4:28-1 to 4:28-5 et al.

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2018 **CHAPTER:** 139

NJSA: 4:28-1 to 4:28-5 et al. (Directs Dept. of Agriculture to create pilot program to research cultivation of industrial hemp)

BILL NO: A1330 (Substituted for S3145)

SPONSOR(S) Gusciora and others

DATE INTRODUCED: 1/9/2018

COMMITTEE: **ASSEMBLY:** Agriculture & Natural Resources

SENATE: Economic Growth

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** 6/30/1028

SENATE: 9/27/2018

DATE OF APPROVAL: 11/21/2018

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Assembly Substitute enacted) Yes

A1330

SPONSOR'S STATEMENT: (Begins on page 6 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY**: Yes

SENATE: Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, ***may possibly*** be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

S3145

SPONSOR'S STATEMENT: (Begins on page 15 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY**: No

SENATE: No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, ***may possibly*** be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

(continued)

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or mailto:refdesk@njstatelib.org

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

"Murphy signs hemp research bill," NJBIZ, November 21, 2018
"Murphy Oks hemp program," Star-Ledger, November 22, 2018
"A," Trenton Times, November 22, 2018

RH/CL

Title 4.
Chapter 28 (New)
Industrial Hemp
§§1-5 -
C.4:28-1 to
4:28-5

P.L. 2018, CHAPTER 139, ***approved November 21, 2018***
Assembly Substitute for
Assembly, No. 1330

AN ACT creating the "New Jersey Industrial Hemp Pilot Program," supplementing Title 4 of the Revised Statutes, and amending various parts of the statutory law.

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

1. (New section) This act shall be known and may be cited as the "New Jersey Industrial Hemp Pilot Program."

2. (New section) The Legislature finds and declares that industrial hemp is used in a wide variety of products including textiles, construction materials, and foodstuffs, and the demand for these goods is growing; that hemp can be a viable agricultural crop in the State; that the ability to grow hemp on an industrial scale would allow farmers to diversify their products by adding a lucrative cash crop; that researching cultivation methods of industrial hemp would greatly aid farmers seeking to grow hemp for the first time; and that, therefore, it is fitting and proper that the Legislature create an industrial hemp pilot program to promote the research and cultivation of industrial hemp to the maximum extent permitted by federal law.

3. (New section) As used in sections 1 through 5 of this act:

"Cultivate" means to plant, grow, or harvest industrial hemp.

"Department" means the New Jersey Department of Agriculture.

"Industrial hemp" means the same as that term is defined in 7 U.S.C. s.5940.

"Institution of higher education" means the same as that term is defined in 20 U.S.C. s.1001.

"Agricultural pilot program" means a pilot program conducted by the department or a partnering institution of higher education to study methods of cultivating industrial hemp pursuant to this act and 7 U.S.C. s.5940.

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

Matter underlined <u>thus</u> is new matter.

4. (New section) a. The Department of Agriculture shall establish an agricultural pilot program to study and promote the cultivation of industrial hemp to the maximum extent permitted by federal law.

b. The department may partner with any institution of higher education in the State to administer the agricultural pilot program.

c. Any person participating in the agricultural pilot program shall demonstrate to the satisfaction of the Secretary of Agriculture that the person has complied with all applicable federal requirements pertaining to the cultivation of industrial hemp.

5. (New section) a. The department, in consultation with any interested institutions of higher education in the State, shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), such rules and regulations as may be necessary for the purposes of:

(1) conducting the agricultural pilot program;

(2) licensing or contracting with persons who wish to participate in the agricultural pilot program;

(3) prescribing requirements for institutions of higher education to participate in, or to be affiliated with, the agricultural pilot program;

(4) prescribing sampling and testing procedures to ensure that industrial hemp cultivated pursuant to this act complies with federal law;

(5) establishing a schedule of fees to be paid by licensees, contracted growers, or participating institutions of higher education to the department to cover the costs of administering and implementing the agricultural pilot program;

(6) certifying seed cultivars that comply with federal law or licensing distributors of hemp seed capable of germination, if the department determines certification or licensure is necessary; and

(7) regulating the purchase, sale, and marketing of industrial hemp.

b. Any rule or regulation adopted pursuant to this section shall be consistent with federal law regarding industrial hemp.

6. N.J.S.2C:35-2 is amended to read as follows:

2C:35-2. As used in this chapter:

"Administer" means the direct application of a controlled dangerous substance or controlled substance analog, 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.

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

"Controlled dangerous substance" means a drug, substance, or immediate precursor in Schedules I through V, any substance the distribution of which is specifically prohibited in N.J.S.2C:35-3, in section 3 of P.L.1997, c.194 (C.2C:35-5.2), in section 5 of P.L.1997, c.194 (C.2C:35-5.3), in section 2 of P.L.2011, c.120 (C.2C:35-5.3a), or in section 2 of P.L.2013, c.35 (C.2C:35-5.3b), and any drug or substance which, when ingested, is metabolized or otherwise becomes a controlled dangerous substance in the human body. When any statute refers to controlled dangerous substances, or to a specific controlled dangerous substance, it shall also be deemed to refer to any drug or substance which, when ingested, is metabolized or otherwise becomes a controlled dangerous substance or the specific controlled dangerous substance, and to any substance that is an immediate precursor of a controlled dangerous substance or the specific controlled dangerous substance. The term shall not include distilled spirits, wine, malt beverages, as those terms are defined or used in R.S.33:1-1 et seq., or tobacco and tobacco products. The term, wherever it appears in any law or administrative regulation of this State, shall include controlled substance analogs.

"Controlled substance analog" means a substance that has a chemical structure substantially similar to that of a controlled dangerous substance and that was specifically designed to produce an effect substantially similar to that of a controlled dangerous substance. The term shall not include a substance manufactured or distributed in conformance with the provisions of an approved new drug application or an exemption for investigational use within the meaning of section 505 of the "Federal Food, Drug and Cosmetic Act," 52 Stat. 1052 (21 U.S.C. s.355).

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

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

"Dispense" means to deliver a controlled dangerous substance or controlled substance analog 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 or controlled substance analog. "Distributor" means a person who distributes.

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

"Drug or alcohol dependent person" means a person who as a result of using a controlled dangerous substance or controlled substance analog or alcohol has been in a state of psychic or physical dependence, or both, arising from the use of that controlled dangerous substance or controlled substance analog or alcohol on a continuous or repetitive basis. Drug or alcohol dependence is characterized by behavioral and other responses, including but not limited to a strong compulsion to take the substance on a recurring basis in order to experience its psychic effects, or to avoid the discomfort of its absence.

"Hashish" means the resin extracted from any part of the plant Genus Cannabis L. and any compound, manufacture, salt, derivative, mixture, or preparation of such resin. "Hashish" shall not mean industrial hemp cultivated pursuant to the New Jersey Industrial Hemp Pilot Program established by P.L. , c. (C.) (pending before the Legislature as this bill).

"Manufacture" means the production, preparation, propagation, compounding, conversion, or processing of a controlled dangerous substance or controlled substance analog, 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 or controlled substance analog 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 or controlled substance analog 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.

"Marijuana" means all parts of the plant Genus Cannabis L., whether growing or not; the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, except those containing resin extracted from the plant; but shall not include the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of mature stalks, fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. "Marijuana" shall not mean industrial hemp cultivated pursuant to the New Jersey Industrial Hemp Pilot Program established by P.L. , c. (C.) (pending before the Legislature as this bill).

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

(a) Opium, coca leaves, and opiates;

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

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

"Opiate" means any dangerous substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having such addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled pursuant to the provisions of section 3 of P.L.1970, c.226 (C.24:21-3), the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

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

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

"Plant" means an organism having leaves and a readily observable root formation, including, but not limited to, a cutting having roots, a rootball or root hairs.

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

"Practitioner" means a physician, dentist, veterinarian, scientific investigator, laboratory, pharmacy, hospital, or other person licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or administer a controlled dangerous substance or controlled substance analog in the course of professional practice or research in this State.

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

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

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

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

(e) "Laboratory" means a laboratory to be entrusted with the custody of narcotic drugs and the use of controlled dangerous substances or controlled substance analogs for scientific, experimental, and medical purposes and for purposes of instruction approved by the Department of Health.

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

"Immediate precursor" means a substance which the Division of Consumer Affairs in the Department of Law and Public Safety has found to be and by regulation designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled dangerous substance or controlled substance analog, the control of which is necessary to prevent, curtail, or limit such manufacture.

"Residential treatment facility" means any facility licensed and approved by the Department of Human Services and which is approved by any county probation department for the inpatient treatment and rehabilitation of drug or alcohol dependent persons.

"Schedules I, II, III, IV, and V" are the schedules set forth in sections 5 through 8 of P.L.1970, c.226 (C.24:21-5 through 24:21-8) and in section 4 of P.L.1971, c.3 (C.24:21-8.1) and as modified by any regulations issued by the Director of the Division of Consumer Affairs in the Department of Law and Public Safety pursuant to the director's authority as provided in section 3 of P.L.1970, c.226 (C.24:21-3).

"State" means the State of New Jersey.

"Ultimate user" means a person who lawfully possesses a controlled dangerous substance or controlled substance analog for his own use or for the use of a member of his household or for administration to an animal owned by him or by a member of his household.

"Prescription legend drug" means any drug which under federal or State law requires dispensing by prescription or order of a licensed physician, veterinarian, or dentist and is required to bear the statement "Rx only" or similar wording indicating that such drug may be sold or dispensed only upon the prescription of a licensed medical practitioner and is not a controlled dangerous substance or stramonium preparation.

"Stramonium preparation" means a substance prepared from any part of the stramonium plant in the form of a powder, pipe mixture, cigarette, or any other form with or without other ingredients.

"Stramonium plant" means the plant Datura Stramonium Linne, including Datura Tatula Linne.

(cf: P.L.2013, c.35, s.1)

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

2. As used in this act:

"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 the practitioner's presence, by the practitioner's lawfully authorized agent), or (2) the patient or research subject at the lawful direction and in the presence of the practitioner.

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

"Commissioner" means the Commissioner of Health.

"Controlled dangerous substance" means a drug, substance, or immediate precursor in Schedules I through V of article 2 of P.L.1970, c.226 (C.24:21-1 et seq.). The term shall not include distilled spirits, wine, malt beverages, as those terms are defined or used in R.S.33:1-1 et seq., or tobacco and tobacco products.

"Counterfeit substance" means a controlled dangerous substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person or persons who in fact manufactured, distributed, or dispensed such substance and which thereby falsely purports or is represented to be the product of, or to

have been distributed by, such other manufacturer, distributor, or dispenser.

"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.

"Director" means the Director of the Division of Consumer Affairs in the Department of Law and Public Safety.

"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.

"Division" means the Division of Consumer Affairs in the Department of Law and Public Safety.

"Drug Enforcement Administration" means the Drug Enforcement Administration in the United States Department of Justice.

"Drugs" means (a) substances recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; and (b) substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; and (c) substances (other than food) intended to affect the structure or any function of the body of man or other animals; and (d) substances intended for use as a component of any article specified in subsections (a), (b), and (c) of this section; but does not include devices or their components, parts or accessories. "Drugs" shall not mean industrial hemp cultivated pursuant to the New Jersey Industrial Hemp Pilot Program established by P.L. , c. (C.) (pending before the Legislature as this bill).

"Hashish" means the resin extracted from any part of the plant genus Cannabis and any compound, manufacture, salt, derivative, mixture, or preparation of such resin. "Hashish" shall not mean industrial hemp cultivated pursuant to the New Jersey Industrial Hemp Pilot Program established by P.L. , c. (C.) (pending before the Legislature as this bill).

"Marihuana" means all parts of the plant genus Cannabis, whether growing or not; the seeds thereof; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, except those containing resin extracted from the plant; but shall not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of

such mature stalks, fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. "Marihuana" shall not mean industrial hemp cultivated pursuant to the New Jersey Industrial Hemp Pilot Program established by P.L. , c. (C.) (pending before the Legislature as this bill).

"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 the individual's own use or the preparation, compounding, packaging, or labeling of a controlled dangerous substance: (1) by a practitioner as an incident to the practitioner's administering or dispensing of a controlled dangerous substance in the course of the practitioner's professional practice, or (2) by a practitioner (or under the practitioner's supervision) for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale.

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

(a) Opium, coca leaves, and opiates;

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

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

"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 provisions therefor, 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 division. If authorized by the Attorney General of the United States or the division, the term shall also include an order transmitted by electronic means.

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

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

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

"Pharmacist" means a registered pharmacist of this State.

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

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

"Practitioner" means a physician, dentist, veterinarian, scientific investigator, laboratory, pharmacy, hospital, or other person licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or administer a controlled dangerous substance in the course of professional practice or research in this State.

(a) "Physician" means a physician authorized by law to practice medicine in this or any other state.

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

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

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

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

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

"Immediate precursor" means a substance which the division has found to be and by regulation designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled dangerous substance, the

control of which is necessary to prevent, curtail, or limit such manufacture.

"Substance use disorder involving drugs" means taking or using a drug or controlled dangerous substance, as defined in this chapter, in association with a state of psychic or physical dependence, or both, arising from the use of that drug or controlled dangerous substance on a continuous basis. A substance use disorder is characterized by behavioral and other responses, including, but not limited to, a strong compulsion to take the substance on a recurring basis in order to experience its psychic effects, or to avoid the discomfort of its absence.

"Ultimate user" means a person who lawfully possesses a controlled dangerous substance for the person's own use or for the use of a member of the person's household or for administration to an animal owned by the person or by a member of the person's household.

(cf: P.L.2017, c.131, s.65)

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

5. Schedule I.

a. Tests. The director 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 director pursuant to subsection d. of section 3 of P.L.1970, c.226 (C.24:21-3), and except to the extent provided in any other schedule.

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

(1) Acetylmethadol
(2) Allylprodine
(3) Alphacetylmethadol
(4) Alphameprodine
(5) Alphamethadol
(6) Benzethidine
(7) Betacetylmethadol
(8) Betameprodine
(9) Betamethadol
(10) Betaprodine
(11) Clonitazene
(12) Dextromoramide

(13) Dextrorphan
(14) Diampromide
(15) Diethylthiambutene
(16) Dimenoxadol
(17) Dimepheptanol
(18) Dimethylthiambutene
(19) Dioxaphetyl butyrate
(20) Dipipanone
(21) Ethylmethylthiambutene
(22) Etonitazene
(23) Etoxeridine
(24) Furethidine
(25) Hydroxypethidine
(26) Ketobemidone
(27) Levomoramide
(28) Levophenacylmorphan
(29) Morpheridine
(30) Noracymethadol
(31) Norlevorphanol
(32) Normethadone
(33) Norpipanone
(34) Phenadoxone
(35) Phenampromide
(36) Phenomorphan
(37) Phenoperidine
(38) Piritramide
(39) Proheptazine
(40) Properidine
(41) Racemoramide
(42) Trimeperidine.

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

(1) Acetorphine
(2) Acetylcodone
(3) Acetyldihydrocodeine
(4) Benzylmorphine
(5) Codeine methylbromide
(6) Codeine-N-Oxide
(7) Cyprenorphine
(8) Desomorphine
(9) Dihydromorphine
(10) Etorphine
(11) Heroin
(12) Hydromorphinol
(13) Methyldesorphine

(14) Methylhydromorphine
(15) Morphine methylbromide
(16) Morphine methylsulfonate
(17) Morphine-N-Oxide
(18) Myrophine
(19) Nicocodeine
(20) Nicomorphine
(21) Normorphine
(22) Phoclodine
(23) Thebacon.

e. Any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(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) N-ethyl-3-piperidyl benzilate
(14) N-methyl-3-piperidyl benzilate
(15) Psilocybin
(16) Psilocyn
(17) Tetrahydrocannabinols, except when found in industrial hemp cultivated pursuant to the New Jersey Industrial Hemp Pilot Program established by P.L. , c. (C.) (pending before the Legislature as this bill).

(cf: P.L.2007, c.244, s.3)

9. Section 1 of P.L.1939, c.248 (C.26:2-81) is amended to read as follows:

1. In order to protect the health, morals and welfare of the State of New Jersey, whenever the county prosecutor [of the pleas] of any county of the State of New Jersey receives information that wild, cultivated or hidden growth or beds of alleged Marihuana weed are located anywhere within [his] the county, [he] the county prosecutor shall immediately communicate such information to the [State] Department of Health[, and the State]. The Department of Health, upon receipt of such information, shall

immediately dispatch one of its agents to ⟦said⟧ the location who shall make an examination and determination of the alleged Marihuana weed so as to determine the existence or nonexistence of Marihuana weed at ⟦said⟧ the location, and the ⟦State⟧ Department of Health shall immediately communicate by writing its determination to the aforesaid county prosecutor ⟦of pleas⟧. "Marihuana" shall not mean industrial hemp cultivated pursuant to the New Jersey Industrial Hemp Pilot Program established by P.L. , c. (C.) (pending before the Legislature as this bill).
(cf: P.L.1939, c.248, s.1)

10. Section 2 of P.L.1939, c.248 (C.26:2-82) is amended to read as follows:

2. Upon certification by ⟦State⟧ the Department of Health of the existence of Marihuana weed at the location examined by the ⟦State⟧ Department of Health, then the county prosecutor ⟦of pleas⟧ is hereby empowered to dispatch one of ⟦his⟧ the prosecutor's agents to the location so certified and ⟦said⟧ the agent shall destroy ⟦said⟧ the Marihuana weed and ⟦said⟧ the county prosecutor ⟦of pleas⟧ or ⟦his⟧ the agent shall not be civilly responsible in any manner whatsoever for destruction of ⟦said⟧ the Marihuana weed. "Marihuana" shall not mean industrial hemp cultivated pursuant to the New Jersey Industrial Hemp Pilot Program established by P.L. , c. (C.) (pending before the Legislature as this bill).
(cf: P.L.1939, c.248, s.2)

11. This act shall take effect immediately.

STATEMENT

This bill directs the Department of Agriculture to create an industrial hemp agricultural pilot program that promotes the study and cultivation of hemp to the maximum extent permitted by federal law. The department may partner with any qualified institution of higher education to administer the program; however, any person participating in the program must demonstrate to the satisfaction of the Secretary of Agriculture that the person has complied with all federal requirements related to the cultivation of industrial hemp.

The department is also required to adopt rules and regulations to administer the program. These include creating requirements for the licensing or contracting of growers participating in the program, prescribing hemp testing procedures to ensure compliance with federal law, creating a fee structure for administration of the program, and certifying germinating seeds and hemp cultivars if

necessary. Any rule or regulation adopted by the department must comply with federal law.

The bill also amends various sections of statutory law to ensure that any person validly participating in the agricultural pilot program is exempted from crimes and penalties related to the purchase, sale, or cultivation of marijuana, as the statutory definitions of "marijuana" frequently encompass hemp.

Industrial hemp is used in a wide variety of products including textiles, construction materials, and foodstuffs. The demand for these goods is growing at the State and national level and hemp can be a viable agricultural crop in the State. The ability to grow hemp on an industrial scale would allow farmers to diversify their products by adding a lucrative cash crop and researching cultivation methods of industrial hemp would greatly aid farmers seeking to grow hemp for the first time.

Directs Dept. of Agriculture to create pilot program to research cultivation of industrial hemp.

ASSEMBLY, No. 1330

STATE OF NEW JERSEY

218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:
Assemblyman REED GUSCIORA
District 15 (Hunterdon and Mercer)

SYNOPSIS

Allows industrial hemp farming; establishes industrial hemp license.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.

AN ACT concerning industrial hemp and supplementing Title 4 of the Revised Statutes.

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

1. As used in this act:

"Industrial hemp" means an agricultural product that is part of the plant of any variety of Cannabis sativa L. with a delta-9-tetrahydrocannabinol concentration of 0.3% or less on a dry weight basis, and that is permitted pursuant to this act to be planted, grown, harvested, possessed, processed, distributed, bought, or sold by a person licensed pursuant to section 3 of this act.

"Marihuana" means all parts of the plant Cannabis sativa L., whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and any compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin, with a delta-9-tetrahydrocannabinol concentration of more than 0.3% on a dry weight basis. "Marihuana" shall not include the mature stalks of any Cannabis sativa L. plant, the fiber produced from the stalks, oil or cake made from the seeds of the plant, or any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, fiber, oil, or cake. "Marihuana" shall also not include seed capable of germination or resin extracted from mature stalks, provided the Department of Agriculture and the Attorney General have determined that they are from a variety of Cannabis sativa L. with a delta-9-tetrahydrocannabinol concentration of 0.3% or less on a dry weight basis, and, in the case of seed, it would not germinate into a variety of Cannabis sativa L. plant with a delta-9-tetrahydrocannabinol concentration of more than 0.3% on a dry weight basis.

2. Notwithstanding any other law, or rule or regulation adopted pursuant thereto, to the contrary, a person licensed pursuant to section 3 of this act may plant, grow, harvest, possess, process, distribute, buy, or sell industrial hemp in the State, provided the person also complies with the rules and regulations adopted pursuant to section 4 of this act.

3. a. A person seeking to plant, grow, harvest, possess, process, distribute, buy, or sell industrial hemp for commercial purposes shall apply to the Secretary of Agriculture for an industrial hemp license. The application shall include the name and address of the applicant, and documentation and a legal description of the land to be used for the growing and production of industrial hemp, in a form and manner provided by the secretary, which may include a map, aerial photograph of the land area, or global positioning coordinates sufficient for locating the production fields.

b. A person submitting an application pursuant to subsection a. of this section, and any other person as may be required by the rules and regulations adopted pursuant to section 4 of this act, shall also submit, the first time such an application is made, a set of the applicant's fingerprints to be taken by a law enforcement officer in the manner prescribed by the rules and regulations adopted pursuant to section 6 of this act, and any other information necessary to complete a nationwide and Statewide criminal history and background check by the Department of Law and Public Safety or the Federal Bureau of Investigation. All costs associated with this criminal history and background check shall be the responsibility of the applicant and shall be paid at the time that the fingerprints are taken by the law enforcement officer. The provisions of this subsection shall not apply to employees of the New Jersey Agricultural Experiment Station or the School of Environmental and Biological Sciences at Rutgers, The State University.

c. The criminal history, background check, and other information collected pursuant to subsections a. and b. of this section shall be confidential, and may only be used in determining an applicant's eligibility for an industrial hemp license. No person with a prior criminal conviction shall be eligible for an industrial hemp license.

d. Prior to approving or disapproving a first-time applicant, the Secretary of Agriculture shall forward the submitted application and the documentation and other information obtained pursuant to subsections a. and b. of this section to the Department of Law and Public Safety and request a determination from that department concerning the applicant's eligibility for the industrial hemp license in terms of law and public safety considerations. Subsequent applications from the same applicant shall be reviewed by the Secretary of Agriculture for approval or disapproval, and copies of approved applications shall be forwarded to the Department of Law and Public Safety. Upon review of the application, documentation, and other information submitted pursuant to subsections a. and b. of this section, the Secretary of Agriculture shall approve or disapprove issuing the applicant an industrial hemp license as soon as practicable after the application is deemed complete. Records of all applications shall be maintained by the Department of Agriculture and the Department of Law and Public Safety.

e. Upon approving an application for an industrial hemp license, the Secretary of Agriculture shall notify the Attorney General and the applicant of the approval. The Secretary of Agriculture shall request payment from the applicant of the license fee established pursuant to paragraph (4) of subsection a. of section 4 of this act, and upon receipt thereof, shall issue to the applicant an industrial hemp license.

f. An approved industrial hemp license shall be valid only for the site or sites specified in the license and for the period of one

year from the date of issuance, unless adjusted by the Department of Agriculture to allow for the normal growing season and reasonable harvesting, processing, and sale or distribution time. The license may be renewed as provided by the rules and regulations adopted pursuant to subsection a. of section 4 of this act.

g. The Secretary of Agriculture, at the secretary's discretion, or upon request of the Attorney General, may, after notice and a hearing, suspend or revoke, or deny renewal of, an industrial hemp license at any time that it is discovered that the licensed industrial hemp producer violated this act or the rules and regulations adopted pursuant thereto, or has submitted false information or documentation pursuant to this section. The secretary may require an industrial hemp licensee to stop any or all activities authorized by the license pending the hearing required pursuant to this subsection and subsection h. of this section and a determination on the asserted violation.

h. An applicant who is denied a license or a license renewal, or whose license is to be suspended or revoked pursuant to this section, shall have the right to an administrative hearing and decision, and the matter shall be treated as a contested case under the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

4. a. The Secretary of Agriculture, in consultation with the Attorney General, shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations providing for the administrative and enforcement responsibilities of the Department of Agriculture pursuant to this act, including, but not necessarily limited to:

(1) establishment of approved varieties of industrial hemp and methods to distinguish it from any type of marihuana;

(2) protocols for testing plant parts during growth for delta-9-tetrahydrocannabinol;

(3) guidelines for monitoring the growth and harvest of industrial hemp;

(4) other application requirements, licensing fees, licensing renewal procedures, and provisions for adjusting the licensing term dates pursuant to subsection f. of section 3 of this act;

(5) penalties necessary for the administration and enforcement of this act; and

(6) any other issues necessary to implement this act.

b. The Secretary of Agriculture may defer rulemaking to the Attorney General on any of the issues enumerated in subsection a. of this section if the Secretary of Agriculture and the Attorney General determine, in the interest of public safety, that the issue is better addressed by the Department of Law and Public Safety than by the Department of Agriculture.

c. When developing and adopting rules and regulations pursuant to this section, the Secretary of Agriculture and the Attorney General shall work together and in cooperation with federal authorities to ensure that:

(1) no marihuana with value as a controlled substance and regulated under the federal "Controlled Substances Act," 21 U.S.C. s.802 (16), or for use as medical marihuana in the State, is planted, grown, harvested, possessed, processed, distributed, bought, or sold pursuant to this act; and

(2) the Drug Enforcement Administration in the United States Department of Justice may enforce the laws of the United States insofar as they restrict the planting, growth, harvesting, possession, processing, distribution, purchase, and sale of plants, seeds, and related byproducts with a delta-9-tetrahydrocannabinol concentration of more than 0.3% on a dry weight basis.

5. a. Annually, at the time specified in the rules and regulations adopted pursuant to section 4 of this act, each person planting, growing, harvesting, possessing, processing, distributing, buying, or selling industrial hemp shall:

(1) file with the Secretary of Agriculture documentation indicating that the industrial hemp is an approved type and variety of hemp pursuant to the rules and regulations adopted pursuant to section 4 of this act, and any required documentation confirming the hemp has a concentration of no more than 0.3% delta-9-tetrahydrocannabinol by dry weight; and

(2) notify the Secretary of Agriculture and the Attorney General of all sales or distributions of industrial hemp and the name and address of each person to whom the industrial hemp was sold or distributed during the calendar year.

b. Any person violating this act shall be subject to the penalties established pursuant to section 4 of this act and pursuant to other applicable State and federal laws.

6. The Attorney General, in consultation with the Secretary of Agriculture, shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations providing for the taking of fingerprints, other procedures for collection of information and documentation required pursuant to subsection b. of section 3 of this act, and any other matters necessary for the implementation of this act.

7. This act shall take effect immediately.

STATEMENT

This bill establishes an industrial hemp license for planting, growing, harvesting, possessing, processing, distributing, buying, or selling industrial hemp in the State. The bill also requires any licensee to comply with the Department of Agriculture and Attorney General's rules and regulations adopted pursuant to section 4 of the bill.

The bill also establishes procedures and requirements for persons applying to the Secretary of Agriculture for a license, including procedures and requirements for fingerprinting and criminal background checks for license applicants.

The bill defines industrial hemp as an agricultural product that is any variety of Cannabis sativa L. with a delta-9-tetrahydrocannabinol concentration of 0.3% or less on a dry weight basis. As an agricultural product, the production of industrial hemp would be subject to the protections of the "Right to Farm Act." Also, the land used for its production could be eligible for valuation and taxation pursuant to the "Farmland Assessment Act of 1964."

The bill also requires any person planting, growing, harvesting, possessing, processing, distributing, buying, or selling industrial hemp to:

1) file with the Secretary of Agriculture documentation indicating that the industrial hemp is a type and variety of hemp approved by the secretary as having a concentration of no more than 0.3% delta-9-tetrahydrocannabinol by dry weight; and

2) notify the Secretary of Agriculture and the Attorney General of any sale or distribution of industrial hemp by the person and the name and address of each person to whom the industrial hemp was sold or distributed during the calendar year.

Finally, the bill authorizes penalties for violating the bill's provisions, to be established in regulations.

ASSEMBLY AGRICULTURE AND NATURAL RESOURCES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1330

STATE OF NEW JERSEY

DATED: FEBRUARY 1, 2018

The Assembly Agriculture and Natural Resources Committee favorably reports Assembly Bill No. 1330.

This bill establishes an industrial hemp license for planting, growing, harvesting, possessing, processing, distributing, buying, or selling industrial hemp in the State. The bill also requires any licensee to comply with the Department of Agriculture and Attorney General's rules and regulations adopted pursuant to section 4 of the bill.

The bill also establishes procedures and requirements for persons applying to the Secretary of Agriculture for a license, including procedures and requirements for fingerprinting and criminal background checks for license applicants.

The bill defines industrial hemp as an agricultural product that is any variety of Cannabis sativa L. with a delta-9-tetrahydrocannabinol concentration of 0.3% or less on a dry weight basis. As an agricultural product, the production of industrial hemp would be subject to the protections of the "Right to Farm Act." Also, the land used for its production could be eligible for valuation and taxation pursuant to the "Farmland Assessment Act of 1964."

The bill also requires any person planting, growing, harvesting, possessing, processing, distributing, buying, or selling industrial hemp to:

1) file with the Secretary of Agriculture documentation indicating that the industrial hemp is a type and variety of hemp approved by the secretary as having a concentration of no more than 0.3% delta-9-tetrahydrocannabinol by dry weight; and

2) notify the Secretary of Agriculture and the Attorney General of any sale or distribution of industrial hemp by the person and the name and address of each person to whom the industrial hemp was sold or distributed during the calendar year.

Finally, the bill authorizes penalties for violating the bill's provisions, to be established in regulations.

This bill was pre-filed for introduction in the 2018-2019 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

SENATE ECONOMIC GROWTH COMMITTEE

STATEMENT TO

ASSEMBLY SUBSTITUTE FOR
ASSEMBLY, No. 1330

STATE OF NEW JERSEY

DATED: SEPTEMBER 17, 2018

The Senate Economic Growth Committee reports favorably Assembly Bill No. 1330 (AS).

As reported, this bill directs the Department of Agriculture (department) to create an industrial hemp agricultural pilot program (program) that promotes the study and cultivation of hemp to the maximum extent permitted by federal law. The department may partner with any qualified institution of higher education to administer the program; however, any person participating in the program must demonstrate to the satisfaction of the Secretary of Agriculture that the person has complied with all federal requirements related to the cultivation of industrial hemp.

The department is also required to adopt rules and regulations to administer the program. These include creating requirements for the licensing or contracting of growers participating in the program, prescribing hemp testing procedures to ensure compliance with federal law, creating a fee structure for administration of the program, and certifying germinating seeds and hemp cultivars if necessary. Any rule or regulation adopted by the department must comply with federal law.

The bill amends various sections of statutory law to ensure that any person validly participating in the program is exempted from crimes and penalties related to the purchase, sale, or cultivation of marijuana, as the statutory definitions of "marijuana" frequently encompass hemp.

As reported, Assembly Bill No. 1330 (AS) is identical to Senate Bill No. 2491, which was also reported by the committee on this date.

SENATE, No. 3145

STATE OF NEW JERSEY

218th LEGISLATURE

INTRODUCED OCTOBER 22, 2018

Sponsored by:
Senator JAMES BEACH
District 6 (Burlington and Camden)

SYNOPSIS

Requires Dept. of Agriculture to establish pilot program concerning cultivation of industrial hemp.

CURRENT VERSION OF TEXT

As introduced.

AN ACT creating a pilot program for the research and cultivation of industrial hemp, supplementing Title 4 of the Revised Statutes, and amending various parts of the statutory law.

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

1. (New section) Sections 1 through 5 of P.L. , c. (C.) (pending before the legislature as this bill) shall be known and may be cited as the "New Jersey Industrial Hemp Pilot Program."

2. (New section) The Legislature finds and declares that industrial hemp is used in a wide variety of products including textiles, construction materials, and foodstuffs, and the demand for these goods is growing; that hemp can be a viable agricultural crop in the State; that the ability to grow hemp on an industrial scale would allow farmers to diversify their products by adding a lucrative cash crop; that researching cultivation methods of industrial hemp would greatly aid farmers seeking to grow hemp for the first time; and that, therefore, it is fitting and proper that the Legislature create an industrial hemp pilot program to promote the research and cultivation of industrial hemp to the maximum extent permitted by federal law.

3. (New section) As used in sections 1 through 5 of P.L. , c. (C.) (pending before the legislature as this bill):

"Agricultural pilot program" means a pilot program conducted by the department or Rutgers, The State University, to study methods of cultivating industrial hemp pursuant to sections 1 through 5 of P.L. , c. (C.) (pending before the legislature as this bill) and 7 U.S.C. s.5940.

"Cultivate" means to plant, grow, or harvest industrial hemp.

"Department" means the New Jersey Department of Agriculture.

"Industrial hemp" means the same as that term is defined in 7 U.S.C. s.5940.

4. (New section) a. The Department of Agriculture shall establish an agricultural pilot program to study and promote the cultivation of industrial hemp to the maximum extent permitted by federal law.

b. The department shall partner with Rutgers, The State University, to administer the agricultural pilot program.

c. Any person participating in the agricultural pilot program shall demonstrate to the satisfaction of the Secretary of Agriculture that the person has complied with all applicable federal requirements pertaining to the cultivation of industrial hemp.

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

Matter underlined <u>thus</u> is new matter.

5. (New section) a. The department, in consultation with Rutgers, The State University, shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), such rules and regulations as may be necessary for the purposes of:

(1) conducting the agricultural pilot program;

(2) licensing or contracting with persons who wish to participate in the agricultural pilot program;

(3) prescribing sampling and testing procedures to ensure that industrial hemp cultivated pursuant to sections 1 through 5 of P.L. , c. (C.) (pending before the legislature as this bill) complies with federal law;

(4) establishing a schedule of fees to be paid by licensees, or contracted growers to the department to cover the costs of administering and implementing the agricultural pilot program;

(5) certifying seed cultivars that comply with federal law or licensing distributors of hemp seed capable of germination, if the department determines certification or licensure is necessary; and

(6) regulating the purchase, sale, and marketing of industrial hemp.

b. Any rule or regulation adopted pursuant to this section shall be consistent with federal law regarding industrial hemp.

6. N.J.S.2C:35-2 is amended to read as follows:

2C:35-2. As used in this chapter:

"Administer" means the direct application of a controlled dangerous substance or controlled substance analog, 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.

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

"Controlled dangerous substance" means a drug, substance, or immediate precursor in Schedules I through V, any substance the distribution of which is specifically prohibited in N.J.S.2C:35-3, in section 3 of P.L.1997, c.194 (C.2C:35-5.2), in section 5 of P.L.1997, c.194 (C.2C:35-5.3), in section 2 of P.L.2011, c.120 (C.2C:35-5.3a), or in section 2 of P.L.2013, c.35 (C.2C:35-5.3b), and any drug or substance which, when ingested, is metabolized or otherwise becomes a controlled dangerous substance in the human body. When any statute refers to controlled dangerous substances, or to a specific controlled dangerous substance, it shall also be deemed to refer to any drug or substance which, when ingested, is metabolized or otherwise becomes a controlled dangerous substance

or the specific controlled dangerous substance, and to any substance that is an immediate precursor of a controlled dangerous substance or the specific controlled dangerous substance. The term shall not include distilled spirits, wine, malt beverages, as those terms are defined or used in R.S.33:1-1 et seq., or tobacco and tobacco products. The term, wherever it appears in any law or administrative regulation of this State, shall include controlled substance analogs.

"Controlled substance analog" means a substance that has a chemical structure substantially similar to that of a controlled dangerous substance and that was specifically designed to produce an effect substantially similar to that of a controlled dangerous substance. The term shall not include a substance manufactured or distributed in conformance with the provisions of an approved new drug application or an exemption for investigational use within the meaning of section 505 of the "Federal Food, Drug and Cosmetic Act," 52 Stat. 1052 (21 U.S.C. s.355).

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

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

"Dispense" means to deliver a controlled dangerous substance or controlled substance analog 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 or controlled substance analog. "Distributor" means a person who distributes.

"Drugs" means (a) substances recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; and (b) substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; and (c) substances (other than food) intended to affect the structure or any function of the body of man or other animals; and (d) substances intended for use as a component of any article

specified in subsections (a), (b), and (c) of this section; but does not include devices or their components, parts, or accessories.

"Drug or alcohol dependent person" means a person who as a result of using a controlled dangerous substance or controlled substance analog or alcohol has been in a state of psychic or physical dependence, or both, arising from the use of that controlled dangerous substance or controlled substance analog or alcohol on a continuous or repetitive basis. Drug or alcohol dependence is characterized by behavioral and other responses, including but not limited to a strong compulsion to take the substance on a recurring basis in order to experience its psychic effects, or to avoid the discomfort of its absence.

"Hashish" means the resin extracted from any part of the plant Genus Cannabis L. and any compound, manufacture, salt, derivative, mixture, or preparation of such resin. "Hashish" shall not mean industrial hemp cultivated pursuant to the New Jersey Industrial Hemp Pilot Program established by P.L. , c. (C.) (pending before the Legislature as this bill).

"Manufacture" means the production, preparation, propagation, compounding, conversion, or processing of a controlled dangerous substance or controlled substance analog, 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 or controlled substance analog 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 or controlled substance analog 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.

"Marijuana" means all parts of the plant Genus Cannabis L., whether growing or not; the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, except those containing resin extracted from the plant; but shall not include the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of mature stalks, fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. "Marijuana" shall not mean industrial hemp cultivated pursuant to the New Jersey Industrial Hemp Pilot Program established by P.L. , c. (C.) (pending before the Legislature as this bill).

"Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable

origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(a) Opium, coca leaves, and opiates;

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

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

"Opiate" means any dangerous substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having such addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled pursuant to the provisions of section 3 of P.L.1970, c.226 (C.24:21-3), the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

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

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

"Plant" means an organism having leaves and a readily observable root formation, including, but not limited to, a cutting having roots, a rootball or root hairs.

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

"Practitioner" means a physician, dentist, veterinarian, scientific investigator, laboratory, pharmacy, hospital, or other person licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or administer a controlled dangerous substance or controlled substance analog in the course of professional practice or research in this State.

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

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

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

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

(e) "Laboratory" means a laboratory to be entrusted with the custody of narcotic drugs and the use of controlled dangerous substances or controlled substance analogs for scientific, experimental, and medical purposes and for purposes of instruction approved by the Department of Health.

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

"Immediate precursor" means a substance which the Division of Consumer Affairs in the Department of Law and Public Safety has found to be and by regulation designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled dangerous substance or controlled substance analog, the control of which is necessary to prevent, curtail, or limit such manufacture.

"Residential treatment facility" means any facility licensed and approved by the Department of Human Services and which is approved by any county probation department for the inpatient treatment and rehabilitation of drug or alcohol dependent persons.

"Schedules I, II, III, IV, and V" are the schedules set forth in sections 5 through 8 of P.L.1970, c.226 (C.24:21-5 through 24:21-8) and in section 4 of P.L.1971, c.3 (C.24:21-8.1) and as modified by any regulations issued by the Director of the Division of Consumer Affairs in the Department of Law and Public Safety pursuant to the director's authority as provided in section 3 of P.L.1970, c.226 (C.24:21-3).

"State" means the State of New Jersey.

"Ultimate user" means a person who lawfully possesses a controlled dangerous substance or controlled substance analog for his own use or for the use of a member of his household or for administration to an animal owned by him or by a member of his household.

"Prescription legend drug" means any drug which under federal or State law requires dispensing by prescription or order of a licensed physician, veterinarian, or dentist and is required to bear the statement "Rx only" or similar wording indicating that such drug may be sold or dispensed only upon the prescription of a licensed medical practitioner and is not a controlled dangerous substance or stramonium preparation.

"Stramonium preparation" means a substance prepared from any part of the stramonium plant in the form of a powder, pipe mixture, cigarette, or any other form with or without other ingredients.

"Stramonium plant" means the plant Datura Stramonium Linne, including Datura Tatula Linne.

(cf: P.L.2013, c.35, s.1)

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

2. As used in this act:

"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 the practitioner's presence, by the practitioner's lawfully authorized agent), or (2) the patient or research subject at the lawful direction and in the presence of the practitioner.

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

"Commissioner" means the Commissioner of Health.

"Controlled dangerous substance" means a drug, substance, or immediate precursor in Schedules I through V of article 2 of P.L.1970, c.226 (C.24:21-1 et seq.). The term shall not include distilled spirits, wine, malt beverages, as those terms are defined or used in R.S.33:1-1 et seq., or tobacco and tobacco products.

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

"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.

"Director" means the Director of the Division of Consumer Affairs in the Department of Law and Public Safety.

"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.

"Division" means the Division of Consumer Affairs in the Department of Law and Public Safety.

"Drug Enforcement Administration" means the Drug Enforcement Administration in the United States Department of Justice.

"Drugs" means (a) substances recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; and (b) substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; and (c) substances (other than food) intended to affect the structure or any function of the body of man or other animals; and (d) substances intended for use as a component of any article specified in subsections (a), (b), and (c) of this section; but does not include devices or their components, parts or accessories. "Drugs" shall not mean industrial hemp cultivated pursuant to the New Jersey Industrial Hemp Pilot Program established by P.L. , c. (C.) (pending before the Legislature as this bill).

"Hashish" means the resin extracted from any part of the plant genus Cannabis and any compound, manufacture, salt, derivative, mixture, or preparation of such resin. "Hashish" shall not mean industrial hemp cultivated pursuant to the New Jersey Industrial Hemp Pilot Program established by P.L. , c. (C.) (pending before the Legislature as this bill).

"Marihuana" means all parts of the plant genus Cannabis, whether growing or not; the seeds thereof; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, except those containing resin extracted from the plant; but shall not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks, fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. "Marihuana" shall not mean industrial hemp cultivated pursuant to the New Jersey Industrial Hemp Pilot Program established by P.L. , c. (C.) (pending before the Legislature as this bill).

"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 the individual's own use or the preparation, compounding, packaging, or labeling of a controlled dangerous substance: (1) by a practitioner as an incident to the practitioner's administering or dispensing of a controlled dangerous substance in the course of the practitioner's professional practice, or (2) by a practitioner (or under the practitioner's supervision) for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale.

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

(a) Opium, coca leaves, and opiates;

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

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

"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 provisions therefor, 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 division. If authorized by the Attorney General of the United States or the division, the term shall also include an order transmitted by electronic means.

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

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

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

"Pharmacist" means a registered pharmacist of this State.

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

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

"Practitioner" means a physician, dentist, veterinarian, scientific investigator, laboratory, pharmacy, hospital, or other person licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or administer a controlled

dangerous substance in the course of professional practice or research in this State.

(a) "Physician" means a physician authorized by law to practice medicine in this or any other state.

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

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

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

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

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

"Immediate precursor" means a substance which the division has found to be and by regulation designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled dangerous substance, the control of which is necessary to prevent, curtail, or limit such manufacture.

"Substance use disorder involving drugs" means taking or using a drug or controlled dangerous substance, as defined in this chapter, in association with a state of psychic or physical dependence, or both, arising from the use of that drug or controlled dangerous substance on a continuous basis. A substance use disorder is characterized by behavioral and other responses, including, but not limited to, a strong compulsion to take the substance on a recurring basis in order to experience its psychic effects, or to avoid the discomfort of its absence.

"Ultimate user" means a person who lawfully possesses a controlled dangerous substance for the person's own use or for the use of a member of the person's household or for administration to an animal owned by the person or by a member of the person's household.

(cf: P.L.2017, c.131, s.65)

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

5. Schedule I.

a. Tests. The director 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 director pursuant to subsection d. of section 3 of P.L.1970, c.226 (C.24:21-3), and except to the extent provided in any other schedule.

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

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

(38) Piritramide
(39) Proheptazine
(40) Properidine
(41) Racemoramide
(42) Trimeperidine.

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

(1) Acetorphine
(2) Acetylcodone
(3) Acetyldihydrocodeine
(4) Benzylmorphine
(5) Codeine methylbromide
(6) Codeine-N-Oxide
(7) Cyprenorphine
(8) Desomorphine
(9) Dihydromorphine
(10) Etorphine
(11) Heroin
(12) Hydromorphinol
(13) Methyldesorphine
(14) Methylhydromorphine
(15) Morphine methylbromide
(16) Morphine methylsulfonate
(17) Morphine-N-Oxide
(18) Myrophine
(19) Nicocodeine
(20) Nicomorphine
(21) Normorphine
(22) Phoclodine
(23) Thebacon.

e. Any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(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) N-ethyl-3-piperidyl benzilate
(14) N-methyl-3-piperidyl benzilate
(15) Psilocybin
(16) Psilocyn
(17) Tetrahydrocannabinols, except when found in industrial hemp cultivated pursuant to the New Jersey Industrial Hemp Pilot Program established by P.L. , c. (C.) (pending before the Legislature as this bill).
(cf: P.L.2007, c.244, s.3)

9. Section 1 of P.L.1939, c.248 (C.26:2-81) is amended to read as follows:

1. In order to protect the health, morals and welfare of the State of New Jersey, whenever the county prosecutor **[**of the pleas**]** of any county of the State of New Jersey receives information that wild, cultivated or hidden growth or beds of alleged Marihuana weed are located anywhere within **[**his**]** the county, **[**he**]** the county prosecutor shall immediately communicate such information to the **[**State**]** Department of Health**[**, and the State**]**. The Department of Health, upon receipt of such information, shall immediately dispatch one of its agents to **[**said**]** the location who shall make an examination and determination of the alleged Marihuana weed so as to determine the existence or nonexistence of Marihuana weed at **[**said**]** the location, and the **[**State**]** Department of Health shall immediately communicate by writing its determination to the aforesaid county prosecutor **[**of pleas**]**. "Marihuana" shall not mean industrial hemp cultivated pursuant to the New Jersey Industrial Hemp Pilot Program established by P.L. , c. (C.) (pending before the Legislature as this bill).
(cf: P.L.1939, c.248, s.1)

10. Section 2 of P.L.1939, c.248 (C.26:2-82) is amended to read as follows:

2. Upon certification by **[**State**]** the Department of Health of the existence of Marihuana weed at the location examined by the **[**State**]** Department of Health, then the county prosecutor **[**of pleas**]** is hereby empowered to dispatch one of **[**his**]** the prosecutor's agents to the location so certified and **[**said**]** the agent shall destroy **[**said**]** the Marihuana weed and **[**said**]** the county prosecutor **[**of pleas**]** or **[**his**]** the agent shall not be civilly responsible in any manner whatsoever for destruction of **[**said**]** the Marihuana weed. "Marihuana" shall not mean industrial hemp cultivated pursuant to the New Jersey Industrial Hemp Pilot Program established by P.L. , c. (C.) (pending before the Legislature as this bill).
(cf: P.L.1939, c.248, s.2)

11. This act shall take effect immediately.

STATEMENT

This bill directs the Department of Agriculture to create an industrial hemp agricultural pilot program that promotes the study and cultivation of hemp to the maximum extent permitted by federal law. The bill requires the department to partner with Rutgers, The State University, to administer the program; however, any person participating in the program must demonstrate to the satisfaction of the Secretary of Agriculture that the person has complied with all federal requirements related to the cultivation of industrial hemp.

The department is also required to adopt rules and regulations to administer the program. These include creating requirements for the licensing or contracting of growers participating in the program, prescribing hemp testing procedures to ensure compliance with federal law, creating a fee structure for administration of the program, and certifying germinating seeds and hemp cultivars if necessary. Any rule or regulation adopted by the department must comply with federal law.

The bill also amends various sections of statutory law to ensure that any person validly participating in the agricultural pilot program is exempted from crimes and penalties related to the purchase, sale, or cultivation of marijuana, as the statutory definitions of "marijuana" frequently encompass hemp.

Industrial hemp is used in a wide variety of products including textiles, construction materials, and foodstuffs. The demand for these goods is growing at the State and national level and hemp can be a viable agricultural crop in the State. The ability to grow hemp on an industrial scale would allow farmers to diversify their products by adding a lucrative cash crop and researching cultivation methods of industrial hemp would greatly aid farmers seeking to grow hemp for the first time.

Governor Murphy Takes Action on Legislation

11/21/2018

TRENTON – Today, Governor Murphy signed the following bill into law:

A1330 (Gusciora, Pinkin, Reynolds-Jackson/O'Scanlon, Gopal) - Directs Dept. of Agriculture to create pilot program to research cultivation of industrial hemp.

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