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"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

P.L. 2018, CHAPTER 139, *approved November 21, 2018*

Assembly Substitute for
Assembly, No. 1330

1 **AN ACT** creating the “New Jersey Industrial Hemp Pilot Program,”
2 supplementing Title 4 of the Revised Statutes, and amending
3 various parts of the statutory law.

4

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

7

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

10

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

23

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

25 “Cultivate” means to plant, grow, or harvest industrial hemp.

26 “Department” means the New Jersey Department of Agriculture.

27 “Industrial hemp” means the same as that term is defined in 7
28 U.S.C. s.5940.

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

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

35

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

Matter underlined thus is new matter.

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

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

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

11

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

17 (1) conducting the agricultural pilot program;

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

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

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

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

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

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

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

37

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

39 2C:35-2. As used in this chapter:

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

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

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

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

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

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

1 “Dispense” means to deliver a controlled dangerous substance or
2 controlled substance analog to an ultimate user or research subject
3 by or pursuant to the lawful order of a practitioner, including the
4 prescribing, administering, packaging, labeling, or compounding
5 necessary to prepare the substance for that delivery. “Dispenser”
6 means a practitioner who dispenses.

7 “Distribute” means to deliver other than by administering or
8 dispensing a controlled dangerous substance or controlled substance
9 analog. “Distributor” means a person who distributes.

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

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

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

36 “Manufacture” means the production, preparation, propagation,
37 compounding, conversion, or processing of a controlled dangerous
38 substance or controlled substance analog, either directly or by
39 extraction from substances of natural origin, or independently by
40 means of chemical synthesis, or by a combination of extraction and
41 chemical synthesis, and includes any packaging or repackaging of
42 the substance or labeling or relabeling of its container, except that
43 this term does not include the preparation or compounding of a
44 controlled dangerous substance or controlled substance analog by
45 an individual for his own use or the preparation, compounding,
46 packaging, or labeling of a controlled dangerous substance: (1) by
47 a practitioner as an incident to his administering or dispensing of a

1 controlled dangerous substance or controlled substance analog in
2 the course of his professional practice, or (2) by a practitioner (or
3 under his supervision) for the purpose of, or as an incident to,
4 research, teaching, or chemical analysis and not for sale.

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

17 “Narcotic drug” means any of the following, whether produced
18 directly or indirectly by extraction from substances of vegetable
19 origin, or independently by means of chemical synthesis, or by a
20 combination of extraction and chemical synthesis:

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

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

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

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

38 “Opium poppy” means the plant of the species Papaver
39 somniferum L., except the seeds thereof.

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

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

45 “Poppy straw” means all parts, except the seeds, of the opium
46 poppy, after mowing.

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

7 (a) “Physician” means a physician authorized by law to practice
8 medicine in this or any other state and any other person authorized
9 by law to treat sick and injured human beings in this or any other
10 state.

11 (b) “Veterinarian” means a veterinarian authorized by law to
12 practice veterinary medicine in this State.

13 (c) “Dentist” means a dentist authorized by law to practice
14 dentistry in this State.

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

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

25 “Production” includes the manufacture, planting, cultivation,
26 growing, or harvesting of a controlled dangerous substance or
27 controlled substance analog.

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

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

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

47 “State” means the State of New Jersey.

1 “Ultimate user” means a person who lawfully possesses a
2 controlled dangerous substance or controlled substance analog for
3 his own use or for the use of a member of his household or for
4 administration to an animal owned by him or by a member of his
5 household.

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

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

16 “Stramonium plant” means the plant *Datura Stramonium* Linne,
17 including *Datura Tatula* Linne.

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

19

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

22 2. As used in this act:

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

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

34 “Commissioner” means the Commissioner of Health.

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

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

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

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

6 “Director” means the Director of the Division of Consumer
7 Affairs in the Department of Law and Public Safety.

8 “Dispense” means to deliver a controlled dangerous substance to
9 an ultimate user or research subject by or pursuant to the lawful
10 order of a practitioner, including the prescribing, administering,
11 packaging, labeling, or compounding necessary to prepare the
12 substance for that delivery.

13 “Dispenser” means a practitioner who dispenses.

14 “Distribute” means to deliver other than by administering or
15 dispensing a controlled dangerous substance.

16 “Distributor” means a person who distributes.

17 “Division” means the Division of Consumer Affairs in the
18 Department of Law and Public Safety.

19 “Drug Enforcement Administration” means the Drug
20 Enforcement Administration in the United States Department of
21 Justice.

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

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

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

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

6 “Manufacture” means the production, preparation, propagation,
7 compounding, conversion, or processing of a controlled dangerous
8 substance, either directly or by extraction from substances of
9 natural origin, or independently by means of chemical synthesis, or
10 by a combination of extraction and chemical synthesis, and includes
11 any packaging or repackaging of the substance or labeling or
12 relabeling of its container, except that this term does not include the
13 preparation or compounding of a controlled dangerous substance by
14 an individual for the individual’s own use or the preparation,
15 compounding, packaging, or labeling of a controlled dangerous
16 substance: (1) by a practitioner as an incident to the practitioner’s
17 administering or dispensing of a controlled dangerous substance in
18 the course of the practitioner’s professional practice, or (2) by a
19 practitioner (or under the practitioner’s supervision) for the purpose
20 of, or as an incident to, research, teaching, or chemical analysis and
21 not for sale.

22 “Narcotic drug” means any of the following, whether produced
23 directly or indirectly by extraction from substances of vegetable
24 origin, or independently by means of chemical synthesis, or by a
25 combination of extraction and chemical synthesis:

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

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

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

35 “Official written order” means an order written on a form
36 provided for that purpose by the Attorney General of the United
37 States or his delegate, under any laws of the United States making
38 provisions therefor, if such order forms are authorized and required
39 by the federal law, and if no such form is provided, then on an
40 official form provided for that purpose by the division. If
41 authorized by the Attorney General of the United States or the
42 division, the term shall also include an order transmitted by
43 electronic means.

44 “Opiate” means any dangerous substance having an addiction-
45 forming or addiction-sustaining liability similar to morphine or
46 being capable of conversion into a drug having such addiction-
47 forming or addiction-sustaining liability. It does not include, unless

1 specifically designated as controlled under section 3 of this act, the
2 dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its
3 salts (dextromethorphan). It does include its racemic and
4 levorotatory forms.

5 “Opium poppy” means the plant of the species *Papaver*
6 *somniferum* L., except the seeds thereof.

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

9 “Pharmacist” means a registered pharmacist of this State.

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

17 “Poppy straw” means all parts, except the seeds, of the opium
18 poppy, after mowing.

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

25 (a) “Physician” means a physician authorized by law to practice
26 medicine in this or any other state.

27 (b) “Veterinarian” means a veterinarian authorized by law to
28 practice veterinary medicine in this State.

29 (c) “Dentist” means a dentist authorized by law to practice
30 dentistry in this State.

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

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

40 “Production” includes the manufacture, planting, cultivation,
41 growing, or harvesting of a controlled dangerous substance.

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

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

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

12 “Ultimate user” means a person who lawfully possesses a
13 controlled dangerous substance for the person’s own use or for the
14 use of a member of the person’s household or for administration to
15 an animal owned by the person or by a member of the person’s
16 household.

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

18

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

21 5. Schedule I.

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

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

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

- 36 (1) Acetylmethadol
- 37 (2) Allylprodine
- 38 (3) Alphacetylmethadol
- 39 (4) Alphameprodine
- 40 (5) Alphamethadol
- 41 (6) Benzethidine
- 42 (7) Betacetylmethadol
- 43 (8) Betameprodine
- 44 (9) Betamethadol
- 45 (10) Betaprodine
- 46 (11) Clonitazene
- 47 (12) Dextromoramide

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

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

- 35 (1) Acetorphine
- 36 (2) Acetylcodone
- 37 (3) Acetyldihydrocodeine
- 38 (4) Benzylmorphine
- 39 (5) Codeine methylbromide
- 40 (6) Codeine-N-Oxide
- 41 (7) Cyprenorphine
- 42 (8) Desomorphine
- 43 (9) Dihydromorphine
- 44 (10) Etorphine
- 45 (11) Heroin
- 46 (12) Hydromorphanol
- 47 (13) Methyldesorphine

- 1 (14) Methyldromorphine
 2 (15) Morphine methylbromide
 3 (16) Morphine methylsulfonate
 4 (17) Morphine-N-Oxide
 5 (18) Myrophine
 6 (19) Nicocodeine
 7 (20) Nicomorphine
 8 (21) Normorphine
 9 (22) Phoclodine
 10 (23) Thebacon.
- 11 e. Any material, compound, mixture or preparation which
 12 contains any quantity of the following hallucinogenic substances,
 13 their salts, isomers and salts of isomers, unless specifically
 14 excepted, whenever the existence of such salts, isomers, and salts of
 15 isomers is possible within the specific chemical designation:
- 16 (1) 3,4-methylenedioxy amphetamine
 17 (2) 5-methoxy-3,4-methylenedioxy amphetamine
 18 (3) 3,4,5-trimethoxy amphetamine
 19 (4) Bufotenine
 20 (5) Diethyltryptamine
 21 (6) Dimethyltryptamine
 22 (7) 4-methyl-2,5-dimethoxylamphetamine
 23 (8) Ibogaine
 24 (9) Lysergic acid diethylamide
 25 (10) Marihuana
 26 (11) Mescaline
 27 (12) Peyote
 28 (13) N-ethyl-3-piperidyl benzilate
 29 (14) N-methyl-3-piperidyl benzilate
 30 (15) Psilocybin
 31 (16) Psilocyn
 32 (17) Tetrahydrocannabinols, except when found in industrial
 33 hemp cultivated pursuant to the New Jersey Industrial Hemp Pilot
 34 Program established by P.L. , c. (C.) (pending before the
 35 Legislature as this bill).
 36 (cf: P.L.2007, c.244, s.3)

37
 38 9. Section 1 of P.L.1939, c.248 (C.26:2-81) is amended to read
 39 as follows:

- 40 1. In order to protect the health, morals and welfare of the State
 41 of New Jersey, whenever the county prosecutor **【of the pleas】** of
 42 any county of the State of New Jersey receives information that
 43 wild, cultivated or hidden growth or beds of alleged Marihuana
 44 weed are located anywhere within **【his】** the county, **【he】** the
 45 county prosecutor shall immediately communicate such information
 46 to the **【State】** Department of Health**【, and the State】**. The
 47 Department of Health, upon receipt of such information, shall

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

11
12 10. Section 2 of P.L.1939, c.248 (C.26:2-82) is amended to read
13 as follows:

14 2. Upon certification by **【State】** the Department of Health of
15 the existence of Marihuana weed at the location examined by the
16 **【State】** Department of Health, then the county prosecutor **【of**
17 **pleas】** is hereby empowered to dispatch one of **【his】** the
18 prosecutor’s agents to the location so certified and **【said】** the agent
19 shall destroy **【said】** the Marihuana weed and **【said】** the county
20 prosecutor **【of pleas】** or **【his】** the agent shall not be civilly
21 responsible in any manner whatsoever for destruction of **【said】** the
22 Marihuana weed. “Marihuana” shall not mean industrial hemp
23 cultivated pursuant to the New Jersey Industrial Hemp Pilot
24 Program established by P.L. , c. (C.) (pending before the
25 Legislature as this bill).
26 (cf: P.L.1939, c.248, s.2)

27
28 11. This act shall take effect immediately.
29

30
31 STATEMENT

32
33 This bill directs the Department of Agriculture to create an
34 industrial hemp agricultural pilot program that promotes the study
35 and cultivation of hemp to the maximum extent permitted by federal
36 law. The department may partner with any qualified institution of
37 higher education to administer the program; however, any person
38 participating in the program must demonstrate to the satisfaction of
39 the Secretary of Agriculture that the person has complied with all
40 federal requirements related to the cultivation of industrial hemp.

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

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

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

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

16

17

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19

20 Directs Dept. of Agriculture to create pilot program to research
21 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.



A1330 GUSCIORA

2

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

3

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

6

7 1. As used in this act:

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

14 "Marihuana" means all parts of the plant *Cannabis sativa* L.,
15 whether growing or not, the seeds thereof, the resin extracted from
16 any part of the plant, and any compound, manufacture, salt,
17 derivative, mixture, or preparation of the plant, its seeds or resin,
18 with a delta-9-tetrahydrocannabinol concentration of more than
19 0.3% on a dry weight basis. "Marihuana" shall not include the
20 mature stalks of any *Cannabis sativa* L. plant, the fiber produced
21 from the stalks, oil or cake made from the seeds of the plant, or any
22 other compound, manufacture, salt, derivative, mixture, or
23 preparation of the mature stalks, fiber, oil, or cake. "Marihuana"
24 shall also not include seed capable of germination or resin extracted
25 from mature stalks, provided the Department of Agriculture and the
26 Attorney General have determined that they are from a variety of
27 *Cannabis sativa* L. with a delta-9-tetrahydrocannabinol
28 concentration of 0.3% or less on a dry weight basis, and, in the
29 case of seed, it would not germinate into a variety of *Cannabis*
30 *sativa* L. plant with a delta-9-tetrahydrocannabinol concentration of
31 more than 0.3% on a dry weight basis.

32

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

39

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

A1330 GUSCIORA

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

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

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

40 e. Upon approving an application for an industrial hemp
41 license, the Secretary of Agriculture shall notify the Attorney
42 General and the applicant of the approval. The Secretary of
43 Agriculture shall request payment from the applicant of the license
44 fee established pursuant to paragraph (4) of subsection a. of section
45 4 of this act, and upon receipt thereof, shall issue to the applicant an
46 industrial hemp license.

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

A1330 GUSCIORA

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

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

18 h. An applicant who is denied a license or a license renewal, or
19 whose license is to be suspended or revoked pursuant to this
20 section, shall have the right to an administrative hearing and
21 decision, and the matter shall be treated as a contested case under
22 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
23 seq.).
24

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

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

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

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

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

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

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

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

A1330 GUSCIORA

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

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

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

16

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

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

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

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

34

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

42

43 7. This act shall take effect immediately.

STATEMENT

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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.



S3145 BEACH

2

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

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. (New section) Sections 1 through 5 of P.L. , c. (C.)
9 (pending before the legislature as this bill) shall be known and may
10 be cited as the “New Jersey Industrial Hemp Pilot Program.”

11
12 2. (New section) The Legislature finds and declares that
13 industrial hemp is used in a wide variety of products including
14 textiles, construction materials, and foodstuffs, and the demand for
15 these goods is growing; that hemp can be a viable agricultural crop
16 in the State; that the ability to grow hemp on an industrial scale
17 would allow farmers to diversify their products by adding a
18 lucrative cash crop; that researching cultivation methods of
19 industrial hemp would greatly aid farmers seeking to grow hemp for
20 the first time; and that, therefore, it is fitting and proper that the
21 Legislature create an industrial hemp pilot program to promote the
22 research and cultivation of industrial hemp to the maximum extent
23 permitted by federal law.

24
25 3. (New section) As used in sections 1 through 5 of P.L. , c.
26 (C.) (pending before the legislature as this bill):

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

32 “Cultivate” means to plant, grow, or harvest industrial hemp.

33 “Department” means the New Jersey Department of Agriculture.

34 “Industrial hemp” means the same as that term is defined in 7
35 U.S.C. s.5940.

36
37 4. (New section) a. The Department of Agriculture shall
38 establish an agricultural pilot program to study and promote the
39 cultivation of industrial hemp to the maximum extent permitted by
40 federal law.

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

43 c. Any person participating in the agricultural pilot program
44 shall demonstrate to the satisfaction of the Secretary of Agriculture
45 that the person has complied with all applicable federal
46 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 thus is new matter.

S3145 BEACH

3

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

- 6 (1) conducting the agricultural pilot program;
- 7 (2) licensing or contracting with persons who wish to participate
8 in the agricultural pilot program;
- 9 (3) prescribing sampling and testing procedures to ensure that
10 industrial hemp cultivated pursuant to sections 1 through 5 of P.L. ,
11 c. (C.) (pending before the legislature as this bill) complies
12 with federal law;
- 13 (4) establishing a schedule of fees to be paid by licensees, or
14 contracted growers to the department to cover the costs of
15 administering and implementing the agricultural pilot program;
- 16 (5) certifying seed cultivars that comply with federal law or
17 licensing distributors of hemp seed capable of germination, if the
18 department determines certification or licensure is necessary; and
- 19 (6) regulating the purchase, sale, and marketing of industrial
20 hemp.

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

23

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

25 2C:35-2. As used in this chapter:

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

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

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

S3145 BEACH

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

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

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

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

31 “Dispense” means to deliver a controlled dangerous substance or
32 controlled substance analog to an ultimate user or research subject
33 by or pursuant to the lawful order of a practitioner, including the
34 prescribing, administering, packaging, labeling, or compounding
35 necessary to prepare the substance for that delivery. “Dispenser”
36 means a practitioner who dispenses.

37 “Distribute” means to deliver other than by administering or
38 dispensing a controlled dangerous substance or controlled substance
39 analog. “Distributor” means a person who distributes.

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

S3145 BEACH

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

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

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

19 “Manufacture” means the production, preparation, propagation,
20 compounding, conversion, or processing of a controlled dangerous
21 substance or controlled substance analog, either directly or by
22 extraction from substances of natural origin, or independently by
23 means of chemical synthesis, or by a combination of extraction and
24 chemical synthesis, and includes any packaging or repackaging of
25 the substance or labeling or relabeling of its container, except that
26 this term does not include the preparation or compounding of a
27 controlled dangerous substance or controlled substance analog by
28 an individual for his own use or the preparation, compounding,
29 packaging, or labeling of a controlled dangerous substance: (1) by
30 a practitioner as an incident to his administering or dispensing of a
31 controlled dangerous substance or controlled substance analog in
32 the course of his professional practice, or (2) by a practitioner (or
33 under his supervision) for the purpose of, or as an incident to,
34 research, teaching, or chemical analysis and not for sale.

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

47 “Narcotic drug” means any of the following, whether produced
48 directly or indirectly by extraction from substances of vegetable

S3145 BEACH

6

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

- 3 (a) Opium, coca leaves, and opiates;
4 (b) A compound, manufacture, salt, derivative, or preparation of
5 opium, coca leaves, or opiates;
6 (c) A substance (and any compound, manufacture, salt,
7 derivative, or preparation thereof) which is chemically identical
8 with any of the substances referred to in subsections (a) and (b),
9 except that the words “narcotic drug” as used in this act shall not
10 include decocainized coca leaves or extracts of coca leaves, which
11 extracts do not contain cocaine or ecogine.

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

20 “Opium poppy” means the plant of the species *Papaver*
21 *somniferum* L., except the seeds thereof.

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

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

27 “Poppy straw” means all parts, except the seeds, of the opium
28 poppy, after mowing.

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

35 (a) “Physician” means a physician authorized by law to practice
36 medicine in this or any other state and any other person authorized
37 by law to treat sick and injured human beings in this or any other
38 state.

39 (b) “Veterinarian” means a veterinarian authorized by law to
40 practice veterinary medicine in this State.

41 (c) “Dentist” means a dentist authorized by law to practice
42 dentistry in this State.

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

S3145 BEACH

7

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

6 “Production” includes the manufacture, planting, cultivation,
7 growing, or harvesting of a controlled dangerous substance or
8 controlled substance analog.

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

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

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

28 “State” means the State of New Jersey.

29 “Ultimate user” means a person who lawfully possesses a
30 controlled dangerous substance or controlled substance analog for
31 his own use or for the use of a member of his household or for
32 administration to an animal owned by him or by a member of his
33 household.

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

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

44 “Stramonium plant” means the plant *Datura Stramonium* Linne,
45 including *Datura Tatula* Linne.

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

S3145 BEACH

8

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

3 2. As used in this act:

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

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

15 “Commissioner” means the Commissioner of Health.

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

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

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

33 “Director” means the Director of the Division of Consumer
34 Affairs in the Department of Law and Public Safety.

35 “Dispense” means to deliver a controlled dangerous substance to
36 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.

40 “Dispenser” means a practitioner who dispenses.

41 “Distribute” means to deliver other than by administering or
42 dispensing a controlled dangerous substance.

43 “Distributor” means a person who distributes.

44 “Division” means the Division of Consumer Affairs in the
45 Department of Law and Public Safety.

46 “Drug Enforcement Administration” means the Drug
47 Enforcement Administration in the United States Department of
48 Justice.

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

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

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

32 “Manufacture” means the production, preparation, propagation,
33 compounding, conversion, or processing of a controlled dangerous
34 substance, either directly or by extraction from substances of
35 natural origin, or independently by means of chemical synthesis, or
36 by a combination of extraction and chemical synthesis, and includes
37 any packaging or repackaging of the substance or labeling or
38 relabeling of its container, except that this term does not include the
39 preparation or compounding of a controlled dangerous substance by
40 an individual for the individual’s own use or the preparation,
41 compounding, packaging, or labeling of a controlled dangerous
42 substance: (1) by a practitioner as an incident to the practitioner’s
43 administering or dispensing of a controlled dangerous substance in
44 the course of the practitioner’s professional practice, or (2) by a
45 practitioner (or under the practitioner’s supervision) for the purpose
46 of, or as an incident to, research, teaching, or chemical analysis and
47 not for sale.

S3145 BEACH

10

1 “Narcotic drug” means any of the following, whether produced
2 directly or indirectly by extraction from substances of vegetable
3 origin, or independently by means of chemical synthesis, or by a
4 combination of extraction and chemical synthesis:

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

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

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

14 “Official written order” means an order written on a form
15 provided for that purpose by the Attorney General of the United
16 States or his delegate, under any laws of the United States making
17 provisions therefor, if such order forms are authorized and required
18 by the federal law, and if no such form is provided, then on an
19 official form provided for that purpose by the division. If
20 authorized by the Attorney General of the United States or the
21 division, the term shall also include an order transmitted by
22 electronic means.

23 “Opiate” means any dangerous substance having an addiction-
24 forming or addiction-sustaining liability similar to morphine or
25 being capable of conversion into a drug having such addiction-
26 forming or addiction-sustaining liability. It does not include, unless
27 specifically designated as controlled under section 3 of this act, the
28 dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its
29 salts (dextromethorphan). It does include its racemic and
30 levorotatory forms.

31 “Opium poppy” means the plant of the species *Papaver*
32 *somniferum* L., except the seeds thereof.

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

35 “Pharmacist” means a registered pharmacist of this State.

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

43 “Poppy straw” means all parts, except the seeds, of the opium
44 poppy, after mowing.

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

S3145 BEACH

11

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

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

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

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

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

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

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

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

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

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

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

42

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

45 5. Schedule I.

46 a. Tests. The director shall place a substance in Schedule I if he
47 finds that the substance: (1) has high potential for abuse; and (2)
48 has no accepted medical use in treatment in the United States; or

1 lacks accepted safety for use in treatment under medical
2 supervision.

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

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

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

- 1 (38) Pir tramide
- 2 (39) Proheptazine
- 3 (40) Properidine
- 4 (41) Racemoramide
- 5 (42) Trimeperidine.
- 6 d. Any of the following narcotic substances, their salts, isomers
- 7 and salts of isomers, unless specifically excepted, whenever the
- 8 existence of such salts, isomers and salts of isomers is possible
- 9 within the specific chemical designation:
 - 10 (1) Acetorphine
 - 11 (2) Acetylcodeine
 - 12 (3) Acetyldihydrocodeine
 - 13 (4) Benzylmorphine
 - 14 (5) Codeine methylbromide
 - 15 (6) Codeine-N-Oxide
 - 16 (7) Cyprenorphine
 - 17 (8) Desomorphine
 - 18 (9) Dihydromorphine
 - 19 (10) Etorphine
 - 20 (11) Heroin
 - 21 (12) Hydromorphanol
 - 22 (13) Methyldesorphine
 - 23 (14) Methylhydromorphine
 - 24 (15) Morphine methylbromide
 - 25 (16) Morphine methylsulfonate
 - 26 (17) Morphine-N-Oxide
 - 27 (18) Myrophine
 - 28 (19) Nicocodeine
 - 29 (20) Nicomorphine
 - 30 (21) Normorphine
 - 31 (22) Phoclodine
 - 32 (23) Thebacon.
- 33 e. Any material, compound, mixture or preparation which
- 34 contains any quantity of the following hallucinogenic substances,
- 35 their salts, isomers and salts of isomers, unless specifically
- 36 excepted, whenever the existence of such salts, isomers, and salts of
- 37 isomers is possible within the specific chemical designation:
 - 38 (1) 3,4-methylenedioxy amphetamine
 - 39 (2) 5-methoxy-3,4-methylenedioxy amphetamine
 - 40 (3) 3,4,5-trimethoxy amphetamine
 - 41 (4) Bufotenine
 - 42 (5) Diethyltryptamine
 - 43 (6) Dimethyltryptamine
 - 44 (7) 4-methyl-2,5-dimethoxylamphetamine
 - 45 (8) Ibogaine
 - 46 (9) Lysergic acid diethylamide
 - 47 (10) Marihuana
 - 48 (11) Mescaline

- 1 (12) Peyote
- 2 (13) N-ethyl-3-piperidyl benzilate
- 3 (14) N-methyl-3-piperidyl benzilate
- 4 (15) Psilocybin
- 5 (16) Psilocyn
- 6 (17) Tetrahydrocannabinols, except when found in industrial
- 7 hemp cultivated pursuant to the New Jersey Industrial Hemp Pilot
- 8 Program established by P.L. , c. (C.) (pending before the
- 9 Legislature as this bill).
- 10 (cf: P.L.2007, c.244, s.3)
- 11

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

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

32
33 10. Section 2 of P.L.1939, c.248 (C.26:2-82) is amended to read
34 as follows:

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

1 11. This act shall take effect immediately.

2

3

4

STATEMENT

5

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

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

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

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



- Home
- Administration ▾
- Key Initiatives ▾
- News and Events ▾
- Social ▾
- Contact Us ▾

Newark, N.J.

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.

[Back to Top](#)

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Governor Phil Murphy

Statewide

Home

Administration

- Governor Phil Murphy
- Lt. Governor Sheila Oliver
- First Lady Tammy Snyder Murphy
- Cabinet
- Boards, Commissions

Key Initiatives

- Economy & Jobs
- Education
- Environment
- Health
- Law & Justice
- Transportation

News & Events

- Press Releases

Social

- Facebook
- Twitter
- Instagram
- Snapchat
- YouTube

Contact Us

- Scheduling Requests
- Contact Us

[NJ Home](#)

[Services A to Z](#)

[Departments/Agencies](#)

[FAQs](#)

[Contact Us](#)

[Privacy Notice](#)

[Legal Statement &](#)

[Disclaimers](#)

[Accessibility](#)

[Statement](#)