Amend page 18, section 17, line 11, delete “and”.

Amend page 18, section 17, line 12, after “prescription”, insert “and such directions as may be required by rules or regulations promulgated by the commissioner.”.

Amend page 19, section 20, line 2, after “person”, delete “(” and insert “,”.

Amend page 19, section 20, line 3, delete “)”, and insert “,”.

Amend page 19, section 20, line 19, delete “50”, and insert “25”.

Amend page 19, section 20, line 20, delete “20”, and insert “5”.

Amend page 19, section 20, line 23, delete “50”, and insert “20”.

Amend page 19, section 20, line 24, delete “20”, and insert “5”.

Amend page 19, section 20, line 36, delete “providing”, and insert “proving”.

Amend page 19, section 20, line 38, delete “narcotic drug”, insert “controlled dangerous substance”.

Amend page 20, section 20, line 41, delete “may”, and insert in lieu thereof “shall”.

Amend page 20, section 20, lines 46-48, delete “a hearing and determination by, the director that such person is no longer a user of controlled dangerous substances”, and insert “certification by a physician to the director that such person is no longer a drug dependent person”.

Amend page 20, section 21, line 16, omit “To”, and insert “Knowingly to”.

Amend page 21, section 24, line 1, omit line 1, and insert the following:  
 “24. Attempt, endeavor and conspiracy. a. Any person who attempts, endeavors or”.

Amend page 21, section 25, lines 3 through 6, omit lines 3 through 6, and insert the following:

“administrative penalty or sanction authorized by law. In any case where a violation of this act is a violation of a Federal law or the law of another state, the conviction or acquittal under Federal law or the law of another state for the same act is a bar to prosecution in this State.”.

Amend page 22, section 27, lines 6 through 8, omit lines 6 through 8, and insert the following:

“marihuana, or stimulant, depressant, or hallucinogenic drugs, pleads guilty to or is found guilty of any offense under subsections 20a (2) and (3) and b., the court may, without”.

Amend page 22, section 27, line 9, omit “guilt”, and insert “conviction”.

Amend page 22, section 27, lines 12 and 13, omit lines 12 and 13, and insert the following:

“Substances Registry Act, place such person on probation upon such reasonable terms and”.

Amend page 26, section 32, line 64, omit “b. (1) (a)”, and insert “a. (1)”.

Amend page 27, section 32, line 102, omit “or”.

Amend page 27, section 32, line 103, omit “.”, insert “;”.

Amend page 27, section 32, after line 103, and before section 33, insert “(d) Personnel data; or (e) Research data.”.

Amend page 30, section 35, line 94, after “Schedule I”, insert “the owners of”.

Amend page 32, between section 38 and 39 article “6” should be Article “7”.

Amend page 32, section 39, line 5, delete "he".

Amend page 32, section 39, lines 6 and 7, delete "Superintendent of State Police" and insert "Commissioner of the State Department of Health. Such a report by a physician shall be confidential and shall not be admissible in any criminal proceeding. The commissioner, in his discretion, may also treat any other reports submitted under this section as confidential if he determines that it is in the best interest of the drug dependent person and the public health and welfare."

Amend page 33, after section 45, and before section 46, insert a new section 46, as follows:

"Within 1 year after the date of Federal Commission on Marihuana and Drug Abuse submits its report to the President and the United States Congress, the Legislature shall conduct a comprehensive study and review of the penalties established in this act concerning offenses relating to the use and possession of marihuana."

Amend page 33, section 46, line 1, change section 46 to section 47.

Amend page 33 section 47, line 1, change section 47 to section 48.

SENATE, No. 993

STATE OF NEW JERSEY

INTRODUCED DECEMBER 7, 1970

By Senators DICKINSON, CRABIEL, LYNCH, KNOWLTON,  
HAGEDORN, WALLWORK, DELTUFO, and WOODCOCK

Referred to Committee on Air and Water Pollution and Public Health

AN ACT to amend and supplement 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 read  
2 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 **[IV]** V of article 2  
20 of this 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.

23 "Counterfeit substance" means a controlled dangerous substance

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

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 who  
40 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 dis-  
62 comfort of its absence.

63 "Marihuana" means all parts of the plant *Cannabis sativa* L.,  
64 whether growing or not; the seeds thereof; the resin extracted from  
65 any part of such plant; and every compound, manufacture, salt,  
66 derivative, mixture, or preparation of such plant, its seeds or resin,

67 but shall not include the mature stalks of such plant, fiber produced  
68 from such stalks, oil or cake made from the seeds of such plant,  
69 any other compound, manufacture, salt, derivative, mixture, or  
70 preparation of such mature stalks (except the resin extracted there-  
71 from), fiber, oil, or cake, or the sterilized seed of such plant which  
72 is incapable of germination.

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

88 "Narcotic drug" means any of the following, whether produced  
89 directly or indirectly by extraction from substances of vegetable  
90 origin, or independently by means of chemical synthesis, or by a  
91 combination of extraction and chemical synthesis:

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

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

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

101 "Official written order" means an order written on a form pro-  
102 vided for that purpose by the Attorney General of the United  
103 States or his delegate, under any laws of the United States making  
104 provisions therefor, if such order forms are authorized and re-  
105 quired by the Federal law, and if no such form is provided, then  
106 on an official form provided for that purpose by the State Depart-  
107 ment of Health.

108 "Opiate" means any dangerous substance having an addiction-  
109 forming or addiction-sustaining liability similar to morphine or

110 being capable of conversion into a drug having such addiction-  
111 forming or addiction-sustaining liability. It does not include, unless  
112 specifically designated as controlled under section 3 of this act, the  
113 dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its  
114 salts (dextromethorphan). It does include its racemic and levo-  
115 rotatory forms.

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

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

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

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

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

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

136 (a) "Physician" means a physician authorized by law to practice  
137 medicine in this or any other State and any other person authorized  
138 by law to treat sick and injured human beings in this or any other  
139 State and

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

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

144 (d) "Hospital" means any Federal institution, or any institution  
145 for the care and treatment of the sick and injured, operated or  
146 approved by the appropriate State department as proper to be  
147 entrusted with the custody and professional use of controlled  
148 dangerous substances.

149 (e) "Laboratory" means a laboratory to be entrusted with the  
150 custody of narcotic drugs and the use of controlled dangerous  
151 substances for scientific, experimental and medical purposes and



152 for purposes of instruction approved by the State Department of  
153 Health.

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

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

163 "State" means the State of New Jersey.

164 "Ultimate user" means a person who lawfully possesses a con-  
165 trolled dangerous substance for his own use or for the use of a  
166 member of his household or for administration to an animal owned  
167 by him or by a member of his household.

1 2. Section 7 of P. L. 1970, c. 226 (C. 24:21-7) is amended to read  
2 as follows:

3 7. Schedule III. a. Tests. The commissioner shall place a sub-  
4 stance in Schedule III if he finds that the substance: (1) has a  
5 potential for abuse less than the substances listed in Schedules I and  
6 II; (2) has currently accepted medical use in treatment in the  
7 United States; and (3) abuse may lead to moderate or low physical  
8 dependence or high psychological dependence.

9 b. The controlled dangerous substances listed in this section are  
10 included in Schedule III, subject to any revision and republishing  
11 by the commissioner pursuant to section 3d., and except to the  
12 extent provided in any other schedule.

13 c. Any material, compound, mixture, or preparation which con-  
14 tains any quantity of the following substances having a potential  
15 for abuse associated with a stimulant effect on the central nervous  
16 system:

17 (1) Amphetamine, its salts, optical isomers, and salts of its  
18 optical isomers.

19 (2) Phenmetrazine and its salts.

20 (3) Any substance which contains any quantity of methamphet-  
21 amine, including its salts, isomers, and salts of isomers.

22 (4) Methylphenidate.

23 d. Any material, compound, mixture, or preparation which con-  
24 tains any quantity of the following substances having a potential for  
25 abuse associated with a depressant effect on the central nervous  
26 system:

- 27 (1) Any substance which contains any quantity of a derivative of  
28 barbituric acid, or any salt of a derivative of barbituric acid, except  
29 those substances which are specifically listed in other schedules
- 30 **[(2) Chloral betaine**  
31 **(3) Chloral hydrate]**  
32 **[(4)] (2) Chlorhexadol**  
33 **[(5) Ethchlorvynol]**  
34 **[(6) Ethinamate]**  
35 **[(7)] (3) Glutethimide**  
36 **[(8)] (4) Lysergic acid**  
37 **[(9)] (5) Lysergic acid amide**  
38 **[(10)] (6) Methyprylon**  
39 **[(11) Pareldehyde]**  
40 **[(12) Petrichloral]**  
41 **[(13)] (7) Phencyclidine**  
42 **[(14)] (8) Sulfondiethylmethane**  
43 **[(15)] (9) Sulfonethylmethane**  
44 **[(16)] (10) Sulfonmethane.**
- 45 e. Nalorphine.
- 46 f. Any material, compound, mixture, or preparation containing  
47 limited quantities of any of the following narcotic drugs, or any  
48 salts thereof:
- 49 (1) Not more than 1.80 grams of codeine or any of its salts per  
50 100 milliliters or not more than 90 milligrams per dosage unit, with  
51 an equal or greater quantity of an isoquinoline alkaloid of opium.
- 52 (2) Not more than 1.80 grams of codeine or any of its salts per  
53 100 milliliters or not more than 90 milligrams per dosage unit, with  
54 one or more active, nonnarcotic ingredients in recognized therapeu-  
55 tic amount.
- 56 (3) Not more than 300 milligrams of dihydrocodeinone or any of  
57 salts per 100 milliliters or not more than 15 milligrams per dosage  
58 unit, with a fourfold or greater quantity of an isoquinoline alkaloid  
59 of opium.
- 60 (4) Not more than 300 milligrams of dihydrocodeinone or any of  
61 its salts per 100 milliliters or not more than 15 milligrams per  
62 dosage unit, with one or more active, nonnarcotic ingredients in  
63 recognized therapeutic amounts.
- 64 (5) Not more than 1.80 grams of dihydrocodeine or any of its  
65 salts per 100 milliliters or not more than 90 milligrams per dosage  
66 unit, with one or more active, nonnarcotic ingredients in recognized  
67 therapeutic amounts.
- 68 (6) Not more than 300 milligrams of ethylmorphine or any of its  
69 salts per 100 milliliters or not more than 15 milligrams per dosage

70 unit, with one or more active, nonnarcotic ingredients in recognized  
71 therapeutic amounts.

72 (7) Not more than 500 milligrams of opium or any of its salts  
73 per 100 milliliters or per 100 grams, or not more than 25 milligrams  
74 per dosage unit, with one or more active, nonnarcotic ingredients  
75 in recognized therapeutic amounts.

76 (8) Not more than 50 milligrams of morphine or any of its salts  
77 per 100 milliliters or per 100 grams with one or more active, non-  
78 narcotic ingredients in recognized therapeutic amounts.

79 g. The commissioner may by regulation except any compound,  
80 mixture, or preparation containing any stimulant or depressant sub-  
81 stance listed in subsections a. and b. of this schedule from the appli-  
82 cation of all or any part of this act if the compound, mixture, or  
83 preparation contains one or more active medicinal ingredients not  
84 having a stimulant or depressant effect on the central nervous sys-  
85 tem; provided, that such admixtures shall be included therein in  
86 such combinations, quantity, proportion, or concentration as to  
87 vitiate the potential for abuse of the substances which do have a  
88 stimulant or depressant effect on the central nervous system.

1 3. Section 8 of P. L. 1970, c. 226 (C. 24:21-8) is amended to read  
2 as follows:

3 8. Schedule IV. a. Tests. The commissioner shall place a sub-  
4 stance in Schedule IV if he finds that the substance: (1) has low  
5 potential for abuse relative to the substances listed in Schedule III;  
6 (2) has currently accepted medical use in treatment in the United  
7 States; and (3) **[has]** *may lead to* limited physical dependence or  
8 psychological dependence **[liability]** relative to the substances  
9 listed in Schedule III.

10 b. The controlled dangerous substances listed in this section are  
11 included in Schedule IV.

12 **[c.** Any compound, mixture, or preparation containing limited  
13 quantities of any of the following narcotic drugs, which shall include  
14 one or more nonnarcotic active medicinal ingredients in sufficient  
15 proportion to confer upon the compound, mixture, or preparation,  
16 valuable medicinal qualities other than those possessed by the  
17 narcotic drug alone:

18 (1) Not more than 200 milligrams of codine or any of its salts  
19 per 100 milliliters or per 100 grams;

20 (2) Not more than 100 milligrams of dihydrocodeine or any of its  
21 salts per 100 milliliters or per 100 grams;

22 (3) Not more than 50 milligrams of ethylmorphine or any of its  
23 salts per 100 milliliters or per 100 grams;

24 (4) Not more than 2.5 milligrams of diphenoxylate and not less  
25 than 25 micrograms of atropine sulfate per dosage unit;

26 (5) Not more than 100 milligrams of opium or any of its salts  
27 per 100 milliliters or per 100 grams.】

28 *c. Any material, compound, mixture or preparation which con-*  
29 *tains any quantity of the following substances having a potential*  
30 *for abuse associated with a depressant effect on the central nervous*  
31 *system:*

32 (1) *Barbital*

33 (2) *Chloral betaine*

34 (3) *Chloral hydrate*

35 (4) *Ethchlorovynol*

36 (5) *Ethinamate*

37 (6) *Methohexital*

38 (7) *Meprobamate*

39 (8) *Methylphenobarbital*

40 (9) *Paraldehyde*

41 (10) *Petrichloral*

42 (11) *Phenobarbital*

43 *d. The commissioner may except by rule any compound, mixture,*  
44 *or preparation containing any depressant substance listed in sub-*  
45 *section c. from the application of all or any part of this act if the*  
46 *compound, mixture or preparation contains one or more active*  
47 *medicinal ingredients not having a depressant effect on the central*  
48 *nervous system, and if the admixtures are included therein in com-*  
49 *binations, quantity, proportion or concentration that vitiate the*  
50 *potential for abuse of the substances which have a depressant effect*  
51 *on the central nervous system.*

1 4. Schedule V. a. Tests. The commissioner shall place a sub-  
2 stance in Schedule V if he finds that the substance: (1) has low  
3 potential for abuse relative to the substances listed in Schedule IV;  
4 (2) has currently accepted medical use in treatment in the United  
5 States; and (3) has limited physical dependence or psychological  
6 dependence liability relative to the substances listed in Schedule IV.

7 b. The controlled dangerous substances listed in this section are  
8 included in Schedule V.

9 c. Any compound, mixture, or preparation containing limited  
10 quantities of any of the following narcotic drugs, which also con-  
11 tains one or more nonnarcotic active medicinal ingredients in suffi-  
12 cient proportion to confer upon the compound, mixture, or prepara-  
13 tion, valuable medicinal qualities other than those possessed by the  
14 narcotic drug alone:

15 (1) Not more than 200 milligrams of codeine or any of its salts  
16 per 100 milliliters or per 100 grams;

17 (2) Not more than 100 milligrams of dihydrocodeine or any of  
18 its salts per 100 milliliters or per 100 grams;

19 (3) Not more than 50 milligrams of ethylmorphine or any of its  
20 salts per 100 milliliters or per 100 grams;

21 (4) Not more than 2.5 milligrams of diphenoxylate and not less  
22 than 25 micrograms of atropine sulfate per dosage unit;

23 (5) Not more than 100 milligrams of opium or any of its salts  
24 per 100 milliliters or per 100 grams.

1 5. Section 10 of P. L. 1970, c. 226 (C. 24:21-10) is amended to  
2 read as follows:

3 10. Registration requirements. a. Every person who manu-  
4 factures, distributes, or dispenses any controlled dangerous sub-  
5 stance within this State or who proposes to engage in the manu-  
6 facture, distribution, or dispensing of any controlled dangerous  
7 substance within this State, shall obtain annually a registration  
8 issued by the State Department of Health in accordance with the  
9 rules and regulations promulgated by it.

10 b. Persons registered by the commissioner under this act to  
11 manufacture, distribute, dispense, or conduct research with con-  
12 trolled dangerous substances ~~are authorized to~~ *may* possess,  
13 manufacture, distribute, dispense, or conduct research with those  
14 substances to the extent authorized by their registration and in  
15 conformity with the other provisions of this article.

16 c. The following persons shall not be required to register and  
17 may lawfully have under their control or possess controlled  
18 dangerous substances under the provisions of this act; provided,  
19 however, that nothing in this section shall be construed as confer-  
20 ring on a person who is not registered or licensed as a practitioner  
21 or as a pharmacist any authority, right or privilege that is not  
22 granted him by the laws of this State:

23 (1) An agent, or an employee thereof, of any registered manu-  
24 facturer, distributor, or dispenser of any controlled dangerous  
25 substance if such agent is acting in the usual course of his business  
26 or employment;

27 (2) A common carrier or warehouseman, or an employee thereof,  
28 whose possession of any controlled dangerous substance is in the  
29 usual course of his business or employment;

30 (3) An ultimate user or a person in possession of any controlled  
31 dangerous substance pursuant to a lawful order of a practitioner  
32 or in lawful possession of a Schedule ~~IV~~ V substance;

33 (4) Peace officers or employees in the performance of their  
 34 official duties requiring possession or control of controlled danger-  
 35 ous substances; or to temporary incidental possession by employees  
 36 or agents of persons lawfully entitled to possession, or by persons  
 37 whose possession is authorized for the purpose of aiding peace  
 38 officers in performing their official duties.

39 d. The commissioner may, by regulation, waive the requirement  
 40 for registration of certain manufacturers, distributors, or dis-  
 41 pensers if he finds it consistent with the public health and safety.

42 e. A separate registration shall be required at each principal  
 43 place of business or professional practice where the applicant  
 44 manufactures, distributes, or dispenses controlled dangerous  
 45 substances.

46 f. The commissioner is authorized to inspect the establishment  
 47 of a registrant or applicant for registration in accordance with the  
 48 rules and regulations promulgated by him.

1 6. Section 11 of P. L. 1970, c. 226 (C. 24:21-11) is amended to  
 2 read as follows:

3 11. Registration. a. The State Department of Health shall not  
 4 register an applicant to manufacture or distribute controlled  
 5 dangerous substances included in Schedules I through ~~IV~~ V of  
 6 article 2 of this act unless it determines that the issuance of such  
 7 registration is consistent with the public interest. In determining  
 8 the public interest, the following factors shall be considered:

9 (1) Maintenance of effective controls against diversion of  
 10 particular controlled dangerous substances into other than legiti-  
 11 mate medical, scientific, or industrial channels;

12 (2) Compliance with applicable State and local laws;

13 (3) Any convictions of the applicant under any Federal and  
 14 State laws relating to any controlled dangerous substance;

15 (4) Past experience in the manufacture of controlled dangerous  
 16 substances, and the existence in the applicant's establishment of  
 17 effective controls against diversion;

18 (5) Furnishing by the applicant of false or fraudulent material  
 19 in any application filed under this act;

20 (6) Suspension or revocation of the applicant's Federal registra-  
 21 tion to manufacture, distribute, or dispense controlled dangerous  
 22 substances as authorized by Federal law; and

23 (7) Such other factors as may be relevant to and consistent with  
 24 the public health and safety.

25 b. Registration granted under subsection a. of this section shall  
 26 not entitle a registrant to manufacture and distribute controlled

27 dangerous substances in Schedule I or II other than those specified  
28 in the registration.

29 c. Practitioners shall be registered to dispense substances in  
30 Schedules II through **[IV]** *V* if they are authorized to dispense  
31 or conduct research under the law of this State. The commissioner  
32 need not require separate registration under this article for  
33 practitioners engaging in research with nonnarcotic controlled  
34 dangerous substances in Schedules II through **[IV]** *V* where the  
35 registrant is already registered under this article in another  
36 capacity. Practitioners registered under Federal law to conduct  
37 research **[in]** *with* Schedule I substances **[are permitted to conduct**  
38 **research in]** *may conduct research with* Schedule I substances  
39 within this State upon furnishing the commissioner evidence of  
40 that Federal registration.

41 d. Compliance by manufacturers and distributors with the provi-  
42 sions of the Federal law respecting registration (excluding fees)  
43 entitled them to be registered under this act.

44 e. The State Department of Health shall initially permit persons  
45 to register who own or operate any establishment engaged in the  
46 manufacture, distribution or dispensing of any controlled dan-  
47 gerous substances prior to the effective date of this act and who  
48 are registered or licensed by the State.

1 7. Section 15 of P. L. 1970, c. 226 (C. 24:21-15) is amended to  
2 read as follows:

3 15. Prescriptions. a. Except when dispensed directly in good  
4 faith by a practitioner, other than a pharmacist, in the course of  
5 his professional practice only, to an ultimate user, no controlled  
6 dangerous substance included in Schedule II, which is a prescrip-  
7 tion drug as defined in R. S. 45:14-14 may be dispensed without the  
8 written prescription of a practitioner; provided that in emergency  
9 situations, as prescribed by the State Department of Health by  
10 regulation, such drug may be dispensed upon oral prescription  
11 reduced promptly to writing and filed by the pharmacist, if such  
12 oral prescription is authorized by Federal law. Prescriptions shall  
13 be retained in conformity with the requirements of section 13 of  
14 this act. No prescription for a Schedule II substance may be  
15 refilled.

16 b. Except when dispensed directly in good faith by a practitioner,  
17 other than a pharmacist, in the course of his professional practice  
18 only, to an ultimate user, no controlled dangerous substance in-  
19 cluded in **[Schedule III]** *Schedule III and IV* which is a prescrip-  
20 tion drug as defined in R. S. 45:14-14 may be dispensed without a  
21 written or oral prescription. Such prescription may not be filled

22 or refilled more than 6 months after the date thereof or be refilled  
23 more than 5 times after the date of the prescription, unless renewed  
24 by the practitioner.

25 c. No controlled dangerous substance included in Schedule **[IV]**  
26 *V* may be distributed or dispensed other than for a valid and  
27 accepted medical purpose.

28 d. A practitioner other than a veterinarian who prescribes a  
29 controlled dangerous substance in good faith and in the course of  
30 his professional practice may administer the same or cause the  
31 same to be administered by a nurse or intern under his direction  
32 and supervision.

33 e. A veterinarian who prescribes a controlled dangerous sub-  
34 stance not for use by a human being in good faith and in the course  
35 of his professional practice may administer the same or cause the  
36 same to be administered by an assistant or orderly under his direc-  
37 tion and supervision.

38 f. A person who has obtained a controlled dangerous substance  
39 from the prescribing practitioner for administration to a patient  
40 during the absence of the practitioner shall return to the practi-  
41 tioner any unused portion of the substance when it is no longer  
42 required by the patient or when its return is requested by the  
43 practitioner.

44 g. Whenever it appears to the State Department of Health that  
45 a drug not considered to be a prescription drug under existing  
46 State law should be so considered because of its abuse potential,  
47 it shall so advise the State Board of Pharmacy and furnish to it  
48 all available data relevant thereto.

1 8. Section 19 of P. L. 1970, c. 226 (C. 24:21-19) is amended to  
2 read as follows:

3 19. Prohibited acts A.—Manufacturing, distributing, or dispens-  
4 ing—Penalties. a. Except as authorized by this act, it shall be  
5 unlawful for any person:

6 (1) To manufacture, distribute, or dispense, or to possess or  
7 have under his control with intent to manufacture, distribute, or  
8 dispense, a controlled dangerous substance; or

9 (2) To create, distribute, or possess or have under his control  
10 with intent to distribute, a counterfeit controlled dangerous  
11 substance.

12 b. Any person who violates subsection a. with respect to:

13 (1) A substance classified in Schedules I or II which is a narcotic  
14 drug is guilty of a high misdemeanor and shall be punished by  
15 imprisonment for not more than 12 years, a fine of not more than  
16 \$25,000.00, or both; or



17 (2) Any other controlled dangerous substance classified in  
18 Schedules I, II, ~~or~~, III or IV is guilty of a high misdemeanor  
19 and shall be punished by imprisonment for not more than 5 years,  
20 a fine of not more than \$15,000.00, or both; or

21 (3) A substance classified in Schedule ~~IV~~ V is guilty of a  
22 misdemeanor and shall be punished by imprisonment for not more  
23 than 1 year, a fine of not more than \$5,000.00, or both.

1 9. Section 20 of P. L. 1970, c. 226 (C. 24:21-20) is amended to  
2 read as follows:

3 20. Prohibited acts B.—Possession, use or being under influence  
4 —Penalties. a. It is unlawful for any person, knowingly or inten-  
5 tionally, to obtain, or to possess, actually or constructively, a con-  
6 trolled dangerous substance unless such substance was obtained  
7 directly, or pursuant to a valid prescription or order from a practi-  
8 tioner, while acting in the course of his professional practice, or  
9 except as otherwise authorized by this act. Any person who violates  
10 this section with respect to:

11 (1) A substance classified in Schedule I or II which is a narcotic  
12 drug and any other controlled dangerous substance classified in  
13 Schedule I, II ~~or~~, III, or IV is guilty of a high misdemeanor and  
14 shall be punished by imprisonment for not more than 5 years, a fine  
15 of not more than \$15,000.00, or both, except as provided in subsec-  
16 tion a. (3) below;

17 (2) Any controlled dangerous substance classified in Schedule  
18 ~~IV~~ V is guilty of a misdemeanor and shall be punished by im-  
19 prisonment of not more than 1 year, a fine of not more than \$5,000.00,  
20 or both; or

21 (3) Possession of more than 25 grams of marihuana, or more  
22 than 5 grams of hashish is guilty of a high misdemeanor and shall  
23 be punished by imprisonment for not more than 5 years, a fine of  
24 not more than \$15,000.00, or both; provided, however, that any  
25 person who violates this section with respect to 25 grams or less of  
26 marihuana, or 5 grams or less of hashish is a disorderly person.

27 b. Any person who uses or who is under the influence of any  
28 controlled dangerous substance, as defined in this act, for a purpose  
29 other than the treatment of sickness or injury as prescribed or  
30 administered by a person duly authorized by law to treat sick and  
31 injured human beings, is a disorderly person.

32 In a prosecution under this subsection, it shall not be necessary  
33 for the State to prove that the accused did use or was under the  
34 influence of any specific narcotic drug or drugs, but it shall be suffi-  
35 cient for a conviction under this subsection for the State to prove

36 that the accused did use or was under the influence of some con-  
 37 trolled dangerous substance or counterfeit controlled dangerous  
 38 substance as defined in this act, by proving that the accused did  
 39 manifest physical and physiological symptoms or reactions caused  
 40 by the use of any controlled dangerous substance.

41-42 c. In addition to the general penalty prescribed for a disorderly  
 43 person's offense pursuant to N. J. S. 2A:169-4, every person ad-  
 44 judged a disorderly person for a violation of this subsection shall,  
 45 at the discretion of the sentencing judge, forthwith forfeit his right  
 46 to operate a motor vehicle over the highways of this State for a  
 47 period of not more than 2 years from the date of his conviction and  
 48 until such privilege shall be restored to him by the Director of  
 49 Motor Vehicles upon application to and after certification by a  
 50 physician to the director that such person is **[no longer]** *not* a drug  
 51 dependent person within the meaning of this act. The court before  
 52 whom any person is convicted of a violation of this section shall  
 53 cause a report of such conviction to be filed with the Director of  
 54 Motor Vehicles.

1 10. Section 26 of P. L. 1970, c. 226 (C. 24:21-26) is amended to  
 2 read as follows:

3 26. Distribution to persons under age 18. a. Any person who is  
 4 at least 18 years of age who violates subsection 19a. (1) by distribut-  
 5 ing a substance listed in Schedules I or II which is a narcotic drug  
 6 to a person 17 years of age or younger who is at least 3 years his  
 7 junior is punishable by a term of imprisonment of up to twice that  
 8 authorized by subsection 19b. (1), (2) or (3) or by the fine autho-  
 9 rized by subsection 19b. (1), or by both.

10 b. Any person who is at least 18 years of age who violates sub-  
 11 section 19a. (1) by distributing any other controlled dangerous sub-  
 12 stance listed in Schedules I, II, III **[or]**, IV *or* V to a person 17  
 13 years of age or younger who is at least 3 years his junior is punish-  
 14 able by a term of imprisonment up to twice that authorized by sub-  
 15 sections 19b. (2) or (3), or by the fine authorized by subsections 19b.  
 16 (2) or (3), or both.

1 11. Section 27 of P. L. 1970, c. 226 (C. 24:21-27) is amended to  
 2 read as follows:

3 27. Conditional discharge for certain first offenses; expunging  
 4 of records. a. Whenever any person who has not previously been  
 5 convicted of any offense under the provisions of this act or, sub-  
 6 sequent to the effective date of this act, under any law of the  
 7 United States, this State or of any other state, relating to narcotic  
 8 drugs, marihuana, or stimulant, depressant, or hallucinogenic  
 9 drugs, **[pleads guilty to or is found guilty of any offense under**

10 subsections 20 a. (2) and (3) and b., the court may, without entering  
11 a judgment of conviction and with the consent of such person, after  
12 proper reference to the Controlled Dangerous Substances Registry,  
13 as established and defined in the Controlled Dangerous Substances  
14 Registry Act, place such person on probation upon such reasonable  
15 terms and conditions as it may require, or as otherwise provided  
16 by law. Upon violation of a term or condition of probation, the  
17 court may enter an adjudication of guilt and proceed as otherwise  
18 provided. Upon fulfillment of the terms and conditions of proba-  
19 tion, the court shall discharge such person and dismiss the pro-  
20 ceedings against him. Discharge and dismissal under this section  
21 shall be without court adjudication of guilt and shall not be deemed  
22 a conviction for purposes of disqualifications or disabilities, if any,  
23 imposed by law upon conviction of a crime or disorderly person  
24 offense, but shall be reported by the clerk of the court pursuant to  
25 the Controlled Dangerous Substances Registry Act. Discharge and  
26 dismissal under this section may occur only once with respect to  
27 any person. ] is charged with or convicted of any offense under  
28 subsections 20 a. (1), (2) and (3), and b., the court, upon notice to  
29 the prosecutor and subject to subsection c., may on motion of the  
30 defendant or the court:

31 (1) Suspend further proceedings and with the consent of such  
32 person after reference to the Controlled Dangerous Substance  
33 Registry, as established and defined in the Controlled Dangerous  
34 Substances Registry Act of 1970, place him under supervisory  
35 treatment upon such reasonable terms and conditions as it may  
36 require; or

37 (2) After plea of guilt or finding of guilt, and without entering  
38 a judgment of conviction, and with the consent of such person after  
39 proper reference to the Controlled Dangerous Substances Registry  
40 as established and defined in the Controlled Dangerous Substances  
41 Registry Act of 1970, place him on supervisory treatment upon  
42 such reasonable terms and conditions as it may require, or as other-  
43 wise provided by law.

44 b. In no event shall the court require as a term or condition of  
45 supervisory treatment under this section, referral to any residential  
46 treatment facility for a period exceeding the maximum period of  
47 confinement prescribed by law for the offense for which the in-  
48 dividual has been charged or convicted, nor shall any term of  
49 supervisory treatment imposed under this subsection exceed a  
50 period of 3 years. Upon violation of a term or condition of super-  
51 visory treatment the court may enter a judgment of conviction and

52 proceed as otherwise provided, or where there has been no plea of  
53 guilt or finding of guilt, resume proceedings. Upon fulfillment of  
54 the terms and conditions of supervisory treatment the court shall  
55 terminate the supervisory treatment and dismiss the proceedings  
56 against him. Termination of supervisory treatment and dismissal  
57 under this section shall be without court adjudication of guilt and  
58 shall not be deemed a conviction for purposes of disqualifications  
59 or disabilities, if any, imposed by law upon conviction of a crime  
60 or disorderly persons offense but shall be reported by the clerk of  
61 the court pursuant to the Controlled Dangerous Substances Regis-  
62 try Act. Termination of supervisory treatment and dismissal under  
63 this section may occur only once with respect to any person. Im-  
64 position of supervisory treatment under this section shall not be  
65 deemed a conviction for the purposes of determining whether a  
66 second or subsequent offense has occurred under section 29 of this  
67 act or any law of this State.

68 c. Proceedings under this section shall not be available to any  
69 defendant unless the court in its discretion concludes that:

70 (1) The defendant's continued presence in the community, or in  
71 a civil treatment center or program, will not pose a danger to the  
72 community; or

73 (2) That the terms and conditions of supervisory treatment will  
74 be adequate to protect the public and will benefit the defendant by  
75 serving to correct any dependence on or use of controlled substances  
76 which he may manifest.

1 12. This act shall take effect upon the same date that P. L. 1970,  
2 c. 226 becomes effective if enacted prior thereto or upon the date  
3 of enactment if the same occurs thereafter.

RS. 24:21-1 to 43, 46 & 47

2A:170-778 & 779

FROM THE OFFICE OF THE GOVERNOR

S 851

FOR IMMEDIATE RELEASE: 10/19/70

Governor William T. Cahill today publicly signed into law a package of four bills to revise the State's narcotic laws, establish programs for statistical analysis of the drug problem, and implement drug education programs.

In signing the bills proposed by the administration, Cahill praised the Legislature for its foresight and courage in realizing the need to "take a more tolerant and realistic approach in dealing with first-time youthful offenders. At the same time these laws will provide stiffer penalties to deal with the professional pusher."

The Governor singled out Senators Fairleigh S. Dickinson (R., Bergen) and James H. Wallwork (R., Essex) along with Assemblymen Harold Hollenback (R. Bergen) and Herbert M. Rinaldi (R., Essex) for their efforts in guiding the bills through the Legislature.

Under the Controlled Dangerous Substances Act (S-851) Cahill pointed out that drugs will be classified on the basis of potential abuse with penalties set accordingly.

He added that while stiff penalties are provided for pushers, the new law permits court discretion to expunge the record of a first-time youthful offender to prevent the stigma of a lifetime criminal record.

A companion measure (S-884) sponsored by Sen. Alfred D. Schiaffo (R., Bergen) establishes a Dangerous Substances Registry in the Department of Health to provide an analysis and evaluation of the drug abuse problem.

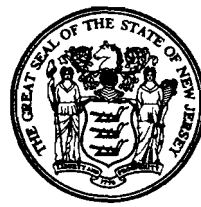
Under A-1184, introduced by Assemblyman Kenneth T. Wilson (R., Essex) \$100,000 will be appropriated to the Department of Education to supervise teacher training projects for drug education in the schools.

It will also provide for community oriented drug-education programs and will utilize mobile classrooms throughout the State.

Under A-1219, sponsored by Assemblyman Samuel A. Curcio (R., Essex), an additional \$240,000 will be appropriated to the Department of Education for grants to secondary school districts to implement the drug education program.

Of the \$240,000, Cahill explained that \$200,000 will be distributed according to the needs of each district by the Commissioner of Education. An additional \$25,000 will be provided for training of teachers on the local levels. And \$15,000 will be used for audio-visual equipment to be used for drug education programs in local school districts.

**DRUG ABUSE —  
PROBLEM OF THE DECADE!**



Special Message

of

**WILLIAM T. CAHILL**

Governor of New Jersey

To The Legislature  
April 27, 1970

SPECIAL MESSAGE

April 27, 1970

Mr. President, Mr. Speaker and Members of the Senate and General Assembly:

In my inaugural address, I pledged to the people of New Jersey, a firm commitment of leadership in attacking a problem that now threatens an entire generation of our society. That problem is drug abuse.

During the past several months, my Administration, through Cabinet-level task forces, has conducted intensive and far-ranging investigations. We have consulted with nationally recognized experts including officials of the U. S. Department of Justice, the National Institutes of Mental Health, and the Office of Education. We have met in executive session. We have attempted to consider all known aspects of this destructive force.

Today I am reporting to you, the Legislators of New Jersey, and to all the people of New Jersey, my findings and recommendations for action:

The results of these investigative efforts persuade me to believe that the extent of drug abuse in our State has reached crisis proportions. This conclusion is underscored by recent statistics of the Federal Bureau of Narcotics which rank New Jersey fourth in the Nation in narcotic law violations. However, apart from the cold impact of statistics, the problem is characterized by soaring increases in street and violent crimes committed to support the drug habit,

- ... by death from overdose, mental derangement, and suicide
- ... by productive careers and educational opportunities abandoned
- ... by widespread self-destructive experimentation with cough medicine, paint removers, cleaning fluids, glue, and pills of all varieties by children not yet in their teens

... by illicit drug trafficking networks that extend to school grounds in the ghetto and affluent suburbs alike

... by broken homes and families in despair.

The complexity of the problem is accentuated not only by the fact that illegal narcotic and drug usage has reached a point where it could be termed commonplace, but even more importantly, by the fact that usage has become so prevalent among the State's young people. If a Nation's most powerful resource is her youth, then it would not be an understatement to say that our society is witness to a situation whereby a significant portion of this most important national resource is engaged in an accelerated process of self-destruction.

The problem is also compounded by understaffed and frustrated law enforcement agencies, inadequate and conflicting legislation, school authorities confused as to their role in prevention and enforcement efforts, and unproductive rehabilitation programs.

I personally believe that any realistic attempt to combat drug abuse must recognize that our government, State and Federal, has failed to come to grips with the problem. To date, we have failed to admit the broad extent of drug use; we have failed in most instances to apprehend the professional drug peddlers; we have generally failed to apprise our youth of the dangers involved and we have failed to deal responsibly in most communities with those who have become casualties to drugs. This is stated not to fault past efforts, but rather to demonstrate that our State must be prepared to respond immediately with the commitment of resources, programs and personnel essential for an effective attack on our problem.



The challenge is unquestionably difficult. No completely satisfactory explanation has been advanced for the tragic increase in drug abuse in recent years. World tensions, growing National affluence, alienation in an impersonal, technologic society, boredom, social despair, parental neglect, and moral deterioration have been cited as causes. However, we can ill afford to engage in lengthy speculation concerning the philosophic reasons for drug abuse. We must act now -- within the limitations imposed by our fiscal resources and our admittedly inadequate scientific knowledge of the problem.

I am proposing, therefore, a comprehensive approach to combat narcotics addiction and drug abuse in the State of New Jersey. In doing so, I must recognize that any sound approach to combating illicit drug traffic should begin with a frank acknowledgment that the problem is, in practical terms, out of control. It exists, in varying degrees of intensity, on college campuses, in center city areas, suburbs, and a broad cross section of most social strata and age groupings. Effective inroads will be made only when governmental agencies logically structure individual remedial activity into a system of collective effort. The medical profession and health officials must find productive ways of dealing with the physical and mental problems of addiction, educational authorities must marshal and focus social awareness, governing bodies must provide legislative tools, the judicial system must adopt a policy of incarcerating convicted traffickers, and rehabilitation programs must be devised which will offer a road back for those who become victims of drug abuse.

No police organization has the resources to control or suppress the psychological and sociological conditions which may lead to drug usage. However, law enforcement will obviously play a vital role in the fight and I, therefore,

make the following recommendations:

Law Enforcement

The most recent intelligence of State Police and the federal Bureau of Narcotics clearly demonstrates that New Jersey has become a wholesaling center for first-line organized and professional traffic in heroin and other illicit narcotics. According to these agencies, tremendous quantities of uncut drugs are imported to our State through major underworld corridors. These corridors extend from ports of entry and commerce in New York and from Florida, Texas and Louisiana, via the New Jersey Turnpike. After arrival in New Jersey, the drugs are diluted with sugar or quinine and sold for distribution to street pushers throughout the Middle Atlantic Region.

In my judgment, therefore, if we are to reduce the availability of narcotics in our streets, cities and schoolgrounds, top law enforcement priority must be directed to apprehending and reducing in number, if not completely eliminating, the professional importer, wholesaler, and pusher.

To this end, I propose:

First, the establishment of a Middle Atlantic State Police Narcotics Task Force. I am convinced that a mobile and specialized police unit, supported and financed by the cooperative efforts of New Jersey, New York, Pennsylvania, and Delaware would have a crippling impact on import and wholesale traffic in narcotics. Acting under the direction of a single chief officer, this permanent interstate strike force could operate unrestricted by the artificial jurisdictional limits of State boundaries, that too often have served as barriers to effective enforcement. It would also provide a basis for broad cooperative action with federal enforcement agencies and our neighboring states, including joint training of narcotics personnel, improved intelligence liaison, and exchange of resources and specialized manpower.

In proposing this concept to the Governors of the several states, I have had favorable response and pledges of complete cooperation. I am continuing these efforts and have scheduled meetings with U. S. Attorney General Mitchell and the respective Governors to discuss implementation, and to explore federal interest and the priorities in such a plan. I have also requested Attorney General Kugler to communicate with the chief law enforcement officers of these states to formalize planning and implementation of this task force.

Secondly, I propose in cooperation with Governor Nelson Rockefeller, to assign the New York-New Jersey Waterfront Commission an important role in cracking down on the importation of drugs and to urge a cooperative effort with the U. S. Customs Bureau in this effort.

As a major center for foreign and domestic commerce, the ports of New York and Newark are target areas for illicit drug operations. The Waterfront Commission, in my judgment, if given the necessary resources, should and must provide a strong first line of defense against these criminal activities.

Thirdly, I propose that the narcotic control efforts of the New Jersey State Police be restructured, intensified and strengthened to permit an in-depth attack on sellers and suppliers of drugs within the State.

With a limited complement of 27 men the State Bureau of Narcotics has not been able to make the commitment required in this area. Because of these limited manpower resources the State Police can only react to crisis conditions by concentrating effort in areas that have the most urgent problem.

I, therefore, recommend that this Legislature provide the funds for a network of regional State Police enforcement groups to be established strategically throughout the State. These regional offices will permit a continuing and permanent specialized enforcement capability within the region.

The key to the success of this approach, however, is a posture of close cooperation with municipal police departments. Only by combining the in-depth local experience and intelligence of municipal departments with the functional capabilities of the State Police can this system realize its objectives.

I also recommend the establishment of a State Police Narcotics Task Force which will concentrate its efforts at the highest level of the problem: Bulk movement into the State and first line wholesaling of illicit drugs.

Acting on intelligence provided by federal authorities, the proposed interstate enforcement unit or the regional offices, this strike force would range over the entire State to concentrate on major or organized drug trafficking operations.

I further recommend that the Legislature provide for an expanded program of training to improve the capabilities of municipal police officers in narcotics investigating, detection and enforcement.

As previously indicated, our State's first line of defense against increasing drug abuse is our municipal police. In my judgment, they must be given the training and resources necessary to carry out their community responsibilities.

To implement these programs an additional complement of 50 new State Troopers must be trained, equipped and assigned to narcotics control duties. This will require an annual appropriation of \$800,000 and I urge your consideration and approval of these funds.

Fourthly, I will propose to this Legislature in the days ahead a plan for the interstate control of the sale and shipment of dangerous drugs.

According to testimony presented by federal authorities ...

"About 8 billion amphetamine tablets are produced in a year -- enough to provide each man, woman and child in the U. S. with 35 doses. Similarly, the production of barbiturates has passed the one million pound mark -- enough to supply 24 doses to every man, woman, and child in the country ... About half of these tablets, it is estimated, go into illicit channels of distribution..."

Because of the extent of this diversion, the proposed plan will suggest strict registration and recordation requirements for manufacturers and distributors. It will recommend a bi-annual inventory be submitted to the Department of Health, and will permit State officials to conduct on-site inspections and audits. This will ensure that drug shipments can be traced through the various legitimate distribution channels to prevent diversion to criminal sources.

Fifth, I will direct the State Board of Medical Examiners to cooperate with the New Jersey Medical Society in formulating acceptable guidelines governing the prescription of abusable drugs. After formulation of these guidelines, I will request a review of the disciplinary action procedures to be followed.

While the medical profession has generally taken an active role in controlling drug abuse, there have been far too many reports of prescription where there is no medical necessity. Apart from widespread use of tranquilizers and sleeping tablets, the availability of "weight control" drugs, such as the amphetamines, should be of great concern to all of us.

Similarly, I will direct the State Board of Pharmacists to take parallel action with respect to over-the-counter sales of abusable medicines such as cough syrups, inhalents and antihistamines. Too frequently easy access to these materials has introduced youthful experimentors to the narcotics subculture, or has caused immediate injury to health.

Sixth, I will propose legislation directing the Department of Health to establish a statewide narcotics registry.

Too little is known of the precise dimensions of New Jersey's narcotics problem, of the effectiveness of various treatment concepts, and of the results of attempts to protect the community against the infectious quality of drug addicts.

The centralized and computerized collection of data from courts, law enforcement agencies at all levels, hospitals, private physicians, and treatment facilities which serve drug addicts, will be a major step toward answering these questions.

While information pertaining to individual addicts will be held in confidence, multiple data analysis and periodic reports will help to guide the narcotics control efforts of all branches of government.

Seventh, citizen participation and cooperation is essential to any effective law enforcement. I urge, therefore, greater citizen communication and cooperation with all State and local law enforcement officers in a mutual effort to combat drug sales in the communities of our State.

II. Legislation

After broad review of New Jersey's legislation governing the manufacture, distribution, possession and use of narcotics and dangerous drugs, I am convinced that our laws are inadequate, conflicting, and not in accordance with the best current scientific knowledge of the drug problem.

Analysis indicates -- that our laws fail to distinguish between the professional criminal who systematically pursues the drug trade for profit, and the victims of this trade;

-- that penalties, in many instances, bear no rational relationship to the social harm of the offense, and

-- that our system of regulation fails to make adequate provision for rehabilitation.

I shall therefore shortly transmit to the Legislature a proposed "New Jersey Controlled Dangerous Substances Act."

This legislation is based, in major part, upon recommendations of the U. S. Attorney General to the National Governors' Conference, for model and uniform state drug controls. In summary, the Act seeks to eliminate artificial distinctions between narcotic and non-narcotic drugs, to crack down on professional drug pushers, and to codify duplicative provisions.

Important proposed changes in existing New Jersey law include the following:

First, flexible procedures for listing a chemical substance as a controlled drug would be established. At present, the authority of the Commissioner of Health in this respect is imprecise and limited.

Secondly, the illicit distribution of amphetamines, barbiturates and L.S.D. would be made a misdemeanor. This would subject pushers of "speed", "bennies", "goofballs" and "acid", to criminal penalties similar to those established for pushers of heroin. At present, the maximum penalty for professional traffickers in these non-narcotic but extremely dangerous drugs is only 6 months.

Thirdly, the proposed Act takes a first legislative step at recognizing that use of drugs is a social or medical illness. Thus, with respect to persons charged with use or possession of any dangerous drug for the first time, the Act confers upon the court, new discretionary authority to defer criminal proceedings and to impose a special term of probation. If the conditions of this probation are met, the court may then dismiss the proceedings. In order that youthful first offenders are not saddled with a

lifetime arrest record, the Act provides for an immediate expungement of records with respect to arrest.

Certainly no rational or comprehensive approach to the narcotics and dangerous drugs problem can fail to recognize or deal directly with the subject of marihuana use.

While the precise extent of marihuana usage is unknown, all available evidence demonstrates that experimentation is widespread among youths of all socio-economical levels. Surveys taken in several of New Jersey's high schools indicate that approximately 35% of the students in these districts have used this drug at least once. However, even assuming the lower estimates of national norms, it could be projected that more than 20,000 New Jersey secondary school students now use or have used marihuana.

In considering the dimensions of this problem, a recent report of the House of Representatives Select Committee on Crime has concluded that "marihuana is a major landmark of the sixties. Yet its meaning for our society is enclosed in question marks."

As New Jersey's Governor and as a concerned parent, I have examined the many questions surrounding usage of this drug and must regrettably report that they remain unanswered.

-- To what extent is marihuana habituating?

We do not know.

-- Does the use of marihuana cause any organic damage to the brain, or does it have any toxic effect upon the body?

We do not know.

-- Is there any justification for the theory that use of marihuana may lead to heroin addiction?

We are not certain.



-- Are there any criminogenic effects that may result from the use of marihuana?

We are not certain.

It is hoped that the many on-going studies will provide conclusive data in the near future. It is to be regretted that present legislation was based on such little scientific information and it is hoped that intensive effort will be made on a National level in this important respect. However, in the absence of definitive answers to these and many other questions concerning this drug, I must concur with the findings of the Select Congressional Committee:

"Criminal conduct cannot be condoned, however, the penalty attached to the prohibited act should bear a rational relationship to the harm or potential harm to others. In the case of simple possession of marihuana (the person who has a small quantity for personal use) it would appear that the penalty prescribed in both federal and many state statutes is too severe."

I have therefore included in the proposed "New Jersey Controlled Dangerous Substances Act" provisions that would reduce criminal penalties for the possession of small quantities of marihuana, intended for personal use, to Disorderly Persons limits. Under existing law such possession is a high misdemeanor with a prescribed penalty of from 2 to 15 years imprisonment.

The proposed Act retains existing penalties for those convicted of possession of large amounts, or the sale of any quantity of marihuana. However, the described new discretionary powers to suspend proceedings without entering a judgment of guilt, to order special probation, and to order immediate expungement of records, will enable judges to deal effectively and sensitively with youthful offenders who are not professional traffickers in this drug.

In making these recommendations, I am aware that the present harsh penalties for marihuana experimentation are seldom imposed, and that jail sentences are the rare exception rather than the rule. Yet to recommend otherwise is to ignore the well-founded warning of the Select Congressional Committee that:

"Our criminal statutes must be uniformly enforced or they make a mockery of the effective administration of criminal justice. Nothing brings about a disrespect for the law more effectively than penal statutes which are selectively enforced... A major and perhaps most serious need in relation to marihuana is to make the penalties relating to violations rational and then to bring about uniform and even enforcement of the laws. No society can exist if disrespect for its laws is widespread."

If these ends of a rational system of criminal penalties are to be accomplished, continuing, expanded and intensified scientific research is essential. As New Jersey's Governor I will support such efforts at both a federal and State level to permit a continuing and current review of our drug control laws.

I will also propose as part of my legislative recommendation, amendments to the fire arms control law which would prohibit the issuance of a pistol or revolver permit or firearms identification card to any person who has been convicted of any crime described in the proposed "New Jersey Controlled Dangerous Substances Act." This recommendation is not intended to be punitive but rather to deter the increases in violence and street crime that are committed to financially support the drug habit.

I would further urge that the Legislature undertake a review of the present motor vehicle statutes, with a view toward more effective penalties for operating a motor vehicle while under the influence of any substance designated as "dangerous" under the proposed Act. In my judgment, suspension or revocation of driving privileges could be a significant deterrent for

potential youthful drug abusers. However, consideration should be given to vesting discretionary powers in the Director of Motor Vehicles with respect to the conditions and duration of a suspension or revocation, since many rehabilitation programs require employment and use of motor vehicles.

I recognize the proposed New Jersey Controlled Dangerous Substances Act will cause certain substantial changes in our present criminal narcotic laws, philosophically as well as legally. With this recognition I trust that the Legislature, in its wisdom, will hold hearings as to this proposed Act in order that full disclosure of the provisions of the Act will be made known to the public and in turn the public will be able to make its voice heard fully and completely. When this process has been completed the Legislature will then be in a position to make an intelligent, thoughtful appraisal of the provisions of the proposed Act.

### III. Rehabilitation

Treatment of narcotics addicts and other drug abusers is the area of New Jersey's drug problem most critically affected by inadequate scientific, social, and behavioral knowledge.

Rehabilitation, by its nature, seeks to cure those who have already become victims of drugs -- and this cannot be done without specific and reliable knowledge of the causes for drug addiction and abuse. Thus, the questions of whom to treat, and how to treat are as unresolved as the questions of whom to institutionalize and how to institutionalize.

In the absence of authoritative answers to these crucial questions,

New Jersey's rehabilitation efforts have tended toward devisiveness, organizational uncertainty, and unproductive controversy.

In my judgment, therefore, we must begin a coordinated and open-minded approach to treatment;

We must be alert to new concepts and discoveries;

We must be bold and far-sighted in our experimentation and programs;

Yet we must carefully and realistically evaluate our efforts on a continuing basis with a view to an efficient and effective expenditure of resources in areas demonstrated to be successful.

Because of this need for coordination and organization, I will activate the recently established Division of Narcotics and Drug Abuse by naming an expert and qualified Division Director.

Pursuant to legislation enacted last year, all major responsibility for drug abuse prevention and rehabilitation was transferred to this Division located within the Department of Health. In view of the importance and magnitude of these responsibilities, I will continue an intensive and far-ranging search for a Director who can provide the expertise, understanding and administrative ability necessary to re-structure our State's rehabilitation program.

In addition, in my judgment it is necessary to establish a Cabinet-level Inter-Departmental Committee to serve as an Advisory Council to the new Division Director. Apart from lending broad policy guidance, this committee will coordinate Division programs with existing activities and program elements of the various Departments. Representation on the committee will include the

Commissioners of Education, Institutions and Agencies, Community Affairs and the Attorney General, with the Commissioner of Health serving as chairman.

Directly related to the need for coordination of our rehabilitation efforts is the necessity for systematic and continuing evaluation of program effectiveness. The statewide narcotic and drug abuse registry which I have previously recommended can play an important role in enabling us to judge objectively and to compare results of various treatment concepts and modalities. However, in order to further strengthen our efforts in this regard:

First, I propose that a cooperative plan be developed with New Jersey's institutions of higher education for the extramural evaluation of on-going drug abuse treatment programs.

Secondly, I recommend that this Legislature appropriate \$50,000 to initiate chemo-therapy research which will provide vital knowledge concerning the efficient and economical use and management of facilities. Included in this recommendation is provision for an expanded State urine monitoring laboratory. This is essential for determining the current use of drugs among patients receiving cure at out-clinics.

Thirdly, In the days ahead, I will recommend legislation establishing a certification procedure for all public and private agencies conducting residential drug abuse treatment programs. At present, many dedicated local and private agencies are making an important contribution to the state's total effort by operating residential facilities treating drug dependent persons. Review of their programs convinces me that we must continue to expand our basis of cooperation with these community agencies. By authorizing the Division of Narcotics Addiction and Drug Abuse to issue rules and regulations for minimal operating standards, we will establish a confident foundation for

cooperation, and we will be able to evaluate State government rehabilitation efforts in the light of an accurate statistical knowledge of the successes and failures of these agencies.

No program of treatment and prevention, however well organized, coordinated or evaluated, can succeed unless New Jersey is prepared to make a firm commitment in terms of resources, expertise and manpower. In assessing our State's overall drug abuse rehabilitation program, I am convinced that our most immediate need is for adequate local treatment and counselling facilities. At present we have only nine county clinics, partially supported by State funds, that are struggling to provide vital community services. But, demand far exceeds existing facilities.

I therefore propose that the State of New Jersey establish a state-wide network of drug abuse treatment and counselling clinics. To accomplish this, I will shortly recommend to this Legislature a plan for the establishment of three regional centers to be located in the North, Central and Southern portions of our State.

Operating directly, or through strategically placed clinics and out-reach offices, these centers would provide a broad spectrum of medical and community services including confidential drug counselling and referral services for troubled parents and youths, a 24-hour telephone emergency capability, and probation services for our court and correctional systems.

Under the plan recommended, existing state-funded county clinics would be authorized to integrate into the State clinic system by July 1, 1971 or to continue to operate with total county funding as independent agencies. Implementation of this plan will require an appropriation of \$400,000 and I urge your consideration and approval of these funds.

It is a harsh truth that New Jersey has failed to provide adequate residential facilities for drug addict rehabilitation. Currently, there are only 330 State-operated residential beds devoted to treatment of drug abuse. Among the most glaring aspects of this deficiency is the total absence of residential facilities for the juvenile addict.

Again, the difficult questions surrounding treatment modalities and concepts prevent a precise determination, at this time, of the total commitment necessary to deal effectively with those who have been victimized by drugs. However, the urgency of our State's drug problem makes clear that we must make substantially broadened facilities available.

As first steps in this direction I am recommending that this Legislature appropriate a sum of \$150,000 to establish a purchase of care program for drug addicts.

This program would enable the Department of Health to arrange for in-patient care in voluntary hospitals, and for residential treatment at private, non-profit institutions.

I have directed the Department of Institutions and Agencies to undertake an in-depth review of all State residential facilities and to prepare by July 1 a specific plan for a more comprehensive drug treatment program.

Included in this directive is a request for recommendations whereby a specified number of beds at the New Jersey Diagnostic Center at Menlo Park could be made available for an intensive therapeutic research evaluation of youthful drug addicts referred by the courts.

I further propose that New Jersey engage in an intensive effort to provide residential facilities for youthful drug abusers, and that a civil commitment program for juvenile narcotic addicts be established as residential beds become available.

In view of the limited and inadequate experience that other states have had with massive, general civil commitment programs, I am persuaded that we should proceed carefully in this costly and unproven area. I am, therefore, recommending that our immediate efforts be limited to implementing a broad, experimental program for treating juvenile addicts on a civil commitment and court referral basis. Since available data indicates that juvenile addicts and abusers have a major potential for rehabilitation, valuable information can be obtained from this program that will guide our future objectives.

To implement such a program will require expanded residential facilities and I have, therefore, requested the Department of Institutions and Agencies to include in its July 1970 comprehensive plan, recommendations for the establishment of at least 200 youth residential beds. In addition my office is now exploring with the Federal Government, possibilities and alternatives for utilizing surplus Defense Department installations for this purpose.

In the near future, I will report the results of these efforts and will propose legislation that will authorize a pilot civil commitment program for juveniles with appropriate safeguards to individual constitutional rights.

I am convinced that a necessary component of this comprehensive approach to narcotics rehabilitation is expansion of New Jersey's Methadone maintenance experiment which has been conducted by the Neuro-Psychiatric Institute at Skillman. This approach to bringing "hard core" addicts back to a productive life has received widespread attention in public and scientific journals. The successes of New Jersey's program to date in rehabilitating victims of narcotics addiction where other treatment modalities have failed, is a persuasive basis for broader experimentation. I, therefore, recommend that this program be expanded from its present treatment capacity of 78 addicts to permit maintenance of 250 addicts. My office has explored with the federal government the possibilities



of obtaining discretionary grant funding under the Omnibus Crime Control and Safe Streets Act and has received assurances that the U. S. Department of Justice will make available \$100,000 in new grant monies for this purpose. The remaining cost of this program to the State is \$130,000. I therefore recommend an appropriation of this amount to be used for this innovative program.

In the troubled area of rehabilitation, New Jersey's needs are great and growing. The programs and objectives I have outlined will make an important step towards meeting them. In the months ahead we will have an opportunity not only to engage in responsible and farsighted development but also to obtain and evaluate the reliable data necessary to an even broader effort.

#### IV. Education

As with most other problems of life, the best preventative medicine is education. Thus, before a person is addicted to drugs, the educational process developing a system of values and a knowledge of the consequence of addiction is absolutely essential. The problem with drug abuse is that it is a relatively recent phenomena with many unanswered questions, with completely contradictory opinions, and with anxiety, apprehension and fear associated with the entire drug abuse question, preventative education presents one of the most complex challenges confronting our State and people.

The essential ingredient for adequate education is, of course, qualified teachers. Therefore, the most critical need as I see it is to develop a teaching staff in the schools of the State with the expertise, knowledge and interest to prepare our youth against the physical, psychological,

and moral dangers of drug abuse. We must correct misconceptions and fallacies concerning the use of drugs, and we must teach the youngsters of our State the facts concerning drug abuse.

Therefore, I propose to emphasize teacher training so that qualified teachers will be available in the schools of our State to prepare our children in this important field. I am directing the Department of Higher Education to take appropriate action to ensure that by June, 1971, every student graduating with a teaching certificate from a New Jersey college will be required to successfully complete a course of studies relating to the problems of drug abuse. I am authorizing the Department of Higher Education to initiate a curriculum conference with representatives of all of the State colleges in May of this year. In this way, we can begin to train our teachers so that they in turn can inform and educate the students in this important field.

It is also my hope that special briefings will be prepared, and arrangements made to properly inform the teachers graduating this year from New Jersey colleges so that these teachers may likewise be, to some degree at least, prepared to bring the message to the students this coming September.

In addition, I propose that the Legislature by appropriate funding, provide for an expanded program of in-service teacher training which will include:

A. A broad expansion of the State Department of Education's on-going teacher workshops and seminars;

B. Implementation of an intensive summer training institute under the joint direction of the Department of Education and Higher Education. This Institute has been designed to train carefully selected teachers from a broad cross section of the State so that they can conduct in-service drug programs in their own respective districts;

C. Establishment of a mobile dangerous drugs seminar unit within the State Department of Education.

Operating from a specially designed and equipped "classroom on wheels," this unit would provide in-service drug training in school districts where intensified programs are needed. The unit's flexibility would permit a wide variety of educational courses to be administered, including "spot" briefing sessions for relatively large numbers of teachers, intensive 3 or 4 day seminars for smaller carefully selected groups, or the "teacher of teachers" concept previously noted.

It is also my hope that we can to some extent, at least, provide summer employment within New Jersey's institutions and agencies for those members of the teaching profession who have an interest in clinical experience in drug addiction. I have, therefore, asked Commissioner McCorkle to prepare and submit a plan to me at the earliest possible date.

The teacher training programs I propose represent a much needed commitment of resources to drug abuse prevention. I intend to explore all possible avenues of support, including Federal assistance programs and liaison with private industry to implement them. Initial meetings of my staff with representatives of the Pharmaceutical Manufacturers Association indicate that New Jersey's private drug industry views in-service teacher training as a sound approach to drug abuse prevention, and is prepared to contribute expertise, technical guidance and financial support of our State's efforts to innovate. The possibility of this welcomed contribution will continue to receive active invitation.

Another vital need, if effective drug abuse education is to become a reality in our State, is the establishment of a teachable curriculum for all elementary and secondary grade levels. The Department of Education has recently made a major contribution in this respect by issuing its recommended guidelines for local school districts. However, all available

information demonstrates that the health and drug abuse curriculum in New Jersey's schools is inadequate.

To meet this need, the following will be undertaken:

First, I will request the State Board of Education to develop regulations by which all school districts will establish a K-12 program of health education on a fixed time basis.

These regulations will recognize that the determination of when to introduce materials on drug abuse into elementary health curriculum should remain a matter of local discretion. However, they will also recognize that the urgency of our State's drug problem demands that specific attention to drug abuse should be mandatory at the secondary school level. This distinction is made not because of a lack of necessity for sensitizing children to drug dangers at an early age. Rather, individual communities are in the best position to evaluate "the drug scene" as it may exist for them.

Secondly, I propose that the Legislature appropriate \$200,000 for a broad program of action grants to local school districts. These grants would be allocated by the Department of Education to fund approved drug abuse educational plans submitted by local districts, including

- plans for staff and curriculum development,
- plans for establishment of "peer action groups" which actively involve students in community and school anti-drug programs. In my judgment, such participation by student leaders and peers could be an important step toward reversing the impression that drug usage is an "in" thing.

Thirdly, I have directed the Department of Education and Higher Education to implement a plan establishing a network of cooperative liaisons between State colleges and local school districts for dealing with drug abuse

problems. Under this plan, designated experts at State colleges will work with nearby local school superintendents and principals when drug abuse problems arise or when special programs are planned.

Fourthly, I propose that the Legislature appropriate \$25,000 for increasing the drug abuse teaching resources of the State Department of Education, State Library and Museum. At present the requests of local school districts for instructive materials including films, books and multimedia equipment far exceed the capacity available. This appropriation would permit major inroads in the development of an authoritative curriculum by assuring teachers of the "right" teaching materials.

Related to the needs for knowledgeable teachers and an adequate drug abuse curriculum is the need for youth counselling services. Under our present laws and social conditions, the youthful drug user has no place to turn where he can receive reliable and confidential advice concerning his involvement with drugs. His parents, minister and physician, like the police, are too often part of the "establishment" and as the young people say, "just don't understand". In the absence of a legitimate channel of communication, many such youths turn to their peers, receiving misinformation, which often leads them further into drug abuse.

I believe that the natural tendency of students to relate to teachers who enjoy their confidence and respect could provide the basis for an effective system of youth counselling.

I will therefore request the Commissioner of Education to undertake a study of the feasibility of an experimental program which would permit trained officials at selected high schools to act as confidential advisors to students.

Because drug abuse is a total community problem, our State's educational efforts should not be limited to instituting preventive programs in schools. Rather, I am convinced that an expanded effort must be made to sponsor hard-hitting and informative seminars for concerned parents, PTA's, clergy, and community officials.

In an effort to expose the New Jersey public to the dimensions of the drug abuse problem, I shall direct implementation of a carefully developed public information campaign utilizing commercial and educational T.V. channels, radio broadcasts, and newspapers. The estimated cost of this campaign is \$25,000 and anticipates cooperative contributions by the various public media.

In addition, I will request the Legislature to provide \$15,000 for the preparation and distribution of a pamphlet which would furnish the general public with urgently needed information concerning drugs, their abuse and symptoms of abuse, and what treatment alternatives are available.

I have placed great emphasis on education because, like most social problems, we need not a physical solution but an intellectual and moral conviction by the whole community, especially our youth concerning the dangers of drug abuse. If citizens in general and young people in particular are not individually convinced of the grave dangers to the individual and society, then no system of laws or punishment will save us from the consequences. I also wish to emphasize that education in this important area needs to be sensitive, and above all must respect the intelligent and moral integrity of our youth. Educators, must understand and sympathize, as I do, with the anxieties and pressures which lead our young people to the use and abuse of drugs. Above all, our educational materials and techniques must be honest

and straightforward. I am convinced that this education can save a large segment of our youth from the dire consequences of drug abuse and I am absolutely convinced of the social necessity of such an educational program!

As in all other areas discussed those in responsible positions must keep informed of all developments in this all important and fast developing sector and must keep our educational system completely current and relevant. Education and religion it seems to me are our best hope in bringing to the minds of our youth the awesome dangers in drug abuse. I urge therefore our churches and their leaders to strengthen their appeal to our youth and to find ways of bringing our young people under intensified and understanding spiritual assistance. Together our schools and our churches with an informed and loving family are our best hope for the future in meeting and solving this problem of the decade.

In conclusion let me say that this is not an end but a beginning. Many, of course, will disagree with what I have said. Some will suggest that I have gone too far; others that I have not gone far enough and fast enough. The amount of money to be spent will be considered by some as completely inadequate; by others as an extravagance and unnecessary waste. I would merely say to all of you and to all our citizens that this problem represents the best thinking of a great many men and women in all areas of government, local, state and federal. Men of the press and of medicine, law enforcement officials, youth counselors and men of religion all have contributed to this end result and the program just presented represents my judgment as to what we can, what we should and what we must do now in New Jersey.

I thank all who helped, especially members of the Cabinet, of the Governor's staff and of the State Investigation Commission. I particularly want to thank those who served as chairman and members of the task force that contributed so much to this message.

It is my sincere hope -- it is my earnest prayer -- that all our people will understand and work together and that from this beginning we will increase our efforts until the final solution is achieved!