



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

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** Yes

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** Yes

**FOLLOWING WERE PRINTED:**

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**REPORTS:** No

**HEARINGS:** Yes

Committee meeting of Senate Judiciary Committee : the Committee will hear testimony from invited guests and the public on deterring minors and young adults from obtaining and using lawful cannabis items intended for adults over 21 years of age and decriminalized marijuana, as proposed in recently passed bills

February 15, 2021

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**NEWSPAPER ARTICLES:** Yes

"What you need to know about legal weed Gov. signed long-awaited marijuana legislation into law Monday. Here's what that means for New Jersey"  
South Jersey Times, February 25, 2021

"Gov. Murphy signs adult use cannabis reform bills into state law"  
Cranbury Press, February 24, 2021

"No tax hikes, big money for pensions, \$500 rebates Legal weed not expected to be quick cash crop Murphy, who borrowed big a few months ago, proposes N.J. make first full pension contribution in a quarter century It could take months for N.J. to see tax benefits"  
South Jersey Times, February 24, 2021

"Pot decriminalization brings sweeping enforcement changes"  
Associated Press State Wire: New Jersey, February 23, 2021

RH/CL

§3 - C.2C:30-6.1  
§4 - C.2C:33-15.1  
§6 –  
C.2A:170-51.13  
§7 –  
C.26:3A2-20.2  
§17 –  
C.52:17B-77.17  
§18 - Repealer

(CORRECTED COPY)

P.L. 2021, CHAPTER 25, *approved February 22, 2021*

Assembly, No. 5342 (*First Reprint*)

1 AN ACT addressing <sup>1</sup>certain regulated substances, with a particular  
2 emphasis on<sup>1</sup> possession or consumption of various forms of  
3 cannabis by certain persons, and <sup>1</sup>**[amending]** revising<sup>1</sup> and  
4 supplementing various parts of the statutory law.

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

8  
9 1. The title of P.L.1979, c.264 is amended to read as follows:  
10 AN ACT concerning certain **[alcoholic beverage and cannabis item]**  
11 offenses by persons under the legal age to purchase **[alcoholic**  
12 **beverages and cannabis]** various regulated items, and  
13 supplementing chapter 33 of Title 2C of the New Jersey Statutes.  
14 (cf: P.L.2021, c. , s.72)  
15

16 2. Section 1 of P.L.1979, c.264 (C.2C:33-15) is amended to  
17 read as follows:

18 1. a. (1) Any person under the legal age to purchase alcoholic  
19 beverages <sup>1</sup>, or under the legal age to purchase cannabis items,<sup>1</sup>  
20 who knowingly possesses without legal authority or who knowingly  
21 consumes any alcoholic beverage <sup>1</sup>, cannabis item, marijuana, or  
22 hashish<sup>1</sup> in any school, public conveyance, public place, or place of  
23 public assembly, or motor vehicle <sup>1</sup>**[**, is guilty of a petty disorderly  
24 persons offense, and<sup>1</sup> shall <sup>1</sup>**[**, in the case of an adult under the  
25 legal age to purchase alcoholic beverages,<sup>1</sup> be <sup>1</sup>**[** fined not less  
26 than \$250.

27 (2) (a) Any person under the legal age to purchase cannabis  
28 items who knowingly possesses without legal authority marijuana,  
29 hashish, or any cannabis item, the amount of which may be lawfully  
30 possessed by a person of the legal age to purchase cannabis items  
31 pursuant to section 46 **[.]** of P.L. , c. (C. ) (passed both

**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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate floor amendments adopted February 22, 2021.

1 Houses on December 17, 2020 as Second Reprint of Assembly Bill  
2 No. 21), in any school, public conveyance, public place, or place  
3 of public assembly, or motor vehicle **], is guilty of a petty  
4 disorderly persons offense, and]** shall **], in the case of an adult  
5 under the legal age to purchase cannabis items,] be [**fined not less  
6 than \$250] subject to a civil penalty of \$50, which shall be  
7 recovered in a civil action by a summary proceeding in the name of  
8 the municipality pursuant to the “Penalty Enforcement Law of  
9 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.), except that a person  
10 under the age of 18 years who violates this subparagraph shall not  
11 be subject to a civil penalty but instead shall be subject to a point-  
12 of-violation warning or juvenile intervention, as defined in this  
13 section, and which is conducted in the same manner as an action  
14 referred to as a curbside warning or stationhouse adjustment,  
15 respectively, would be conducted in accordance with Attorney  
16 General Law Enforcement Directive No. 2020-12 as if the violation  
17 were to constitute a petty disorderly persons offense, without the  
18 filing of a complaint with the court. The municipal court that has  
19 territorial jurisdiction over the violation and the Superior Court  
20 shall both have jurisdiction of proceedings for the enforcement of  
21 the civil penalty provided by this subparagraph.

22 The odor of marijuana, hashish, cannabis, or cannabis item, or  
23 burnt marijuana, hashish, cannabis, or cannabis item, shall not  
24 constitute reasonable articulable suspicion to initiate a search of a  
25 person to determine a violation of this subparagraph. A person who  
26 violates this subparagraph shall not be subject to arrest, detention,  
27 or otherwise be taken into custody except to the extent required for  
28 a juvenile intervention as permitted by this subparagraph, unless the  
29 person is being arrested, detained, or otherwise taken into custody  
30 for also committing another violation of law for which that action is  
31 legally permitted or required.

32 (b) Any person under the legal age to purchase cannabis items  
33 who knowingly possesses without legal authority marijuana,  
34 hashish, or any cannabis item, the amount of which exceeds what  
35 may be lawfully possessed by a person of the legal age to purchase  
36 cannabis items pursuant to section 46 of P.L. , c. (C. )  
37 (passed both Houses on December 17, 2020 as Second Reprint of  
38 Assembly Bill No. 21), or who knowingly consumes any marijuana,  
39 hashish, or cannabis item in any school, public conveyance, public  
40 place, or place of public assembly, or motor vehicle **], is guilty of a  
41 disorderly persons offense, and]** shall **], in the case of an adult  
42 under the legal age to purchase cannabis items,] be]’** **[**fined not  
43 less than \$500] subject to ’[a civil penalty of \$100, which shall be  
44 recovered in a civil action by a summary proceeding in the name of  
45 the municipality pursuant to the “Penalty Enforcement Law of  
46 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.), except that a person  
47 under the age of 18 years who violates this subparagraph shall not

1 be subject to a civil penalty but instead shall be subject to a point-  
2 of-violation warning or juvenile intervention, as defined in this  
3 section, and which is conducted in the same manner as an action  
4 referred to as a curbside warning or stationhouse adjustment,  
5 respectively, would be conducted in accordance with Attorney  
6 General Law Enforcement Directive No. 2020-12 as if the violation  
7 were to constitute a disorderly persons offense, without the filing of  
8 a complaint with the court. The municipal court that has territorial  
9 jurisdiction over the violation and the Superior Court shall both  
10 have jurisdiction of proceedings for the enforcement of the civil  
11 penalty provided by this subparagraph.】 the following  
12 consequences:

13 (a) for a first violation, a written warning issued by a law  
14 enforcement officer to the underage person. The written warning  
15 shall include the person's name, address, and date of birth, and a  
16 copy of the warning containing this information, plus a sworn  
17 statement that includes a description of the relevant facts and  
18 circumstances that support the officer's determination that the  
19 person committed the violation, shall be temporarily maintained in  
20 accordance with this section only for the purposes of determining a  
21 second or subsequent violation subject to the consequences set forth  
22 in subparagraph (b) or (c) of this paragraph. Notwithstanding the  
23 provisions of section 3 of P.L.1991, c.169 (C.33:1-81.1a)  
24 concerning written notification of a violation of this section by a  
25 person under 18 years of age to the parent, guardian or other person  
26 having legal custody of the underage person, a written notification  
27 shall not be provided pursuant to that section for a first violation of  
28 this paragraph.

29 (b) for a second violation, a written warning issued by a law  
30 enforcement officer to the underage person indicating that a second  
31 violation has occurred, which includes the person's name, address,  
32 and date of birth. If the violation is by a person 18 years of age or  
33 older, the officer shall provide the person with informational  
34 materials about how to access community services provided by  
35 public or private agencies and organizations that shall assist the  
36 person with opportunities to access further social services,  
37 including but not limited to counseling, tutoring programs,  
38 mentoring services, and faith-based or other community initiatives.  
39 If the violation is by a person under 18 years of age, a written  
40 notification concerning the second violation, along with a copy of  
41 the written warning for the person's first violation, shall be  
42 provided to the parent, guardian or other person having legal  
43 custody of the underage person in accordance with section 3 of  
44 P.L.1991, c.169 (C.33:1-81.1a). The written notification shall  
45 include the same or similar informational materials about how to  
46 access community services provided by public or private agencies  
47 and organizations as those provided directly by a law enforcement  
48 officer to a person 18 years of age or older who commits a second

1 violation of this paragraph. A copy of the second written warning  
2 to the underage person, and, if applicable, the written notification to  
3 the parent, guardian or other person having legal custody of the  
4 underage person concerning the second warning, plus a sworn  
5 statement that includes a description of the relevant facts and  
6 circumstances that support the officer's determination that the  
7 person committed the second violation, shall be temporarily  
8 maintained in accordance with this section only for the purposes of  
9 determining a subsequent violation subject to the consequences set  
10 forth in subparagraph (c) of this paragraph.

11 (c) for a third or subsequent violation, a write-up issued by a law  
12 enforcement officer to the underage person indicating that a third or  
13 subsequent violation has occurred, which includes the person's  
14 name, address, and date of birth. If the violation is by a person 18  
15 years of age or older, the officer shall include with the write-up a  
16 referral for accessing community services provided by a public or  
17 private agency or organization, and provide notice to that agency or  
18 organization of the referral which may also be used to initiate  
19 contact with the person, and the agency or organization shall offer  
20 assistance to the person with opportunities to access further social  
21 services, including but not limited to counseling, tutoring programs,  
22 mentoring services, and faith-based or other community initiatives.  
23 If the violation is by a person under 18 years of age, a written  
24 notification concerning the third or subsequent violation shall be  
25 provided to the parent, guardian or other person having legal  
26 custody of the underage person in accordance with section 3 of  
27 P.L.1991, c.169 (C.33:1-81.1a). The written notification shall  
28 include a referral for the person and the parent, guardian or other  
29 person having legal custody of the underage person for accessing  
30 community services provided by a public or private agency or  
31 organization, and provide notice to that agency or organization of  
32 the referral which may also then be used to initiate contact with  
33 both persons, and the agency or organization shall offer assistance  
34 to both with opportunities to access further social services,  
35 including counseling, tutoring programs, mentoring services, and  
36 faith-based or other community initiatives. A copy of a write-up for  
37 a third or subsequent violation, the written notification to the  
38 parent, guardian or other person having legal custody of the  
39 underage person, if applicable, and accompanying referrals, plus a  
40 sworn statement that includes a description of the relevant facts and  
41 circumstances that support the officer's determination that the  
42 person committed the third or subsequent violation, shall be  
43 temporarily maintained in accordance with this section only to the  
44 extent necessary to track referrals to agencies and organizations, as  
45 well as for the purposes of determining a subsequent violation  
46 subject to the consequences set forth in this subparagraph.

47 The failure of a person under the legal age to purchase alcoholic  
48 beverages or cannabis items, or the failure of a parent, guardian or

1 other person having legal custody of the underage person, to accept  
2 assistance from an agency or organization to which a law  
3 enforcement referral was made, or to access any community  
4 services provided by that agency or organization shall not result in  
5 any summons, initiation of a complaint, or other legal action to be  
6 adjudicated and enforced in any court.

7 (2) (a) A person under the legal age to purchase alcoholic  
8 beverages or cannabis items is not capable of giving lawful consent  
9 to a search to determine a violation of this section, and a law  
10 enforcement officer shall not request that a person consent to a  
11 search for that purpose.

12 (b)<sup>1</sup> The odor of <sup>1</sup>an alcoholic beverage,<sup>1</sup> marijuana, hashish,  
13 cannabis, or cannabis item, or burnt marijuana, hashish, cannabis,  
14 or cannabis item, shall not constitute reasonable articulable  
15 suspicion to initiate <sup>1</sup>an investigatory stop of a person, nor shall it  
16 constitute probable cause to initiate<sup>1</sup> a search of a person <sup>1</sup>or that  
17 person's personal property<sup>1</sup> to determine a violation of <sup>1</sup>[this  
18 subparagraph] paragraph (1) of this subsection. Additionally, the  
19 unconcealed possession of an alcoholic beverage, marijuana,  
20 hashish, or cannabis item in violation of paragraph (1) of this  
21 subsection, observed in plain sight by a law enforcement officer,  
22 shall not constitute probable cause to initiate a search of a person or  
23 that person's personal property to determine any further violation of  
24 that paragraph or any other violation of law<sup>1</sup> .

25 <sup>1</sup>(3)<sup>1</sup> A person <sup>1</sup>under the legal age to purchase alcoholic  
26 beverages or cannabis items<sup>1</sup> who violates <sup>1</sup>[this subparagraph]  
27 paragraph (1) of this subsection for possessing or consuming an  
28 alcoholic beverage, marijuana, hashish, or a cannabis item<sup>1</sup> shall  
29 not be subject to arrest, <sup>1</sup>and shall not be subject to<sup>1</sup> detention <sup>1</sup>[.]<sup>1</sup>  
30 or otherwise be taken into custody <sup>1</sup>by a law enforcement officer<sup>1</sup>  
31 except to the extent required <sup>1</sup>[for a juvenile intervention as  
32 permitted by this subparagraph] to issue a written warning or write-  
33 up, provide notice of a violation to a parent, guardian or other  
34 person having legal custody of the underage person in accordance  
35 with section 3 of P.L.1991, c.169 (C.33:1-81a), or make referrals  
36 for accessing community services provided by a public or private  
37 agency or organization due to a third or subsequent violation<sup>1</sup> ,  
38 unless the person is being arrested, detained, or otherwise taken into  
39 custody for also committing another violation of law for which that  
40 action is legally permitted or required.

41 <sup>1</sup>[(c) (i) As used in subparagraphs (a) and (b) of this paragraph:  
42 “Juvenile intervention” means a mechanism that allows law  
43 enforcement agencies to resolve a violation of either subparagraph  
44 by a person under the age of 18 years without formal court  
45 proceedings. A juvenile intervention, which shall be memorialized  
46 in a signed agreement, establishes one or more conditions that the

1 person shall meet in exchange for the law enforcement agency  
2 declining to pursue a formal delinquency complaint against the  
3 person.

4 “Point-of-violation warning” means a brief, informal interaction  
5 between a law enforcement officer and a person under the age of 18  
6 years who the officer observed engage in a violation of either  
7 subparagraph. During the interaction, the officer shall counsel the  
8 person to discontinue the conduct, warn the person about the  
9 potential consequences of future delinquency, and then conclude the  
10 interaction without taking any further action. For the purposes of  
11 this definition, a point-of-violation warning does not include  
12 interactions between a person under the age of 18 years and a  
13 school resource officer or other law enforcement officer assigned to  
14 a school, as those interactions are governed by other statutes, and  
15 policies and practices established between schools and law  
16 enforcement agencies. A point-of-violation warning shall also be  
17 used for a first violation of subparagraph (b) of paragraph (12) of  
18 subsection b. of N.J.S.2C:35-5 concerning the manufacturing,  
19 distributing or dispensing, or possessing or having under control  
20 with intent to manufacture, distribute or dispense, marijuana or  
21 hashish for an offender of any age.

22 (ii) Point-of-violation warnings and juvenile interventions  
23 conducted pursuant to subparagraph (a) or (b) of paragraph (2) of  
24 subsection a. of this section shall be reported to the Attorney  
25 General in the same manner as curbside adjustments and  
26 stationhouse warnings, respectively, and shall be included in the  
27 statistical reporting compiled and made available by the Attorney  
28 General pursuant to Attorney General Law Enforcement Directive  
29 No. 2020-12. The Attorney General, in accordance with section 3  
30 of P.L. , c. (C. ) (pending before the Legislature as this bill),  
31 shall biannually issue a report detailing the statistics compiled and  
32 made available pursuant to Attorney General Law Enforcement  
33 Directive No. 2020-12. The initial report shall be issued by June  
34 30, 2021, and every six months thereafter.】

35 (4) Consistent with the provisions of subsection c. of section 1 of  
36 P.L.2020, c.129 (C.40A:14-118.5), the video and audio recording  
37 functions of a law enforcement officer’s body worn camera, as  
38 defined in that section, shall be activated whenever the law  
39 enforcement officer is responding to a call for service related to a  
40 violation or suspected violation of paragraph (1) of this subsection  
41 for possessing or consuming an alcoholic beverage, marijuana,  
42 hashish, or a cannabis item, or at the initiation of any other law  
43 enforcement or investigative encounter between an officer and a  
44 person related to a violation or suspected violation of that  
45 paragraph, and shall remain activated until the encounter has fully  
46 concluded and the officer leaves the scene of the encounter;  
47 provided, however, that the video and audio recording functions of  
48 a body worn camera shall not be deactivated pursuant to



1 subparagraph (a) of paragraph (2) of subsection c. of P.L.2020,  
2 c.129 (C.40A:14-118.5), based on a request to deactivate the  
3 camera by a person who is the subject of a responsive call for  
4 service or law enforcement or investigative encounter related to a  
5 violation or suspected violation of paragraph (1) of this subsection.

6 (5) As part of the process for the issuance of a written warning or  
7 write-up to a person for a violation of paragraph (1) of this  
8 subsection, the law enforcement officer shall take possession of any  
9 alcoholic beverage, marijuana, hashish, or cannabis item from the  
10 person, and any drug or cannabis paraphernalia for use with any  
11 marijuana, hashish, or cannabis item. The existence and description  
12 of the alcoholic beverage, marijuana, hashish, or cannabis item, and  
13 any drug or cannabis paraphernalia shall be included in the sworn  
14 statement that includes a description of the relevant facts and  
15 circumstances that support the officer's determination that the  
16 person committed a violation, and which record is temporarily  
17 maintained in accordance with this section to determine subsequent  
18 possession or consumption violations, and track referrals for  
19 accessing community services provided by a public or private  
20 agency or organization due to a third or subsequent violation. Any  
21 alcoholic beverage, marijuana, hashish, cannabis item, or drug or  
22 cannabis paraphernalia obtained by the law enforcement officer  
23 shall either be destroyed or secured for use in law enforcement  
24 training or educational programs in accordance with applicable law  
25 and directives issued by the Attorney General.

26 (6) With respect to any violation of paragraph (1) of this  
27 subsection concerning the possession or consumption of an  
28 alcoholic beverage, marijuana, hashish, or any cannabis item:

29 (a) a person under the legal age to purchase alcoholic beverages  
30 or cannabis items shall not be photographed or fingerprinted,  
31 notwithstanding any provisions of section 2 of P.L.1982, c.79  
32 (C.2A:4A-61) to the contrary;

33 (b) (i) any copy of any written warning or write-up issued to a  
34 person under the legal age to purchase alcoholic beverages or  
35 cannabis items, written notification provided to the person's parent,  
36 guardian or other person having legal custody in accordance with  
37 section 3 of P.L.1991, c.169 (C.33:1-81.1a), sworn statement  
38 describing the relevant facts and circumstances that support an  
39 officer's determination that a person committed a violation, or  
40 referrals for accessing community services provided by a public or  
41 private agency or organization pertaining to a third or subsequent  
42 violation shall be segregated and maintained in a separate physical  
43 location or electronic repository or database from any other records  
44 maintained by a law enforcement agency, and reported to the  
45 Attorney General in a manner so that they are similarly segregated  
46 and maintained in a separate physical location or electronic  
47 repository or database from other law enforcement records  
48 accessible to the Attorney General and State and local law

1 enforcement agencies, and shall not be transferred to or copied and  
2 placed in any other physical location or electronic repository or  
3 database containing any other law enforcement records. These  
4 records shall only be used to the extent necessary to determine a  
5 subsequent violation of paragraph (1) of this subsection or to track  
6 referrals to agencies and organizations, and shall not be revealed,  
7 reviewed, or considered in any manner with respect to any current  
8 or subsequent juvenile delinquency matter, including but not limited  
9 to, a charge, filing, eligibility or decision for diversion or discharge,  
10 or sentencing, other disposition, or related decision affecting the  
11 juvenile, or with respect to any current or subsequent prosecution  
12 for committing an offense or other violation of law, including but  
13 not limited to, a charge, filing, eligibility or decision for diversion  
14 or discharge, or sentencing, other disposition, or related decision  
15 affecting an adult under 21 years of age. Also, these records shall  
16 be deemed confidential and shall not be subject to public inspection  
17 or copying pursuant to the provisions of P.L.1963, c.73 (C.47:1A-1  
18 et seq.), and their existence shall not be acknowledged based upon  
19 any inquiry in the same manner as if the records were expunged  
20 records pursuant to the provisions of subsection a. of N.J.S.2C:52-  
21 15.

22 The Attorney General may use the records described herein to  
23 generate the number of occurrences and other statistics concerning  
24 first, second, third and subsequent violations of paragraph (1) of  
25 this subsection, the municipal, county or other geographic areas  
26 within which first, second, third and subsequent violations occur,  
27 and the law enforcement agencies involved in first, second, third  
28 and subsequent violations, which are to be compiled and made  
29 available by the Attorney General in accordance with section 4 of  
30 P.L. , c. (C. ) (pending before the Legislature as this bill).  
31 The identity of any person named in a record shall not be revealed  
32 or included in the information to be compiled and made available in  
33 accordance with that section.

34 The records of violations shall only be maintained temporarily  
35 and shall be destroyed or permanently deleted as set forth in  
36 subparagraph (c) of this paragraph.

37 (ii) any records pertaining to a person's acceptance of assistance  
38 from an agency or organization to which a law enforcement referral  
39 was made shall not be revealed, reviewed, or considered in any  
40 manner with respect to any current or subsequent juvenile  
41 delinquency matter, including but not limited to, a charge, filing,  
42 eligibility or decision for diversion or discharge, or sentencing,  
43 other disposition, or related decision affecting the juvenile, or with  
44 respect to any current or subsequent prosecution for committing an  
45 offense or other violation of law, including but not limited to, a  
46 charge, filing, eligibility or decision for diversion or discharge, or  
47 sentencing, other disposition, or related decision affecting an adult  
48 under 21 years of age. Also, these records shall be deemed

1 confidential and shall not be subject to public inspection or copying  
2 pursuant to the provisions of P.L.1963, c.73 (C.47:1A-1 et seq.),  
3 and their existence shall not be acknowledged based upon any  
4 inquiry in the same manner as if the records were expunged records  
5 pursuant to the provisions of subsection a. of N.J.S.2C:52-15.

6 (c) all of the records maintained by a law enforcement agency  
7 and reported to the Attorney General as described in  
8 subsubparagraph (i) of subparagraph (b) of this paragraph shall be  
9 destroyed or permanently deleted by the law enforcement agency  
10 and Attorney General on the second anniversary following the  
11 creation of the record concerning a violation, or not later than the  
12 last day of the month in which that second anniversary date falls, or  
13 alternatively not later than the 21st birthday of a person who is the  
14 subject of a record, or not later than the last day of the month in  
15 which that birthday falls, whichever date occurs sooner, except that  
16 a record shall be maintained upon request by the person named in  
17 the record or representative thereof, the law enforcement officer  
18 who made the record, or the law enforcement agency currently  
19 maintaining the record if it involves a lawsuit, disciplinary  
20 complaint, or criminal prosecution arising from the violation  
21 described in the record, based on an assertion that the record has  
22 evidentiary or exculpatory value. Upon final disposition of the  
23 matter for which the extended record retention was requested, the  
24 record shall be destroyed or permanently deleted.

25 (d) A law enforcement officer shall be guilty of the crime of  
26 official deprivation of civil rights as set forth in section 3 of P.L. ,  
27 c. (C. ) (pending before the Legislature as this bill) for  
28 violating the provisions of paragraph (1) of this subsection that  
29 address law enforcement actions involving persons who are under  
30 the legal age to purchase alcoholic beverages or cannabis items.<sup>1</sup>

31 b. <sup>1</sup>**【Whenever 【this offense】** a violation of subsection a. of  
32 this section is committed in a motor vehicle, the court shall, in  
33 addition to the sentence authorized **【for the offense】** under that  
34 subsection, suspend or postpone for six months the driving privilege  
35 of the defendant. Upon the conviction of finding of guilt of any  
36 person under this section, the court shall forward a report to the  
37 New Jersey Motor Vehicle Commission stating the first and last day  
38 of the suspension or postponement period imposed by the court  
39 pursuant to this section. If a person at the time of the imposition of  
40 a sentence is less than 17 years of age, the period of license  
41 postponement, including a suspension or postponement of the  
42 privilege of operating a motorized bicycle, shall commence on the  
43 day the sentence is imposed and shall run for a period of six months  
44 after the person reaches the age of 17 years.

45 If a person at the time of the imposition of a sentence has a valid  
46 driver's license issued by this State, the court shall immediately  
47 collect the license and forward it to the commission along with the  
48 report. If for any reason the license cannot be collected, the court

1 shall include in the report the complete name, address, date of birth,  
2 eye color, and sex of the person as well as the first and last date of  
3 the license suspension period imposed by the court.

4 The court shall inform the person orally and in writing that if the  
5 person is convicted of operating a motor vehicle during the period  
6 of license suspension or postponement, the person shall be subject  
7 to the penalties set forth in R.S.39:3-40. A person shall be required  
8 to acknowledge receipt of the written notice in writing. Failure to  
9 receive a written notice or failure to acknowledge in writing the  
10 receipt of a written notice shall not be a defense to a subsequent  
11 charge of a violation of R.S.39:3-40.

12 If the person convicted or found guilty under this section is not a  
13 New Jersey resident, the court shall suspend or postpone, as  
14 appropriate, the non-resident driving privilege of the person based  
15 on the age of the person and submit to the commission the required  
16 report. The court shall not collect the license of a non-resident  
17 convicted under this section. Upon receipt of a report by the court,  
18 the commission shall notify the appropriate officials in the licensing  
19 jurisdiction of the suspension or postponement. ~~](Deleted by~~  
20 ~~amendment, P.L. , c. ) (pending before the Legislature as this~~  
21 ~~bill)]<sup>1</sup>~~

22 c. <sup>1</sup>~~][In addition to the general [penalty] penalties prescribed~~  
23 ~~[for a disorderly persons offense] under this section,~~ the court may  
24 require any person who violates ~~[this act] paragraph (1) of~~  
25 ~~subsection a. of this section for possession or consumption of an~~  
26 ~~alcoholic beverage~~ to participate in an alcohol or drug abuse  
27 education or treatment program, authorized by the Division of  
28 Mental Health and Addiction Services in the Department of Human  
29 Services, for a period not to exceed ~~[the maximum period of~~  
30 ~~confinement prescribed by law for the offense for which the~~  
31 ~~individual has been convicted] 30 days.] (Deleted by amendment,~~  
32 ~~P.L. , c. ) (pending before the Legislature as this bill)]<sup>1</sup>~~

33 d. Nothing in this act shall apply to possession of alcoholic  
34 beverages by any such person while actually engaged in the  
35 performance of employment pursuant to an employment permit  
36 issued by the Director of the Division of Alcoholic Beverage  
37 Control, or for a bona fide hotel or restaurant, in accordance with  
38 the provisions of R.S.33:1-26, or while actively engaged in the  
39 preparation of food while enrolled in a culinary arts or hotel  
40 management program at a county vocational school or post-  
41 secondary educational institution; and nothing in this section shall  
42 apply to possession of cannabis items by any such person while  
43 actually engaged in the performance of employment by a cannabis  
44 establishment, distributor, or delivery service as permitted pursuant  
45 to the “New Jersey Cannabis Regulatory, Enforcement Assistance,  
46 and Marketplace Modernization Act,” P.L. , c. (C. ) (passed

1 both Houses on December 17, 2020 as Second Reprint of Assembly  
2 Bill No. 21).

3 e. <sup>1</sup>**【The】** Except as otherwise provided in this section, the<sup>1</sup>  
4 provisions of section 3 of P.L.1991, c.169 (C.33:1-81.1a) shall  
5 apply to a parent, guardian or other person with legal custody of a  
6 person under 18 years of age who is found to be in violation of this  
7 section.

8 f. An underage person and one or two other persons shall be  
9 immune from prosecution under this section if:

10 (1) one of the underage persons called 9-1-1 and reported that  
11 another underage person was in need of medical assistance due to  
12 alcohol consumption , or the consumption of marijuana, hashish, or  
13 a cannabis item;

14 (2) the underage person who called 9-1-1 and, if applicable, one  
15 or two other persons acting in concert with the underage person  
16 who called 9-1-1 provided each of their names to the 9-1-1  
17 operator;

18 (3) the underage person was the first person to make the 9-1-1  
19 report; and

20 (4) the underage person and, if applicable, one or two other  
21 persons acting in concert with the underage person who made the 9-  
22 1-1 call remained on the scene with the person under the legal age  
23 in need of medical assistance until assistance arrived and  
24 cooperated with medical assistance and law enforcement personnel  
25 on the scene.

26 The underage person who received medical assistance also shall  
27 be immune from prosecution under this section.

28 g. For purposes of this section, an alcoholic beverage includes  
29 powdered alcohol as defined by R.S.33:1-1, **【and】** a cannabis item  
30 includes any item available for lawful consumption pursuant to the  
31 “New Jersey Cannabis Regulatory, Enforcement Assistance, and  
32 Marketplace Modernization Act,” P.L. , c. (C. ) (passed both  
33 Houses on December 17, 2020 as Second Reprint of Assembly Bill  
34 No. 21), and the terms “marijuana” and “hashish” have the same  
35 meaning as set forth in N.J.S.2C:35-2 <sup>1</sup>, and the terms “drug  
36 paraphernalia” and “cannabis paraphernalia” have the same  
37 meaning as set forth in N.J.S.2C:36-1 and section 3 of P.L. ,  
38 c. (C. ) (passed both Houses on December 17, 2020 as Second  
39 Reprint of Assembly Bill No. 21), respectively<sup>1</sup>.  
40 (cf: P.L.2021, c. , s.73)

41

42 <sup>1</sup>**【3.** N.J.S.2C:35-5 is amended to read as follows:

43 2C:35-5. Manufacturing, Distributing or Dispensing. a. Except  
44 as authorized by P.L.1970, c.226 (C.24:21-1 et seq.), it shall be  
45 unlawful for any person knowingly or purposely:

- 1 (1) To manufacture, distribute or dispense, or to possess or have  
2 under his control with intent to manufacture, distribute or dispense,  
3 a controlled dangerous substance or controlled substance analog; or
- 4 (2) To create, distribute, or possess or have under his control  
5 with intent to distribute, a counterfeit controlled dangerous  
6 substance.
- 7 b. Any person who violates subsection a. with respect to:
- 8 (1) Heroin, or its analog, or coca leaves and any salt, compound,  
9 derivative, or preparation of coca leaves, and any salt, compound,  
10 derivative, or preparation thereof which is chemically equivalent or  
11 identical with any of these substances, or analogs, except that the  
12 substances shall not include decocainized coca leaves or extractions  
13 which do not contain cocaine or ecogine, or 3,4-  
14 methylenedioxyamphetamine or 3,4-  
15 methylenedioxyamphetamine, in a quantity of five ounces or more  
16 including any adulterants or dilutants is guilty of a crime of the first  
17 degree. The defendant shall, except as provided in N.J.S.2C:35-12,  
18 be sentenced to a term of imprisonment by the court. The term of  
19 imprisonment shall include the imposition of a minimum term  
20 which shall be fixed at, or between, one-third and one-half of the  
21 sentence imposed, during which the defendant shall be ineligible for  
22 parole. Notwithstanding the provisions of subsection a. of  
23 N.J.S.2C:43-3, a fine of up to \$500,000 may be imposed;
- 24 (2) A substance referred to in paragraph (1) of this subsection,  
25 in a quantity of one-half ounce or more but less than five ounces,  
26 including any adulterants or dilutants is guilty of a crime of the  
27 second degree;
- 28 (3) A substance referred to paragraph (1) of this subsection in a  
29 quantity less than one-half ounce including any adulterants or  
30 dilutants is guilty of a crime of the third degree except that,  
31 notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, a  
32 fine of up to \$75,000 may be imposed;
- 33 (4) A substance classified as a narcotic drug in Schedule I or II  
34 other than those specifically covered in this section, or the analog of  
35 any such substance, in a quantity of one ounce or more including  
36 any adulterants or dilutants is guilty of a crime of the second  
37 degree;
- 38 (5) A substance classified as a narcotic drug in Schedule I or II  
39 other than those specifically covered in this section, or the analog of  
40 any such substance, in a quantity of less than one ounce including  
41 any adulterants or dilutants is guilty of a crime of the third degree  
42 except that, notwithstanding the provisions of subsection b. of  
43 N.J.S.2C:43-3, a fine of up to \$75,000 may be imposed;
- 44 (6) Lysergic acid diethylamide, or its analog, in a quantity of  
45 100 milligrams or more including any adulterants or dilutants, or  
46 phencyclidine, or its analog, in a quantity of 10 grams or more  
47 including any adulterants or dilutants, is guilty of a crime of the  
48 first degree. Except as provided in N.J.S.2C:35-12, the court shall

1 impose a term of imprisonment which shall include the imposition  
2 of a minimum term, fixed at, or between, one-third and one-half of  
3 the sentence imposed by the court, during which the defendant shall  
4 be ineligible for parole. Notwithstanding the provisions of  
5 subsection a. of N.J.S.2C:43-3, a fine of up to \$500,000 may be  
6 imposed;

7 (7) Lysergic acid diethylamide, or its analog, in a quantity of  
8 less than 100 milligrams including any adulterants or dilutants, or  
9 where the amount is undetermined, or phencyclidine, or its analog,  
10 in a quantity of less than 10 grams including any adulterants or  
11 dilutants, or where the amount is undetermined, is guilty of a crime  
12 of the second degree;

13 (8) Methamphetamine, or its analog, or phenyl-2-propanone  
14 (P2P), in a quantity of five ounces or more including any  
15 adulterants or dilutants is guilty of a crime of the first degree.  
16 Notwithstanding the provisions of subsection a. of N.J.S.2C:43-3, a  
17 fine of up to \$300,000 may be imposed;

18 (9) (a) Methamphetamine, or its analog, or phenyl-2-propanone  
19 (P2P), in a quantity of one-half ounce or more but less than five  
20 ounces including any adulterants or dilutants is guilty of a crime of  
21 the second degree;

22 (b) Methamphetamine, or its analog, or phenyl-2-propanone  
23 (P2P), in a quantity of less than one-half ounce including any  
24 adulterants or dilutants is guilty of a crime of the third degree  
25 except that notwithstanding the provisions of subsection b. of  
26 N.J.S.2C:43-3, a fine of up to \$75,000 may be imposed;

27 (10) (a) Marijuana in a quantity of 25 pounds or more  
28 including any adulterants or dilutants, or 50 or more marijuana  
29 plants, regardless of weight, or hashish in a quantity of five pounds  
30 or more including any adulterants or dilutants, is guilty of a crime  
31 of the first degree. Notwithstanding the provisions of subsection a.  
32 of N.J.S.2C:43-3, a fine of up to \$300,000 may be imposed;

33 (b) Marijuana in a quantity of five pounds or more but less than  
34 25 pounds including any adulterants or dilutants, or 10 or more but  
35 fewer than 50 marijuana plants, regardless of weight, or hashish in a  
36 quantity of one pound or more but less than five pounds, including  
37 any adulterants and dilutants, is guilty of a crime of the second  
38 degree;

39 (11) (a) Prior to the effective date of P.L. , c. (C. )  
40 (passed both Houses on December 17, 2020 as Second Reprint of  
41 Assembly Bill No. 21), marijuana in a quantity of one ounce or  
42 more but less than five pounds including any adulterants or  
43 dilutants, or hashish in a quantity of five grams or more but less  
44 than one pound including any adulterants or dilutants, is guilty of a  
45 crime of the third degree except that, notwithstanding the provisions  
46 of subsection b. of N.J.S.2C:43-3, a fine of up to \$25,000 may be  
47 imposed;

1 (b) On and after the effective date of P.L. , c. (C. )  
2 (passed both Houses on December 17, 2020 as Second Reprint of  
3 Assembly Bill No. 21), marijuana in a quantity of more than one  
4 ounce but less than five pounds including any adulterants or  
5 dilutants, or hashish in a quantity of more than five grams but less  
6 than one pound including any adulterants or dilutants, is guilty of a  
7 crime of the third degree except that, notwithstanding the provisions  
8 of subsection b. of N.J.S.2C:43-3, a fine of up to \$25,000 may be  
9 imposed;

10 (12) (a) Prior to the effective date of P.L. , c. (C. )  
11 (passed both Houses on December 17, 2020 as Second Reprint of  
12 Assembly Bill No. 21), marijuana in a quantity of less than one  
13 ounce including any adulterants or dilutants, or hashish in a  
14 quantity of less than five grams including any adulterants or  
15 dilutants, is guilty of a crime of the fourth degree;

16 (b) On and after the effective date of P.L. , c. (C. )  
17 (passed both Houses on December 17, 2020 as Second Reprint of  
18 Assembly Bill No. 21), marijuana in a quantity of one ounce or less  
19 including any adulterants or dilutants, or hashish in a quantity of  
20 five grams or less including any adulterants or dilutants, is, for a  
21 first offense, subject to a **【written】** point-of-violation warning, as  
22 defined in section 1 of P.L.1979, c.264 (C.2C:33-15), which also  
23 **【indicates】** includes a written indication that any subsequent  
24 violation is a crime punishable by a term of imprisonment, a fine, or  
25 both, and for a second or subsequent offense, is guilty of a crime of  
26 the fourth degree;

27 (i) The odor of marijuana or hashish, or burnt marijuana or  
28 hashish, shall not constitute reasonable articulable suspicion to  
29 initiate a search of a person to determine a violation of  
30 subparagraph (b) of paragraph (12) of this subsection. A person  
31 who violates this subparagraph shall not be subject to arrest,  
32 detention, or otherwise be taken into custody, unless the person is  
33 being arrested, detained, or otherwise taken into custody for also  
34 committing another violation of law for which that action is legally  
35 permitted or required;

36 (ii) A person shall not be deprived of any legal or civil right,  
37 privilege, benefit, or opportunity provided pursuant to any law  
38 solely by reason of committing a violation of subparagraph (b) of  
39 paragraph (12) of this subsection, nor shall committing one or more  
40 violations modify any legal or civil right, privilege, benefit, or  
41 opportunity provided pursuant to any law, including, but not limited  
42 to, the granting, renewal, forfeiture, or denial of a license, permit,  
43 or certification, qualification for and the receipt, alteration,  
44 continuation, or denial of any form of financial assistance, housing  
45 assistance, or other social services, rights of or custody by a  
46 biological parent, or adoptive or foster parent, or other legal  
47 guardian of a child or newborn infant, or pregnant woman, in any  
48 action or proceeding by the Division of Child Protection and



1 Permanency in the Department of Children and Families, or  
2 qualification, approval, or disapproval to serve as a foster parent or  
3 other legal guardian;

4 (iii) Point-of-violation warnings conducted pursuant  
5 subparagraph (b) of paragraph (12) of subsection b. of this section  
6 shall be reported to the Attorney General in the same manner as  
7 actions referred to as curbside adjustments pursuant to Attorney  
8 General Law Enforcement Directive No. 2020-12, and this  
9 reporting may also include information for use in determining  
10 whether a person who violates this subparagraph had previously  
11 been subjected to a point-of-violation warning for a prior violation  
12 of this subparagraph, provided that the information may be used for  
13 that purpose only and shall not be included in the statistical  
14 reporting compiled and made available by the Attorney General in  
15 accordance with section 3 of P.L. , c. (C. ) (pending before  
16 the Legislature as this bill) and pursuant to Attorney General Law  
17 Enforcement Directive No. 2020-12.

18 (iv) All local and county law enforcement authorities shall,  
19 following the submission process used for the uniform crime  
20 reporting system established by P.L.1966, c.37 (C.52:17B-  
21 5.1 et seq.), submit a quarterly report to the Uniform Crime  
22 Reporting Unit, within the Division of State Police in the  
23 Department of Law and Public Safety, or to another designated  
24 recipient determined by the Attorney General, containing the  
25 number of second or subsequent violations of subparagraph (b) of  
26 paragraph (12) of this subsection committed within their respective  
27 jurisdictions, plus the race, ethnicity, gender, and age of each  
28 person committing a violation, and the disposition of each person's  
29 violation. These violations and associated information, along with  
30 a quarterly summary of violations investigated, and associated  
31 information collected, by the Division of State Police for the same  
32 period shall be summarized by county and municipality in an annual  
33 report, and both quarterly summaries and annual reports shall be  
34 made available at no cost to the public on the Division of State  
35 Police's Internet website;

36 (13) Any other controlled dangerous substance classified in  
37 Schedule I, II, III or IV, or its analog, is guilty of a crime of the  
38 third degree, except that, notwithstanding the provisions of  
39 subsection b. of N.J.S.2C:43-3, a fine of up to \$25,000 may be  
40 imposed; or

41 (14) Any Schedule V substance, or its analog, is guilty of a  
42 crime of the fourth degree except that, notwithstanding the  
43 provisions of subsection b. of N.J.S.2C:43-3, a fine of up to  
44 \$25,000 may be imposed.

45 c. Where the degree of the offense for violation of this section  
46 depends on the quantity of the substance, the quantity involved  
47 shall be determined by the trier of fact, other than with respect to a  
48 first violation of subparagraph (b) of paragraph (12) of subsection

1 b. of this section which is subject to a written point-of-violation  
2 warning as set forth in that subparagraph. Where the indictment or  
3 accusation so provides, the quantity involved in individual acts of  
4 manufacturing, distribution, dispensing or possessing with intent to  
5 distribute may be aggregated in determining the grade of the  
6 offense, whether distribution or dispensing is to the same person or  
7 several persons, provided that each individual act of manufacturing,  
8 distribution, dispensing or possession with intent to distribute was  
9 committed within the applicable statute of limitations.

10 (cf: P.L.2021, c. , s.55)】<sup>1</sup>

11  
12 <sup>1</sup>3. (New section) A law enforcement officer, when responding  
13 to a call for service or upon the initiation of any other law  
14 enforcement or investigative encounter related to a violation or  
15 suspected violation of paragraph (1) of subsection a. of section 1 of  
16 P.L.1979, c.264 (C.2C:33-15), concerning the possession or  
17 consumption of alcoholic beverages, marijuana, hashish, or any  
18 cannabis item by a person under the legal age to purchase alcoholic  
19 beverages or cannabis items, shall be guilty of a crime of official  
20 deprivation of civil rights as defined in section 2 of P.L.2003, c.31  
21 (C.2C:30-6) if that officer knowingly violates the provisions of  
22 subsection a. of section 1 of P.L.1979, c.264 (C.2C:33-15) that  
23 address law enforcement actions involving persons who are under  
24 the legal age to purchase alcoholic beverages or cannabis items by  
25 requesting that a person consent to a search who is not capable of  
26 giving lawful consent or searching a person after wrongfully  
27 obtaining that person's consent, initiating an investigatory stop  
28 without reasonable articulable suspicion, initiating a search without  
29 probable cause, issuing a warning or write-up without a proper basis  
30 that a person committed a violation, or detaining or taking into  
31 custody a person in a manner or for a longer period beyond the  
32 extent required to issue a warning or write-up, or arresting a person  
33 for a possession or consumption violation of paragraph (1) of  
34 subsection a. of section 1 of P.L.1979, c.264 (C.2C:33-15), or if that  
35 officer knowingly engages in any other unlawful act, as described in  
36 subsection e. of section 2 of P.L.2003, c.31 (C.2C:30-6), against the  
37 person arising out of the call for service or initiation of any other  
38 law enforcement or investigative encounter, including but not  
39 limited to the unjustified use of force in violation of N.J.S.2C:3-7.  
40 A violation set forth in this section shall not require that the law  
41 enforcement officer have acted with the purpose to intimidate or  
42 discriminate against a person or group of persons because of race,  
43 color, religion, gender, handicap, sexual orientation or ethnicity. A  
44 violation of this section shall be graded in the same manner as set  
45 forth in section 2 of P.L.2003, c.21 (C.2C:30-6) for other crimes of  
46 official deprivation of civil rights.<sup>1</sup>

1 4. (New section) a. (1) The Attorney General shall biannually  
2 issue a comprehensive report detailing the <sup>1</sup>number of occurrences  
3 and other<sup>1</sup> statistics <sup>1</sup>【for】, without revealing or including any  
4 personal identifying information, concerning first, second, third and  
5 subsequent violations of paragraph (1) of subsection a. of section 1  
6 of P.L.1979, c.264 (C.2C:33-15) involving the possession or  
7 consumption of any alcoholic beverage, marijuana, hashish, or  
8 cannabis items by persons under the legal age to purchase alcoholic  
9 beverages or cannabis items, the municipal, county or other  
10 geographic areas within which first, second, third and subsequent  
11 violations occur, and the law enforcement agencies involved in  
12 first, second, third and subsequent violations, covering<sup>1</sup> the  
13 previous six-month period <sup>1</sup>【on all point-of-violation warnings and  
14 juvenile interventions conducted pursuant section 1 of P.L.1979,  
15 c.264 (C.2C:33-15) for violations of that section involving underage  
16 possession or consumption of marijuana, hashish, or cannabis items,  
17 which were compiled and made available in accordance with that  
18 section and pursuant to Attorney General Law Enforcement  
19 Directive No. 2020-12】<sup>1</sup>. The initial report shall be issued by June  
20 30, 2021, <sup>1</sup>the second report shall be issued by January 30, 2022,<sup>1</sup>  
21 and <sup>1</sup>then the next report issued<sup>1</sup> every six months thereafter. Each  
22 report shall also be submitted to the Governor and the Legislature  
23 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1).

24 <sup>1</sup>(2) The Attorney General shall also make reports available to  
25 the task force established pursuant to subsection b. of this section  
26 based on the Attorney General’s periodic review of body worn  
27 camera recordings of law enforcement officers responding to a call  
28 for service related to a violation or suspected violation of paragraph  
29 (1) of subsection a. of section 1 of P.L.1979, c.264 (C.2C:33-15), or  
30 at the initiation of any other law enforcement or investigative  
31 encounter between an officer and a person related to a violation or  
32 suspected violation of that paragraph, which recordings are required  
33 to be made in accordance with paragraph (4) of subsection a. of  
34 section 1 of P.L.1979, c.264 (C.2C:33-15). The periodic review  
35 shall be conducted using body worn camera recordings both  
36 selected by the Attorney General and randomly determined, and the  
37 task force may request an Attorney General review a particular  
38 municipality, region, or time period. The identity of any person  
39 included in a recording reviewed by the Attorney General shall be  
40 kept confidential and shall not be revealed to the members of the  
41 task force or any staff provided to the task force by the Department  
42 of Law and Public Safety pursuant to paragraph (6) of subsection b.  
43 of this section to support its work.<sup>1</sup>

44 b. (1) A taskforce shall be established in the Department of  
45 Law and Public Safety, comprised of 26 members to review each  
46 <sup>1</sup>Attorney General<sup>1</sup> report <sup>1</sup>described in subsection a. of this  
47 section<sup>1</sup>, and make recommendations thereon to the Governor and

1 Legislature related to law enforcement activities to address the  
2 enforcement of underage possession or consumption of <sup>1</sup>alcoholic  
3 beverages,<sup>1</sup> marijuana, hashish, or cannabis items in violation of  
4 section 1 of P.L.1979, c.264 (C.2C:33-15), as well as the broader  
5 issue of underage possession or consumption of these substances.

6 (2) The membership of the taskforce shall include the following  
7 individuals:

8 (a) the Attorney General, or a designee;

9 (b) the Public Defender, or a designee;

10 (c) the Commissioner of the Department of Children and  
11 Families, or a designee;

12 (d) the Commissioner of Education, or a designee;

13 (e) a representative from the Juvenile Justice Commission,  
14 appointed by the Governor;

15 (f) a representative from the Division of Criminal Justice in the  
16 Department of Law and Public Safety, appointed by the Governor;

17 (g) the Chair of the Governor's Juvenile Justice Delinquency and  
18 Prevention Committee;

19 (h) two members appointed by the Governor upon the  
20 recommendation of the President of the Senate <sup>1</sup>, at least one of  
21 whom shall be a member of the Legislative Black Caucus or  
22 Legislative Latino Caucus, determined in coordination with the  
23 members recommended by the Speaker of the General Assembly  
24 pursuant to subparagraph (i) of this paragraph, so that there is at  
25 least one member of each caucus serving as a member of the task  
26 force<sup>1</sup>;

27 (i) two members appointed by the Governor upon the  
28 recommendation of the Speaker of the General Assembly <sup>1</sup>, at least  
29 one of whom shall be a member of the Legislative Black Caucus or  
30 Legislative Latino Caucus, determined in coordination with the  
31 members recommended by the Senate President pursuant to  
32 subparagraph (h) of this paragraph, so that there is at least one  
33 member of each caucus serving as a member of the task force<sup>1</sup>;

34 (j) <sup>1</sup>**【**a Judge of the Superior Court, who is currently assigned to  
35 the Chancery Division, Family Part for juvenile delinquency  
36 matters, to be chosen by **】**<sup>1</sup> the Administrative Director of the Courts  
37 <sup>1</sup>, or a designee<sup>1</sup>;

38 (k) a representative from the New Jersey Institute for Social  
39 Justice, appointed by the Governor;

40 (l) a representative from the American Civil Liberties Union of  
41 New Jersey, appointed by the Governor;

42 (m) a representative from the County Prosecutors Association of  
43 New Jersey who is actively and presently involved in juvenile  
44 matters, appointed by the Governor;

45 (n) a representative from the New Jersey Juvenile Officers  
46 Association, appointed by the Governor;

- 1 (o) one representative each from the Annie E. Casey Foundation  
2 and Vera Institute of Justice, both appointed by the Governor;
- 3 (p) a representative of the NAACP New Jersey State Conference,  
4 appointed by the Governor;
- 5 (q) a representative of Salvation and Social Justice, appointed by  
6 the Governor;
- 7 (r) a representative from the County Youth Services  
8 Commission Administrators, appointed by the Governor;
- 9 (s) a representative from the faith-based ethical community in  
10 New Jersey, appointed by the Governor;
- 11 (t) a representative of an employee organization representing  
12 employees who work at juvenile justice facilities, appointed by the  
13 Governor; and
- 14 (u) three representatives who have been involved with the New  
15 Jersey juvenile justice system, appointed by the Governor,  
16 including at least one representative of a non-profit organization  
17 that deals with juvenile justice issues and at least one individual  
18 who has been subject to the custody of the juvenile justice system.
- 19 (3) All members appointed by the Governor <sup>1</sup>, other than the  
20 members of the Legislature recommended for appointment,<sup>1</sup> shall  
21 serve at the pleasure of the Governor. <sup>1</sup>The members of the  
22 Legislature shall serve on the task force during their elective term  
23 of office.<sup>1</sup> Any vacancies in the membership of the task force shall  
24 be filled in the same manner as the original appointments were  
25 made.
- 26 (4) Members of the task force shall serve without compensation,  
27 but shall be reimbursed for necessary expenditures incurred in the  
28 performance of their duties as members of the task force within the  
29 limits of funds appropriated or otherwise made available to the task  
30 force for its purposes.
- 31 (5) The task force shall organize as soon as practicable  
32 following the appointment of its members. The task force shall  
33 choose a chairperson from among its members and shall appoint a  
34 secretary who need not be a member of the task force.
- 35 (6) The Department of Law and Public Safety shall provide such  
36 stenographic, clerical, and other administrative assistants, and such  
37 professional staff as the task force requires to carry out its work.
- 38
- 39 <sup>1</sup>5. Section 41 of P.L. , c. (C. ) (passed both Houses of  
40 the Legislature on December 17, 2020 as Second Reprint of  
41 Assembly Bill No. 21) is amended to read as follows:
- 42 41. Cannabis Regulatory, Enforcement Assistance, and  
43 Marketplace Modernization Fund.
- 44 a. All fees and penalties collected by the commission, and all  
45 tax revenues on retail sales of cannabis items, and all tax revenues  
46 collected pursuant to the provisions of the “Jake Honig  
47 Compassionate Use Medical Cannabis Act,” P.L.2009, c.307

1 (C.24:6I-1 et al.), except for amounts credited to the Property Tax  
2 Reform Account in the Property Tax Relief Fund pursuant to  
3 paragraph 7 of Section I of Article VIII of the New Jersey  
4 Constitution, as well as all revenues, if any, collected for the Social  
5 Equity Excise Fee pursuant to section 39 of P.L. , c. (C. )  
6 (passed both Houses of the Legislature on December 17, 2020 as  
7 Second Reprint of Assembly Bill No. 21), shall be deposited in a  
8 special nonlapsing fund which shall be known as the “Cannabis  
9 Regulatory, Enforcement Assistance, and Marketplace  
10 Modernization Fund [.] ,” with 15 percent of the monies deposited  
11 being placed into an account within the fund to be known as the  
12 “Underage Deterrence and Prevention Account.”

13 b. Monies in the fund, other than any monies derived from the  
14 Social Equity Excise Fee to be appropriated annually in accordance  
15 with subsection d. of this section and the monies placed into the  
16 “Underage Deterrence and Prevention Account” within the fund for  
17 the commission to fund programs and services in accordance with  
18 subsection e. of this section, shall be appropriated annually as  
19 follows:

20 (1) at least 70 percent of all tax revenues on retail sales of  
21 cannabis items shall be appropriated for investments, including  
22 through grants, loans, reimbursements of expenses, and other  
23 financial assistance, in municipalities defined as an “impact zone”  
24 pursuant to section 3 of P.L. , c. (C. ) (passed both Houses  
25 of the Legislature on December 17, 2020 as Second Reprint of  
26 Assembly Bill No. 21), as well as provide direct financial assistance  
27 to qualifying persons residing therein as recommended by the  
28 commission; and

29 (2) the remainder of the monies in the fund shall be appropriated  
30 by the Legislature to include the following:

31 (a) to oversee the development, regulation, and enforcement of  
32 activities associated with the personal use of cannabis pursuant to  
33 P.L. , c. (C. ) (passed both Houses of the Legislature on  
34 December 17, 2020 as Second Reprint of Assembly Bill No. 21),  
35 and assist with assuming responsibility from the Department of  
36 Health for the further development and expansion, regulation, and  
37 enforcement of activities associated with the medical use of  
38 cannabis pursuant to the “Jake Honig Compassionate Use Medical  
39 Cannabis Act,” P.L.2009, c.307 (C.24:6I-1 et al.) and P.L.2015,  
40 c.158 (C.18A:40-12.22 et al.);

41 (b) to reimburse the expenses incurred by any county or  
42 municipality for the training costs associated with the attendance  
43 and participation of a police officer from its law enforcement unit,  
44 as those terms are defined in section 2 of P.L.1961, c.56 (C.52:17B-  
45 67), in a program provided by an approved school, also defined in  
46 that section, which trains and certifies the police officer, including a  
47 police officer with a working dog as that term is defined in section  
48 1 of P.L.2006, c.88 (C.10:5-29.7), as a Drug Recognition Expert for

1 detecting, identifying, and apprehending drug-impaired motor  
2 vehicle operators, and pay for the same training costs incurred by  
3 the Division of State Police in the Department of Law and Public  
4 Safety for the training of a State police officer or trooper, including  
5 an officer or trooper with a working dog, as a Drug Recognition  
6 Expert, as well as its costs in furnishing additional program  
7 instructors to provide Drug Recognition Expert training to police  
8 officers, troopers, and working dogs. A municipality or county  
9 seeking reimbursement shall apply to the commission, itemizing the  
10 costs, with appropriate proofs, for which reimbursement is  
11 requested and provide a copy of the certificate issued to the police  
12 officer to indicate the successful completion of the program by the  
13 police officer, and that officer's working dog, if applicable; and

14 (c) for further investments, including through grants, loans,  
15 reimbursements of expenses, and other financial assistance, in  
16 municipalities defined as an "impact zone" pursuant to section 3 of  
17 P.L. , c. (C. ) (passed both Houses of the Legislature on  
18 December 17, 2020 as Second Reprint of Assembly Bill No. 21), as  
19 well as provide direct financial assistance to qualifying persons  
20 residing therein as recommended by the commission.

21 The monies appropriated pursuant to paragraph (1) of this  
22 subsection shall be offset by any revenue constitutionally dedicated  
23 to municipalities defined as an "impact zone" pursuant to section 3  
24 of P.L. , c. (C. ) (passed both Houses of the Legislature on  
25 December 17, 2020 as Second Reprint of Assembly Bill No. 21).

26 c. Any remaining available monies, after the appropriation of  
27 those monies in the fund in accordance with subsection b. of this  
28 section, shall be deposited in the State's General Fund.

29 d. (1) (a) Not less than 60 days prior to the first day of each  
30 State fiscal year, the commission shall consult and make  
31 recommendations to the Governor and Legislature for making social  
32 equity appropriations based upon the amount of any revenues  
33 collected during the current fiscal year for the Social Equity Excise  
34 Fee pursuant to section 39 of P.L. , c. (C. ) (passed both  
35 Houses of the Legislature on December 17, 2020 as Second Reprint  
36 of Assembly Bill No. 21), or, if the commission has not imposed or  
37 adjusted the excise fee in the current fiscal year pursuant to that  
38 section, then appropriations to be made from the General Fund in an  
39 amount equal to the revenues that would have been collected had it  
40 imposed or adjusted the fee, in order to invest, through grants,  
41 loans, reimbursements of expenses, and other financial assistance,  
42 in private for-profit and non-profit organizations, public entities,  
43 including any municipality defined as an "impact zone" pursuant to  
44 section 3 of P.L. , c. (C. ) (passed both Houses of the  
45 Legislature on December 17, 2020 as Second Reprint of Assembly  
46 Bill No. 21), as well as provide direct financial assistance to  
47 qualifying persons as determined by the commission, in order to  
48 create, expand, or promote educational and economic opportunities

1 and activities, and the health and well-being of both communities  
2 and individuals.

3 (b) Not less than 30 days prior to submitting its  
4 recommendations to the Governor and Legislature pursuant to  
5 subparagraph (a) of this paragraph, the commission shall hold at  
6 least three regional public hearing throughout the State, with at least  
7 one hearing in the northern, central, and southern regions of the  
8 State, to solicit the public input on the social equity investments to  
9 be made as described in this section.

10 (2) The commission's recommendations to the Governor and  
11 Legislature may include, but are not limited to, recommending  
12 investments in the following categories of social equity programs:

13 (a) educational support, including literacy programs, extended  
14 learning time programs that endeavor to close the achievement gap  
15 and provide services for enrolled students after the traditional  
16 school day, GED application and preparedness assistance, tutoring  
17 programs, vocational programming, and financial literacy;

18 (b) economic development, including the encouragement and  
19 support of community activities so as to stimulate economic activity  
20 or increase or preserve residential amenities, and business  
21 marketing, and job skills and readiness training, specific  
22 employment training, and apprenticeships;

23 (c) social support services, including food assistance, mental  
24 health services, substance use disorders treatment and recovery,  
25 youth recreation and mentoring services, life skills support services,  
26 and reentry and other rehabilitative services for adults and juveniles  
27 being released from incarceration; and

28 (d) legal aid for civil and criminal cases, regardless of a party's  
29 citizenship or immigration status.

30 (3) The commission may also, subject to the annual  
31 appropriations act, recommend that it retain a portion of the Social  
32 Equity Excise Fee to administer startup grants, low-interest loans,  
33 application fee assistance, and job training programs through the  
34 commission's Office of Minority, Disabled Veterans and Women  
35 Cannabis Business Development established by section 32 of  
36 P.L.2019, c.153 (24:6I-25).

37 (4) Prior to the first day of each fiscal year, the Legislature shall  
38 provide to the commission a statement which lists the investments,  
39 including the investment recipients and investment amount, to be  
40 made by appropriations as set forth in paragraph (1) of this  
41 subsection based upon recommendations presented to the Governor  
42 and Legislature pursuant to paragraphs (1) through (3) of this  
43 subsection, and how the investment is intended to support and  
44 advance social equity as described in this subsection.

45 e. The monies deposited in the "Underage Deterrence and  
46 Prevention Account" within the fund shall be used by the  
47 commission, based on the acceptance of applications submitted on a  
48 form and through an approval or denial process promulgated by the



1 commission, to fund private for-profit and non-profit organizations,  
2 and county and municipal programs and services that offer social  
3 services, educational, recreational, and employment opportunities,  
4 and local economic development designed to encourage, improve,  
5 and support youthful community activities to divert and prevent  
6 persons under 18 years of age from activities associated with the  
7 consumption of cannabis items, or marijuana or hashish.<sup>1</sup>

8 (cf: P.L.2021, c. , s.41)

9  
10 <sup>1</sup>6. (New section) a. A person who is not otherwise subject to  
11 the penalty provisions for a licensed cannabis establishment,  
12 distributor, or delivery service, or agent or employee thereof, for  
13 selling or otherwise providing a cannabis item to a person under 21  
14 years of age as set forth in section 64 of P.L. , c. (C. )  
15 (passed both Houses of the Legislature on December 17, 2020 as  
16 Second Reprint of Assembly Bill No. 21), shall not, either directly  
17 or indirectly by an agent or employee, sell, offer for sale, distribute  
18 for commercial purpose or otherwise at no cost or minimal cost or  
19 with coupons or rebate offers, give, or furnish, any cannabis item as  
20 defined in section 3 of P.L. , c. (C. ) (passed both Houses of  
21 the Legislature on December 17, 2020 as Second Reprint of  
22 Assembly Bill No. 21) to a person under 21 years of age.

23 b. A person who violates the provisions of subsection a. of this  
24 section who actually sells or otherwise provides a cannabis item to  
25 a person under 21 years of age, shall be liable to a civil penalty of  
26 not less than \$250 for the first violation, not less than \$500 for the  
27 second violation, and shall be guilty of a petty disorderly persons  
28 offense for the third and each subsequent violation. The civil  
29 penalty shall be collected pursuant to the "Penalty Enforcement  
30 Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.), in a summary  
31 proceeding before the municipal court having jurisdiction. An  
32 official authorized by the Cannabis Regulatory Commission  
33 established pursuant to section 31 of P.L.2019, c.153 (C.24:6I-24),  
34 or authorized by statute or ordinance to enforce the State or local  
35 health codes or a law enforcement officer having enforcement  
36 authority in that municipality may issue a summons for a violation  
37 of the provisions of subsection a. of this section, and, with respect  
38 to a civil penalty, may serve and execute all process with respect to  
39 the enforcement of this section consistent with the Rules of Court.  
40 A civil penalty recovered under the provisions of this subsection  
41 shall be recovered by and in the name of the State by the local  
42 health agency. The penalty shall be paid into the treasury of the  
43 municipality in which the violation occurred for the general uses of  
44 the municipality.

45 c. The establishment of all of the following shall constitute a  
46 defense to any action brought pursuant to subsection a. of this  
47 section:

1       (1) that the purchaser or the recipient of the cannabis item  
2 falsely represented, by producing a driver's license or non-driver  
3 identification card issued by the New Jersey Motor Vehicle  
4 Commission, a similar card issued pursuant to the laws of another  
5 state or the federal government of Canada, a photographic  
6 identification card issued by a county clerk, or other form of  
7 government-issued identification described in subparagraph (a) of  
8 paragraph (6) of subsection a. of section 18 of P.L. , c. (C. )  
9 (passed both Houses of the Legislature on December 17, 2020 as  
10 Second Reprint of Assembly Bill No. 21), that the purchaser or  
11 recipient was of legal age to make the purchase or receive the  
12 cannabis item;

13       (2) that the appearance of the purchaser or recipient was such  
14 that an ordinary prudent person would believe the purchaser or  
15 recipient to be of legal age to make the purchase or receive the  
16 cannabis item; and

17       (3) that the sale or distribution was made in good faith, relying  
18 upon the production of the identification set forth in paragraph (1)  
19 of this subsection, the appearance of the purchaser or recipient, and  
20 in the reasonable belief that the purchaser or recipient was of legal  
21 age to make the purchase or receive the sample.

22       d. A civil penalty imposed pursuant to this section shall be in  
23 addition to any penalty that may be imposed pursuant to section 3  
24 of P.L.1999, c.90 (C.2C:33-13.1).<sup>1</sup>

25  
26       <sup>1</sup>7. (New Section) The Cannabis Regulatory Commission  
27 established pursuant to section 31 of P.L.2019, c.153 (C.24:6I-24)  
28 and the Commissioner of Health are authorized to coordinate and  
29 enforce the provisions of section 6 of P.L. , c. (C. ) (pending  
30 before the Legislature as this bill) with respect to the prohibition on  
31 the sale or distribution of cannabis items, as defined in section 3 of  
32 P.L. , c. (C. ) (passed both Houses of the Legislature on  
33 December 17, 2020 as Second Reprint of Assembly Bill No. 21), to  
34 persons under 21 years of age. The commission, or commissioner,  
35 or both, may delegate the enforcement authority provided in this  
36 section to local health agencies, subject to the availability of  
37 sufficient funding. The commission, in consultation with the  
38 commissioner, shall report on the enforcement program's progress,  
39 results of enforcement efforts, and other matters the commission  
40 deems appropriate in the commission's annual report on personal  
41 use cannabis activities that is prepared pursuant to paragraph (3) of  
42 subsection a. of section 14 of P.L.2009, c.307 (C.24:6I-12).<sup>1</sup>

43  
44       <sup>1</sup>8. The title of P.L.1995, c.304 is amended to read as follows:  
45 AN ACT concerning penalties for the sale and distribution of  
46 **【tobacco】** certain regulated products to persons under the age of  
47 **【18】** 21 years, amending N.J.S.2A:170-51 and P.L.1987, c.423,

1 and supplementing chapter 170 of Title 2A of the New Jersey  
2 Statutes.<sup>1</sup>

3 (cf: P.L.1995, c.304, title)

4

5 <sup>1</sup>9. Section 3 of P.L.1995, c.304 (C.2A:170-51.1) is amended to  
6 read as follows:

7 3. A person 21 years of age or older who purchases a tobacco  
8 product or cannabis item as defined section 3 of P.L. \_\_\_\_\_,  
9 c. (C. \_\_\_\_\_) (passed both Houses of the Legislature on December  
10 17, 2020 as Second Reprint of Assembly Bill No. 21) for a person  
11 who is under 21 years of age is a petty disorderly person.<sup>1</sup>

12 (cf: P.L.2017, c.118, s.1)

13

14 <sup>1</sup>10. Section 3 of P.L.1999, c.90 (C.2C:33-13.1) is amended to  
15 read as follows:

16 3. a. A person who sells or gives to a person under 21 years of  
17 age any cigarettes made of tobacco or of any other matter or  
18 substance which can be smoked, or any cigarette paper or tobacco  
19 in any form, including smokeless tobacco, or any electronic  
20 smoking device that can be used to deliver nicotine or other  
21 substances to the person inhaling from the device, including, but not  
22 limited to, an electronic cigarette, cigar, cigarillo, or pipe, or any  
23 cartridge or other component of the device or related product, or  
24 any cannabis item as defined in section 3 of P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_)  
25 (passed both Houses of the Legislature on December 17, 2020 as  
26 Second Reprint of Assembly Bill No. 21), including an employee of  
27 a retail dealer licensee under P.L.1948, c.65 (C.54:40A-1 et seq.) or  
28 employee of a licensed cannabis establishment, cannabis distributor,  
29 or cannabis delivery service under P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_) (passed  
30 both Houses of the Legislature on December 17, 2020 as Second  
31 Reprint of Assembly Bill No. 21), who actually sells or otherwise  
32 provides a tobacco product **[or]** , electronic smoking device , or  
33 cannabis item to a person under 21 years of age, shall be punished  
34 by a fine as provided for a petty disorderly persons offense. A  
35 person who has been previously punished under this section and  
36 who commits another offense under it may be punishable by a fine  
37 of twice that provided for a petty disorderly persons offense.

38 b. The establishment of all of the following shall constitute a  
39 defense to any prosecution brought pursuant to subsection a. of this  
40 section:

41 (1) that the purchaser or recipient of the tobacco product **[or]** ,  
42 electronic smoking device , or cannabis item falsely represented, by  
43 producing **[either]** a driver's license or non-driver identification  
44 card issued by the New Jersey Motor Vehicle Commission, a  
45 similar card issued pursuant to the laws of another state or the  
46 federal government of Canada, **[or]** a photographic identification  
47 card issued by a county clerk, or other form of government-issued

1 identification described in subparagraph (a) of paragraph (6) of  
2 subsection a. of section 18 of P.L. , c. (C. ) (passed both  
3 Houses of the Legislature on December 17, 2020 as Second Reprint  
4 of Assembly Bill No. 21), that the purchaser or recipient was of  
5 legal age to purchase or receive the tobacco product **【or】** ,  
6 electronic smoking device, or cannabis item;

7 (2) that the appearance of the purchaser or recipient of the  
8 tobacco product **【or】** , electronic smoking device , or cannabis item  
9 was such that an ordinary prudent person would believe the  
10 purchaser or recipient to be of legal age to purchase or receive the  
11 tobacco product **【or】** , electronic smoking device , or cannabis  
12 item; and

13 (3) that the sale or distribution of the tobacco product **【or】** ,  
14 electronic smoking device , or cannabis item was made in good  
15 faith, relying upon the production of the identification set forth in  
16 paragraph (1) of this subsection, the appearance of the purchaser or  
17 recipient, and in the reasonable belief that the purchaser or recipient  
18 was of legal age to purchase or receive the tobacco product **【or】** ,  
19 electronic smoking device , or cannabis item .

20 c. A penalty imposed pursuant to this section shall be in  
21 addition to any penalty that may be imposed pursuant to section 1  
22 of P.L.2000, c.87 (C.2A:170-51.4) concerning tobacco products or  
23 electronic smoking devices, or section 64 of P.L. , c. (C. )  
24 (passed both Houses of the Legislature on December 17, 2020 as  
25 Second Reprint of Assembly Bill No. 21) or section 6 of  
26 P.L. , c. (C. ) (pending before the Legislature as this bill)  
27 concerning cannabis items.<sup>1</sup>

28 (cf: P.L.2017, c.118, s.3)

29

30 <sup>1</sup>11. Section 46 of P.L. , c. (C. ) (passed both Houses of  
31 the Legislature on December 17, 2020 as Second Reprint of  
32 Assembly Bill No. 21) is amended to read as follows:

33 46. Personal Use of Cannabis Items.

34 Notwithstanding any other provision of law, the following acts  
35 are not unlawful and shall not be an offense or a basis for seizure or  
36 forfeiture of assets under N.J.S.2C:64-1 et seq. or other applicable  
37 law for persons 21 years of age or older, provided the acts are  
38 consistent with the relevant definitions set forth in section 3 of  
39 P.L. , c. (C. ) (passed both Houses of the Legislature on  
40 December 17, 2020 as Second Reprint of Assembly Bill No. 21),  
41 and when an act involves a cannabis item, it was first obtained  
42 directly from a licensed cannabis retailer or delivered by a licensed  
43 cannabis delivery service making delivery of a purchase order  
44 fulfilled by that licensed cannabis retailer for off-premises delivery,  
45 evidenced by it being in its original packaging or by a sales slip,  
46 invoice, receipt, or other statement or memorandum:

1 a. Possessing, displaying, purchasing, or transporting: cannabis  
2 paraphernalia; one ounce (28.35 grams) or less of useable cannabis;  
3 the equivalent of one ounce (28.35 grams) or less of usable  
4 cannabis as a cannabis product in solid, liquid, or concentrate form,  
5 based upon an equivalency calculation for different product forms  
6 set by the Cannabis Regulatory Commission, established pursuant  
7 to section 31 of P.L.2019, c.153 (C.24:6I-24), in its regulations, and  
8 for which the commission may utilize research conducted in other  
9 states on the issue of product equivalency calculations when setting  
10 this equivalency; or 5 grams (0.176 ounce) or less of cannabis resin.  
11 Possessing, displaying, purchasing, or transporting at any one time  
12 any amount of any cannabis items described herein in an amount  
13 greater than as permitted pursuant to this subsection shall be  
14 considered a violation of the “Comprehensive Drug Reform Act of  
15 1987,” P.L.1987, c.106 (N.J.S.2C:35-1 et al.), and subject the  
16 person to prosecution as if the person possessed, displayed,  
17 purchased, or transported marijuana or hashish in violation of that  
18 act;

19 b. Transferring without remuneration: one ounce (28.35 grams)  
20 or less of useable cannabis; the equivalent of one ounce (28.35  
21 grams) or less of usable cannabis as a cannabis product in solid,  
22 liquid, or concentrate form, based upon the equivalency calculation  
23 for different product forms set by the commission pursuant to  
24 subsection a. of this section; or five grams (0.176 ounce) or less of  
25 cannabis resin to a person who is of legal age for purchasing  
26 cannabis items, provided that such transfer is for non-promotional,  
27 non-business purposes. Transferring at any one time any amount of  
28 any cannabis items described herein in an amount greater than as  
29 permitted pursuant to this subsection **],** or to a person who is not of  
30 legal age to purchase cannabis items,**]** shall be considered a  
31 violation of the “Comprehensive Drug Reform Act of 1987,”  
32 P.L.1987, c.106 (N.J.S.2C:35-1 et al.), and subject the person to  
33 prosecution as if the person distributed marijuana or hashish in  
34 violation of that act **], unless the transfer] .** Transferring to a  
35 person who is not of legal age that was done by a cannabis  
36 establishment, distributor, or delivery service licensed pursuant to  
37 P.L. , c. (C. ) (passed both Houses of the Legislature on  
38 December 17, 2020 as Second Reprint of Assembly Bill No. 21), or  
39 an employee or agent thereof, **[in which case it] or by any other**  
40 person, is [a civil violation and the] subject to a civil penalty or  
41 other legal consequences as set forth in subsection b. of section 64  
42 of P.L. , c. (C. ) (passed both Houses of the Legislature on  
43 December 17, 2020 as Second Reprint of Assembly Bill No. 21)  
44 **[shall apply] or section 6 of P.L. , c. (C. ) (pending before**  
45 the Legislature as this bill), as applicable, and a fine as set forth in  
46 section 3 of P.L.1999, c.90 (C.2C:33-13.1);

1 c. Taking delivery of or consuming a lawfully possessed  
2 cannabis item, provided that nothing in this section shall permit a  
3 person to smoke, vape, or aerosolize any cannabis item in a public  
4 place. This prohibition includes the smoking, vaping, or  
5 aerosolizing of a cannabis item in any public place pursuant to law  
6 that prohibits the smoking of tobacco, including N.J.S.2C:33-13 and  
7 the “New Jersey Smoke-Free Air Act,” P.L.2005, c.383 (C.26:3D-  
8 55 et seq.), and any indoor public place, as that term is defined in  
9 section 3 of P.L.2005, c.383 (C.26:3D-57), or portion thereof, even  
10 if the smoking of tobacco is otherwise permitted in that place or  
11 portion thereof pursuant to the “New Jersey Smoke-Free Air Act”;  
12 except that the smoking, vaping, or aerosolizing of a cannabis item  
13 shall be permitted in a cannabis consumption area as set forth in  
14 section 28 of P.L.2019, c.153 (C.24:6I-21), and may be permitted  
15 by the person or entity that owns or controls a hotel, motel, or other  
16 lodging establishment as defined in section 1 of P.L.1967, c.95  
17 (C.29:4-5) in up to 20 percent of its guest rooms. The smoking,  
18 vaping, or aerosolizing of a cannabis item may also be prohibited or  
19 otherwise regulated in multifamily housing that is a multiple  
20 dwelling as defined in section 3 of P.L.1967, c.76 (C.55:13A-3), as  
21 decided by the person or entity that owns or controls the  
22 multifamily housing, or prohibited or otherwise regulated in the  
23 structure or specific units of the structure of a cooperative as  
24 defined in section 3 of P.L.1987, c.381 (C.46:8D-3) by the  
25 corporation or other legal entity that owns the structure, or  
26 prohibited or otherwise regulated in the units of a condominium, as  
27 those terms are defined by section 3 of P.L.1969, c.257 (C.46:8B-  
28 3), if approved by the association for the condominium and a  
29 majority of all of the condominium’s unit owners, as those terms  
30 are defined in that section. Except as otherwise provided by P.L. ,  
31 c. (C. ) (passed both Houses of the Legislature on December  
32 17, 2020 as Second Reprint of Assembly Bill No. 21), any penalties  
33 that may be assessed for the smoking of tobacco where prohibited  
34 under the “New Jersey Smoke-Free Air Act” shall be applicable to  
35 the smoking, vaping, or aerosolizing of cannabis items where  
36 prohibited. Concerning the consumption of any cannabis item,  
37 other than by smoking, vaping, or aerosolizing: a person or entity  
38 that owns or controls a property, other than multifamily housing  
39 that is a multiple dwelling as defined in section 3 of P.L.1967, c.76  
40 (C.55:13A-3), the structure or specific units of the structure of a  
41 cooperative as defined in section 3 of P.L.1987, c.381 (C.46:8D-3),  
42 a unit of a condominium, as those terms are defined by section 3 of  
43 P.L.1969, c.257 (C.46:8B-3), or a site in a mobile home park as  
44 defined in section 3 of P.L.1983, c.386 (C.40:55D-102), which site  
45 is leased to the owner of a manufactured home, as defined in that  
46 section, that is installed thereon, may prohibit or otherwise regulate  
47 the consumption of cannabis items on or in that property, including  
48 a casino hotel facility as defined in section 19 of P.L.1977, c.110

1 (C.5:12-19) with respect to a hotel property, a casino as defined in  
2 section 6 of P.L.1977, c.110 (C.5:12-6), or casino simulcasting  
3 facility authorized pursuant to the “Casino Simulcasting Act,”  
4 P.L.1992, c.19 (C.5:12-191 et al.); **and** a municipality may enact  
5 an ordinance making it an unlawful act for any person 21 years of  
6 age or older to consume, other than by smoking, vaping, or  
7 aerosolizing, any cannabis item in a public place, including any  
8 indoor public place as that term is defined in section 3 of P.L.2005,  
9 c.383 (C.26:3D-57), or portion thereof, and providing a civil  
10 penalty for a violation in accordance with section 77 of P.L. ,  
11 c. (C. ) (passed both Houses of the Legislature on December  
12 17, 2020 as Second Reprint of Assembly Bill No. 21); **and**

13 d. Assisting another person to engage in any of the acts  
14 described in subsections a. through c. of this section, provided that  
15 the person being assisted is of legal age to purchase cannabis items  
16 and the assistance being provided is without remuneration.<sup>1</sup>  
17 (cf: P.L.2021, c. , s.46)  
18

19 <sup>1</sup>12. Section 64 of P.L. , c. (C. ) (passed both Houses of  
20 the Legislature on December 17, 2020 as Second Reprint of  
21 Assembly Bill No. 21) is amended to read as follows:

22 64. Prohibition of Persons Under the Legal Age Purchasing  
23 Cannabis or Cannabis Resin.

24 Consistent with the relevant definitions set forth in section 3 of  
25 P.L. , c. (C. ) (passed both Houses of the Legislature on  
26 December 17, 2020 as Second Reprint of Assembly Bill No. 21):

27 a. A cannabis establishment licensee, cannabis distributor  
28 licensee, or cannabis delivery service licensee, either directly or  
29 indirectly by an agent or employee, shall not sell, offer for sale,  
30 distribute for commercial purpose at no cost or minimal cost, or  
31 give or furnish for consumption, any cannabis items to a person  
32 under 21 years of age.

33 b. Any licensee or employee or agent of a licensee who  
34 **allows** violates subsection a. of this section who sells or  
35 otherwise provides a person under **the age of** 21 **to procure**  
36 years of age cannabis items which, pursuant to section 46 of P.L. ,  
37 c. (C. ) (passed both Houses of the Legislature as Second  
38 Reprint of Assembly Bill No. 21) are **not unlawful** lawful for  
39 persons 21 years of age or older to procure for personal use, shall be  
40 subject to a civil penalty of not less than \$250 for the first violation;  
41 \$500 for the second violation; and **\$1,000** shall be guilty of a  
42 petty disorderly persons offense for the third and each subsequent  
43 violation; a civil penalty imposed pursuant to this subsection shall  
44 be in addition **subject** to any penalty that may be imposed  
45 pursuant to section 3 of P.L.1999, c.90 (C.2C:33-13.1). Subject to a  
46 hearing, a licensee’s license may also be revoked, suspended, or  
47 otherwise limited. The civil penalties provided for in this subsection

1 shall be recovered by a summary proceeding pursuant to the  
2 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10  
3 et seq.).

4 c. The establishment of all of the following facts by a licensee,  
5 employee, or agent, allowing any such person under **【the age of】** 21  
6 years of age to procure cannabis items shall constitute a defense to  
7 any violation of the provisions of subsection a. **【or b.】** of this  
8 section:

9 (1) That the purchaser or recipient of the cannabis item falsely  
10 represented that the purchaser or recipient was of legal age to make  
11 the purchase or receive the cannabis item, by producing a driver's  
12 license or non-driver identification card issued by the New Jersey  
13 Motor Vehicle Commission, a similar card issued pursuant to the  
14 laws of another state or the federal government of Canada, a  
15 photographic identification card issued by a county clerk, or other  
16 form of government-issued identification **【card as set forth】**  
17 described in subparagraph (a) of paragraph (6) of subsection a. of  
18 section 18 of P.L. , c. (C. ) (passed both Houses of the  
19 Legislature on December 17, 2020 as Second Reprint of Assembly  
20 Bill No. 21), to determine the consumer's identity and age; **【and】**

21 (2) That the appearance of the purchaser or recipient was such  
22 that an ordinary prudent person would believe the purchaser or  
23 recipient to be of legal age to purchase or receive the cannabis item;  
24 and

25 (3) That the sale or distribution was made in good faith, relying  
26 upon the production of the identification set forth in paragraph (1)  
27 of this subsection, the appearance of the purchaser or recipient, and  
28 in the reasonable belief that the purchaser or recipient was actually  
29 of legal age to make the purchase or receive the cannabis item.

30 d. **【It shall be unlawful for a】** A person under **【the age of】** 21  
31 **【to】** years of age shall not purchase, acquire, or attempt to purchase  
32 or acquire a cannabis item, even if the cannabis item may be legally  
33 purchased by persons at or above the legal age for purchasing  
34 cannabis items.

35 For purposes of this subsection, purchasing a cannabis item  
36 includes accepting a cannabis item, and acquiring a cannabis item  
37 includes consuming a cannabis item.

38 e. **【It shall be unlawful for a】** A person under **【the age of】** 21  
39 **【to】** years of age shall not present or offer to a cannabis  
40 establishment, distributor, or delivery service, or the cannabis  
41 establishment's, distributor's, or delivery service's agent or  
42 employee, any written or oral evidence of age or other personal  
43 identifying information that is false, fraudulent, or not actually the  
44 person's own, including the use of a driver's license or other  
45 government-issued form of identification in violation of section 1 of  
46 P.L.1983, c.565 (C.2C:21-2.1), N.J.S.2C:21-17, section 5 of



1 P.L.2003, c.184 (C.2C:21-17.2), or section 6 of P.L.1968, c.313  
2 (C.33:1-81.7), for the purpose of:

3 (1) Purchasing, attempting to purchase, or otherwise procuring  
4 or attempting to procure cannabis items; or

5 (2) Gaining access to a cannabis establishment's, distributor's,  
6 or delivery service's premises.

7 f. Except as permitted by the commission by rule or regulation,  
8 or as necessary on an emergency basis, a person under legal age for  
9 purchasing cannabis items may not enter or attempt to enter any  
10 portion of a licensed premises that is posted or otherwise identified  
11 as being prohibited to the use of persons under legal age for  
12 purchasing cannabis items, unless accompanied by and supervised  
13 by a parent or legal guardian.

14 g. **【**Any person under the legal age to purchase cannabis, who  
15 knowingly possesses without legal authority or who knowingly  
16 consumes any cannabis item, in any school, public conveyance,  
17 public place, place of public assembly, or motor vehicle, shall be  
18 guilty of an offense as set forth in section 1 of P.L.1979, c.264  
19 (C.2C:33-15). Any person under the legal age to purchase  
20 cannabis, who knowingly possesses without legal authority or who  
21 knowingly consumes, any cannabis item on private property shall  
22 be guilty of a municipal violation as set forth in section 1 of  
23 P.L.2000, c.33 (C.40:48-1.2).**】** (Deleted by amendment, P.L. ,  
24 c. ) (pending before the Legislature as this bill)

25 h. The prohibitions of this section do not apply to a person  
26 under the legal age for purchasing cannabis items who is acting  
27 under the direction of the commission or under the direction of  
28 State or local law enforcement agencies for the purpose of  
29 investigating possible violations of the laws prohibiting the sale of  
30 cannabis items to persons who are under the legal age for  
31 purchasing cannabis items.

32 i. The prohibitions of this section do not apply to a person  
33 under the legal age for purchasing cannabis items who is acting  
34 under the direction of a licensee for the purpose of investigating  
35 possible violations by employees of the licensee of laws prohibiting  
36 sales of cannabis items to persons who are under the legal age for  
37 purchasing cannabis items.<sup>1</sup>

38 (cf: P.L.2021, c. , s.64)

39

40 <sup>1</sup>13. Section 1 of P.L.1983, c.565 (C.2C:21-2.1) is amended to  
41 read as follows:

42 1. a. A person who knowingly sells, offers or exposes for sale,  
43 or otherwise transfers, or possesses with the intent to sell, offer or  
44 expose for sale, or otherwise transfer, a document, printed form or  
45 other writing which falsely purports to be a driver's license, birth  
46 certificate or other document issued by a governmental agency and  
47 which could be used as a means of verifying a person's identity or

1 age or any other personal identifying information is guilty of a  
2 crime of the second degree.

3 b. A person who knowingly makes, or possesses devices or  
4 materials to make, a document or other writing which falsely  
5 purports to be a driver's license, birth certificate or other document  
6 issued by a governmental agency and which could be used as a  
7 means of verifying a person's identity or age or any other personal  
8 identifying information is guilty of a crime of the second degree.

9 c. A person who knowingly exhibits, displays or utters a  
10 document or other writing which falsely purports to be a driver's  
11 license, birth certificate or other document issued by a  
12 governmental agency and which could be used as a means of  
13 verifying a person's identity or age or any other personal identifying  
14 information is guilty of a crime of the third degree. A violation of  
15 N.J.S.2C:28-7, constituting a disorderly persons offense, section 1  
16 of P.L.1979, c.264 (C.2C:33-15), section 64 of P.L. , c. (C. )  
17 (passed both Houses of the Legislature on December 17, 2020 as  
18 Second Reprint of Assembly Bill No. 21), R.S.33:1-81 or section 6  
19 of P.L.1968, c.313 (C.33:1-81.7) in a case where the person uses the  
20 personal identifying information of another to illegally purchase an  
21 alcoholic beverage or for using the personal identifying information  
22 of another to misrepresent the person's age for the purpose of  
23 obtaining tobacco, cannabis item, or other consumer product denied  
24 to persons under 21 years of age shall not [ , except as otherwise set  
25 forth in this subsection, ] constitute an offense under this subsection  
26 if the actor received only that benefit or service and did not  
27 perpetrate or attempt to perpetrate any additional injury or fraud on  
28 another. [If a person used the personal identifying information of  
29 another to misrepresent the person's age for the purpose of illegally  
30 obtaining any cannabis item available for lawful consumption  
31 pursuant to the "New Jersey Cannabis Regulatory, Enforcement  
32 Assistance, and Marketplace Modernization Act," P.L. ,  
33 c. (C. ) (passed both Houses of the Legislature as Second  
34 Reprint of Assembly Bill No. 21), the person shall be subject to a  
35 civil penalty of \$50. The civil penalty provided for in this  
36 subjection shall be collected pursuant to the "Penalty Enforcement  
37 Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.), in a summary  
38 proceeding before the municipal court having jurisdiction. A civil  
39 penalty recovered under the provisions of this subsection shall be  
40 recovered by and in the name of the State by the local municipality.  
41 The penalty shall be paid into the treasury of the municipality in  
42 which the violation occurred for the general use of the  
43 municipality.]

44 d. A person who knowingly possesses a document or other  
45 writing which falsely purports to be a driver's license, birth  
46 certificate or other document issued by a governmental agency and  
47 which could be used as a means of verifying a person's identity or  
48 age or any other personal identifying information is guilty of a

1 crime of the fourth degree. A violation of N.J.S.2C:28-7,  
2 constituting a disorderly persons offense, section 1 of P.L.1979,  
3 c.264 (C.2C:33-15), section 64 of P.L. , c. (C. ) (passed both  
4 Houses of the Legislature on December 17, 2020 as Second Reprint  
5 of Assembly Bill No. 21), R.S.33:1-81 or section 6 of P.L.1968,  
6 c.313 (C.33:1-81.7) in a case where the person uses the personal  
7 identifying information of another to illegally purchase an alcoholic  
8 beverage or for using the personal identifying information of  
9 another to misrepresent his age for the purpose of obtaining  
10 tobacco, any cannabis item, or other consumer product denied to  
11 persons under 21 years of age shall not **],** except as otherwise set  
12 forth in this subsection,**]** constitute an offense under this subsection  
13 if the actor received only that benefit or service and did not  
14 perpetrate or attempt to perpetrate any additional injury or fraud on  
15 another. **[**If the personal identifying information of another is used  
16 to obtain any cannabis item available for lawful consumption  
17 pursuant to the “New Jersey Cannabis Regulatory, Enforcement  
18 Assistance, and Marketplace Modernization Act,” P.L. ,  
19 c. (C. ) (passed both Houses of the Legislature as Second  
20 Reprint of Assembly Bill No. 21), the person shall be subject to a  
21 civil penalty of \$50. The penalty provided for in this subsection  
22 shall be collected pursuant to the “Penalty Enforcement Law of  
23 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.), in a summary  
24 proceeding before the municipal court having jurisdiction. A  
25 penalty recovered under the provisions of this subsection shall be  
26 recovered by and in the name of the State by the local municipality.  
27 The penalty shall be paid into the treasury of the municipality in  
28 which the violation occurred for the general use of the  
29 municipality.**]**

30 e. In addition to any other disposition authorized by this Title,  
31 the provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43), or any  
32 other statute indicating the dispositions that may be ordered for an  
33 adjudication of delinquency, and, notwithstanding the provisions of  
34 subsection c. of N.J.S.2C:43-2, every person convicted of, or  
35 adjudicated delinquent or penalized for a violation of any offense  
36 defined in this section shall forthwith forfeit his right to operate a  
37 motor vehicle over the highways of this State for a period to be  
38 fixed by the court at not less than six months or more than two  
39 years which shall commence on the day the sentence is imposed. In  
40 the case of any person who at the time of the imposition of the  
41 sentence is less than 17 years of age, the period of the suspension of  
42 driving privileges authorized herein, including a suspension of the  
43 privilege of operating a motorized bicycle, shall commence on the  
44 day the sentence is imposed and shall run for a period as fixed by  
45 the court of not less than six months or more than two years after  
46 the day the person reaches the age of 17 years. If the driving  
47 privilege of any person is under revocation, suspension, or  
48 postponement for a violation of any provision of this Title or Title

1 39 of the Revised Statutes at the time of any conviction or  
2 adjudication of delinquency for a violation of any offense defined in  
3 this chapter or chapter 36 of this Title, the revocation, suspension,  
4 or postponement period imposed herein shall commence as of the  
5 date of termination of the existing revocation, suspension or  
6 postponement.

7 The court before whom any person is convicted of, or  
8 adjudicated delinquent or penalized for a violation of any offense  
9 defined in this section shall collect forthwith the New Jersey  
10 driver's license or licenses of that person and forward the license or  
11 licenses to the Chief Administrator of the New Jersey Motor  
12 Vehicle Commission along with a report indicating the first and last  
13 day of the suspension or postponement period imposed by the court  
14 pursuant to this section. If the court is for any reason unable to  
15 collect the license or licenses of the person, the court shall cause a  
16 report of the conviction or adjudication of delinquency to be filed  
17 with the director. The report shall include the complete name,  
18 address, date of birth, eye color and sex of the person and shall  
19 indicate the first and last day of the suspension or postponement  
20 period imposed by the court pursuant to this section. The court  
21 shall inform the person orally and in writing that if the person is  
22 convicted of personally operating a motor vehicle during the period  
23 of license suspension or postponement imposed pursuant to this  
24 section, the person shall, upon conviction, be subject to the  
25 penalties set forth in R.S.39:3-40. A person shall be required to  
26 acknowledge receipt of the written notice in writing. Failure to  
27 receive a written notice or failure to acknowledge in writing the  
28 receipt of a written notice shall not be a defense to a subsequent  
29 charge of a violation of R.S.39:3-40. If the person is the holder of a  
30 driver's license from another jurisdiction, the court shall not collect  
31 the license, but shall notify forthwith the director who shall notify  
32 the appropriate officials in that licensing jurisdiction. The court  
33 shall, however, in accordance with the provisions of this section,  
34 revoke the person's non-resident driving privileges in this State.

35 In addition to any other condition imposed, a court, in its  
36 discretion, may suspend, revoke or postpone the driving privileges  
37 of a person admitted to supervisory treatment under N.J.S.2C:36A-1  
38 or N.J.S.2C:43-12 without a plea of guilty or finding of guilt.<sup>1</sup>  
39 (cf: P.L.2021, c. , s.65)

40

41 <sup>1</sup>14. N.J.S.2C:21-17 is amended to read as follows:

42 2C:21-17. Impersonation; Theft of identity; crime.

43 a. A person is guilty of a crime if the person engages in one or  
44 more of the following actions by any means including, but not  
45 limited to, the use of electronic communications or an Internet  
46 website:

47 (1) Impersonates another or assumes a false identity and does an  
48 act in such assumed character or false identity for the purpose of

1 obtaining a benefit for himself or another or to injure or defraud  
2 another;

3 (2) Pretends to be a representative of some person or  
4 organization and does an act in such pretended capacity for the  
5 purpose of obtaining a benefit for himself or another or to injure or  
6 defraud another;

7 (3) Impersonates another, assumes a false identity or makes a  
8 false or misleading statement regarding the identity of any person,  
9 in an oral or written application for services, for the purpose of  
10 obtaining services;

11 (4) Obtains any personal identifying information pertaining to  
12 another person and uses that information, or assists another person  
13 in using the information, in order to assume the identity of or  
14 represent himself as another person, without that person's  
15 authorization and with the purpose to fraudulently obtain or attempt  
16 to obtain a benefit or services, or avoid the payment of debt or other  
17 legal obligation or avoid prosecution for a crime by using the name  
18 of the other person; or

19 (5) Impersonates another, assumes a false identity or makes a  
20 false or misleading statement, in the course of making an oral or  
21 written application for services, with the purpose of avoiding  
22 payment for prior services. Purpose to avoid payment for prior  
23 services may be presumed upon proof that the person has not made  
24 full payment for prior services and has impersonated another,  
25 assumed a false identity or made a false or misleading statement  
26 regarding the identity of any person in the course of making oral or  
27 written application for services.

28 As used in this section:

29 "Benefit" means, but is not limited to, any property, any  
30 pecuniary amount, any services, any pecuniary amount sought to be  
31 avoided or any injury or harm perpetrated on another where there is  
32 no pecuniary value.

33 b. (Deleted by amendment, P.L.2005, c.224).

34 c. A person who violates subsection a. of this section is guilty  
35 of a crime as follows:

36 (1) If the actor obtains a benefit or deprives another of a benefit  
37 in an amount less than \$500 and the offense involves the identity of  
38 one victim, the actor shall be guilty of a crime of the fourth degree  
39 except that a second or subsequent conviction for such an offense  
40 constitutes a crime of the third degree; or

41 (2) If the actor obtains a benefit or deprives another of a benefit  
42 in an amount of at least \$500 but less than \$75,000, or the offense  
43 involves the identity of at least two but less than five victims, the  
44 actor shall be guilty of a crime of the third degree; or

45 (3) If the actor obtains a benefit or deprives another of a benefit  
46 in the amount of \$75,000 or more, or the offense involves the  
47 identity of five or more victims, the actor shall be guilty of a crime  
48 of the second degree.

1 d. A violation of N.J.S.2C:28-7, constituting a disorderly  
2 persons offense, section 1 of P.L.1979, c.264 (C.2C:33-15), section  
3 64 of P.L. , c. (C. ) (passed both Houses of the Legislature  
4 on December 17, 2020 as Second Reprint of Assembly Bill No. 21),  
5 R.S.33:1-81 or section 6 of P.L.1968, c.313 (C.33:1-81.7) in a case  
6 where the person uses the personal identifying information of  
7 another to illegally purchase an alcoholic beverage or for using the  
8 personal identifying information of another to misrepresent the  
9 person's age for the purpose of obtaining tobacco, any cannabis  
10 item, or other consumer product denied to persons under 21 years of  
11 age shall not **], except as otherwise set forth in this subsection,]**  
12 constitute an offense under this section if the actor received only  
13 that benefit or service and did not perpetrate or attempt to perpetrate  
14 any additional injury or fraud on another. **[If a person used the**  
15 **personal identifying information of another to misrepresent the**  
16 **person's age for the purpose of illegally obtaining any cannabis**  
17 **item available for lawful consumption pursuant to the "New Jersey**  
18 **Cannabis Regulatory, Enforcement Assistance, and Marketplace**  
19 **Modernization Act," P.L. , c. (C. ) (passed both Houses of**  
20 **the Legislature as Second Reprint of Assembly Bill No. 21), the**  
21 **person shall be subject to a civil penalty of \$50. The civil penalty**  
22 **provided for in this subsection shall be collected pursuant to the**  
23 **"Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10**  
24 **et seq.), in a summary proceeding before the municipal court having**  
25 **jurisdiction. A civil penalty recovered under the provisions of this**  
26 **subsection shall be recovered by and in the name of the State by the**  
27 **local municipality. The penalty shall be paid into the treasury of**  
28 **the municipality in which the violation occurred for the general use**  
29 **of the municipality.]**

30 e. The sentencing court shall issue such orders as are necessary  
31 to correct any public record or government document that contains  
32 false information as a result of a theft of identity. The sentencing  
33 court may provide restitution to the victim in accordance with the  
34 provisions of section 4 of P.L.2002, c.85 (C.2C:21-17.1).<sup>1</sup>  
35 (cf: P.L.2021, c. , s.66)

36  
37 <sup>1</sup>15. Section 5 of P.L.2003, c.184 (C.2C:21-17.2) is amended to  
38 read as follows:

39 5. a. A person is guilty of a crime of the second degree if, in  
40 obtaining or attempting to obtain a driver's license, birth certificate  
41 or other document issued by a governmental agency which could be  
42 used as a means of verifying a person's identity, age or any other  
43 personal identifying information, that person knowingly exhibits,  
44 displays or utters a document or other writing which falsely  
45 purports to be a driver's license, birth certificate or other document  
46 issued by a governmental agency or which belongs or pertains to a  
47 person other than the person who possesses the document.

1 b. Notwithstanding the provisions of N.J.S.2C:1-8 or any other  
2 law, a conviction under this section shall not merge with a  
3 conviction of any other criminal offense, nor shall such other  
4 conviction merge with a conviction under this section, and the court  
5 shall impose separate sentences upon each violation of this section  
6 and any other criminal offense.

7 c. A violation of N.J.S.2C:28-7, constituting a disorderly  
8 persons offense, section 1 of P.L.1979, c.264 (C.2C:33-15), section  
9 64 of P.L. , c. (C. ) (passed both Houses of the Legislature  
10 on December 17, 2020 as Second Reprint of Assembly Bill No. 21),  
11 R.S.33:1-81 or section 6 of P.L.1968, c.313 (C.33:1-81.7) in a case  
12 where the person uses the personal identifying information of  
13 another to illegally purchase an alcoholic beverage or for using the  
14 personal identifying information of another to misrepresent his age  
15 for the purpose of obtaining tobacco, any cannabis item, or other  
16 consumer product denied to persons under 21 years of age shall not  
17 **【, except as otherwise set forth in this subsection,】** constitute an  
18 offense under this section if the actor received only that benefit or  
19 service and did not perpetrate or attempt to perpetrate any  
20 additional injury or fraud on another. **【If the personal identifying**  
21 **information of another is used to obtain any cannabis item available**  
22 **for lawful consumption pursuant to the “New Jersey Cannabis**  
23 **Regulatory, Enforcement Assistance, and Marketplace**  
24 **Modernization Act,” P.L. , c. (C. ) (passed both Houses of**  
25 **the Legislature as Second Reprint of Assembly Bill No. 21), the**  
26 **person shall be subject to a civil penalty of \$50. The civil penalty**  
27 **provided for in this subsection shall be collected pursuant to the**  
28 **“Penalty Enforcement Law of 1999,” P.L.1999, c.274 (C.2A:58-10**  
29 **et seq.), in a summary proceeding before the municipal court having**  
30 **jurisdiction. A civil penalty recovered under the provisions of this**  
31 **subsection shall be recovered by and in the name of the State by the**  
32 **local municipality. The penalty shall be paid into the treasury of**  
33 **the municipality in which the violation occurred for the general use**  
34 **of the municipality.】<sup>1</sup>**

35 (cf: P.L.2021, c. , s.67)

36  
37 <sup>1</sup>16. Section 76 of P.L. , c. (C. ) (passed both Houses of  
38 the Legislature on December 17, 2020 as Second Reprint of  
39 Assembly Bill No. 21) is amended to read as follows:

40 76. R.S.40:48-1 is amended to read as follows:

41 40:48-1. Ordinances; general purpose. The governing body of  
42 every municipality may make, amend, repeal and enforce  
43 ordinances to:

44 Finances and property. 1. Manage, regulate and control the  
45 finances and property, real and personal, of the municipality;

46 Contracts and contractor's bonds. 2. Prescribe the form and  
47 manner of execution and approval of all contracts to be executed by  
48 the municipality and of all bonds to be given to it;

1       Officers and employees; duties, terms and salaries. 3. Prescribe  
2 and define, except as otherwise provided by law, the duties and  
3 terms of office or employment, of all officers and employees; and to  
4 provide for the employment and compensation of such officials and  
5 employees, in addition to those provided for by statute, as may be  
6 deemed necessary for the efficient conduct of the affairs of the  
7 municipality;

8       Fees. 4. Fix the fees of any officer or employee of the  
9 municipality for any service rendered in connection with his office  
10 or position, for which no specific fee or compensation is provided.  
11 In the case of salaried officers or employees, such fee shall be paid  
12 into the municipal treasury;

13       Salaries instead of fees; disposition of fees. 5. Provide that any  
14 officer or employee receiving compensation for his services, in  
15 whole or in part by fees, whether paid by the municipality or  
16 otherwise, shall be paid a salary to be fixed in the ordinance, and  
17 thereafter all fees received by such officer or employee shall be  
18 paid into the municipal treasury;

19       Maintain order. 6. Prevent vice, drunkenness and immorality; to  
20 preserve the public peace and order; to prevent and quell riots,  
21 disturbances and disorderly assemblages; **to prohibit the**  
22 **consumption of alcoholic beverages or cannabis items by underage**  
23 **persons on private property pursuant to section 1 of P.L.2000, c.33**  
24 **(C.40:48-1.2);**

25       Punish beggars; prevention of loitering. 7. Restrain and punish  
26 drunkards, vagrants, mendicants and street beggars; to prevent  
27 loitering, lounging or sleeping in the streets, parks or public places;

28       Auctions and noises. 8. Regulate the ringing of bells and the  
29 crying of goods and other commodities for sale at auction or  
30 otherwise, and to prevent disturbing noises;

31       Swimming; bathing costume; prohibition of public nudity. 9.  
32 Regulate or prohibit swimming or bathing in the waters of, in, or  
33 bounding the municipality, and to regulate or prohibit persons from  
34 appearing upon the public streets, parks and places clad in bathing  
35 costumes or robes, or costumes of a similar character; regulate or  
36 prohibit persons from appearing in a state of nudity upon all lands  
37 within its borders which are under the jurisdiction of the State  
38 including, without limitation, all lands owned by, controlled by,  
39 managed by or leased by the State;

40       Prohibit annoyance of persons or animals. 10. Regulate or  
41 prohibit any practice tending to frighten animals, or to annoy or  
42 injure persons in the public streets;

43       Animals; pounds; establishment and regulation. 11. Establish  
44 and regulate one or more pounds, and to prohibit or regulate the  
45 running at large of horses, cattle, dogs, swine, goats and other  
46 animals, and to authorize their impounding and sale for the penalty  
47 incurred, and the costs of impounding, keeping and sale; to regulate  
48 or prohibit the keeping of cattle, goats or swine in any part of the



1 municipality; to authorize the destruction of dogs running at large  
2 therein;

3 Hucksters. 12. Prescribe and regulate the place of vending or  
4 exposing for sale articles of merchandise from vehicles;

5 Building regulations; wooden structures. 13. Regulate and  
6 control the construction, erection, alteration and repair of buildings  
7 and structures of every kind within the municipality; and to  
8 prohibit, within certain limits, the construction, erection or  
9 alteration of buildings or structures of wood or other combustible  
10 material;

11 Inflammable materials; inspect docks and buildings. 14.  
12 Regulate the use, storage, sale and disposal of inflammable or  
13 combustible materials, and to provide for the protection of life and  
14 property from fire, explosions and other dangers; to provide for  
15 inspections of buildings, docks, wharves, warehouses and other  
16 places, and of goods and materials contained therein, to secure the  
17 proper enforcement of such ordinance;

18 Dangerous structures; removal or destruction; procedure. 15.  
19 Provide for the removal or destruction of any building, wall or  
20 structure which is or may become dangerous to life or health, or  
21 might tend to extend a conflagration; and to assess the cost thereof  
22 as a municipal lien against the premises;

23 Chimneys and boilers. 16. Regulate the construction and setting  
24 up of chimneys, furnaces, stoves, boilers, ovens and other  
25 contrivances in which fire is used;

26 Explosives. 17. Regulate, in conformity with the statutes of this  
27 State, the manufacture, storage, sale, keeping or conveying of  
28 gunpowder, nitroglycerine, dynamite and other explosives;

29 Firearms and fireworks. 18. Regulate and prohibit the sale and  
30 use of guns, pistols, firearms, and fireworks of all descriptions;

31 Soft coal. 19. Regulate the use of soft coal in locomotives,  
32 factories, power houses and other places;

33 Theaters, schools, churches and public places. 20. Regulate the  
34 use of theaters, cinema houses, public halls, schools, churches, and  
35 other places where numbers of people assemble, and the exits  
36 therefrom, so that escape therefrom may be easily and safely made  
37 in case of fire or panic; and to regulate any machinery, scenery,  
38 lights, wires and other apparatus, equipment or appliances used in  
39 all places of public amusement;

40 Excavations. 21. Regulate excavations below the established  
41 grade or curb line of any street, not greater than eight feet, which  
42 the owner of any land may make, in the erection of any building  
43 upon his own property; and to provide for the giving of notice, in  
44 writing, of such intended excavation to any adjoining owner or  
45 owners, and that they will be required to protect and care for their  
46 several foundation walls that may be endangered by such  
47 excavation; and to provide that in case of the neglect or refusal, for  
48 10 days, of such adjoining owner or owners to take proper action to

1 secure and protect the foundations of any adjacent building or other  
2 structure, that the party or parties giving such notice, or their  
3 agents, contractors or employees, may enter into and upon such  
4 adjoining property and do all necessary work to make such  
5 foundations secure, and may recover the cost of such work and  
6 labor in so protecting such adjacent property; and to make such  
7 further and other provisions in relation to the proper conduct and  
8 performance of said work as the governing body or board of the  
9 municipality may deem necessary and proper;

10 Sample medicines. 22. Regulate and prohibit the distribution,  
11 depositing or leaving on the public streets or highways, public  
12 places or private property, or at any private place or places within  
13 any such municipality, any medicine, medicinal preparation or  
14 preparations represented to cure ailments or diseases of the body or  
15 mind, or any samples thereof, or any advertisements or circulars  
16 relating thereto, but no ordinance shall prohibit a delivery of any  
17 such article to any person above the age of 12 years willing to  
18 receive the same;

19 Boating. 23. Regulate the use of motor and other boats upon  
20 waters within or bounding the municipality;

21 Fire escapes. 24. Provide for the erection of fire escapes on  
22 buildings in the municipality, and to provide rules and regulations  
23 concerning the construction and maintenance of the same, and for  
24 the prevention of any obstruction thereof or thereon;

25 Care of injured employees. 25. Provide for the payment of  
26 compensation and for medical attendance to any officer or  
27 employee of the municipality injured in the performance of his  
28 duty;

29 Bulkheads and other structures. 26. Fix and determine the lines  
30 of bulkheads or other works or structures to be erected, constructed  
31 or maintained by the owners of lands facing upon any navigable  
32 water in front of their lands, and in front of or along any highway or  
33 public lands of said municipality, and to designate the materials to  
34 be used, and the type, height and dimensions thereof;

35 Lifeguard. 27. Establish, maintain, regulate and control a  
36 lifeguard upon any beach within or bordering on the municipality;

37 Appropriation for life-saving apparatus. 28. Appropriate  
38 moneys to safeguard people from drowning within its borders, by  
39 location of apparatus or conduct of educational work in harmony  
40 with the plans of the United States volunteer life-saving corps in  
41 this State;

42 Fences. 29. Regulate the size, height and dimensions of any  
43 fences between the lands of adjoining owners, whether built or  
44 erected as division or partition fences between such lands, and  
45 whether the same exist or be erected entirely or only partly upon the  
46 lands of any such adjoining owners, or along or immediately  
47 adjacent to any division or partition line of such lands. To provide,  
48 in such ordinance, the manner of securing, fastening or shoring such

1 fences, and for surveying the land when required by statute, and to  
2 prohibit in any such ordinance the use at a height of under 10 feet  
3 from the ground, of any device, such as wire or cable, that would be  
4 dangerous to pedestrians, equestrians, bicyclists, or drivers of off-  
5 the-road vehicles, unless that device is clearly visible to pedestrians,  
6 equestrians, bicyclists or drivers of off-the-road vehicles. In the  
7 case of fences thereafter erected contrary to the provisions thereof,  
8 the governing body may provide for a penalty for the violation of  
9 such ordinance, and in the case of such fence or fences erected or  
10 existing at the time of the passage of any such ordinance, may  
11 provide therein for the removal, change or alteration thereof, so as  
12 to make such fence or fences comply with the provisions of any  
13 such ordinance;

14 Advertise municipality. 30. Appropriate funds for advertising  
15 the advantages of the municipality;

16 Government Energy Aggregation Programs. 31. Establish  
17 programs and procedures pursuant to which the municipality may  
18 act as a government aggregator pursuant to sections 40 through 43  
19 of P.L.1999, c.23 (C.48:3-89 through C.48:3-92), section 45 of  
20 P.L.1999, c.23 (C.48:3-94), and sections 1, 2 and 6 of P.L.2003,  
21 c.24 (C.48:3-93.1 through C.48:3-93.3). Notwithstanding the  
22 provisions of any other law, rule or regulation to the contrary, a  
23 municipality acting as a government aggregator pursuant to  
24 P.L.1999, c.23 (C.48:3-49 et al.) shall not be deemed to be a public  
25 utility pursuant to R.S.40:62-24 or R.S.48:1-1 et seq. or be deemed  
26 to be operating any form of public utility service pursuant to  
27 R.S.40:62-1 et seq., to the extent such municipality is solely  
28 engaged in the provision of such aggregation service and not  
29 otherwise owning or operating any plant or facility for the  
30 production or distribution of gas, electricity, steam or other product  
31 as provided in R.S.40:62-12;

32 Joint municipal action on consent for the provision of cable  
33 television service. 32. Establish programs and procedures pursuant  
34 to which a municipality may act together with one or more  
35 municipalities in granting municipal consent for the provision of  
36 cable television service pursuant to the provisions of the "Cable  
37 Television Act," P.L.1972, c.186 (C.48:5A-1 et seq.) as amended  
38 and supplemented. Notwithstanding the provisions of any other  
39 law, rule or regulation to the contrary, two or more municipalities  
40 acting jointly pursuant to the provisions of P.L.1972, c.186  
41 (C.48:5A-1 et seq.) shall not be deemed a public utility pursuant to  
42 R.S.48:1-1 et seq., to the extent those municipalities are solely  
43 engaged in granting municipal consent jointly and are not otherwise  
44 owning or operating any facility for the provision of cable  
45 television service as provided in P.L.1972, c.186 (C.48:5A-  
46 1 et seq.);

47 Private cable television service aggregation programs. 33.  
48 Establish programs and procedures pursuant to which a

1 municipality may employ the services of a private aggregator for  
2 the purpose of facilitating the joint action of two or more  
3 municipalities in granting municipal consent for the provision of  
4 cable television service provided that any such municipality shall  
5 adhere to the provisions of the "Cable Television Act," P.L.1972,  
6 c.186 (C.48:5A-1 et seq.) as amended and supplemented, and to the  
7 provisions of the "Local Public Contracts Law," P.L.1971, c.198  
8 (C.40A:11-1 et seq.) as amended and supplemented.  
9 Notwithstanding the provisions of any other law, rule or regulation  
10 to the contrary, a municipality that employs the services of a private  
11 aggregator pursuant to the provisions of P.L.1972, c.186 (C.48:5A-  
12 1 et seq.) shall not be deemed a public utility pursuant to R.S.48:1-  
13 1 et seq., to the extent that the municipality is solely engaged in  
14 employing the services of a private aggregator for the purpose of  
15 facilitating the joint action of two or more municipalities in  
16 granting municipal consent and is not otherwise owning or  
17 operating any facility for the provision of cable television service as  
18 provided in P.L.1972, c.186 (C.48:5A-1 et seq.);

19 Protective Custody. 34. Provide protective custody to persons  
20 arrested for operating a motor vehicle under the influence of  
21 alcoholic beverages, cannabis items as defined in section 3 of  
22 P.L. , c. (C. ) (pending before the Legislature as this bill),  
23 any chemical substance, or any controlled dangerous substance in  
24 violation of R.S.39:4-50 as provided in section 1 of P.L.2003, c.164  
25 (C.40:48-1.3);

26 Private Outdoor Video Surveillance Camera Registry. 35.  
27 Establish a private outdoor video surveillance camera registry and  
28 allow voluntary registration of private outdoor video surveillance  
29 cameras as provided in P.L.2015, c.142 (C.40:48-1.6 et al.).<sup>1</sup>  
30 (cf: P.L.2021, c. , s.76)

31  
32 <sup>1</sup>17. (New section) a. (1) The Police Training Commission in  
33 the Department of Law and Public Safety shall adopt a training  
34 course regarding law enforcement interactions with persons under  
35 the lawful age to purchase alcoholic beverages or cannabis items  
36 based upon the legalization of a personal use cannabis marketplace  
37 pursuant to the "New Jersey Cannabis Regulatory, Enforcement  
38 Assistance, and Marketplace Modernization Act," P.L. ,  
39 c. (C. ) (passed both Houses of the Legislature on December  
40 17, 2020 as Second Reprint of Assembly Bill No. 21), the  
41 decriminalization of marijuana and hashish pursuant to P.L. , c.  
42 (C. ) (passed both Houses of the Legislature on December 17,  
43 2020 as Third Reprint of Assembly Committee Substitute for  
44 Assembly Bill Nos. 1897 and 4269), and the enforcement of  
45 violations of applicable statutes associated with the underage  
46 possession or consumption of alcoholic beverages, marijuana,  
47 hashish, or cannabis items pursuant to those enactments and the  
48 companion enactment, P.L. , c. (C. ) (pending before the

1 Legislature as this bill), and which includes the recognition of and  
 2 methods to address and avoid racial disparities and implicit bias,  
 3 and means for interacting with vulnerable juvenile populations.  
 4 The training course shall be administered by the employing agency  
 5 as part of the in-service training provided to each local police  
 6 officer in each law enforcement unit operating in this State.

7 (2) Prior to being appointed to permanent status as a local police  
 8 officer in a law enforcement unit, an individual shall be required to  
 9 complete the training course adopted under paragraph (1) of this  
 10 subsection. Every local police officer appointed prior to the  
 11 effective date of this section shall, within 18 months of that  
 12 effective date, satisfactorily complete a training course on law  
 13 enforcement interactions as described in paragraph (1) of this  
 14 subsection.

15 (3) The Police Training Commission shall adopt rules and  
 16 regulations, pursuant to the "Administrative Procedure Act,"  
 17 P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the purposes of  
 18 this subsection.

19 b. Within 45 days of the effective date of P.L. , c. (C. )  
 20 (pending before the Legislature as this bill), the Attorney General  
 21 shall prepare a notice explaining the provisions of the enactments  
 22 set forth in paragraph (1) of subsection a. of this section pertaining  
 23 to persons under the lawful age to purchase alcoholic beverages or  
 24 cannabis items and the violations of applicable statutes associated  
 25 with the underage possession or consumption of alcoholic  
 26 beverages, marijuana, hashish, or cannabis items, and transmit the  
 27 notice to the chief or director of every municipal police department,  
 28 every municipal prosecutor, every county prosecutor, and the  
 29 Superintendent of the New Jersey State Police. The notice shall be  
 30 disseminated to every law enforcement officer and shall be re-  
 31 enforced at roll calls and academy service training and continuing  
 32 education programs so as to ensure that all officers and prosecutors  
 33 are educated of their responsibilities under the relevant  
 34 enactments.<sup>1</sup>

35  
 36 <sup>1</sup>18. The following are repealed:

37 Section 1 of P.L.2000, c.33 (C.40:48-1.2);

38 Section 2 of P.L.2009, c.133 (C.40:48-1.2a); and

39 Section 77 of P.L.2021, c. (C.40:48-1.2b).<sup>1</sup>

40  
 41 <sup>1</sup>[5.] <sup>1</sup>19.<sup>1</sup> This act shall take effect immediately <sup>1</sup>[], but shall  
 42 not become operable until P.L. , c. (C. ) (passed both  
 43 Houses on December 17, 2020 as Second Reprint of Assembly Bill  
 44 No. 21) takes effect<sup>1</sup> .

45

46

47

1       Concerns certain regulated substances, with particular emphasis  
2 on underage possession or consumption of various forms of  
3 cannabis, including legal consequences for such activities set forth  
4 in legislation passed by both Houses of Legislature.

# ASSEMBLY, No. 5342

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JANUARY 29, 2021

**Sponsored by:**

**Assemblyman BENJIE E. WIMBERLY**  
**District 35 (Bergen and Passaic)**

**SYNOPSIS**

Revises consequences for underage possession or consumption of various forms of cannabis included in legislation passed by both Houses of Legislature; requires AG reports, reviewable by task force, on law enforcement interactions on underage violations.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 2/22/2021)**

A5342 WIMBERLY

2

1 AN ACT addressing the possession, consumption, or distribution of  
2 various forms of cannabis, amending the title and body of  
3 P.L.1979, c.264, and supplementing chapter 33 of Title 2C of the  
4 New Jersey Statutes.

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

8  
9 1. The title of P.L.1979, c.264 is amended to read as follows:  
10 AN ACT concerning certain [alcoholic beverage and cannabis item]  
11 offenses by persons under the legal age to purchase [alcoholic  
12 beverages and cannabis] various regulated items, and  
13 supplementing chapter 33 of Title 2C of the New Jersey Statutes.  
14 (cf: P.L.2021, c. , s.72)

15  
16 2. Section 1 of P.L.1979, c.264 (C.2C:33-15) is amended to  
17 read as follows:

18 1. a. (1) Any person under the legal age to purchase alcoholic  
19 beverages who knowingly possesses without legal authority or who  
20 knowingly consumes any alcoholic beverage in any school, public  
21 conveyance, public place, or place of public assembly, or motor  
22 vehicle, is guilty of a petty disorderly persons offense, and shall, in  
23 the case of an adult under the legal age to purchase alcoholic  
24 beverages, be fined not less than \$250.

25 (2) (a) Any person under the legal age to purchase cannabis  
26 items who knowingly possesses without legal authority marijuana,  
27 hashish, or any cannabis item, the amount of which may be lawfully  
28 possessed by a person of the legal age to purchase cannabis items  
29 pursuant to section 46 **[.]** of P.L. , c. (C. ) (passed both  
30 Houses on December 17, 2020 as Second Reprint of Assembly Bill  
31 No. 21), in any school, public conveyance, public place, or place  
32 of public assembly, or motor vehicle **[,** is guilty of a petty  
33 disorderly persons offense, and**]** shall **[,** in the case of an adult  
34 under the legal age to purchase cannabis items,**]** be **[**fined not less  
35 than \$250**]** subject to a civil penalty of \$50, which shall be  
36 recovered in a civil action by a summary proceeding in the name of  
37 the municipality pursuant to the “Penalty Enforcement Law of  
38 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.), except that a person  
39 under the age of 18 years who violates this subparagraph shall not  
40 be subject to a civil penalty but instead shall be subject to a point-  
41 of-violation warning or juvenile intervention, as defined in this  
42 section, and which is conducted in the same manner as an action  
43 referred to as a curbside warning or stationhouse adjustment,  
44 respectively, would be conducted in accordance with Attorney

**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 General Law Enforcement Directive No. 2020-12 as if the violation  
2 were to constitute a petty disorderly persons offense, without the  
3 filing of a complaint with the court. The municipal court that has  
4 territorial jurisdiction over the violation and the Superior Court  
5 shall both have jurisdiction of proceedings for the enforcement of  
6 the civil penalty provided by this subparagraph.

7 The odor of marijuana, hashish, cannabis, or cannabis item, or  
8 burnt marijuana, hashish, cannabis, or cannabis item, shall not  
9 constitute reasonable articulable suspicion to initiate a search of a  
10 person to determine a violation of this subparagraph. A person who  
11 violates this subparagraph shall not be subject to arrest, detention,  
12 or otherwise be taken into custody except to the extent required for  
13 a juvenile intervention as permitted by this subparagraph, unless the  
14 person is being arrested, detained, or otherwise taken into custody  
15 for also committing another violation of law for which that action is  
16 legally permitted or required.

17 (b) Any person under the legal age to purchase cannabis items  
18 who knowingly possesses without legal authority marijuana,  
19 hashish, or any cannabis item, the amount of which exceeds what  
20 may be lawfully possessed by a person of the legal age to purchase  
21 cannabis items pursuant to section 46 of P.L. , c. (C. )  
22 (passed both Houses on December 17, 2020 as Second Reprint of  
23 Assembly Bill No. 21), or who knowingly consumes any marijuana,  
24 hashish, or cannabis item in any school, public conveyance, public  
25 place, or place of public assembly, or motor vehicle **],** is guilty of a  
26 disorderly persons offense, and**]** shall **],** in the case of an adult  
27 under the legal age to purchase cannabis items,**]** be **[**fined not less  
28 than \$500**]** subject to a civil penalty of \$100, which shall be  
29 recovered in a civil action by a summary proceeding in the name of  
30 the municipality pursuant to the “Penalty Enforcement Law of  
31 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.), except that a person  
32 under the age of 18 years who violates this subparagraph shall not  
33 be subject to a civil penalty but instead shall be subject to a point-  
34 of-violation warning or juvenile intervention, as defined in this  
35 section, and which is conducted in the same manner as an action  
36 referred to as a curbside warning or stationhouse adjustment,  
37 respectively, would be conducted in accordance with Attorney  
38 General Law Enforcement Directive No. 2020-12 as if the violation  
39 were to constitute a disorderly persons offense, without the filing of  
40 a complaint with the court. The municipal court that has territorial  
41 jurisdiction over the violation and the Superior Court shall both  
42 have jurisdiction of proceedings for the enforcement of the civil  
43 penalty provided by this subparagraph.

44 The odor of marijuana, hashish, cannabis, or cannabis item, or  
45 burnt marijuana, hashish, cannabis, or cannabis item, shall not  
46 constitute reasonable articulable suspicion to initiate a search of a  
47 person to determine a violation of this subparagraph. A person who  
48 violates this subparagraph shall not be subject to arrest, detention,

1 or otherwise be taken into custody except to the extent required for  
2 a juvenile intervention as permitted by this subparagraph, unless the  
3 person is being arrested, detained, or otherwise taken into custody  
4 for also committing another violation of law for which that action is  
5 legally permitted or required.

6 (c) (i) As used in subparagraphs (a) and (b) of this paragraph:  
7 “Juvenile intervention” means a mechanism that allows law  
8 enforcement agencies to resolve a violation of either subparagraph  
9 by a person under the age of 18 years without formal court  
10 proceedings. A juvenile intervention, which shall be memorialized  
11 in a signed agreement, establishes one or more conditions that the  
12 person shall meet in exchange for the law enforcement agency  
13 declining to pursue a formal delinquency complaint against the  
14 person.

15 “Point-of-violation warning” means a brief, informal interaction  
16 between a law enforcement officer and a person under the age of 18  
17 years who the officer observed engage in a violation of either  
18 subparagraph. During the interaction, the officer shall counsel the  
19 person to discontinue the conduct, warn the person about the  
20 potential consequences of future delinquency, and then conclude the  
21 interaction without taking any further action. For the purposes of  
22 this definition, a point-of-violation warning does not include  
23 interactions between a person under the age of 18 years and a  
24 school resource officer or other law enforcement officer assigned to  
25 a school, as those interactions are governed by other statutes, and  
26 policies and practices established between schools and law  
27 enforcement agencies. A point-of-violation warning shall also be  
28 used for a first violation of subparagraph (b) of paragraph (12) of  
29 subsection b. of N.J.S.2C:35-5 concerning the manufacturing,  
30 distributing or dispensing, or possessing or having under control  
31 with intent to manufacture, distribute or dispense, marijuana or  
32 hashish for an offender of any age.

33 (ii) Point-of-violation warnings and juvenile interventions  
34 conducted pursuant to subparagraph (a) or (b) of paragraph (2) of  
35 subsection a. of this section shall be reported to the Attorney  
36 General in the same manner as curbside adjustments and  
37 stationhouse warnings, respectively, and shall be included in the  
38 statistical reporting compiled and made available by the Attorney  
39 General pursuant to Attorney General Law Enforcement Directive  
40 No. 2020-12. The Attorney General, in accordance with section 3  
41 of P.L. , c. (C. ) (pending before the Legislature as this bill),  
42 shall biannually issue a report detailing the statistics compiled and  
43 made available pursuant to Attorney General Law Enforcement  
44 Directive No. 2020-12. The initial report shall be issued by June  
45 30, 2021, and every six months thereafter.

46 b. Whenever **【this offense】** a violation of subsection a. of this  
47 section is committed in a motor vehicle, the court shall, in addition  
48 to the sentence authorized **【for the offense】** under that subsection,

1 suspend or postpone for six months the driving privilege of the  
2 defendant. Upon the conviction of finding of guilt of any person  
3 under this section, the court shall forward a report to the New  
4 Jersey Motor Vehicle Commission stating the first and last day of  
5 the suspension or postponement period imposed by the court  
6 pursuant to this section. If a person at the time of the imposition of  
7 a sentence is less than 17 years of age, the period of license  
8 postponement, including a suspension or postponement of the  
9 privilege of operating a motorized bicycle, shall commence on the  
10 day the sentence is imposed and shall run for a period of six months  
11 after the person reaches the age of 17 years.

12 If a person at the time of the imposition of a sentence has a valid  
13 driver's license issued by this State, the court shall immediately  
14 collect the license and forward it to the commission along with the  
15 report. If for any reason the license cannot be collected, the court  
16 shall include in the report the complete name, address, date of birth,  
17 eye color, and sex of the person as well as the first and last date of  
18 the license suspension period imposed by the court.

19 The court shall inform the person orally and in writing that if the  
20 person is convicted of operating a motor vehicle during the period  
21 of license suspension or postponement, the person shall be subject  
22 to the penalties set forth in R.S.39:3-40. A person shall be required  
23 to acknowledge receipt of the written notice in writing. Failure to  
24 receive a written notice or failure to acknowledge in writing the  
25 receipt of a written notice shall not be a defense to a subsequent  
26 charge of a violation of R.S.39:3-40.

27 If the person convicted or found guilty under this section is not a  
28 New Jersey resident, the court shall suspend or postpone, as  
29 appropriate, the non-resident driving privilege of the person based  
30 on the age of the person and submit to the commission the required  
31 report. The court shall not collect the license of a non-resident  
32 convicted under this section. Upon receipt of a report by the court,  
33 the commission shall notify the appropriate officials in the licensing  
34 jurisdiction of the suspension or postponement.

35 c. In addition to the general **【penalty】** penalties prescribed **【for**  
36 **a disorderly persons offense】** under this section, the court may  
37 require any person who violates **【this act】** paragraph (1) of  
38 subsection a. of this section for possession or consumption of an  
39 alcoholic beverage to participate in an alcohol or drug abuse  
40 education or treatment program, authorized by the Division of  
41 Mental Health and Addiction Services in the Department of Human  
42 Services, for a period not to exceed **【the maximum period of**  
43 **confinement prescribed by law for the offense for which the**  
44 **individual has been convicted】** 30 days.

45 d. Nothing in this act shall apply to possession of alcoholic  
46 beverages by any such person while actually engaged in the  
47 performance of employment pursuant to an employment permit

1 issued by the Director of the Division of Alcoholic Beverage  
2 Control, or for a bona fide hotel or restaurant, in accordance with  
3 the provisions of R.S.33:1-26, or while actively engaged in the  
4 preparation of food while enrolled in a culinary arts or hotel  
5 management program at a county vocational school or post-  
6 secondary educational institution; and nothing in this section shall  
7 apply to possession of cannabis items by any such person while  
8 actually engaged in the performance of employment by a cannabis  
9 establishment, distributor, or delivery service as permitted pursuant  
10 to the “New Jersey Cannabis Regulatory, Enforcement Assistance,  
11 and Marketplace Modernization Act,” P.L. , c. (C. ) (passed  
12 both Houses on December 17, 2020 as Second Reprint of Assembly  
13 Bill No. 21).

14 e. The provisions of section 3 of P.L.1991, c.169 (C.33:1-  
15 81.1a) shall apply to a parent, guardian or other person with legal  
16 custody of a person under 18 years of age who is found to be in  
17 violation of this section.

18 f. An underage person and one or two other persons shall be  
19 immune from prosecution under this section if:

20 (1) one of the underage persons called 9-1-1 and reported that  
21 another underage person was in need of medical assistance due to  
22 alcohol consumption , or the consumption of marijuana, hashish, or  
23 a cannabis item;

24 (2) the underage person who called 9-1-1 and, if applicable, one  
25 or two other persons acting in concert with the underage person  
26 who called 9-1-1 provided each of their names to the 9-1-1  
27 operator;

28 (3) the underage person was the first person to make the 9-1-1  
29 report; and

30 (4) the underage person and, if applicable, one or two other  
31 persons acting in concert with the underage person who made the 9-  
32 1-1 call remained on the scene with the person under the legal age  
33 in need of medical assistance until assistance arrived and  
34 cooperated with medical assistance and law enforcement personnel  
35 on the scene.

36 The underage person who received medical assistance also shall  
37 be immune from prosecution under this section.

38 g. For purposes of this section, an alcoholic beverage includes  
39 powdered alcohol as defined by R.S.33:1-1, **[and]** a cannabis item  
40 includes any item available for lawful consumption pursuant to the  
41 “New Jersey Cannabis Regulatory, Enforcement Assistance, and  
42 Marketplace Modernization Act,” P.L. , c. (C. ) (passed both  
43 Houses on December 17, 2020 as Second Reprint of Assembly Bill  
44 No. 21), and the terms “marijuana” and “hashish” have the same  
45 meaning as set forth in N.J.S.2C:35-2.

46 (cf: P.L.2021, c. , s.73)

47

48 3. N.J.S.2C:35-5 is amended to read as follows:

1       2C:35-5. Manufacturing, Distributing or Dispensing. a. Except  
2 as authorized by P.L.1970, c.226 (C.24:21-1 et seq.), it shall be  
3 unlawful for any person knowingly or purposely:

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

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

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

11       (1) Heroin, or its analog, or coca leaves and any salt, compound,  
12 derivative, or preparation of coca leaves, and any salt, compound,  
13 derivative, or preparation thereof which is chemically equivalent or  
14 identical with any of these substances, or analogs, except that the  
15 substances shall not include decocainized coca leaves or extractions  
16 which do not contain cocaine or ecogine, or 3,4-  
17 methylenedioxyamphetamine or 3,4-  
18 methylenedioxyamphetamine, in a quantity of five ounces or more  
19 including any adulterants or dilutants is guilty of a crime of the first  
20 degree. The defendant shall, except as provided in N.J.S.2C:35-12,  
21 be sentenced to a term of imprisonment by the court. The term of  
22 imprisonment shall include the imposition of a minimum term  
23 which shall be fixed at, or between, one-third and one-half of the  
24 sentence imposed, during which the defendant shall be ineligible for  
25 parole. Notwithstanding the provisions of subsection a. of  
26 N.J.S.2C:43-3, a fine of up to \$500,000 may be imposed;

27       (2) A substance referred to in paragraph (1) of this subsection,  
28 in a quantity of one-half ounce or more but less than five ounces,  
29 including any adulterants or dilutants is guilty of a crime of the  
30 second degree;

31       (3) A substance referred to paragraph (1) of this subsection in a  
32 quantity less than one-half ounce including any adulterants or  
33 dilutants is guilty of a crime of the third degree except that,  
34 notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, a  
35 fine of up to \$75,000 may be imposed;

36       (4) A substance classified as a narcotic drug in Schedule I or II  
37 other than those specifically covered in this section, or the analog of  
38 any such substance, in a quantity of one ounce or more including  
39 any adulterants or dilutants is guilty of a crime of the second  
40 degree;

41       (5) A substance classified as a narcotic drug in Schedule I or II  
42 other than those specifically covered in this section, or the analog of  
43 any such substance, in a quantity of less than one ounce including  
44 any adulterants or dilutants is guilty of a crime of the third degree  
45 except that, notwithstanding the provisions of subsection b. of  
46 N.J.S.2C:43-3, a fine of up to \$75,000 may be imposed;

47       (6) Lysergic acid diethylamide, or its analog, in a quantity of  
48 100 milligrams or more including any adulterants or dilutants, or

1 phencyclidine, or its analog, in a quantity of 10 grams or more  
2 including any adulterants or dilutants, is guilty of a crime of the  
3 first degree. Except as provided in N.J.S.2C:35-12, the court shall  
4 impose a term of imprisonment which shall include the imposition  
5 of a minimum term, fixed at, or between, one-third and one-half of  
6 the sentence imposed by the court, during which the defendant shall  
7 be ineligible for parole. Notwithstanding the provisions of  
8 subsection a. of N.J.S.2C:43-3, a fine of up to \$500,000 may be  
9 imposed;

10 (7) Lysergic acid diethylamide, or its analog, in a quantity of  
11 less than 100 milligrams including any adulterants or dilutants, or  
12 where the amount is undetermined, or phencyclidine, or its analog,  
13 in a quantity of less than 10 grams including any adulterants or  
14 dilutants, or where the amount is undetermined, is guilty of a crime  
15 of the second degree;

16 (8) Methamphetamine, or its analog, or phenyl-2-propanone  
17 (P2P), in a quantity of five ounces or more including any  
18 adulterants or dilutants is guilty of a crime of the first degree.  
19 Notwithstanding the provisions of subsection a. of N.J.S.2C:43-3, a  
20 fine of up to \$300,000 may be imposed;

21 (9) (a) Methamphetamine, or its analog, or phenyl-2-propanone  
22 (P2P), in a quantity of one-half ounce or more but less than five  
23 ounces including any adulterants or dilutants is guilty of a crime of  
24 the second degree;

25 (b) Methamphetamine, or its analog, or phenyl-2-propanone  
26 (P2P), in a quantity of less than one-half ounce including any  
27 adulterants or dilutants is guilty of a crime of the third degree  
28 except that notwithstanding the provisions of subsection b. of  
29 N.J.S.2C:43-3, a fine of up to \$75,000 may be imposed;

30 (10) (a) Marijuana in a quantity of 25 pounds or more  
31 including any adulterants or dilutants, or 50 or more marijuana  
32 plants, regardless of weight, or hashish in a quantity of five pounds  
33 or more including any adulterants or dilutants, is guilty of a crime  
34 of the first degree. Notwithstanding the provisions of subsection a.  
35 of N.J.S.2C:43-3, a fine of up to \$300,000 may be imposed;

36 (b) Marijuana in a quantity of five pounds or more but less than  
37 25 pounds including any adulterants or dilutants, or 10 or more but  
38 fewer than 50 marijuana plants, regardless of weight, or hashish in a  
39 quantity of one pound or more but less than five pounds, including  
40 any adulterants and dilutants, is guilty of a crime of the second  
41 degree;

42 (11) (a) Prior to the effective date of P.L. , c. (C. )  
43 (passed both Houses on December 17, 2020 as Second Reprint of  
44 Assembly Bill No. 21), marijuana in a quantity of one ounce or  
45 more but less than five pounds including any adulterants or  
46 dilutants, or hashish in a quantity of five grams or more but less  
47 than one pound including any adulterants or dilutants, is guilty of a  
48 crime of the third degree except that, notwithstanding the provisions

1 of subsection b. of N.J.S.2C:43-3, a fine of up to \$25,000 may be  
2 imposed;

3 (b) On and after the effective date of P.L. , c. (C. )  
4 (passed both Houses on December 17, 2020 as Second Reprint of  
5 Assembly Bill No. 21), marijuana in a quantity of more than one  
6 ounce but less than five pounds including any adulterants or  
7 dilutants, or hashish in a quantity of more than five grams but less  
8 than one pound including any adulterants or dilutants, is guilty of a  
9 crime of the third degree except that, notwithstanding the provisions  
10 of subsection b. of N.J.S.2C:43-3, a fine of up to \$25,000 may be  
11 imposed;

12 (12) (a) Prior to the effective date of P.L. , c. (C. )  
13 (passed both Houses on December 17, 2020 as Second Reprint of  
14 Assembly Bill No. 21), marijuana in a quantity of less than one  
15 ounce including any adulterants or dilutants, or hashish in a  
16 quantity of less than five grams including any adulterants or  
17 dilutants, is guilty of a crime of the fourth degree;

18 (b) On and after the effective date of P.L. , c. (C. )  
19 (passed both Houses on December 17, 2020 as Second Reprint of  
20 Assembly Bill No. 21), marijuana in a quantity of one ounce or less  
21 including any adulterants or dilutants, or hashish in a quantity of  
22 five grams or less including any adulterants or dilutants, is, for a  
23 first offense, subject to a **【written】** point-of-violation warning, as  
24 defined in section 1 of P.L.1979, c.264 (C.2C:33-15), which also  
25 **【indicates】** includes a written indication that any subsequent  
26 violation is a crime punishable by a term of imprisonment, a fine, or  
27 both, and for a second or subsequent offense, is guilty of a crime of  
28 the fourth degree;

29 (i) The odor of marijuana or hashish, or burnt marijuana or  
30 hashish, shall not constitute reasonable articulable suspicion to  
31 initiate a search of a person to determine a violation of  
32 subparagraph (b) of paragraph (12) of this subsection. A person  
33 who violates this subparagraph shall not be subject to arrest,  
34 detention, or otherwise be taken into custody, unless the person is  
35 being arrested, detained, or otherwise taken into custody for also  
36 committing another violation of law for which that action is legally  
37 permitted or required;

38 (ii) A person shall not be deprived of any legal or civil right,  
39 privilege, benefit, or opportunity provided pursuant to any law  
40 solely by reason of committing a violation of subparagraph (b) of  
41 paragraph (12) of this subsection, nor shall committing one or more  
42 violations modify any legal or civil right, privilege, benefit, or  
43 opportunity provided pursuant to any law, including, but not limited  
44 to, the granting, renewal, forfeiture, or denial of a license, permit,  
45 or certification, qualification for and the receipt, alteration,  
46 continuation, or denial of any form of financial assistance, housing  
47 assistance, or other social services, rights of or custody by a  
48 biological parent, or adoptive or foster parent, or other legal

1 guardian of a child or newborn infant, or pregnant woman, in any  
2 action or proceeding by the Division of Child Protection and  
3 Permanency in the Department of Children and Families, or  
4 qualification, approval, or disapproval to serve as a foster parent or  
5 other legal guardian;

6 (iii) Point-of-violation warnings conducted pursuant  
7 subparagraph (b) of paragraph (12) of subsection b. of this section  
8 shall be reported to the Attorney General in the same manner as  
9 actions referred to as curbside adjustments pursuant to Attorney  
10 General Law Enforcement Directive No. 2020-12, and this  
11 reporting may also include information for use in determining  
12 whether a person who violates this subparagraph had previously  
13 been subjected to a point-of-violation warning for a prior violation  
14 of this subparagraph, provided that the information may be used for  
15 that purpose only and shall not be included in the statistical  
16 reporting compiled and made available by the Attorney General in  
17 accordance with section 3 of P.L. , c. (C. ) (pending before  
18 the Legislature as this bill) and pursuant to Attorney General Law  
19 Enforcement Directive No. 2020-12.

20 (iv) All local and county law enforcement authorities shall,  
21 following the submission process used for the uniform crime  
22 reporting system established by P.L.1966, c.37 (C.52:17B-  
23 5.1 et seq.), submit a quarterly report to the Uniform Crime  
24 Reporting Unit, within the Division of State Police in the  
25 Department of Law and Public Safety, or to another designated  
26 recipient determined by the Attorney General, containing the  
27 number of second or subsequent violations of subparagraph (b) of  
28 paragraph (12) of this subsection committed within their respective  
29 jurisdictions, plus the race, ethnicity, gender, and age of each  
30 person committing a violation, and the disposition of each person's  
31 violation. These violations and associated information, along with  
32 a quarterly summary of violations investigated, and associated  
33 information collected, by the Division of State Police for the same  
34 period shall be summarized by county and municipality in an annual  
35 report, and both quarterly summaries and annual reports shall be  
36 made available at no cost to the public on the Division of State  
37 Police's Internet website;

38 (13) Any other controlled dangerous substance classified in  
39 Schedule I, II, III or IV, or its analog, is guilty of a crime of the  
40 third degree, except that, notwithstanding the provisions of  
41 subsection b. of N.J.S.2C:43-3, a fine of up to \$25,000 may be  
42 imposed; or

43 (14) Any Schedule V substance, or its analog, is guilty of a  
44 crime of the fourth degree except that, notwithstanding the  
45 provisions of subsection b. of N.J.S.2C:43-3, a fine of up to  
46 \$25,000 may be imposed.

47 c. Where the degree of the offense for violation of this section  
48 depends on the quantity of the substance, the quantity involved



1 shall be determined by the trier of fact, other than with respect to a  
2 first violation of subparagraph (b) of paragraph (12) of subsection  
3 b. of this section which is subject to a written point-of-violation  
4 warning as set forth in that subparagraph. Where the indictment or  
5 accusation so provides, the quantity involved in individual acts of  
6 manufacturing, distribution, dispensing or possessing with intent to  
7 distribute may be aggregated in determining the grade of the  
8 offense, whether distribution or dispensing is to the same person or  
9 several persons, provided that each individual act of manufacturing,  
10 distribution, dispensing or possession with intent to distribute was  
11 committed within the applicable statute of limitations.

12 (cf: P.L.2021, c. , s.55)

13

14 4. (New section) a. The Attorney General shall biannually  
15 issue a comprehensive report detailing the statistics for the previous  
16 six-month period on all point-of-violation warnings and juvenile  
17 interventions conducted pursuant section 1 of P.L.1979, c.264  
18 (C.2C:33-15) for violations of that section involving underage  
19 possession or consumption of marijuana, hashish, or cannabis items,  
20 which were compiled and made available in accordance with that  
21 section and pursuant to Attorney General Law Enforcement  
22 Directive No. 2020-12. The initial report shall be issued by June  
23 30, 2021, and every six months thereafter. Each report shall also be  
24 submitted to the Governor and the Legislature pursuant to section 2  
25 of P.L.1991, c.164 (C.52:14-19.1).

26 b. (1) A taskforce shall be established in the Department of  
27 Law and Public Safety, comprised of 26 members to review each  
28 report, and make recommendations thereon to the Governor and  
29 Legislature related to law enforcement activities to address the  
30 enforcement of underage possession or consumption of marijuana,  
31 hashish, or cannabis items in violation of section 1 of P.L.1979,  
32 c.264 (C.2C:33-15), as well as the broader issue of underage  
33 possession or consumption of these substances.

34 (2) The membership of the taskforce shall include the following  
35 individuals:

36 (a) the Attorney General, or a designee;

37 (b) the Public Defender, or a designee;

38 (c) the Commissioner of the Department of Children and  
39 Families, or a designee;

40 (d) the Commissioner of Education, or a designee;

41 (e) a representative from the Juvenile Justice Commission,  
42 appointed by the Governor;

43 (f) a representative from the Division of Criminal Justice in the  
44 Department of Law and Public Safety, appointed by the Governor;

45 (g) the Chair of the Governor's Juvenile Justice Delinquency and  
46 Prevention Committee;

47 (h) two members appointed by the Governor upon the  
48 recommendation of the President of the Senate;

- 1 (i) two members appointed by the Governor upon the  
2 recommendation of the Speaker of the General Assembly;
- 3 (j) a Judge of the Superior Court, who is currently assigned to  
4 the Chancery Division, Family Part for juvenile delinquency  
5 matters, to be chosen by the Administrative Director of the Courts;
- 6 (k) a representative from the New Jersey Institute for Social  
7 Justice, appointed by the Governor;
- 8 (l) a representative from the American Civil Liberties Union of  
9 New Jersey, appointed by the Governor;
- 10 (m) a representative from the County Prosecutors Association of  
11 New Jersey who is actively and presently involved in juvenile  
12 matters, appointed by the Governor;
- 13 (n) a representative from the New Jersey Juvenile Officers  
14 Association, appointed by the Governor;
- 15 (o) one representative each from the Annie E. Casey Foundation  
16 and Vera Institute of Justice, both appointed by the Governor;
- 17 (p) a representative of the NAACP New Jersey State Conference,  
18 appointed by the Governor;
- 19 (q) a representative of Salvation and Social Justice, appointed by  
20 the Governor;
- 21 (r) a representative from the County Youth Services  
22 Commission Administrators, appointed by the Governor;
- 23 (s) a representative from the faith-based ethical community in  
24 New Jersey, appointed by the Governor;
- 25 (t) a representative of an employee organization representing  
26 employees who work at juvenile justice facilities, appointed by the  
27 Governor; and
- 28 (u) three representatives who have been involved with the New  
29 Jersey juvenile justice system, appointed by the Governor,  
30 including at least one representative of a non-profit organization  
31 that deals with juvenile justice issues and at least one individual  
32 who has been subject to the custody of the juvenile justice system.
- 33 (3) All members appointed by the Governor shall serve at the  
34 pleasure of the Governor. Any vacancies in the membership of the  
35 task force shall be filled in the same manner as the original  
36 appointments were made.
- 37 (4) Members of the task force shall serve without compensation,  
38 but shall be reimbursed for necessary expenditures incurred in the  
39 performance of their duties as members of the task force within the  
40 limits of funds appropriated or otherwise made available to the task  
41 force for its purposes.
- 42 (5) The task force shall organize as soon as practicable  
43 following the appointment of its members. The task force shall  
44 choose a chairperson from among its members and shall appoint a  
45 secretary who need not be a member of the task force.
- 46 (6) The Department of Law and Public Safety shall provide such  
47 stenographic, clerical, and other administrative assistants, and such  
48 professional staff as the task force requires to carry out its work.



1 “juvenile intervention.” These would be conducted in the same  
2 manner as a juvenile interaction referred to as a “curbside warning”  
3 or “stationhouse adjustment,” respectively, would be conducted,  
4 which are done in accordance with Attorney General Law  
5 Enforcement Directive No. 2020-12 as if the violation were to  
6 constitute a petty disorderly persons offense, when the amount  
7 possessed is what a person of legal age could lawfully possess, and  
8 as if the violation were to constitute a disorderly persons offense,  
9 when the amount possessed is more than what a person of legal age  
10 could lawfully possess or when the violation involved consumption,  
11 without the filing of a complaint.

12 A “point-of-violation warning” is defined in the bill as “a brief,  
13 informal interaction between a law enforcement officer and a  
14 person under the age of 18 years who the officer observed engage in  
15 a violation . . . . During the interaction, the officer shall counsel the  
16 person to discontinue the conduct, warn the person about the  
17 potential consequences of future delinquency, and then conclude the  
18 interaction without taking any further action.” This type of warning  
19 would also be used for a first offender of any age for violating  
20 subparagraph (b) of paragraph (12) of subsection b. of N.J.S.2C:35-  
21 5 for manufacturing, distributing, or dispensing, or having under  
22 control with intent to manufacture, distribute, or dispense one ounce  
23 or less of marijuana or five grams or less of hashish. Such warning  
24 would be reported to the Attorney General in the same manner as  
25 curbside adjustments pursuant to Attorney General Law  
26 Enforcement Directive No. 2020-12, and this reporting could also  
27 include information for use in determining whether a person had  
28 previously been subjected to a point-of-violation warning to  
29 determine a second or subsequent offense, which is a crime of the  
30 fourth degree (punishable by a term of imprisonment of up to 18  
31 months, a fine of up to \$10,000, or both).

32 The more involved option for a “juvenile intervention” with a  
33 person under the age of 18 years is defined in the bill as “a  
34 mechanism that allows law enforcement agencies to resolve a  
35 violation . . . without formal court proceedings. A juvenile  
36 intervention, which shall be memorialized in a signed agreement,  
37 establishes one or more conditions that the person shall meet in  
38 exchange for the law enforcement agency declining to pursue a  
39 formal delinquency complaint against the person.” Should a person  
40 fail to abide by an agreement, the person could be charged with the  
41 commission of a delinquent act that was considered to be the  
42 equivalent of a petty disorderly persons offense for possession of an  
43 amount that a person of legal age could lawfully possess, or, for  
44 violations involving possession of more than what a person of legal  
45 age could lawfully possess or for consumption, a disorderly persons  
46 offense.

47 When considering a search of an underage person in order to  
48 make a determination as to whether that person committed a

1 possession or consumption violation, the odor of marijuana,  
2 hashish, cannabis, or cannabis item, or burnt marijuana, hashish,  
3 cannabis, or cannabis item would not constitute reasonable  
4 articulable suspicion to initiate the search. Also, unless an  
5 underage person's actions involved another violation of law, the  
6 underage person who committed a possession or consumption  
7 violation would not be subject to arrest, detention, or otherwise  
8 taken into custody except to the extent required to interact with the  
9 person, if under 18 years of age, for a law enforcement juvenile  
10 intervention.

11 Additionally the bill establishes an immunity from prosecution  
12 for: any underage person in need of medical assistance due to the  
13 consumption of marijuana or hashish; the underage person who  
14 called 9-1-1 to get that person assistance; and up to two other  
15 persons acting in concert with the underage person who made the  
16 call. This immunity is the same immunity already provided for  
17 situations involving the underage consumption of alcohol, and  
18 expanded to the underage consumption of cannabis items by the  
19 recently passed legislation.

20 Finally, the bill requires the Attorney General to issue  
21 comprehensive reports biannually detailing the statistics for the  
22 previous six-month period on all point-of-violation warnings and  
23 juvenile interventions described above for violations involving  
24 underage possession or consumption of marijuana, hashish, or  
25 cannabis items. These statistics would be compiled and made  
26 available by the Attorney General in the same manner as curbside  
27 adjustments and stationhouse warnings are compiled and made  
28 available, both in accordance with the bill and pursuant to Attorney  
29 General Law Enforcement Directive No. 2020-12. The initial  
30 report would be issued by June 30, 2021, and every six months  
31 thereafter. A taskforce would be established in the Department of  
32 Law and Public Safety, comprising of 26 ex-official members and  
33 members appointed by the Governor representing law enforcement,  
34 juvenile justice interests, and community and non-profit groups to  
35 review each report, and make recommendations thereon to the  
36 Governor and Legislature related to law enforcement activities to  
37 address the enforcement of underage possession or consumption of  
38 marijuana, hashish, or cannabis items, as well as the broader issue  
39 of underage possession or consumption of these substances.

ASSEMBLY COMMUNITY DEVELOPMENT AND AFFAIRS  
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 5342

**STATE OF NEW JERSEY**

DATED: JANUARY 29, 2021

The Assembly Community Development and Affairs Committee reports favorably Assembly Bill No. 5342.

This bill would revise the consequences associated with the underage possession or consumption of illegal marijuana or hashish, or legalized cannabis items which may only be lawfully possessed by persons 21 years of age or older pursuant to Article IV, Section VII, paragraph 13 of the New Jersey Constitution and the enabling legislation to establish a legal, regulated cannabis marketplace, the Second Reprint of Assembly Bill No. 21, which passed both Houses of the Legislature on December 17, 2020. It also addresses, for persons of any age, the written warning to be issued by law enforcement officers for a small amount marijuana or hashish distribution first offense, as created by that bill.

The bill would make the underage possession of marijuana, hashish, or a cannabis item a civil penalty of \$50 for persons who are between 18 and 20 years of age, if the amount possessed is what a person of legal age could lawfully possess (determined based on the lawful possession of one ounce (28.35 grams) or less of useable cannabis, the equivalent amount in a cannabis product in solid, liquid, or concentrate form, or 5 grams or less of cannabis resin, per section 46 of the Second Reprint of Assembly Bill No. 21). For the underage possession of more than what a person of legal age could lawfully possess, or any consumption of marijuana, hashish, or cannabis item, the civil penalty for persons who are between 18 and 20 years of age would be set at \$100

The civil penalty would be recovered in a summary proceeding in the name of the municipality pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). Both the municipal court with territorial jurisdiction over an underage possession violation and the Superior Court would have jurisdiction of proceedings for the enforcement of a civil penalty.

These same courts, for a violation involving alcohol, would also have enforcement jurisdiction, if so ordered by the court, concerning a person's participation in an alcohol or drug abuse education or treatment program as set forth in the bill. Such education or treatment would not exceed 30 days, which is the same

as the maximum period of confinement a person could face for committing an alcohol-related violation, which is graded as a petty disorderly persons offense.

For a person under the age of 18 years who committed a possession or consumption violation, such person would instead be subject to a law enforcement “point-of-violation warning” or “juvenile intervention.” These would be conducted in the same manner as a juvenile interaction referred to as a “curbside warning” or “stationhouse adjustment,” respectively, would be conducted, which are done in accordance with Attorney General Law Enforcement Directive No. 2020-12 as if the violation were to constitute a petty disorderly persons offense, when the amount possessed is what a person of legal age could lawfully possess, and as if the violation were to constitute a disorderly persons offense, when the amount possessed is more than what a person of legal age could lawfully possess or when the violation involved consumption, without the filing of a complaint.

A “point-of-violation warning” is defined in the bill as “a brief, informal interaction between a law enforcement officer and a person under the age of 18 years who the officer observed engage in a violation . . . . During the interaction, the officer shall counsel the person to discontinue the conduct, warn the person about the potential consequences of future delinquency, and then conclude the interaction without taking any further action.” This type of warning would also be used for a first offender of any age for violating subparagraph (b) of paragraph (12) of subsection b. of N.J.S.2C:35-5 for manufacturing, distributing, or dispensing, or having under control with intent to manufacture, distribute, or dispense one ounce or less of marijuana or five grams or less of hashish. Such warning would be reported to the Attorney General in the same manner as curbside adjustments pursuant to Attorney General Law Enforcement Directive No. 2020-12, and this reporting could also include information for use in determining whether a person had previously been subjected to a point-of-violation warning to determine a second or subsequent offense, which is a crime of the fourth degree (punishable by a term of imprisonment of up to 18 months, a fine of up to \$10,000, or both).

The more involved option for a “juvenile intervention” with a person under the age of 18 years is defined in the bill as “a mechanism that allows law enforcement agencies to resolve a violation . . . without formal court proceedings. A juvenile intervention, which shall be memorialized in a signed agreement, establishes one or more conditions that the person shall meet in exchange for the law enforcement agency declining to pursue a formal delinquency complaint against the person.” Should a person fail to abide by an agreement, the person could be charged with the commission of a delinquent act that was considered to be the

equivalent of a petty disorderly persons offense for possession of an amount that a person of legal age could lawfully possess, or, for violations involving possession of more than what a person of legal age could lawfully possess or for consumption, a disorderly persons offense.

When considering a search of an underage person in order to make a determination as to whether that person committed a possession or consumption violation, the odor of marijuana, hashish, cannabis, or cannabis item, or burnt marijuana, hashish, cannabis, or cannabis item would not constitute reasonable articulable suspicion to initiate the search. Also, unless an underage person's actions involved another violation of law, the underage person who committed a possession or consumption violation would not be subject to arrest, detention, or otherwise taken into custody except to the extent required to interact with the person, if under 18 years of age, for a law enforcement juvenile intervention.

Additionally the bill establishes an immunity from prosecution for: any underage person in need of medical assistance due to the consumption of marijuana or hashish; the underage person who called 9-1-1 to get that person assistance; and up to two other persons acting in concert with the underage person who made the call. This immunity is the same immunity already provided for situations involving the underage consumption of alcohol, and expanded to the underage consumption of cannabis items by the recently passed legislation.

Finally, the bill requires the Attorney General to issue comprehensive reports biannually detailing the statistics for the previous six-month period on all point-of-violation warnings and juvenile interventions described above for violations involving underage possession or consumption of marijuana, hashish, or cannabis items. These statistics would be compiled and made available by the Attorney General in the same manner as curbside adjustments and stationhouse warnings are compiled and made available, both in accordance with the bill and pursuant to Attorney General Law Enforcement Directive No. 2020-12. The initial report would be issued by June 30, 2021, and every six months thereafter. A taskforce would be established in the Department of Law and Public Safety, comprising of 26 ex-official members and members appointed by the Governor representing law enforcement, juvenile justice interests, and community and non-profit groups to review each report, and make recommendations thereon to the Governor and Legislature related to law enforcement activities to address the enforcement of underage possession or consumption of marijuana, hashish, or cannabis items, as well as the broader issue of underage possession or consumption of these substances.



**STATEMENT TO**  
**ASSEMBLY, No. 5342**

with Senate Floor Amendments  
(Proposed by Senator SCUTARI)

ADOPTED: FEBRUARY 22, 2021

These floor amendments make this bill identical to the First Reprint of Senate Bill No. 3454.

The bill, as amended, addresses matters related to certain regulated substances, with a particular emphasis on the underage possession or consumption of illegal marijuana or hashish, or legalized cannabis items which may only be lawfully possessed by persons 21 years of age or older pursuant to Article IV, Section VII, paragraph 13 of the New Jersey Constitution and the enabling legislation to establish a legal, regulated cannabis marketplace, the Second Reprint of Assembly Bill No. 21, titled the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act,” which passed both Houses of the Legislature on December 17, 2020. Additionally, it addresses: penalties for underage possession or consumption of alcoholic beverages; modifies penalties for persons who wrongfully supply legalized cannabis items to underage persons; establishes funding for programs and services to help deter and prevent underage possession and consumption of cannabis items, or illegal marijuana or hashish; applies the existing crime of official deprivation of civil rights, section 2 of P.L.2003, c.31 (C.2C:30-6), to unlawful law enforcement interactions with underage persons for alcohol, marijuana, and cannabis item possession or consumption; and provides revised training for law enforcement officers concerning interactions with underage persons regarding such activities.

Underage Possession or Consumption

The bill would make the underage possession or consumption of an alcoholic beverage, marijuana, hashish, or any cannabis item subject to the following consequences:

- for a first violation, a written warning issued by a law enforcement officer to the underage person. The written warning would include the person’s name, address, and date of birth, and a copy of the warning containing this information, plus a sworn statement that includes a description of the relevant facts and circumstances that support the officer’s determination that the person committed the violation, would be temporarily maintained in accordance with the bill only for the purposes of determining a second or subsequent violation;
- for a second violation, a written warning issued by a law enforcement officer to the underage person indicating that a second violation has occurred, which includes the person’s name, address, and date of birth. If the violation was by a person 18 years of age or older, the officer would provide the person with informational

materials about how to access community services provided by public or private agencies and organizations that would assist the person with opportunities to access further social services, including but not limited to counseling, tutoring programs, mentoring services, and faith-based or other community initiatives. If the violation was by a person under 18 years of age, a written notification concerning the second violation, along with a copy of the written warning for the person's first violation, would be provided to the parent, guardian or other person having legal custody of the underage person in accordance with section 3 of P.L.1991, c.169 (C.33:1-81.1a). The written notification would include the same or similar informational materials as directly supplied to a person 18 years of age or older about how to access community services. A copy of the second written warning, and if applicable, the written notification to a parent, guardian, or other person with legal custody, plus a sworn statement that includes a description of the relevant facts and circumstances that support the officer's determination that the person committed the second violation, would be temporarily maintained in accordance with the bill only for the purposes of determining a third or subsequent violation;

- for a third or subsequent violation, a write-up issued by a law enforcement officer to the underage person indicating that a third or subsequent violation has occurred, which includes the person's name, address, and date of birth. If the violation was by a person 18 years of age or older, the officer would include with the write-up a referral for accessing community services provided by a public or private agency or organization, and provide notice to that agency or organization of the referral which may also be used to initiate contact with the person, and the agency or organization would offer assistance to the person with opportunities to access further social services, including but not limited to counseling, tutoring programs, mentoring services, and faith-based or other community initiatives. If the violation was by a person under 18 years of age, a written notification concerning the third or subsequent violation would be provided to the parent, guardian or other person having legal custody of the underage person, and the notice would include a referral for accessing community services for both persons. A copy of a write-up for a third or subsequent violation, the written notification to the parent, guardian or other person having legal custody of the underage person, if applicable, and accompanying referrals, plus a sworn statement that includes a description of the relevant facts and circumstances that support the officer's determination that the person committed the third or subsequent violation, would be temporarily maintained in accordance with this section only to the extent necessary to track referrals to agencies and organizations, as well as for the purposes of determining a subsequent violation.

The failure of a person under the legal age to purchase alcoholic beverages or cannabis items, or the failure of a parent, guardian or other person having legal custody of the underage person, to accept assistance from an agency or organization to which a law enforcement referral was made, or to access any community

services provided by that agency or organization shall not result in any summons, initiation of a complaint, or other legal action to be adjudicated and enforced in any court.

A person under the legal age to purchase alcoholic beverages or cannabis items would not be capable, under the provisions of the bill, of giving lawful consent to a search to determine an underage possession or consumption violation, and a law enforcement officer would not be permitted to request that a person consent to a search for that purpose.

The odor of alcoholic beverages, marijuana, hashish, cannabis, or cannabis item, or burnt marijuana, hashish, cannabis, or cannabis item, would not constitute reasonable articulable suspicion to initiate an investigatory stop of a person, nor would it constitute probable cause to initiate a search of a person or that person's personal property to determine an underage possession or consumption violation. Additionally, the unconcealed, underage possession of an alcoholic beverage, marijuana, hashish, or cannabis item, observed in plain sight by a law enforcement officer, would not constitute probable cause to initiate a search of a person or that person's personal property to determine any further unlawful possession or consumption violation or any other violation of law.

A person under the legal age to purchase alcoholic beverages or cannabis items who commits a violation for possessing or consuming an alcoholic beverage, marijuana, hashish, or cannabis item would not be subject to arrest, and would not be subject to detention or otherwise be taken into custody by a law enforcement officer except to the extent required to issue a written warning or write-up, provide notice of a violation to a parent, guardian or other person having legal custody of the underage person, or make community service referrals due to a third or subsequent violation, unless the person is being arrested, detained, or otherwise taken into custody for also committing another violation of law for which that action is legally permitted or required.

Consistent with the provisions of subsection c. of section 1 of P.L.2020, c.129 (C.40A:14-118.5), the video and audio recording functions of a law enforcement officer's body worn camera, as defined in that section, would be required to be activated whenever the law enforcement officer is responding to a call for service related to an underage possession or consumption violation or suspected violation, or at the initiation of any other law enforcement or investigative encounter between an officer and a person related to a violation or suspected violation, and would be required to remain activated until the encounter has fully concluded and the officer leaves the scene of the encounter.

As part of the process for the issuance of a written warning or write-up (with referral for a third or subsequent violation) for an underage possession or consumption violation, the law enforcement officer would take possession of any alcoholic beverage, marijuana, hashish, or cannabis item from the person, and any drug or cannabis paraphernalia for use with marijuana, hashish, or cannabis item. The existence and description of the alcoholic beverage, marijuana, hashish, or cannabis item, and any drug or cannabis paraphernalia would be included in the sworn statement that includes the relevant

facts and circumstances that support the determination that a person committed a violation. Any alcoholic beverage, marijuana, hashish, cannabis item, or drug or cannabis paraphernalia obtained by the law enforcement officer would either be destroyed or secured for use in law enforcement training or educational programs in accordance with applicable law and directives issued by the Attorney General.

With respect to any violation concerning underage possession or consumption:

- a person under the legal age to purchase alcoholic beverages or cannabis items could not be photographed or fingerprinted, notwithstanding any provisions of section 2 of P.L.1982, c.79 (C.2A:4A-61) to the contrary;

- any copy of any written warning or write-up issued to a person under the legal age to purchase alcoholic beverages or cannabis items, written notification provided to the person's parent, guardian or other person having legal custody, sworn statements describing the relevant facts and circumstances supporting an officer's determination that a violation occurred, or referrals for accessing community services provided by a public or private agency or organization would be segregated and maintained in a separate physical location or electronic repository or database from any other records maintained by a law enforcement agency, and reported to the Attorney General in a manner so that they are similarly segregated and maintained in a separate physical location or electronic repository or database from other law enforcement records accessible to the Attorney General and State and local law enforcement agencies, and could not be transferred to or copied and placed in any other physical location or electronic repository or database containing any other law enforcement records. These records would only be used, as previously described, to the extent necessary to determine a subsequent underage possession or consumption violation or track referrals to agencies and organizations.

Such records, and any other records pertaining to a person's acceptance of assistance from an agency or organization, would not be revealed, reviewed, or considered in any manner with respect to any current or subsequent juvenile delinquency matter, including but not limited to, a charge, filing, eligibility or decision for diversion or discharge, or sentencing, other disposition, or related decision affecting the juvenile, or with respect to any current or subsequent prosecution for committing an offense or other violation of law, including but not limited to, a charge, filing, eligibility or decision for diversion or discharge, or sentencing, other disposition, or related decision affecting an adult under 21 years of age. Also, these records would be deemed confidential and not be subject to public inspection or copying pursuant to the provisions of P.L.1963, c.73 (C.47:1A-1 et seq.), and their existence would not be acknowledged based upon any inquiry in the same manner as if the records were expunged records pursuant to the provisions of subsection a. of N.J.S.2C:52-15.

The Attorney General could use the law enforcement records to generate the number of occurrences and other statistics concerning first, second, third and subsequent violations, the municipal, county or other geographic areas within which first, second, third and subsequent violations occur, and the law enforcement agencies involved in first,

second, third and subsequent violations, which would to be compiled and made publicly available by the Attorney General in biannual reports, with the first such report scheduled to be issued by June 30, 2021, the second one issued by January 30, 2022, and then the next report issued every six months thereafter. The identity of any person named in a record would not be revealed or included in the information to be compiled and made available.

All of the records maintained by a law enforcement agency and reported to the Attorney General would be destroyed or permanently deleted by the law enforcement agency and Attorney General on the second anniversary following the creation of the record concerning a violation, or not later than the last day of the month in which that second anniversary date falls, or alternatively not later than the 21st birthday of a person who is the subject of a record, or not later than the last day of the month in which that birthday falls, whichever date occurs sooner; provided, that a record would be maintained upon request by the person named in the record or representative thereof, the law enforcement officer who made the record, or the law enforcement agency currently maintaining the record if it involves a lawsuit, disciplinary complaint, or criminal prosecution arising from the violation described in the record, based on an assertion that the record has evidentiary or exculpatory value. Upon final disposition of the matter for which the extended record retention was requested, the record shall be destroyed or permanently deleted.

For underage violations, the bill would also establish an immunity from prosecution for: any underage person in need of medical assistance due to the consumption of marijuana or hashish; the underage person who called 9-1-1 to get that person assistance; and up to two other persons acting in concert with the underage person who made the call. This immunity is the same immunity already provided for situations involving the underage consumption of alcohol, and expanded to the underage consumption of cannabis items by the recently passed “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act.”

The \$50 civil penalty created by that act for using another person’s driver’s license or other government-issued identification card, or using a false identity, to obtain cannabis items would be eliminated. The current law does not provide for any form of punishment when another’s identity or a false identity is used to obtain tobacco products or alcoholic beverages, so this would be an approach consistent with the existing State’s approach on such uses of identification cards or false identities.

Additionally, the bill removes municipal authority either granted under existing law or as established under the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” to enact ordinances with civil penalties or fines concerning underage possession or consumption violations, as well as the authority to enact any ordinance with a civil penalty for the non-smoking consumption of a cannabis item in public by a person who is of legal age to purchase and consume that item.

To assist with efforts to deter and prevent persons under the legal age to purchase cannabis items from engaging in activities associated

with underage use of cannabis items, or illegal marijuana or hashish, the bill would revise provisions in the recently passed bill creating the “Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Fund,” and establish an account within that fund to be known as the “Underage Deterrence and Prevention Account.” From all of the monies from retail sales of cannabis items and various other cannabis-related sources that are deposited in the fund, 15 percent of such would be placed in the internal account. These monies would be used by the Cannabis Regulatory Commission to fund private for-profit and non-profit organizations, and county and municipal programs and services that offer social services, educational, recreational, and employment opportunities, and local economic development designed to encourage, improve, and support youthful community activities to divert and prevent persons under 18 years of age from engaging in activities associated with underage use of cannabis items, or illegal marijuana or hashish.

#### Taskforce Concerning Underage Possession or Consumption

A taskforce would be established in the Department of Law and Public Safety, comprised of 26 ex-official members and members appointed by the Governor representing law enforcement, juvenile justice interests, and community and non-profit groups to review each Attorney General biannual report on underage violations described above as well as examine reports by the Attorney General concerning his periodic review of body worn camera recordings mandated by the bill concerning interactions on underage possession and consumption violations or potential violations, and make recommendations thereon to the Governor and Legislature related to law enforcement activities to address the enforcement of underage possession or consumption of alcoholic beverages, marijuana, hashish, or cannabis items, as well as the broader issue of underage possession or consumption of these substances.

#### Suppliers of Cannabis Items to Underage Persons

The bill would establish the following consequences for persons who sell or otherwise provide cannabis items to underage persons: a civil penalty of not less than \$250 for a first violation; a civil penalty of not less than \$500 for a second violation; and it would be a petty disorderly persons offense for a third and each subsequent violation (up to 30 days imprisonment; up to \$500 fine, or both). The “Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act,” specifically in section 64, as amended by this bill, would also establish the same liability for licensed businesses, and their agents and employees, who commit such acts; so, to prevent a doubling up of the penalty provisions, the bill specifies that its penalties would only apply to any person who is not otherwise subject to the penalties under that act.

Any official authorized by the Cannabis Regulatory Commission, or, like with tobacco product enforcement, any official authorized by statute or ordinance to enforce the State or local health codes, or a law enforcement officer, could issue a summons for violations. Additionally, like tobacco product enforcement, any civil penalty would be recovered by the local health agency for the jurisdiction in which a violation occurred, and the money collected would be paid

into the treasury of the corresponding municipality for the municipality's own general uses. The commission, along with the Commissioner of Health, would be authorized to coordinate efforts to enforce the bill's provisions for punishing violators, as well as delegate enforcement authority to local health agencies, just as the Commissioner of Health may do so currently with respect to enforcement efforts concerning tobacco products. The commission would report on enforcement efforts concerning underage sales or other transfers of cannabis items in its annual report on personal use cannabis activities that would be prepared pursuant to the "Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act."

In addition to imposition of a civil penalty for a first or second violation, a fine for selling or otherwise providing a cannabis item to an underage person could be imposed, which would be the same fine that may currently be imposed when the action involves a tobacco product. See P.L.1999, c.90, s.3 (C.2C:33-13.1). The fine for a first or second violation would be based on the fine of up to \$500 imposed for committing a petty disorderly persons offense (with a third or subsequent violation being an actual petty disorderly persons offense), and this fine could be doubled for second or subsequent violations.

Further, a person 21 years of age or older who purchased a cannabis item as a "straw man" on behalf of a person who is under 21 years of age could be adjudged a petty disorderly person.

#### Law Enforcement Criminal Liability

A law enforcement officer, when responding to a call for service or upon the initiation of any other law enforcement or investigative encounter related to a violation or suspected violation for underage possession or consumption, would be guilty of a crime of official deprivation of civil rights as defined in section 2 of P.L.2003, c.31 (C.2C:30-6) if that officer knowingly violated provisions set forth in the bill addressing law enforcement interactions with underage persons by: requesting that a person consent to a search who is not capable of giving lawful consent or searching a person after wrongfully obtaining that person's consent; initiating an investigatory stop without reasonable articulable suspicion; initiating a search without probable cause; issuing a warning or write-up for a violation without a proper basis that a person committed the violation; detaining or taking into custody a person in a manner or for a longer period beyond the extent required to issue a warning or write-up; arresting a person for a possession or consumption violation as prohibited by the bill; or if that officer knowingly engaged in any other unlawful act against the person arising out of the call for service or initiation of any other law enforcement or investigative encounter, including but not limited to the unjustified use of force in violation of N.J.S.2C:3-7. There would not be a requirement to establish criminal liability on the basis that the officer's unlawful act was done with the purpose to intimidate or discriminate against a person or group of persons because of race, color, religion, gender, handicap, sexual orientation or ethnicity, which motivation must be proven for other criminal deprivations of civil rights under section 2 of P.L.2003, c.31 (C.2C:30-6). The crime would be graded the same as other criminal deprivations of civil

rights: it would be crime of the third degree, punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both, but could be upgraded to a crime of the second degree if bodily injury resulted from the deprivation of rights (five to 10 years' imprisonment; fine of up to \$150,000, or both), or even a crime of the first degree if the violation involved murder, manslaughter, kidnapping, or aggravated sexual assault.

#### Law Enforcement Training

The Police Training Commission in the Department of Law and Public Safety would adopt a training course regarding law enforcement interactions with persons under the lawful age to purchase alcoholic beverages or cannabis items based upon the legalization of a personal use cannabis marketplace pursuant to the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act," the decriminalization of marijuana and hashish pursuant to P.L. , c. (C. ) (passed both Houses of the Legislature on December 17, 2020 as Third Reprint of Assembly Committee Substitute for Assembly Bill Nos. 1897 and 4269), and the enforcement of violations of applicable statutes associated with the underage possession or consumption of alcoholic beverages, marijuana, hashish, or cannabis items pursuant to those enactments and this companion bill. This training would include the recognition of and methods to address and avoid racial disparities and implicit bias, and means for interacting with vulnerable juvenile populations. The training course would be administered by the employing agency as part of the in-service training provided to each local police officer in each law enforcement unit operating in this State. Prior to being appointed to permanent status as a local police officer in a law enforcement unit, an individual would be required to complete the training course. Every local police officer appointed prior to the effective date of the bill would, within 18 months of that effective date, satisfactorily complete a training course on such law enforcement interactions.

Additionally, within 45 days of the bill's effective date, the Attorney General would prepare a notice explaining the provisions of the aforementioned enactments pertaining to persons under the lawful age to purchase alcoholic beverages or cannabis items and violations of the applicable statutes associated with the underage possession or consumption of alcoholic beverages, marijuana, hashish, or cannabis items, and transmit the notice to the chief or director of every municipal police department, every municipal prosecutor, every county prosecutor, and the Superintendent of the New Jersey State Police. The notice would be disseminated to every law enforcement officer and would be re-enforced at roll calls and academy service training and continuing education programs so as to ensure that all officers and prosecutors are educated of their responsibilities under the relevant enactments.



**LEGISLATIVE FISCAL ESTIMATE**  
**ASSEMBLY, No. 5342**  
**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

DATED: FEBRUARY 24, 2021

**SUMMARY**

- Synopsis:** Revises consequences for underage possession or consumption of various forms of cannabis included in legislation passed by both Houses of Legislature; requires AG reports, reviewable by task force, on law enforcement interactions on underage violations.
- Type of Impact:** Annual State, County, and Municipal Expenditure Increases. Municipal Revenue Increase.
- Agencies Affected:** The Judiciary; Department of Law and Public Safety; Department of Corrections; Office of the Public Defender; State, County, and Municipal Law Enforcement Agencies.

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<b><u>Annual</u></b>
<b>State Cost Increase</b>	Indeterminate
<b>State Revenue Increase</b>	Indeterminate
<b>Local Cost Increase</b>	Indeterminate
<b>Local Revenue Increase</b>	Indeterminate

- The Office of Legislative Services (OLS) anticipates that the bill will increase municipal revenues and expenditures annually. Civil penalties for marijuana related violations are likely to increase municipal revenues. Annual expenditures will increase due to new enforcement responsibilities of the Judiciary, State, county and municipal law enforcement agencies. The OLS does not have sufficient information to quantify the exact fiscal impact of this bill.
- The bill’s establishment of the task force and reporting requirements may increase the workload of the Office of the Attorney General in the Department of Law and Public Safety, county and municipal law enforcement agencies. Depending on the resource allocation policies of affected agencies, the added responsibilities may or may not augment State and local government administrative expenditures.

**BILL DESCRIPTION**

This bill would revise the consequences associated with the underage possession or consumption of illegal marijuana or hashish, or legalized cannabis items which may only be



lawfully possessed by persons 21 years of age or older pursuant to the New Jersey Constitution and the enabling legislation to establish a legal, regulated cannabis marketplace. It also addresses, for persons of any age, the written warning to be issued by law enforcement officers for a small amount marijuana or hashish distribution first offense, as created by that bill.

The bill would make the underage possession of marijuana, hashish, or a cannabis item a civil penalty of \$50 for persons who are between 18 and 20 years of age, if the amount possessed is what a person of legal age could lawfully possess. For the underage possession of more than what a person of legal age could lawfully possess, or any consumption of marijuana, hashish, or cannabis item, the civil penalty for persons who are between 18 and 20 years of age would be set at \$100.

The civil penalty would be recovered in a summary proceeding in the name of the municipality. Both the municipal court with territorial jurisdiction over an underage possession violation and the Superior Court would have jurisdiction of proceedings for the enforcement of a civil penalty.

For a person under the age of 18 years who committed a possession or consumption violation, such person would instead be subject to a law enforcement “point-of-violation warning” or “juvenile intervention,” which are defined in the bill. These would be conducted in the same manner as a juvenile interaction referred to as a “curbside warning” or “stationhouse adjustment,” respectively, would be conducted. A point-of-violation warning would be reported to the Attorney General in the same manner as curbside adjustments, and this reporting could also include information for use in determining whether a person had previously been subjected to a point-of-violation warning to determine a second or subsequent offense, which is a crime of the fourth degree (punishable by a term of imprisonment of up to 18 months, a fine of up to \$10,000, or both).

Additionally, the bill requires the Attorney General to issue comprehensive reports biannually detailing the statistics for the previous six-month period on all point-of-violation warnings and juvenile interventions described above for violations involving underage possession or consumption of marijuana, hashish, or cannabis items. These statistics would be compiled and made available by the Attorney General in the same manner as curbside adjustments and stationhouse warnings are compiled and made available, both in accordance with the bill and pursuant to Attorney General Law Enforcement Directive No. 2020-12. The initial report would be issued by June 30, 2021, and every six months thereafter. A taskforce would be established in the Department of Law and Public Safety, comprising of 26 ex-official members and members appointed by the Governor representing law enforcement, juvenile justice interests, and community and non-profit groups to review each report, and make recommendations thereon to the Governor and Legislature related to law enforcement activities to address the enforcement of underage possession or consumption of marijuana, hashish, or cannabis items, as well as the broader issue of underage possession or consumption of these substances.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

**OFFICE OF LEGISLATIVE SERVICES**

The OLS anticipates that the bill will increase municipal revenues and expenditures annually, but lacks the information to quantify the magnitude of these impacts or how they may vary year to year. Under the provisions of this bill, underage possession of marijuana, hashish, or a cannabis item will be a civil penalty of \$50 for persons who are between 18 and 20 years of age, if the amount possessed is what a person of legal age could lawfully possess and \$100 for the underage possession of more than what a person of legal age could lawfully possess. These penalties are likely to increase municipal revenues.

However, the bill will result in an increase in expenditures for municipalities due to additional enforcement efforts. Per the provisions of the bill, for a person under the age of 18 years who committed a possession or consumption violation, such person would be subject to a law enforcement point-of-violation warning or a more involved juvenile intervention, similar to a curbside warning or stationhouse adjustment. Furthermore, the point-of-violation warning must be reported to the Attorney General and will be used in determining whether a person had previously been subjected to a point-of-violation warning to determine a second or subsequent offense, which is a crime of the fourth degree (punishable by a term of imprisonment of up to 18 months, a fine of up to \$10,000, or both). This could result in increased expense for the Department of Corrections (DOC). According to data provided by the DOC, the average annual cost of housing an inmate in a State prison for FY 2019 totaled \$50,191, whereas the marginal costs per day were approximately \$8.60. With regard to revenue gains from fines, the State's ability to collect criminal fines and penalties has historically been limited.

The courts will also see an increase in expenditures due to increased workload under this bill. Municipal courts and the Superior Court will have jurisdiction of proceedings for the enforcement of a civil penalty. The courts would also have enforcement jurisdiction concerning a person's participation in an alcohol or drug abuse education or treatment program as set forth in the bill.

The bill will result in an expenditure increase for the Office of the Attorney General due to additional resources for data collection to issue comprehensive reports biannually detailing the statistics for the previous six-month period on all point-of-violation warnings and juvenile interventions involving underage possession or consumption of marijuana, hashish, or cannabis items.

The Department of Law and Public Safety may incur an increase in expenditures under the bill for setting up of a 26-member taskforce. These expenditures could include administrative expenses for staff support, the cost of any meeting space rentals, and reimbursable expenses incurred by the members of the taskforce.

*Section:           Judiciary*

*Analyst:          Anuja Pande Joshi*  
*Assistant Fiscal Analyst*

*Approved:       Thomas Koenig*  
*Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

**LEGISLATIVE FISCAL ESTIMATE**  
**ASSEMBLY, No. 5342**  
**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

DATED: MARCH 2, 2021

**SUMMARY**

- Synopsis:** Revises consequences for underage possession or consumption of various forms of cannabis included in legislation passed by both Houses of Legislature; requires AG reports, reviewable by task force, on law enforcement interactions on underage violations.
- Type of Impact:** Annual State, County, and Municipal Expenditure Increases. Municipal Revenue Increase.
- Agencies Affected:** The Judiciary; Department of Law and Public Safety; Department of Corrections; Office of the Public Defender; State, County, and Municipal Law Enforcement Agencies.

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<b><u>Annual</u></b>
<b>State Cost Increase</b>	Indeterminate
<b>State Revenue Increase</b>	Indeterminate
<b>Local Cost Increase</b>	Indeterminate
<b>Local Revenue Increase</b>	Indeterminate

- The Office of Legislative Services (OLS) anticipates that the bill will increase municipal revenues and expenditures annually. Civil penalties for marijuana related violations are likely to increase municipal revenues. Annual expenditures will increase due to new enforcement responsibilities of the Judiciary, State, county and municipal law enforcement agencies. The OLS does not have sufficient information to quantify the exact fiscal impact of this bill.
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- The bill’s establishment of the task force and reporting requirements may increase the workload of the Office of the Attorney General in the Department of Law and Public Safety, county and municipal law enforcement agencies. Depending on the resource allocation policies of affected agencies, the added responsibilities may or may not augment State and local government administrative expenditures.

## **BILL DESCRIPTION**

This bill would revise the consequences associated with the underage possession or consumption of illegal marijuana or hashish, or legalized cannabis items which may only be lawfully possessed by persons 21 years of age or older pursuant to the New Jersey Constitution and the enabling legislation to establish a legal, regulated cannabis marketplace. It also addresses, for persons of any age, the written warning to be issued by law enforcement officers for a small amount marijuana or hashish distribution first offense, as created by that bill.

The bill would make the underage possession of marijuana, hashish, or a cannabis item a civil penalty of \$50 for persons who are between 18 and 20 years of age, if the amount possessed is what a person of legal age could lawfully possess. For the underage possession of more than what a person of legal age could lawfully possess, or any consumption of marijuana, hashish, or cannabis item, the civil penalty for persons who are between 18 and 20 years of age would be set at \$100.

The civil penalty would be recovered in a summary proceeding in the name of the municipality. Both the municipal court with territorial jurisdiction over an underage possession violation and the Superior Court would have jurisdiction of proceedings for the enforcement of a civil penalty.

For a person under the age of 18 years who committed a possession or consumption violation, such person would instead be subject to a law enforcement “point-of-violation warning” or “juvenile intervention,” which are defined in the bill. These would be conducted in the same manner as a juvenile interaction referred to as a “curbside warning” or “stationhouse adjustment,” respectively, would be conducted. A point-of-violation warning would be reported to the Attorney General in the same manner as curbside adjustments, and this reporting could also include information for use in determining whether a person had previously been subjected to a point-of-violation warning to determine a second or subsequent offense, which is a crime of the fourth degree (punishable by a term of imprisonment of up to 18 months, a fine of up to \$10,000, or both).

Additionally, the bill requires the Attorney General to issue comprehensive reports biannually detailing the statistics for the previous six-month period on all point-of-violation warnings and juvenile interventions described above for violations involving underage possession or consumption of marijuana, hashish, or cannabis items. These statistics would be compiled and made available by the Attorney General in the same manner as curbside adjustments and stationhouse warnings are compiled and made available, both in accordance with the bill and pursuant to Attorney General Law Enforcement Directive No. 2020-12. The initial report would be issued by June 30, 2021, and every six months thereafter. A taskforce would be established in the Department of Law and Public Safety, comprising of 26 ex-official members and members appointed by the Governor representing law enforcement, juvenile justice interests, and community and non-profit groups to review each report, and make recommendations thereon to the Governor and Legislature related to law enforcement activities to address the enforcement of underage possession or consumption of marijuana, hashish, or cannabis items, as well as the broader issue of underage possession or consumption of these substances.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

**OFFICE OF LEGISLATIVE SERVICES**

The OLS anticipates that the bill will increase municipal revenues and expenditures annually, but lacks the information to quantify the magnitude of these impacts or how they may vary year to year. Under the provisions of this bill, underage possession of marijuana, hashish, or a cannabis item will be a civil penalty of \$50 for persons who are between 18 and 20 years of age, if the amount possessed is what a person of legal age could lawfully possess and \$100 for the underage possession of more than what a person of legal age could lawfully possess. These penalties are likely to increase municipal revenues.

However, the bill will result in an increase in expenditures for municipalities due to additional enforcement efforts. Per the provisions of the bill, for a person under the age of 18 years who committed a possession or consumption violation, such person would be subject to a law enforcement point-of-violation warning or a more involved juvenile intervention, similar to a curbside warning or stationhouse adjustment. Furthermore, the point-of-violation warning must be reported to the Attorney General and will be used in determining whether a person had previously been subjected to a point-of-violation warning to determine a second or subsequent offense, which is a crime of the fourth degree (punishable by a term of imprisonment of up to 18 months, a fine of up to \$10,000, or both). This could result in increased expense for the Department of Corrections (DOC). According to data provided by the DOC, the average annual cost of housing an inmate in a State prison for FY 2019 totaled \$50,191, whereas the marginal costs per day were approximately \$8.60. With regard to revenue gains from fines, the State's ability to collect criminal fines and penalties has historically been limited.

The courts will also see an increase in expenditures due to increased workload under this bill. Municipal courts and the Superior Court will have jurisdiction of proceedings for the enforcement of a civil penalty. The courts would also have enforcement jurisdiction concerning a person's participation in an alcohol or drug abuse education or treatment program as set forth in the bill.

The bill will result in an expenditure increase for the Office of the Attorney General due to additional resources for data collection to issue comprehensive reports biannually detailing the statistics for the previous six-month period on all point-of-violation warnings and juvenile interventions involving underage possession or consumption of marijuana, hashish, or cannabis items.

The Department of Law and Public Safety may incur an increase in expenditures under the bill for setting up of a 26-member taskforce. These expenditures could include administrative expenses for staff support, the cost of any meeting space rentals, and reimbursable expenses incurred by the members of the taskforce.

*Section:           Judiciary*

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*Approved:        Thomas Koenig*  
*Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

**SENATE, No. 3454**

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**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

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INTRODUCED FEBRUARY 11, 2021

**Sponsored by:**

**Senator NICHOLAS P. SCUTARI**

**District 22 (Middlesex, Somerset and Union)**

**Senator NILSA I. CRUZ-PEREZ**

**District 5 (Camden and Gloucester)**

**SYNOPSIS**

Addresses underage possession or consumption of various forms of cannabis, including legal consequences for such activities set forth in legislation passed by both Houses of Legislature.

**CURRENT VERSION OF TEXT**

As introduced.



S3454 SCUTARI, CRUZ-PEREZ

2

1 AN ACT addressing possession or consumption of various forms of  
2 cannabis by certain persons, and amending and supplementing  
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. The title of P.L.1979, c.264 is amended to read as follows:

9 AN ACT concerning certain **[alcoholic beverage and cannabis item]**  
10 offenses by persons under the legal age to purchase **[alcoholic**  
11 **beverages and cannabis]** various regulated items, and  
12 supplementing chapter 33 of Title 2C of the New Jersey Statutes.  
13 (cf: P.L.2021, c. , s.72)

14  
15 2. Section 1 of P.L.1979, c.264 (C.2C:33-15) is amended to  
16 read as follows:

17 1. a. (1) Any person under the legal age to purchase alcoholic  
18 beverages who knowingly possesses without legal authority or who  
19 knowingly consumes any alcoholic beverage in any school, public  
20 conveyance, public place, or place of public assembly, or motor  
21 vehicle, is guilty of a petty disorderly persons offense, and shall, in  
22 the case of an adult under the legal age to purchase alcoholic  
23 beverages, be fined not less than \$250.

24 (2) (a) Any person under the legal age to purchase cannabis  
25 items who is between 18 years of age and under 21 years of age,  
26 and who knowingly possesses without legal authority or who  
27 knowingly consumes marijuana, hashish, or any cannabis item [,  
28 the amount of which may be lawfully possessed by a person of the  
29 legal age to purchase cannabis items pursuant to section 46. of  
30 P.L. , c. (C. ) (passed both Houses on December 17, 2020 as  
31 Second Reprint of Assembly Bill No. 21),] in any school, public  
32 conveyance, public place, or place of public assembly, or motor  
33 vehicle **[, is guilty of a petty disorderly persons offense, and]** shall  
34 **[, in the case of an adult under the legal age to purchase cannabis**  
35 **items,]** be **[fined not less than \$250]** subject to a civil penalty of up  
36 to \$50 based upon a probable cause finding of a violation by a law  
37 enforcement officer, which shall be recovered in a summary  
38 proceeding before either the municipal court having jurisdiction or  
39 the Superior Court in the name of the State pursuant to the “Penalty  
40 Enforcement Law of 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.).  
41 The penalty shall be remitted to the State Treasurer for deposit in  
42 the Alcohol Education, Rehabilitation and Enforcement Fund  
43 established pursuant to section 3 of P.L.1983, c.531 (C.26:2B-32),  
44 and used to fund community services, including resources that serve  
45 persons with alcohol use disorder and persons with a substance use

**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 disorder as well as educational programs, through annual county-  
2 level comprehensive plans that may incorporate government  
3 programs and services, and private organizations, including  
4 volunteer groups, prepared in accordance with section 4 of  
5 P.L.1983, c.531 (C.26:2B-33).

6 (b) Any person under the legal age to purchase cannabis items  
7 who is under 18 years of age, and who knowingly possesses without  
8 legal authority or who knowingly consumes marijuana, hashish, or  
9 any cannabis item **】, the amount of which exceeds what may be**  
10 **lawfully possessed by a person of the legal age to purchase cannabis**  
11 **items pursuant to section 46 of P.L. , c. (C. ) (passed both**  
12 **Houses on December 17, 2020 as Second Reprint of Assembly Bill**  
13 **No. 21), or who knowingly consumes any cannabis item**】 in any****  
14 **school, public conveyance, public place, or place of public**  
15 **assembly, or motor vehicle** **】, is guilty of a disorderly persons**  
16 **offense, and**】 shall** **】, in the case of an adult under the legal age to**  
17 **purchase cannabis items,**】 be** **【fined not less than \$500**】 subject to****  
18 **the following consequences:******

19 (i) for a first violation, a written warning issued by a law  
20 enforcement officer to the underage person. The written warning  
21 shall include the person's name, address, and date of birth, and a  
22 copy of the warning containing this information, plus a description  
23 of the relevant facts and circumstances that support the officer's  
24 determination of probable cause that the person committed the  
25 violation, shall be temporarily maintained in accordance with this  
26 section only for the purposes of determining a second or subsequent  
27 violation subject to the consequences set forth in subparagraph  
28 (ii) or (iii) of this subparagraph. Notwithstanding the provisions of  
29 section 3 of P.L.1991, c.169 (C.33:1-81.1a) concerning written  
30 notification of a violation of this section to the parent, guardian or  
31 other person having legal custody of the underage person, a written  
32 notification shall not be provided pursuant to that section for a first  
33 violation of this subparagraph.

34 (ii) for a second violation, a written warning issued by a law  
35 enforcement officer to the underage person indicating that a second  
36 violation has occurred, which includes the person's name, address,  
37 and date of birth, and a written notification concerning the second  
38 violation, along with a copy of the written warning for the person's  
39 first violation, shall be provided to the parent, guardian or other  
40 person having legal custody of the underage person in accordance  
41 with section 3 of P.L.1991, c.169 (C.33:1-81.1a). The written  
42 notification shall include a referral to a public or private agency or  
43 organization included in a county-level comprehensive plan used to  
44 fund community services prepared in accordance with section 4 of  
45 P.L.1983, c.531 (C.26:2B-33) that can assist with opportunities to  
46 access further social services, including counseling, tutoring  
47 programs, mentoring services, and faith-based or other community

1 initiatives. A copy of the second written warning to the underage  
2 person, and the written notification to the parent, guardian or other  
3 person having legal custody of the underage person concerning the  
4 second warning, plus a description of the relevant facts and  
5 circumstances that support the officer's determination of probable  
6 cause that the person committed the second violation, shall be  
7 temporarily maintained in accordance with this section only for the  
8 purposes of determining a subsequent violation subject to the  
9 consequences set forth in subparagraph (iii) of this  
10 subparagraph.

11 (iii) for a third or subsequent violation based upon a probable  
12 cause finding by a law enforcement officer, a civil penalty of up to  
13 \$50 or the performance of community service in lieu of payment of  
14 the penalty, which may be imposed without requiring a finding that  
15 a person does not have the ability to pay the penalty in full,  
16 notwithstanding the provisions of section 1 of P.L.2009, c.317  
17 (C.2B:12-23.1), and a written notification concerning the third or  
18 subsequent violation shall be provided to the parent, guardian or  
19 other person having legal custody of the underage person in  
20 accordance with section 3 of P.L.1991, c.169 (C.33:1-81.1a).  
21 Whenever the civil penalty is imposed, it shall be recovered in a  
22 summary proceeding before either the municipal court having  
23 jurisdiction or the Superior Court in the name of the State pursuant  
24 to the "Penalty Enforcement Law of 1999," P.L.1999, c.274  
25 (C.2A:58-10 et seq.). The penalty shall be remitted to the State  
26 Treasurer for deposit in the Alcohol Education, Rehabilitation and  
27 Enforcement Fund established pursuant to section 3 of P.L.1983,  
28 c.531 (C.26:2B-32), and used to fund community services,  
29 including resources that serve persons with alcohol use disorder and  
30 persons with a substance use disorder as well as educational  
31 programs, through annual county-level comprehensive plans that  
32 may incorporate government programs and services, and private  
33 organizations, including volunteer groups, prepared in accordance  
34 with section 4 of P.L.1983, c.531 (C.26:2B-33). Whenever  
35 community service is imposed by the court in lieu of payment of the  
36 civil penalty, the value of each hour of service shall be considered  
37 to be not less than the State minimum wage established by the  
38 "New Jersey State Wage and Hour Law," P.L.1966, c.113 (C.34:11-  
39 56a et seq.), or federal minimum wage established by 29 U.S.C.  
40 s.206, or any successor State or federal law, whichever wage is  
41 higher, and the community service imposed shall not exceed \$50 in  
42 value. In addition to the imposition of a civil penalty or community  
43 service, the court shall include a referral to a public or private  
44 agency or organization included in a county-level comprehensive  
45 plan used to fund community services prepared in accordance with  
46 section 4 of P.L.1983, c.531 (C.26:2B-33) that can assist with  
47 opportunities to access further social services, including counseling,  
48 tutoring programs, mentoring services, and faith-based or other

1 community initiatives. All law enforcement and court records  
2 concerning the disposition of a third or subsequent violation shall  
3 be temporarily maintained in accordance with this section only to  
4 the extent necessary to enforce a civil penalty or community service  
5 imposed by the court, and the court's referral for treatment and  
6 other assistance, as well as for the purposes of determining a  
7 subsequent violation subject to the consequences set forth in this  
8 subsubparagraph.

9 (c) (i) A person under the legal age to purchase cannabis items  
10 is not capable of giving lawful consent to a search to determine a  
11 violation of this section, and a law enforcement officer shall not  
12 request that a person consent to a search for that purpose.

13 (ii) The odor of marijuana, hashish, cannabis, or cannabis item,  
14 or burnt marijuana, hashish, cannabis, or cannabis item, shall not  
15 constitute reasonable articulable suspicion to initiate an  
16 investigatory stop of a person, nor shall it constitute probable cause  
17 to initiate a search of a person or that person's personal property to  
18 determine a violation of paragraph (2) of this subsection.  
19 Additionally, the unconcealed possession of an alcoholic beverage,  
20 marijuana, hashish, or cannabis item in violation of paragraph (1) or  
21 (2) of this subsection, observed in plain sight by a law enforcement  
22 officer, shall not constitute probable cause to initiate a search of a  
23 person or that person's personal property to determine any further  
24 violation of either paragraph or any other violation of law.

25 (d) A person under the legal age to purchase cannabis items who  
26 violates paragraph (2) of this subsection for possessing or  
27 consuming marijuana, hashish, or a cannabis item shall not be  
28 subject to arrest, and shall not be subject to detention or otherwise  
29 be taken into custody by a law enforcement officer except to the  
30 extent required to issue a written warning, provide notice of a  
31 violation to a parent, guardian or other person having legal custody  
32 of the underage person in accordance with section 3 of P.L.1991,  
33 c.169 (C.33:1-81.1a), or issue a summons for a third or subsequent  
34 violation, unless the person is being arrested, detained, or otherwise  
35 taken into custody for also committing another violation of law for  
36 which that action is legally permitted or required.

37 (e) Consistent with the provisions of subsection c. of section 1 of  
38 P.L.2020, c.129 (C.40A:14-118.5), the video and audio recording  
39 functions of a law enforcement officer's body worn camera, as  
40 defined in that section, shall be activated whenever the law  
41 enforcement officer is responding to a call for service related to a  
42 violation or suspected violation of paragraph (2) of this subsection  
43 for possessing or consuming marijuana, hashish, or a cannabis item,  
44 or at the initiation of any other law enforcement or investigative  
45 encounter between an officer and a person related to a violation or  
46 suspected violation of that paragraph, and shall remain activated  
47 until the encounter has fully concluded and the officer leaves the  
48 scene of the encounter; provided, however, that the video and audio

1 recording functions of a body worn camera shall not be deactivated  
2 pursuant to subparagraph (a) of paragraph (2) of subsection c. of  
3 P.L.2020, c.129 (C.40A:14-118.5), based on a request to deactivate  
4 the camera by a person who is the subject of a responsive call for  
5 service or law enforcement or investigative encounter related to a  
6 violation or suspected violation of paragraph (2) of this subsection.

7 (f) As part of the process for the issuance of a written warning to  
8 a person for a violation of subparagraph (b) of paragraph (2) of this  
9 subsection based upon probable cause, the law enforcement officer  
10 may take possession of any marijuana, hashish, or cannabis item  
11 from the person, and any drug or cannabis paraphernalia for use  
12 with the marijuana, hashish, or cannabis item. The existence and  
13 description of the marijuana, hashish, or cannabis item, and any  
14 drug or cannabis paraphernalia shall be included in the relevant  
15 facts and circumstances catalogued in the determination of probable  
16 cause record temporarily maintained in accordance with this section  
17 to determine subsequent possession or consumption violations, and  
18 the enforcement of court dispositions. Any marijuana, hashish,  
19 cannabis item, or drug or cannabis paraphernalia obtained by the  
20 law enforcement officer shall either be destroyed or secured for use  
21 in law enforcement training or educational programs in accordance  
22 with applicable law and directives issued by the Attorney General.

23 (g) With respect to any violation of subparagraph (b) of  
24 paragraph (2) of this subsection concerning the possession or  
25 consumption of marijuana, hashish, or any cannabis item:

26 (i) a person under the legal age to purchase cannabis items shall  
27 not be photographed or fingerprinted, notwithstanding any  
28 provisions of section 2 of P.L.1982, c.79 (C.2A:4A-61) to the  
29 contrary;

30 (ii) any copy of any written warning issued to a person under the  
31 legal age to purchase cannabis items, written notification provided  
32 to the person's parent, guardian or other person having legal  
33 custody in accordance with section 3 of P.L.1991, c.169 (C.33:1-  
34 81.1a), or record pertaining to a third or subsequent violation  
35 subject to a summary proceeding for imposition of a civil penalty or  
36 community service shall be segregated and maintained in a separate  
37 physical location or electronic repository or database from any  
38 other records maintained by a law enforcement agency, and  
39 reported to the Attorney General in a manner so that they are  
40 similarly segregated and maintained in a separate physical location  
41 or electronic repository or database from other law enforcement  
42 records accessible to the Attorney General and State and local law  
43 enforcement agencies, and shall not be transferred to or copied and  
44 placed in any other physical location or electronic repository or  
45 database containing any other law enforcement records. These  
46 records shall only be used to the extent necessary to determine a  
47 subsequent violation of subparagraph (b) of paragraph (2) of this  
48 subsection or enforce a civil penalty or community service imposed

1 by a court, and shall not be revealed, reviewed, or considered in any  
2 manner with respect to any current or subsequent juvenile  
3 delinquency matter, including but not limited to, a charge, filing,  
4 eligibility or decision for diversion or discharge, or sentencing,  
5 other disposition, or related decision affecting the juvenile, or with  
6 respect to any current or subsequent prosecution for committing an  
7 offense or other violation of law, including but not limited to, a  
8 charge, filing, eligibility or decision for diversion or discharge, or  
9 sentencing, other disposition, or related decision affecting an adult  
10 under 21 years of age. Also, these records shall be deemed  
11 confidential and shall not be subject to public inspection or copying  
12 pursuant to the provisions of P.L.1963, c.73 (C.47:1A-1 et seq.),  
13 and their existence shall not be acknowledged based upon any  
14 inquiry in the same manner as if the records were expunged records  
15 pursuant to the provisions of subsection a. of N.J.S.2C:52-15.

16 The Attorney General may use the records to generate the  
17 number of occurrences and other statistics concerning first, second,  
18 third and subsequent violations of subparagraph (b) of paragraph (2)  
19 of this subsection, the municipal, county or other geographic areas  
20 within which first, second, third and subsequent violations occur,  
21 and the law enforcement agencies involved in first, second, third  
22 and subsequent violations, which are to be compiled and made  
23 available by the Attorney General in accordance with section 3 of  
24 P.L. , c. (C. ) (pending before the Legislature as this bill).  
25 The identity of any person named in a record shall not be revealed  
26 or included in the information to be compiled and made available in  
27 accordance with that section.

28 The records of violations shall only be maintained temporarily  
29 and shall be destroyed or permanently deleted as set forth in  
30 subsubparagraph (iii) of this subparagraph; and

31 (iii) all of the records maintained by a law enforcement agency  
32 and reported to the Attorney General as described in  
33 subsubparagraph (ii) of this subparagraph shall be destroyed or  
34 permanently deleted by the law enforcement agency and Attorney  
35 General on the second anniversary following the creation of the  
36 record concerning a violation, or not later than the last day of the  
37 month in which that second anniversary date falls, except that a  
38 record shall be maintained upon request by the person named in the  
39 record or representative thereof, the law enforcement officer who  
40 made the record, or the law enforcement agency currently  
41 maintaining the record if it involves a law suit, disciplinary  
42 complaint, or criminal prosecution arising from the violation  
43 described in the record, based on an assertion that the record has  
44 evidentiary or exculpatory value. Upon final disposition of the  
45 matter for which the extended record retention was requested, the  
46 record shall be destroyed or permanently deleted.

47 b. Whenever **【this offense】** a violation of paragraph (1) of  
48 subsection a. of this section concerning the possession or

1 consumption of an alcoholic beverage is committed in a motor  
2 vehicle, the court shall, in addition to the sentence authorized **for**  
3 **the offense** under that paragraph, suspend or postpone for six  
4 months the driving privilege of the defendant. Upon the conviction  
5 of finding of guilt of any person under this section, the court shall  
6 forward a report to the New Jersey Motor Vehicle Commission  
7 stating the first and last day of the suspension or postponement  
8 period imposed by the court pursuant to this section. If a person at  
9 the time of the imposition of a sentence is less than 17 years of age,  
10 the period of license postponement, including a suspension or  
11 postponement of the privilege of operating a motorized bicycle,  
12 shall commence on the day the sentence is imposed and shall run  
13 for a period of six months after the person reaches the age of 17  
14 years.

15 If a person at the time of the imposition of a sentence has a valid  
16 driver's license issued by this State, the court shall immediately  
17 collect the license and forward it to the commission along with the  
18 report. If for any reason the license cannot be collected, the court  
19 shall include in the report the complete name, address, date of birth,  
20 eye color, and sex of the person as well as the first and last date of  
21 the license suspension period imposed by the court.

22 The court shall inform the person orally and in writing that if the  
23 person is convicted of operating a motor vehicle during the period  
24 of license suspension or postponement, the person shall be subject  
25 to the penalties set forth in R.S.39:3-40. A person shall be required  
26 to acknowledge receipt of the written notice in writing. Failure to  
27 receive a written notice or failure to acknowledge in writing the  
28 receipt of a written notice shall not be a defense to a subsequent  
29 charge of a violation of R.S.39:3-40.

30 If the person convicted or found guilty under this section is not a  
31 New Jersey resident, the court shall suspend or postpone, as  
32 appropriate, the non-resident driving privilege of the person based  
33 on the age of the person and submit to the commission the required  
34 report. The court shall not collect the license of a non-resident  
35 convicted under this section. Upon receipt of a report by the court,  
36 the commission shall notify the appropriate officials in the licensing  
37 jurisdiction of the suspension or postponement.

38 c. In addition to the general **penalty** penalties prescribed **for**  
39 **a disorderly persons offense** under this section, the court may  
40 require any person who violates **this act** paragraph (1) of  
41 subsection a. of this section for possession or consumption of an  
42 alcoholic beverage to participate in an alcohol or drug abuse  
43 education or treatment program, authorized by the Division of  
44 Mental Health and Addiction Services in the Department of Human  
45 Services, for a period not to exceed **the maximum period of**  
46 **confinement prescribed by law for the offense for which the**  
47 **individual has been convicted** 30 days. Any participation in an

1 alcohol or drug abuse education or treatment program by a person  
2 who violates paragraph (2) of subsection a. of this section for  
3 possession or consumption of marijuana, hashish, or a cannabis  
4 item shall be addressed in accordance with that paragraph.

5 d. Nothing in this act shall apply to possession of alcoholic  
6 beverages by any such person while actually engaged in the  
7 performance of employment pursuant to an employment permit  
8 issued by the Director of the Division of Alcoholic Beverage  
9 Control, or for a bona fide hotel or restaurant, in accordance with  
10 the provisions of R.S.33:1-26, or while actively engaged in the  
11 preparation of food while enrolled in a culinary arts or hotel  
12 management program at a county vocational school or post-  
13 secondary educational institution; and nothing in this section shall  
14 apply to possession of cannabis items by any such person while  
15 actually engaged in the performance of employment by a cannabis  
16 establishment, distributor, or delivery service as permitted pursuant  
17 to the “New Jersey Cannabis Regulatory, Enforcement Assistance,  
18 and Marketplace Modernization Act,” P.L. , c. (C. ) (passed  
19 both Houses on December 17, 2020 as Second Reprint of Assembly  
20 Bill No. 21).

21 e. The provisions of section 3 of P.L.1991, c.169 (C.33:1-  
22 81.1a) shall apply to a parent, guardian or other person with legal  
23 custody of a person under 18 years of age who is found to be in  
24 violation of this section.

25 f. An underage person and one or two other persons shall be  
26 immune from prosecution under this section if:

27 (1) one of the underage persons called 9-1-1 and reported that  
28 another underage person was in need of medical assistance due to  
29 alcohol consumption , or the consumption of marijuana, hashish, or  
30 a cannabis item;

31 (2) the underage person who called 9-1-1 and, if applicable, one  
32 or two other persons acting in concert with the underage person  
33 who called 9-1-1 provided each of their names to the 9-1-1  
34 operator;

35 (3) the underage person was the first person to make the 9-1-1  
36 report; and

37 (4) the underage person and, if applicable, one or two other  
38 persons acting in concert with the underage person who made the 9-  
39 1-1 call remained on the scene with the person under the legal age  
40 in need of medical assistance until assistance arrived and  
41 cooperated with medical assistance and law enforcement personnel  
42 on the scene.

43 The underage person who received medical assistance also shall  
44 be immune from prosecution under this section.

45 g. For purposes of this section, an alcoholic beverage includes  
46 powdered alcohol as defined by R.S.33:1-1, **[and]** a cannabis item  
47 includes any item available for lawful consumption pursuant to the  
48 “New Jersey Cannabis Regulatory, Enforcement Assistance, and

1 Marketplace Modernization Act,” P.L. , c. (C. ) (passed both  
2 Houses on December 17, 2020 as Second Reprint of Assembly Bill  
3 No. 21), the terms “marijuana” and “hashish” have the same  
4 meaning as set forth in N.J.S.2C:35-2, and the terms “drug  
5 paraphernalia” and “cannabis paraphernalia” have the same  
6 meaning as set forth in N.J.S.2C:36-1 and section 3 of P.L. ,  
7 c. (C. ) (passed both Houses on December 17, 2020 as Second  
8 Reprint of Assembly Bill No. 21), respectively.

9 (cf: P.L.2021, c. , s.73)

10

11 3. (New section) a. (1) The Attorney General shall biannually  
12 issue a comprehensive report detailing the number of occurrences  
13 and other statistics, without revealing or including any personal  
14 identifying information, concerning first, second, third and  
15 subsequent violations of subparagraph (b) of paragraph (2) of  
16 subsection a. of section 1 of P.L.1979, c.264 (C.2C:33-15)  
17 involving the possession or consumption of marijuana, hashish, or  
18 cannabis items by persons under the legal age to purchase cannabis  
19 items, the municipal, county or other geographic areas within which  
20 first, second, third and subsequent violations occur, and the law  
21 enforcement agencies involved in first, second, third and  
22 subsequent violations, covering the previous six-month period. The  
23 initial report shall be issued by June 30, 2021, the second report  
24 shall be issued by January 30, 2022, and then the next report issued  
25 every six months thereafter. Each report shall also be submitted to  
26 the Governor and the Legislature pursuant to section 2 of P.L.1991,  
27 c.164 (C.52:14-19.1).

28 (2) The Attorney General shall also make available to the task  
29 force established pursuant to subsection b. of this section for their  
30 periodic review, all body worn camera recordings of law  
31 enforcement officers responding to a call for service related to a  
32 violation or suspected violation of paragraph (2) of subsection a. of  
33 section 1 of P.L.1979, c.264 (C.2C:33-15), or at the initiation of any  
34 other law enforcement or investigative encounter between and  
35 officer and a person related to a violation or suspected violation of  
36 that paragraph, which recordings are required to be made in  
37 accordance with subparagraph (e) of that paragraph. The identity of  
38 any person included in a recording reviewed by the task force shall  
39 be kept confidential by the members of the task force and any staff  
40 provided to the task force by the Department of Law and Public  
41 Safety pursuant to paragraph (6) of subsection b. of this section to  
42 support its work.

43 b. (1) A taskforce shall be established in the Department of  
44 Law and Public Safety, comprised of 26 members to review each  
45 Attorney General report and any requested amount of law  
46 enforcement body worn camera recordings described in subsection  
47 a. of this section, and make recommendations thereon to the  
48 Governor and Legislature related to law enforcement activities to



1 address the enforcement of underage possession or consumption of  
2 marijuana, hashish, or cannabis items in violation of section 1 of  
3 P.L.1979, c.264 (C.2C:33-15), as well as the broader issue of  
4 underage possession or consumption of these substances.

5 (2) The membership of the taskforce shall include the following  
6 individuals:

7 (a) the Attorney General, or a designee;

8 (b) the Public Defender, or a designee;

9 (c) the Commissioner of the Department of Children and  
10 Families, or a designee;

11 (d) the Commissioner of Education, or a designee;

12 (e) a representative from the Juvenile Justice Commission,  
13 appointed by the Governor;

14 (f) a representative from the Division of Criminal Justice in the  
15 Department of Law and Public Safety, appointed by the Governor;

16 (g) the Chair of the Governor's Juvenile Justice Delinquency and  
17 Prevention Committee;

18 (h) two members appointed by the Governor upon the  
19 recommendation of the President of the Senate, at least one of  
20 whom shall be a member of the Legislative Black Caucus or  
21 Legislative Latino Caucus, determined in coordination with the  
22 members recommended by the Speaker of the General Assembly  
23 pursuant to subparagraph (i) of this paragraph, so that there is at  
24 least one member of each caucus serving as a member of the task  
25 force;

26 (i) two members appointed by the Governor upon the  
27 recommendation of the Speaker of the General Assembly, at least  
28 one of whom shall be a member of the Legislative Black Caucus or  
29 Legislative Latino Caucus, determined in coordination with the  
30 members recommended by the Senate President pursuant to  
31 subparagraph (h) of this paragraph, so that there is at least one  
32 member of each caucus serving as a member of the task force;

33 (j) a Judge of the Superior Court, who is currently assigned to  
34 the Chancery Division, Family Part for juvenile delinquency  
35 matters, to be chosen by the Administrative Director of the Courts;

36 (k) a representative from the New Jersey Institute for Social  
37 Justice, appointed by the Governor;

38 (l) a representative from the American Civil Liberties Union of  
39 New Jersey, appointed by the Governor;

40 (m) a representative from the County Prosecutors Association of  
41 New Jersey who is actively and presently involved in juvenile  
42 matters, appointed by the Governor;

43 (n) a representative from the New Jersey Juvenile Officers  
44 Association, appointed by the Governor;

45 (o) one representative each from the Annie E. Casey Foundation  
46 and Vera Institute of Justice, both appointed by the Governor;

47 (p) a representative of the NAACP New Jersey State Conference,  
48 appointed by the Governor;

1 (q) a representative of Salvation and Social Justice, appointed by  
2 the Governor;

3 (r) a representative from the County Youth Services  
4 Commission Administrators, appointed by the Governor;

5 (s) a representative from the faith-based ethical community in  
6 New Jersey, appointed by the Governor;

7 (t) a representative of an employee organization representing  
8 employees who work at juvenile justice facilities, appointed by the  
9 Governor; and

10 (u) three representatives who have been involved with the New  
11 Jersey juvenile justice system, appointed by the Governor,  
12 including at least one representative of a non-profit organization  
13 that deals with juvenile justice issues and at least one individual  
14 who has been subject to the custody of the juvenile justice system.

15 (3) All members appointed by the Governor, other than the  
16 members of the Legislature recommended for appointment, shall  
17 serve at the pleasure of the Governor. The members of the  
18 Legislature shall serve on the task force during their elective term  
19 of office. Any vacancies in the membership of the task force shall  
20 be filled in the same manner as the original appointments were  
21 made.

22 (4) Members of the task force shall serve without compensation,  
23 but shall be reimbursed for necessary expenditures incurred in the  
24 performance of their duties as members of the task force within the  
25 limits of funds appropriated or otherwise made available to the task  
26 force for its purposes.

27 (5) The task force shall organize as soon as practicable  
28 following the appointment of its members. The task force shall  
29 choose a chairperson from among its members and shall appoint a  
30 secretary who need not be a member of the task force.

31 (6) The Department of Law and Public Safety shall provide such  
32 stenographic, clerical, and other administrative assistants, and such  
33 professional staff as the task force requires to carry out its work.

34

35 4. Section 41 of P.L. , c. (C. ) (passed both Houses of  
36 the Legislature on December 17, 2020 as Second Reprint of  
37 Assembly Bill No. 21) is amended to read as follows:

38 41. Cannabis Regulatory, Enforcement Assistance, and  
39 Marketplace Modernization Fund.

40 a. All fees and penalties collected by the commission, and all  
41 tax revenues on retail sales of cannabis items, and all tax revenues  
42 collected pursuant to the provisions of the “Jake Honig  
43 Compassionate Use Medical Cannabis Act,” P.L.2009, c.307  
44 (C.24:6I-1 et al.), except for amounts credited to the Property Tax  
45 Reform Account in the Property Tax Relief Fund pursuant to  
46 paragraph 7 of Section I of Article VIII of the New Jersey  
47 Constitution, as well as all revenues, if any, collected for the Social  
48 Equity Excise Fee pursuant to section 39 of P.L. , c. (C. )

1 (passed both Houses of the Legislature on December 17, 2020 as  
2 Second Reprint of Assembly Bill No. 21), shall be deposited in a  
3 special nonlapsing fund which shall be known as the “Cannabis  
4 Regulatory, Enforcement Assistance, and Marketplace  
5 Modernization Fund [.]” with 15 percent of the monies deposited  
6 being placed into an account within the fund to be known as the  
7 “Underage Deterrence and Prevention Account.”

8 b. Monies in the fund, other than any monies derived from the  
9 Social Equity Excise Fee to be appropriated annually in accordance  
10 with subsection d. of this section and the monies placed into the  
11 “Underage Deterrence and Prevention Account” within the fund for  
12 the commission to fund programs and services in accordance with  
13 subsection e. of this section, shall be appropriated annually as  
14 follows:

15 (1) at least 70 percent of all tax revenues on retail sales of  
16 cannabis items shall be appropriated for investments, including  
17 through grants, loans, reimbursements of expenses, and other  
18 financial assistance, in municipalities defined as an “impact zone”  
19 pursuant to section 3 of P.L. , c. (C. ) (passed both Houses  
20 of the Legislature on December 17, 2020 as Second Reprint of  
21 Assembly Bill No. 21), as well as provide direct financial assistance  
22 to qualifying persons residing therein as recommended by the  
23 commission; and

24 (2) the remainder of the monies in the fund shall be appropriated  
25 by the Legislature to include the following:

26 (a) to oversee the development, regulation, and enforcement of  
27 activities associated with the personal use of cannabis pursuant to  
28 P.L. , c. (C. ) (passed both Houses of the Legislature on  
29 December 17, 2020 as Second Reprint of Assembly Bill No. 21),  
30 and assist with assuming responsibility from the Department of  
31 Health for the further development and expansion, regulation, and  
32 enforcement of activities associated with the medical use of  
33 cannabis pursuant to the “Jake Honig Compassionate Use Medical  
34 Cannabis Act,” P.L.2009, c.307 (C.24:6I-1 et al.) and P.L.2015,  
35 c.158 (C.18A:40-12.22 et al.);

36 (b) to reimburse the expenses incurred by any county or  
37 municipality for the training costs associated with the attendance  
38 and participation of a police officer from its law enforcement unit,  
39 as those terms are defined in section 2 of P.L.1961, c.56 (C.52:17B-  
40 67), in a program provided by an approved school, also defined in  
41 that section, which trains and certifies the police officer, including a  
42 police officer with a working dog as that term is defined in section  
43 1 of P.L.2006, c.88 (C.10:5-29.7), as a Drug Recognition Expert for  
44 detecting, identifying, and apprehending drug-impaired motor  
45 vehicle operators, and pay for the same training costs incurred by  
46 the Division of State Police in the Department of Law and Public  
47 Safety for the training of a State police officer or trooper, including  
48 an officer or trooper with a working dog, as a Drug Recognition

1 Expert, as well as its costs in furnishing additional program  
2 instructors to provide Drug Recognition Expert training to police  
3 officers, troopers, and working dogs. A municipality or county  
4 seeking reimbursement shall apply to the commission, itemizing the  
5 costs, with appropriate proofs, for which reimbursement is  
6 requested and provide a copy of the certificate issued to the police  
7 officer to indicate the successful completion of the program by the  
8 police officer, and that officer's working dog, if applicable; and

9 (c) for further investments, including through grants, loans,  
10 reimbursements of expenses, and other financial assistance, in  
11 municipalities defined as an "impact zone" pursuant to section 3 of  
12 P.L. , c. (C. ) (passed both Houses of the Legislature on  
13 December 17, 2020 as Second Reprint of Assembly Bill No. 21), as  
14 well as provide direct financial assistance to qualifying persons  
15 residing therein as recommended by the commission.

16 The monies appropriated pursuant to paragraph (1) of this  
17 subsection shall be offset by any revenue constitutionally dedicated  
18 to municipalities defined as an "impact zone" pursuant to section 3  
19 of P.L. , c. (C. ) (passed both Houses of the Legislature on  
20 December 17, 2020 as Second Reprint of Assembly Bill No. 21).

21 c. Any remaining available monies, after the appropriation of  
22 those monies in the fund in accordance with subsection b. of this  
23 section, shall be deposited in the State's General Fund.

24 d. (1) (a) Not less than 60 days prior to the first day of each  
25 State fiscal year, the commission shall consult and make  
26 recommendations to the Governor and Legislature for making social  
27 equity appropriations based upon the amount of any revenues  
28 collected during the current fiscal year for the Social Equity Excise  
29 Fee pursuant to section 39 of P.L. , c. (C. ) (passed both  
30 Houses of the Legislature on December 17, 2020 as Second Reprint  
31 of Assembly Bill No. 21), or, if the commission has not imposed or  
32 adjusted the excise fee in the current fiscal year pursuant to that  
33 section, then appropriations to be made from the General Fund in an  
34 amount equal to the revenues that would have been collected had it  
35 imposed or adjusted the fee, in order to invest, through grants,  
36 loans, reimbursements of expenses, and other financial assistance,  
37 in private for-profit and non-profit organizations, public entities,  
38 including any municipality defined as an "impact zone" pursuant to  
39 section 3 of P.L. , c. (C. ) (passed both Houses of the  
40 Legislature on December 17, 2020 as Second Reprint of Assembly  
41 Bill No. 21), as well as provide direct financial assistance to  
42 qualifying persons as determined by the commission, in order to  
43 create, expand, or promote educational and economic opportunities  
44 and activities, and the health and well-being of both communities  
45 and individuals.

46 (b) Not less than 30 days prior to submitting its  
47 recommendations to the Governor and Legislature pursuant to  
48 subparagraph (a) of this paragraph, the commission shall hold at

1 least three regional public hearing throughout the State, with at least  
2 one hearing in the northern, central, and southern regions of the  
3 State, to solicit the public input on the social equity investments to  
4 be made as described in this section.

5 (2) The commission's recommendations to the Governor and  
6 Legislature may include, but are not limited to, recommending  
7 investments in the following categories of social equity programs:

8 (a) educational support, including literacy programs, extended  
9 learning time programs that endeavor to close the achievement gap  
10 and provide services for enrolled students after the traditional  
11 school day, GED application and preparedness assistance, tutoring  
12 programs, vocational programming, and financial literacy;

13 (b) economic development, including the encouragement and  
14 support of community activities so as to stimulate economic activity  
15 or increase or preserve residential amenities, and business  
16 marketing, and job skills and readiness training, specific  
17 employment training, and apprenticeships;

18 (c) social support services, including food assistance, mental  
19 health services, substance use disorders treatment and recovery,  
20 youth recreation and mentoring services, life skills support services,  
21 and reentry and other rehabilitative services for adults and juveniles  
22 being released from incarceration; and

23 (d) legal aid for civil and criminal cases.

24 (3) The commission may also, subject to the annual  
25 appropriations act, recommend that it retain a portion of the Social  
26 Equity Excise Fee to administer startup grants, low-interest loans,  
27 application fee assistance, and job training programs through the  
28 commission's Office of Minority, Disabled Veterans and Women  
29 Cannabis Business Development established by section 32 of  
30 P.L.2019, c.153 (24:6I-25).

31 (4) Prior to the first day of each fiscal year, the Legislature shall  
32 provide to the commission a statement which lists the investments,  
33 including the investment recipients and investment amount, to be  
34 made by appropriations as set forth in paragraph (1) of this  
35 subsection based upon recommendations presented to the Governor  
36 and Legislature pursuant to paragraphs (1) through (3) of this  
37 subsection, and how the investment is intended to support and  
38 advance social equity as described in this subsection.

39 e. The monies deposited in the "Underage Deterrence and  
40 Prevention Account" within the fund shall be used by the  
41 commission, based on the acceptance of applications submitted on a  
42 form and through an approval or denial process promulgated by the  
43 commission, to fund private for-profit and non-profit organizations,  
44 and county and municipal programs and services that offer social  
45 services, educational, recreational, and employment opportunities,  
46 and local economic development designed to encourage, improve,  
47 and support youthful community activities to divert and prevent

1 persons under 18 years of age from activities associated with the  
2 consumption of cannabis items, or marijuana or hashish.

3 (cf: P.L.2021, c. , s.41)

4

5 5. (New section) a. A person who is not otherwise subject to  
6 the penalty provisions for a licensed cannabis establishment,  
7 distributor, or delivery service, or agent or employee thereof, for  
8 selling or otherwise providing a cannabis item to a person under 21  
9 years of age as set forth in section 64 of P.L. , c. (C. )  
10 (passed both Houses of the Legislature on December 17, 2020 as  
11 Second Reprint of Assembly Bill No. 21), shall not, either directly  
12 or indirectly by an agent or employee, sell, offer for sale, distribute  
13 for commercial purpose or otherwise at no cost or minimal cost or  
14 with coupons or rebate offers, give, or furnish, any cannabis item as  
15 defined in section 3 of P.L. , c. (C. ) (passed both Houses of  
16 the Legislature on December 17, 2020 as Second Reprint of  
17 Assembly Bill No. 21) to a person under 21 years of age.

18 b. A person who violates the provisions of subsection a. of this  
19 section who actually sells or otherwise provides a cannabis item to  
20 a person under 21 years of age, shall be liable to a civil penalty of  
21 not less than \$250 for the first violation, not less than \$500 for the  
22 second violation, and \$1,000 for the third and each subsequent  
23 violation. The civil penalty shall be collected pursuant to the  
24 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10  
25 et seq.), in a summary proceeding before the municipal court having  
26 jurisdiction. An official authorized by the Cannabis Regulatory  
27 Commission established pursuant to section 31 of P.L.2019, c.153  
28 (C.24:6I-24), or authorized by statute or ordinance to enforce the  
29 State or local health codes or a law enforcement officer having  
30 enforcement authority in that municipality may issue a summons for  
31 a violation of the provisions of subsection a. of this section, and  
32 may serve and execute all process with respect to the enforcement  
33 of this section consistent with the Rules of Court. A penalty  
34 recovered under the provisions of this subsection shall be recovered  
35 by and in the name of the State by the local health agency. The  
36 penalty shall be paid into the treasury of the municipality in which  
37 the violation occurred for the general uses of the municipality.

38 c. The establishment of all of the following shall constitute a  
39 defense to any action brought pursuant to subsection a. of this  
40 section:

41 (1) that the purchaser or the recipient of the cannabis item  
42 falsely represented, by producing a driver's license or non-driver  
43 identification card issued by the New Jersey Motor Vehicle  
44 Commission, a similar card issued pursuant to the laws of another  
45 state or the federal government of Canada, a photographic  
46 identification card issued by a county clerk, or other form of  
47 government-issued identification described in subparagraph (a) of  
48 paragraph (6) of subsection a. of section 18 of P.L. , c. (C. )

1 (passed both Houses of the Legislature on December 17, 2020 as  
2 Second Reprint of Assembly Bill No. 21), that the purchaser or  
3 recipient was of legal age to make the purchase or receive the  
4 cannabis item;

5 (2) that the appearance of the purchaser or recipient was such  
6 that an ordinary prudent person would believe the purchaser or  
7 recipient to be of legal age to make the purchase or receive the  
8 cannabis item; and

9 (3) that the sale or distribution was made in good faith, relying  
10 upon the production of the identification set forth in paragraph (1)  
11 of this subsection, the appearance of the purchaser or recipient, and  
12 in the reasonable belief that the purchaser or recipient was of legal  
13 age to make the purchase or receive the sample.

14 d. A penalty imposed pursuant to this section shall be in  
15 addition to any penalty that may be imposed pursuant to section 3  
16 of P.L.1999, c.90 (C.2C:33-13.1).

17

18 6. (New Section) The Cannabis Regulatory Commission  
19 established pursuant to section 31 of P.L.2019, c.153 (C.24:6I-24)  
20 and the Commissioner of Health are authorized to coordinate and  
21 enforce the provisions of section 5 of P.L. , c. (C. ) (pending  
22 before the Legislature as this bill) with respect to the prohibition on  
23 the sale or distribution of cannabis items, as defined in section 3 of  
24 P.L. , c. (C. ) (passed both Houses of the Legislature on  
25 December 17, 2020 as Second Reprint of Assembly Bill No. 21), to  
26 persons under 21 years of age. The commission, or commissioner,  
27 or both, may delegate the enforcement authority provided in this  
28 section to local health agencies, subject to the availability of  
29 sufficient funding. The commission, in consultation with the  
30 commissioner, shall report on the enforcement program's progress,  
31 results of enforcement efforts, and other matters the commission  
32 deems appropriate in the commission's annual report on personal  
33 use cannabis activities that is prepared pursuant to paragraph (3) of  
34 subsection a. of section 14 of P.L.2009, c.307 (C.24:6I-12).

35

36 7. The title of P.L.1995, c.304 is amended to read as follows:

37 **AN ACT** concerning penalties for the sale and distribution of  
38 **【tobacco】** certain regulated products to persons under the age of  
39 **【18】** 21 years, amending N.J.S.2A:170-51 and P.L.1987, c.423,  
40 and supplementing chapter 170 of Title 2A of the New Jersey  
41 Statutes.

42 (cf: P.L.1995, c.304, title)

43

44 8. Section 3 of P.L.1995, c.304 (C.2A:170-51.1) is amended to  
45 read as follows:

46 3. A person 21 years of age or older who purchases a tobacco  
47 product or cannabis item as defined section 3 of P.L. ,  
48 c. (C. ) (passed both Houses of the Legislature on December

1 17, 2020 as Second Reprint of Assembly Bill No. 21) for a person  
2 who is under 21 years of age is a petty disorderly person.

3 (cf: P.L.2017, c.118, s.1)

4

5 9. Section 3 of P.L.1999, c.90 (C.2C:33-13.1) is amended to  
6 read as follows:

7 3. a. A person who sells or gives to a person under 21 years of  
8 age any cigarettes made of tobacco or of any other matter or  
9 substance which can be smoked, or any cigarette paper or tobacco  
10 in any form, including smokeless tobacco, or any electronic  
11 smoking device that can be used to deliver nicotine or other  
12 substances to the person inhaling from the device, including, but not  
13 limited to, an electronic cigarette, cigar, cigarillo, or pipe, or any  
14 cartridge or other component of the device or related product, or  
15 any cannabis item as defined in section 3 of P.L. , c. (C. )  
16 (passed both Houses of the Legislature on December 17, 2020 as  
17 Second Reprint of Assembly Bill No. 21), including an employee of  
18 a retail dealer licensee under P.L.1948, c.65 (C.54:40A-1 et seq.) or  
19 employee of a licensed cannabis establishment, cannabis distributor,  
20 or cannabis delivery service under P.L. , c. (C. ) (passed  
21 both Houses of the Legislature on December 17, 2020 as Second  
22 Reprint of Assembly Bill No. 21), who actually sells or otherwise  
23 provides a tobacco product **[or]** , electronic smoking device , or  
24 cannabis item to a person under 21 years of age, shall be punished  
25 by a fine as provided for a petty disorderly persons offense. A  
26 person who has been previously punished under this section and  
27 who commits another offense under it may be punishable by a fine  
28 of twice that provided for a petty disorderly persons offense.

29 b. The establishment of all of the following shall constitute a  
30 defense to any prosecution brought pursuant to subsection a. of this  
31 section:

32 (1) that the purchaser or recipient of the tobacco product **[or]** ,  
33 electronic smoking device , or cannabis item falsely represented, by  
34 producing **[either]** a driver's license or non-driver identification  
35 card issued by the New Jersey Motor Vehicle Commission, a  
36 similar card issued pursuant to the laws of another state or the  
37 federal government of Canada, **[or]** a photographic identification  
38 card issued by a county clerk, or other form of government-issued  
39 identification described in subparagraph (a) of paragraph (6) of  
40 subsection a. of section 18 of P.L. , c. (C. ) (passed both  
41 Houses of the Legislature on December 17, 2020 as Second Reprint  
42 of Assembly Bill No. 21), that the purchaser or recipient was of  
43 legal age to purchase or receive the tobacco product **[or]** ,  
44 electronic smoking device, or cannabis item;

45 (2) that the appearance of the purchaser or recipient of the  
46 tobacco product **[or]** , electronic smoking device , or cannabis item  
47 was such that an ordinary prudent person would believe the



1 purchaser or recipient to be of legal age to purchase or receive the  
2 tobacco product **[or]** , electronic smoking device , or cannabis  
3 item; and

4 (3) that the sale or distribution of the tobacco product **[or]** ,  
5 electronic smoking device , or cannabis item was made in good  
6 faith, relying upon the production of the identification set forth in  
7 paragraph (1) of this subsection, the appearance of the purchaser or  
8 recipient, and in the reasonable belief that the purchaser or recipient  
9 was of legal age to purchase or receive the tobacco product **[or]** ,  
10 electronic smoking device , or cannabis item .

11 c. A penalty imposed pursuant to this section shall be in  
12 addition to any penalty that may be imposed pursuant to section 1  
13 of P.L.2000, c.87 (C.2A:170-51.4) concerning tobacco products or  
14 electronic smoking devices, or section 64 of P.L. , c. (C. )  
15 (passed both Houses of the Legislature on December 17, 2020 as  
16 Second Reprint of Assembly Bill No. 21) or section 5 of P.L. ,  
17 c. (C. ) (pending before the Legislature as this bill) concerning  
18 cannabis items.

19 (cf: P.L.2017, c.118, s.3)

20

21 10. Section 46 of P.L. , c. (C. ) (passed both Houses of  
22 the Legislature on December 17, 2020 as Second Reprint of  
23 Assembly Bill No. 21) is amended to read as follows:

24 46. Personal Use of Cannabis Items.

25 Notwithstanding any other provision of law, the following acts  
26 are not unlawful and shall not be an offense or a basis for seizure or  
27 forfeiture of assets under N.J.S.2C:64-1 et seq. or other applicable  
28 law for persons 21 years of age or older, provided the acts are  
29 consistent with the relevant definitions set forth in section 3 of  
30 P.L. , c. (C. ) (passed both Houses of the Legislature on  
31 December 17, 2020 as Second Reprint of Assembly Bill No. 21),  
32 and when an act involves a cannabis item, it was first obtained  
33 directly from a licensed cannabis retailer or delivered by a licensed  
34 cannabis delivery service making delivery of a purchase order  
35 fulfilled by that licensed cannabis retailer for off-premises delivery,  
36 evidenced by it being in its original packaging or by a sales slip,  
37 invoice, receipt, or other statement or memorandum:

38 a. Possessing, displaying, purchasing, or transporting: cannabis  
39 paraphernalia; one ounce (28.35 grams) or less of useable cannabis;  
40 the equivalent of one ounce (28.35 grams) or less of usable  
41 cannabis as a cannabis product in solid, liquid, or concentrate form,  
42 based upon an equivalency calculation for different product forms  
43 set by the Cannabis Regulatory Commission, established pursuant  
44 to section 31 of P.L.2019, c.153 (C.24:6I-24), in its regulations, and  
45 for which the commission may utilize research conducted in other  
46 states on the issue of product equivalency calculations when setting  
47 this equivalency; or 5 grams (0.176 ounce) or less of cannabis resin.  
48 Possessing, displaying, purchasing, or transporting at any one time

1 any amount of any cannabis items described herein in an amount  
2 greater than as permitted pursuant to this subsection shall be  
3 considered a violation of the “Comprehensive Drug Reform Act of  
4 1987,” P.L.1987, c.106 (N.J.S.2C:35-1 et al.), and subject the  
5 person to prosecution as if the person possessed, displayed,  
6 purchased, or transported marijuana or hashish in violation of that  
7 act;

8 b. Transferring without remuneration: one ounce (28.35 grams)  
9 or less of useable cannabis; the equivalent of one ounce (28.35  
10 grams) or less of usable cannabis as a cannabis product in solid,  
11 liquid, or concentrate form, based upon the equivalency calculation  
12 for different product forms set by the commission pursuant to  
13 subsection a. of this section; or five grams (0.176 ounce) or less of  
14 cannabis resin to a person who is of legal age for purchasing  
15 cannabis items, provided that such transfer is for non-promotional,  
16 non-business purposes. Transferring at any one time any amount of  
17 any cannabis items described herein in an amount greater than as  
18 permitted pursuant to this subsection **],** or to a person who is not of  
19 legal age to purchase cannabis items,**]** shall be considered a  
20 violation of the “Comprehensive Drug Reform Act of 1987,”  
21 P.L.1987, c.106 (N.J.S.2C:35-1 et al.), and subject the person to  
22 prosecution as if the person distributed marijuana or hashish in  
23 violation of that act **], unless the transfer] .** Transferring to a  
24 person who is not of legal age that was done by a cannabis  
25 establishment, distributor, or delivery service licensed pursuant to  
26 P.L. , c. (C. ) (passed both Houses of the Legislature on  
27 December 17, 2020 as Second Reprint of Assembly Bill No. 21), or  
28 an employee or agent thereof, **[in which case it] or by any other**  
29 **person,** is **[a civil violation and the] subject to a civil penalty as** set  
30 forth in subsection b. of section 64 of P.L. , c. (C. ) (passed  
31 both Houses of the Legislature on December 17, 2020 as Second  
32 Reprint of Assembly Bill No. 21) **[shall apply] or section 5 of**  
33 **P.L. , c. (C. ) (pending before the Legislature as this bill), as**  
34 **applicable, and a fine as set forth in section 3 of P.L.1999, c.90**  
35 **(C.2C:33-13.1);**

36 c. Taking delivery of or consuming a lawfully possessed  
37 cannabis item, provided that nothing in this section shall permit a  
38 person to smoke, vape, or aerosolize any cannabis item in a public  
39 place. This prohibition includes the smoking, vaping, or  
40 aerosolizing of a cannabis item in any public place pursuant to law  
41 that prohibits the smoking of tobacco, including N.J.S.2C:33-13 and  
42 the “New Jersey Smoke-Free Air Act,” P.L.2005, c.383 (C.26:3D-  
43 55 et seq.), and any indoor public place, as that term is defined in  
44 section 3 of P.L.2005, c.383 (C.26:3D-57), or portion thereof, even  
45 if the smoking of tobacco is otherwise permitted in that place or  
46 portion thereof pursuant to the “New Jersey Smoke-Free Air Act”;  
47 except that the smoking, vaping, or aerosolizing of a cannabis item

1 shall be permitted in a cannabis consumption area as set forth in  
2 section 28 of P.L.2019, c.153 (C.24:6I-21), and may be permitted  
3 by the person or entity that owns or controls a hotel, motel, or other  
4 lodging establishment as defined in section 1 of P.L.1967, c.95  
5 (C.29:4-5) in up to 20 percent of its guest rooms. The smoking,  
6 vaping, or aerosolizing of a cannabis item may also be prohibited or  
7 otherwise regulated in multifamily housing that is a multiple  
8 dwelling as defined in section 3 of P.L.1967, c.76 (C.55:13A-3), as  
9 decided by the person or entity that owns or controls the  
10 multifamily housing, or prohibited or otherwise regulated in the  
11 structure or specific units of the structure of a cooperative as  
12 defined in section 3 of P.L.1987, c.381 (C.46:8D-3) by the  
13 corporation or other legal entity that owns the structure, or  
14 prohibited or otherwise regulated in the units of a condominium, as  
15 those terms are defined by section 3 of P.L.1969, c.257 (C.46:8B-  
16 3), if approved by the association for the condominium and a  
17 majority of all of the condominium's unit owners, as those terms  
18 are defined in that section. Except as otherwise provided by P.L. ,  
19 c. (C. ) (passed both Houses of the Legislature on December  
20 17, 2020 as Second Reprint of Assembly Bill No. 21), any penalties  
21 that may be assessed for the smoking of tobacco where prohibited  
22 under the "New Jersey Smoke-Free Air Act" shall be applicable to  
23 the smoking, vaping, or aerosolizing of cannabis items where  
24 prohibited. Concerning the consumption of any cannabis item,  
25 other than by smoking, vaping, or aerosolizing: a person or entity  
26 that owns or controls a property, other than multifamily housing  
27 that is a multiple dwelling as defined in section 3 of P.L.1967, c.76  
28 (C.55:13A-3), the structure or specific units of the structure of a  
29 cooperative as defined in section 3 of P.L.1987, c.381 (C.46:8D-3),  
30 a unit of a condominium, as those terms are defined by section 3 of  
31 P.L.1969, c.257 (C.46:8B-3), or a site in a mobile home park as  
32 defined in section 3 of P.L.1983, c.386 (C.40:55D-102), which site  
33 is leased to the owner of a manufactured home, as defined in that  
34 section, that is installed thereon, may prohibit or otherwise regulate  
35 the consumption of cannabis items on or in that property, including  
36 a casino hotel facility as defined in section 19 of P.L.1977, c.110  
37 (C.5:12-19) with respect to a hotel property, a casino as defined in  
38 section 6 of P.L.1977, c.110 (C.5:12-6), or casino simulcasting  
39 facility authorized pursuant to the "Casino Simulcasting Act,"  
40 P.L.1992, c.19 (C.5:12-191 et al.); and a municipality may enact an  
41 ordinance making it an unlawful act for any person 21 years of age  
42 or older to consume, other than by smoking, vaping, or  
43 aerosolizing, any cannabis item in a public place, including any  
44 indoor public place as that term is defined in section 3 of P.L.2005,  
45 c.383 (C.26:3D-57), or portion thereof, and providing a civil  
46 penalty for a violation in accordance with section 77 of P.L. ,  
47 c. (C. ) (passed both Houses of the Legislature on December  
48 17, 2020 as Second Reprint of Assembly Bill No. 21); and

1 d. Assisting another person to engage in any of the acts  
2 described in subsections a. through c. of this section, provided that  
3 the person being assisted is of legal age to purchase cannabis items  
4 and the assistance being provided is without remuneration.

5 (cf: P.L.2021, c. , s.46)

6  
7 11. Section 64 of P.L. , c. (C. ) (passed both Houses of  
8 the Legislature on December 17, 2020 as Second Reprint of  
9 Assembly Bill No. 21) is amended to read as follows:

10 64. Prohibition of Persons Under the Legal Age Purchasing  
11 Cannabis or Cannabis Resin.

12 Consistent with the relevant definitions set forth in section 3 of  
13 P.L. , c. (C. ) (passed both Houses of the Legislature on  
14 December 17, 2020 as Second Reprint of Assembly Bill No. 21):

15 a. A cannabis establishment licensee, cannabis distributor  
16 licensee, or cannabis delivery service licensee, either directly or  
17 indirectly by an agent or employee, shall not sell, offer for sale,  
18 distribute for commercial purpose at no cost or minimal cost, or  
19 give or furnish for consumption, any cannabis items to a person  
20 under 21 years of age.

21 b. Any licensee or employee or agent of a licensee who  
22 **【allows】** violates subsection a. of this section who sells or  
23 otherwise provides a person under **【the age of】** 21 **【to procure】**  
24 years of age cannabis items which, pursuant to section 46 of P.L. ,  
25 c. (C. ) (passed both Houses of the Legislature as Second  
26 Reprint of Assembly Bill No. 21) are **【not unlawful】** lawful for  
27 persons 21 years of age or older to procure for personal use, shall be  
28 subject to a civil penalty of not less than \$250 for the first violation;  
29 \$500 for the second violation; and \$1,000 for the third and each  
30 subsequent violation; a penalty imposed pursuant to this subsection  
31 shall be in addition **【subject】** to any penalty that may be imposed  
32 pursuant to section 3 of P.L.1999, c.90 (C.2C:33-13.1). Subject to a  
33 hearing, a licensee's license may also be revoked, suspended, or  
34 otherwise limited. The penalties provided for in this subsection  
35 shall be recovered by a summary proceeding pursuant to the  
36 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10  
37 et seq.).

38 c. The establishment of all of the following facts by a licensee,  
39 employee, or agent, allowing any such person under **【the age of】** 21  
40 years of age to procure cannabis items shall constitute a defense to  
41 any violation of the provisions of subsection a. **【or b.】** of this  
42 section:

43 (1) That the purchaser or recipient of the cannabis item falsely  
44 represented that the purchaser or recipient was of legal age to make  
45 the purchase or receive the cannabis item, by producing a driver's  
46 license or non-driver identification card issued by the New Jersey  
47 Motor Vehicle Commission, a similar card issued pursuant to the

1 laws of another state or the federal government of Canada, a  
2 photographic identification card issued by a county clerk, or other  
3 form of government-issued identification **【card as set forth】**  
4 described in subparagraph (a) of paragraph (6) of subsection a. of  
5 section 18 of P.L. , c. (C. ) (passed both Houses of the  
6 Legislature on December 17, 2020 as Second Reprint of Assembly  
7 Bill No. 21), to determine the consumer's identity and age; **【and】**

8 (2) That the appearance of the purchaser or recipient was such  
9 that an ordinary prudent person would believe the purchaser or  
10 recipient to be of legal age to purchase or receive the cannabis item;  
11 and

12 (3) That the sale or distribution was made in good faith, relying  
13 upon the production of the identification set forth in paragraph (1)  
14 of this subsection, the appearance of the purchaser or recipient, and  
15 in the reasonable belief that the purchaser or recipient was actually  
16 of legal age to make the purchase or receive the cannabis item.

17 d. **【It shall be unlawful for a】** A person under **【the age of】** 21  
18 **【to】** years of age shall not purchase, acquire, or attempt to  
19 purchase or acquire a cannabis item, even if the cannabis item may  
20 be legally purchased by persons at or above the legal age for  
21 purchasing cannabis items.

22 For purposes of this subsection, purchasing a cannabis item  
23 includes accepting a cannabis item, and acquiring a cannabis item  
24 includes consuming a cannabis item.

25 e. **【It shall be unlawful for a】** A person under **【the age of】** 21  
26 **【to】** years of age shall not present or offer to a cannabis  
27 establishment, distributor, or delivery service, or the cannabis  
28 establishment's, distributor's, or delivery service's agent or  
29 employee, any written or oral evidence of age or other personal  
30 identifying information that is false, fraudulent, or not actually the  
31 person's own, including the use of a driver's license or other  
32 government-issued form of identification in violation of section 1 of  
33 P.L.1983, c.565 (C.2C:21-2.1), N.J.S.2C:21-17, section 5 of  
34 P.L.2003, c.184 (C.2C:21-17.2), or section 6 of P.L.1968, c.313  
35 (C.33:1-81.7), for the purpose of:

36 (1) Purchasing, attempting to purchase, or otherwise procuring  
37 or attempting to procure cannabis items; or

38 (2) Gaining access to a cannabis establishment's, distributor's,  
39 or delivery service's premises.

40 f. Except as permitted by the commission by rule or regulation,  
41 or as necessary on an emergency basis, a person under legal age for  
42 purchasing cannabis items may not enter or attempt to enter any  
43 portion of a licensed premises that is posted or otherwise identified  
44 as being prohibited to the use of persons under legal age for  
45 purchasing cannabis items, unless accompanied by and supervised  
46 by a parent or legal guardian.

1 g. [Any person under the legal age to purchase cannabis, who  
2 knowingly possesses without legal authority or who knowingly  
3 consumes any cannabis item, in any school, public conveyance,  
4 public place, place of public assembly, or motor vehicle, shall be  
5 guilty of an offense as set forth in section 1 of P.L.1979, c.264  
6 (C.2C:33-15). Any person under the legal age to purchase  
7 cannabis, who knowingly possesses without legal authority or who  
8 knowingly consumes, any cannabis item on private property shall  
9 be guilty of a municipal violation as set forth in section 1 of  
10 P.L.2000, c.33 (C.40:48-1.2).] (Deleted by amendment, P.L. \_\_\_\_\_,  
11 c. ) (pending before the Legislature as this bill)

12 h. The prohibitions of this section do not apply to a person  
13 under the legal age for purchasing cannabis items who is acting  
14 under the direction of the commission or under the direction of  
15 State or local law enforcement agencies for the purpose of  
16 investigating possible violations of the laws prohibiting the sale of  
17 cannabis items to persons who are under the legal age for  
18 purchasing cannabis items.

19 i. The prohibitions of this section do not apply to a person  
20 under the legal age for purchasing cannabis items who is acting  
21 under the direction of a licensee for the purpose of investigating  
22 possible violations by employees of the licensee of laws prohibiting  
23 sales of cannabis items to persons who are under the legal age for  
24 purchasing cannabis items.  
25 (cf: P.L.2021, c. , s.64)

26  
27 12. Section 1 of P.L.1983, c.565 (C.2C:21-2.1) is amended to  
28 read as follows:

29 1. a. A person who knowingly sells, offers or exposes for sale,  
30 or otherwise transfers, or possesses with the intent to sell, offer or  
31 expose for sale, or otherwise transfer, a document, printed form or  
32 other writing which falsely purports to be a driver's license, birth  
33 certificate or other document issued by a governmental agency and  
34 which could be used as a means of verifying a person's identity or  
35 age or any other personal identifying information is guilty of a  
36 crime of the second degree.

37 b. A person who knowingly makes, or possesses devices or  
38 materials to make, a document or other writing which falsely  
39 purports to be a driver's license, birth certificate or other document  
40 issued by a governmental agency and which could be used as a  
41 means of verifying a person's identity or age or any other personal  
42 identifying information is guilty of a crime of the second degree.

43 c. A person who knowingly exhibits, displays or utters a  
44 document or other writing which falsely purports to be a driver's  
45 license, birth certificate or other document issued by a  
46 governmental agency and which could be used as a means of  
47 verifying a person's identity or age or any other personal identifying  
48 information is guilty of a crime of the third degree. A violation of

1 N.J.S.2C:28-7, constituting a disorderly persons offense, section 1  
2 of P.L.1979, c.264 (C.2C:33-15), section 64 of P.L. , c. (C. )  
3 (passed both Houses of the Legislature on December 17, 2020 as  
4 Second Reprint of Assembly Bill No. 21), R.S.33:1-81 or section 6  
5 of P.L.1968, c.313 (C.33:1-81.7) in a case where the person uses the  
6 personal identifying information of another to illegally purchase an  
7 alcoholic beverage or for using the personal identifying information  
8 of another to misrepresent the person's age for the purpose of  
9 obtaining tobacco, cannabis item, or other consumer product denied  
10 to persons under 21 years of age shall not **],** except as otherwise set  
11 forth in this subsection, **]** constitute an offense under this subsection  
12 if the actor received only that benefit or service and did not  
13 perpetrate or attempt to perpetrate any additional injury or fraud on  
14 another. **[**If a person used the personal identifying information of  
15 another to misrepresent the person's age for the purpose of illegally  
16 obtaining any cannabis item available for lawful consumption  
17 pursuant to the "New Jersey Cannabis Regulatory, Enforcement  
18 Assistance, and Marketplace Modernization Act," P.L. ,  
19 c. (C. ) (passed both Houses of the Legislature as Second  
20 Reprint of Assembly Bill No. 21), the person shall be subject to a  
21 civil penalty of \$50. The civil penalty provided for in this  
22 subsection shall be collected pursuant to the "Penalty Enforcement  
23 Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.), in a summary  
24 proceeding before the municipal court having jurisdiction. A civil  
25 penalty recovered under the provisions of this subsection shall be  
26 recovered by and in the name of the State by the local municipality.  
27 The penalty shall be paid into the treasury of the municipality in  
28 which the violation occurred for the general use of the  
29 municipality.]

30 d. A person who knowingly possesses a document or other  
31 writing which falsely purports to be a driver's license, birth  
32 certificate or other document issued by a governmental agency and  
33 which could be used as a means of verifying a person's identity or  
34 age or any other personal identifying information is guilty of a  
35 crime of the fourth degree. A violation of N.J.S.2C:28-7,  
36 constituting a disorderly persons offense, section 1 of P.L.1979,  
37 c.264 (C.2C:33-15), section 64 of P.L. , c. (C. ) (passed both  
38 Houses of the Legislature on December 17, 2020 as Second Reprint  
39 of Assembly Bill No. 21), R.S.33:1-81 or section 6 of P.L.1968,  
40 c.313 (C.33:1-81.7) in a case where the person uses the personal  
41 identifying information of another to illegally purchase an alcoholic  
42 beverage or for using the personal identifying information of  
43 another to misrepresent his age for the purpose of obtaining  
44 tobacco, cannabis item, or other consumer product denied to  
45 persons under 21 years of age shall not **],** except as otherwise set  
46 forth in this subsection, **]** constitute an offense under this subsection  
47 if the actor received only that benefit or service and did not

1   perpetrate or attempt to perpetrate any additional injury or fraud on  
2   another. **【If the personal identifying information of another is used**  
3   to obtain any cannabis item available for lawful consumption  
4   pursuant to the “New Jersey Cannabis Regulatory, Enforcement  
5   Assistance, and Marketplace Modernization Act,” P.L.       ,       ,  
6   c. (C.       ) (passed both Houses of the Legislature as Second  
7   Reprint of Assembly Bill No. 21), the person shall be subject to a  
8   civil penalty of \$50. The penalty provided for in this subsection  
9   shall be collected pursuant to the “Penalty Enforcement Law of  
10   1999,” P.L.1999, c.274 (C.2A:58-10 et seq.), in a summary  
11   proceeding before the municipal court having jurisdiction. A  
12   penalty recovered under the provisions of this subsection shall be  
13   recovered by and in the name of the State by the local municipality.  
14   The penalty shall be paid into the treasury of the municipality in  
15   which the violation occurred for the general use of the  
16   municipality.】

17    e. In addition to any other disposition authorized by this Title,  
18   the provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43), or any  
19   other statute indicating the dispositions that may be ordered for an  
20   adjudication of delinquency, and, notwithstanding the provisions of  
21   subsection c. of N.J.S.2C:43-2, every person convicted of, or  
22   adjudicated delinquent or penalized for a violation of any offense  
23   defined in this section shall forthwith forfeit his right to operate a  
24   motor vehicle over the highways of this State for a period to be  
25   fixed by the court at not less than six months or more than two  
26   years which shall commence on the day the sentence is imposed. In  
27   the case of any person who at the time of the imposition of the  
28   sentence is less than 17 years of age, the period of the suspension of  
29   driving privileges authorized herein, including a suspension of the  
30   privilege of operating a motorized bicycle, shall commence on the  
31   day the sentence is imposed and shall run for a period as fixed by  
32   the court of not less than six months or more than two years after  
33   the day the person reaches the age of 17 years. If the driving  
34   privilege of any person is under revocation, suspension, or  
35   postponement for a violation of any provision of this Title or Title  
36   39 of the Revised Statutes at the time of any conviction or  
37   adjudication of delinquency for a violation of any offense defined in  
38   this chapter or chapter 36 of this Title, the revocation, suspension,  
39   or postponement period imposed herein shall commence as of the  
40   date of termination of the existing revocation, suspension or  
41   postponement.

42    The court before whom any person is convicted of, or  
43   adjudicated delinquent or penalized for a violation of any offense  
44   defined in this section shall collect forthwith the New Jersey  
45   driver's license or licenses of that person and forward the license or  
46   licenses to the Chief Administrator of the New Jersey Motor  
47   Vehicle Commission along with a report indicating the first and last  
48   day of the suspension or postponement period imposed by the court



1 pursuant to this section. If the court is for any reason unable to  
2 collect the license or licenses of the person, the court shall cause a  
3 report of the conviction or adjudication of delinquency to be filed  
4 with the director. The report shall include the complete name,  
5 address, date of birth, eye color and sex of the person and shall  
6 indicate the first and last day of the suspension or postponement  
7 period imposed by the court pursuant to this section. The court  
8 shall inform the person orally and in writing that if the person is  
9 convicted of personally operating a motor vehicle during the period  
10 of license suspension or postponement imposed pursuant to this  
11 section, the person shall, upon conviction, be subject to the  
12 penalties set forth in R.S.39:3-40. A person shall be required to  
13 acknowledge receipt of the written notice in writing. Failure to  
14 receive a written notice or failure to acknowledge in writing the  
15 receipt of a written notice shall not be a defense to a subsequent  
16 charge of a violation of R.S.39:3-40. If the person is the holder of a  
17 driver's license from another jurisdiction, the court shall not collect  
18 the license, but shall notify forthwith the director who shall notify  
19 the appropriate officials in that licensing jurisdiction. The court  
20 shall, however, in accordance with the provisions of this section,  
21 revoke the person's non-resident driving privileges in this State.

22 In addition to any other condition imposed, a court, in its  
23 discretion, may suspend, revoke or postpone the driving privileges  
24 of a person admitted to supervisory treatment under N.J.S.2C:36A-1  
25 or N.J.S.2C:43-12 without a plea of guilty or finding of guilt.  
26 (cf: P.L.2021, c. , s.65)  
27

28 13. N.J.S.2C:21-17 is amended to read as follows:

29 2C:21-17. Impersonation; Theft of identity; crime.

30 a. A person is guilty of a crime if the person engages in one or  
31 more of the following actions by any means including, but not  
32 limited to, the use of electronic communications or an Internet  
33 website:

34 (1) Impersonates another or assumes a false identity and does an  
35 act in such assumed character or false identity for the purpose of  
36 obtaining a benefit for himself or another or to injure or defraud  
37 another;

38 (2) Pretends to be a representative of some person or  
39 organization and does an act in such pretended capacity for the  
40 purpose of obtaining a benefit for himself or another or to injure or  
41 defraud another;

42 (3) Impersonates another, assumes a false identity or makes a  
43 false or misleading statement regarding the identity of any person,  
44 in an oral or written application for services, for the purpose of  
45 obtaining services;

46 (4) Obtains any personal identifying information pertaining to  
47 another person and uses that information, or assists another person  
48 in using the information, in order to assume the identity of or

1 represent himself as another person, without that person's  
2 authorization and with the purpose to fraudulently obtain or attempt  
3 to obtain a benefit or services, or avoid the payment of debt or other  
4 legal obligation or avoid prosecution for a crime by using the name  
5 of the other person; or

6 (5) Impersonates another, assumes a false identity or makes a  
7 false or misleading statement, in the course of making an oral or  
8 written application for services, with the purpose of avoiding  
9 payment for prior services. Purpose to avoid payment for prior  
10 services may be presumed upon proof that the person has not made  
11 full payment for prior services and has impersonated another,  
12 assumed a false identity or made a false or misleading statement  
13 regarding the identity of any person in the course of making oral or  
14 written application for services.

15 As used in this section:

16 "Benefit" means, but is not limited to, any property, any  
17 pecuniary amount, any services, any pecuniary amount sought to be  
18 avoided or any injury or harm perpetrated on another where there is  
19 no pecuniary value.

20 b. (Deleted by amendment, P.L.2005, c.224).

21 c. A person who violates subsection a. of this section is guilty  
22 of a crime as follows:

23 (1) If the actor obtains a benefit or deprives another of a benefit  
24 in an amount less than \$500 and the offense involves the identity of  
25 one victim, the actor shall be guilty of a crime of the fourth degree  
26 except that a second or subsequent conviction for such an offense  
27 constitutes a crime of the third degree; or

28 (2) If the actor obtains a benefit or deprives another of a benefit  
29 in an amount of at least \$500 but less than \$75,000, or the offense  
30 involves the identity of at least two but less than five victims, the  
31 actor shall be guilty of a crime of the third degree; or

32 (3) If the actor obtains a benefit or deprives another of a benefit  
33 in the amount of \$75,000 or more, or the offense involves the  
34 identity of five or more victims, the actor shall be guilty of a crime  
35 of the second degree.

36 d. A violation of N.J.S.2C:28-7, constituting a disorderly  
37 persons offense, section 1 of P.L.1979, c.264 (C.2C:33-15), section  
38 64 of P.L. , c. (C. ) (passed both Houses of the Legislature  
39 on December 17, 2020 as Second Reprint of Assembly Bill No. 21),  
40 R.S.33:1-81 or section 6 of P.L.1968, c.313 (C.33:1-81.7) in a case  
41 where the person uses the personal identifying information of  
42 another to illegally purchase an alcoholic beverage or for using the  
43 personal identifying information of another to misrepresent the  
44 person's age for the purpose of obtaining tobacco, cannabis item,  
45 or other consumer product denied to persons under 21 years of age  
46 shall not [ , except as otherwise set forth in this subsection, ]  
47 constitute an offense under this section if the actor received only  
48 that benefit or service and did not perpetrate or attempt to perpetrate

1 any additional injury or fraud on another. **¶**If a person used the  
2 personal identifying information of another to misrepresent the  
3 person’s age for the purpose of illegally obtaining any cannabis item  
4 available for lawful consumption pursuant to the “New Jersey  
5 Cannabis Regulatory, Enforcement Assistance, and Marketplace  
6 Modernization Act,” P.L. , c. (C. ) (passed both Houses of  
7 the Legislature as Second Reprint of Assembly Bill No. 21), the  
8 person shall be subject to a civil penalty of \$50. The civil penalty  
9 provided for in this subsection shall be collected pursuant to the  
10 “Penalty Enforcement Law of 1999,” P.L.1999, c.274 (C.2A:58-10  
11 et seq.), in a summary proceeding before the municipal court having  
12 jurisdiction. A civil penalty recovered under the provisions of this  
13 subsection shall be recovered by and in the name of the State by the  
14 local municipality. The penalty shall be paid into the treasury of  
15 the municipality in which the violation occurred for the general use  
16 of the municipality. **¶**

17 e. The sentencing court shall issue such orders as are necessary  
18 to correct any public record or government document that contains  
19 false information as a result of a theft of identity. The sentencing  
20 court may provide restitution to the victim in accordance with the  
21 provisions of section 4 of P.L.2002, c.85 (C.2C:21-17.1).  
22 (cf: P.L.2021, c. , s.66)

23  
24 14. Section 5 of P.L.2003, c.184 (C.2C:21-17.2) is amended to  
25 read as follows:

26 5. a. A person is guilty of a crime of the second degree if, in  
27 obtaining or attempting to obtain a driver's license, birth certificate  
28 or other document issued by a governmental agency which could be  
29 used as a means of verifying a person's identity, age or any other  
30 personal identifying information, that person knowingly exhibits,  
31 displays or utters a document or other writing which falsely  
32 purports to be a driver's license, birth certificate or other document  
33 issued by a governmental agency or which belongs or pertains to a  
34 person other than the person who possesses the document.

35 b. Notwithstanding the provisions of N.J.S.2C:1-8 or any other  
36 law, a conviction under this section shall not merge with a  
37 conviction of any other criminal offense, nor shall such other  
38 conviction merge with a conviction under this section, and the court  
39 shall impose separate sentences upon each violation of this section  
40 and any other criminal offense.

41 c. A violation of N.J.S.2C:28-7, constituting a disorderly  
42 persons offense, section 1 of P.L.1979, c.264 (C.2C:33-15), section  
43 64 of P.L. , c. (C. ) (passed both Houses of the Legislature  
44 on December 17, 2020 as Second Reprint of Assembly Bill No. 21),  
45 R.S.33:1-81 or section 6 of P.L.1968, c.313 (C.33:1-81.7) in a case  
46 where the person uses the personal identifying information of  
47 another to illegally purchase an alcoholic beverage or for using the  
48 personal identifying information of another to misrepresent his age

1 for the purpose of obtaining tobacco, cannabis item, or other  
2 consumer product denied to persons under 21 years of age shall not  
3 **[**, except as otherwise set forth in this subsection,**]** constitute an  
4 offense under this section if the actor received only that benefit or  
5 service and did not perpetrate or attempt to perpetrate any  
6 additional injury or fraud on another. **[**If the personal identifying  
7 information of another is used to obtain any cannabis item available  
8 for lawful consumption pursuant to the “New Jersey Cannabis  
9 Regulatory, Enforcement Assistance, and Marketplace Modernization  
10 Act,” P.L. , c. (C. ) (passed both Houses of the Legislature  
11 as Second Reprint of Assembly Bill No. 21), the person shall be  
12 subject to a civil penalty of \$50. The civil penalty provided for in  
13 this subsection shall be collected pursuant to the “Penalty  
14 Enforcement Law of 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.),  
15 in a summary proceeding before the municipal court having  
16 jurisdiction. A civil penalty recovered under the provisions of this  
17 subsection shall be recovered by and in the name of the State by the  
18 local municipality. The penalty shall be paid into the treasury of  
19 the municipality in which the violation occurred for the general use  
20 of the municipality.**]**

21 (cf: P.L.2021, c. , s.67)

22

23 15. (New section) a. (1) The Police Training Commission in  
24 the Department of Law and Public Safety shall adopt a training  
25 course regarding law enforcement interactions with persons under  
26 the lawful age to purchase cannabis items based upon the  
27 legalization of a personal use cannabis marketplace pursuant to the  
28 “New Jersey Cannabis Regulatory, Enforcement Assistance, and  
29 Marketplace Modernization Act,” P.L. , c. (C. ) (passed both  
30 Houses of the Legislature on December 17, 2020 as Second Reprint  
31 of Assembly Bill No. 21), the decriminalization of marijuana and  
32 hashish pursuant to P.L. , c. (C. ) (passed both Houses of the  
33 Legislature on December 17, 2020 as Third Reprint of Assembly  
34 Committee Substitute for Assembly Bill Nos. 1897 and 4269), and  
35 the enforcement of violations of applicable statutes associated with  
36 the underage possession or consumption of marijuana, hashish, or  
37 cannabis items pursuant to those enactments and the companion  
38 enactment, P.L. , c. (C. ) (pending before the Legislature as  
39 this bill), and which includes the recognition of and methods to  
40 address and avoid racial disparities and implicit bias, and means for  
41 interacting with vulnerable juvenile populations. The training  
42 course shall be administered by the employing agency as part of the  
43 in-service training provided to each local police officer in each law  
44 enforcement unit operating in this State.

45 (2) Prior to being appointed to permanent status as a local police  
46 officer in a law enforcement unit, an individual shall be required to  
47 complete the training course adopted under paragraph (1) of this  
48 subsection. Every local police officer appointed prior to the

1 effective date of this section shall, within 18 months of that  
2 effective date, satisfactorily complete a training course on law  
3 enforcement interactions as described in paragraph (1) of this  
4 subsection.

5 (3) The Police Training Commission shall adopt rules and  
6 regulations, pursuant to the "Administrative Procedure Act,"  
7 P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the purposes of  
8 this section.

9 b. Within 45 days of the effective date of P.L. , c. (C. )  
10 (pending before the Legislature as this bill), the Attorney General  
11 shall prepare a notice explaining the provisions of the enactments  
12 set forth in paragraph (1) of subsection a. of this section pertaining  
13 to persons under the lawful age to purchase cannabis items and the  
14 of violations of applicable statutes associated with the underage  
15 possession or consumption of marijuana, hashish, or cannabis items,  
16 and transmit the notice to the chief or director of every municipal  
17 police department, every municipal prosecutor, every county  
18 prosecutor, and the Superintendent of the New Jersey State Police.  
19 The notice shall be disseminated to every law enforcement officer  
20 and shall be re-enforced at roll calls and academy service training  
21 and continuing education programs so as to ensure that all officers  
22 and prosecutors are educated of their responsibilities under the  
23 relevant enactments.

24

25 16. This act shall take effect immediately.

26

27

28

STATEMENT

29

30 This bill would revise the consequences associated with the  
31 underage possession or consumption of illegal marijuana or hashish,  
32 or legalized cannabis items which may only be lawfully possessed  
33 by persons 21 years of age or older pursuant to Article IV, Section  
34 VII, paragraph 13 of the New Jersey Constitution and the enabling  
35 legislation to establish a legal, regulated cannabis marketplace, the  
36 Second Reprint of Assembly Bill No. 21, titled the "New Jersey  
37 Cannabis Regulatory, Enforcement Assistance, and Marketplace  
38 Modernization Act," which passed both Houses of the Legislature  
39 on December 17, 2020. Additionally, it addresses penalties for  
40 person who wrongfully supply legalized cannabis items to underage  
41 persons, funding for programs and services to help deter and  
42 prevent underage possession and consumption of cannabis items, or  
43 illegal marijuana or hashish, and revised training for law  
44 enforcement officers concerning interactions with underage persons  
45 regarding such activities.

46 Underage Possession or Consumption

47 The bill would make the underage possession or consumption of  
48 marijuana, hashish, or any cannabis item a civil penalty of up to \$50

1 for persons between 18 years of age and under 21 years of age. The  
2 penalty would be recovered in a summary proceeding before either  
3 the municipal court having jurisdiction or the Superior Court in the  
4 name of the State pursuant to the "Penalty Enforcement Law of  
5 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). The penalty shall be  
6 remitted to the State Treasurer for deposit in the Alcohol Education,  
7 Rehabilitation and Enforcement Fund established pursuant to  
8 section 3 of P.L.1983, c.531 (C.26:2B-32), and used to fund  
9 community services, including resources that serve persons with  
10 alcohol use disorder and persons with a substance use disorder as  
11 well as educational programs, through annual county-level  
12 comprehensive plans that may incorporate government programs  
13 and services, and private organizations, including volunteer groups,  
14 prepared in accordance with section 4 of P.L.1983, c.531 (C.26:2B-  
15 33).

16 For a person under the age of 18 years who committed a  
17 possession or consumption violation, such person would be subject  
18 to the following consequences:

19 - for a first violation, a written warning issued by a law  
20 enforcement officer to the underage person. The written warning  
21 would include the person's name, address, and date of birth, and a  
22 copy of the warning containing this information, plus a description  
23 of the relevant facts and circumstances that support the officer's  
24 determination of probable cause that the person committed the  
25 violation, would be temporarily maintained in accordance with the  
26 bill only for the purposes of determining a second or subsequent  
27 violation

28 - for a second violation, a written warning issued by a law  
29 enforcement officer to the underage person indicating that a second  
30 violation has occurred, which includes the person's name, address,  
31 and date of birth, and a written notification concerning the second  
32 violation, along with a copy of the written warning for the person's  
33 first violation, would be provided to the parent, guardian or other  
34 person having legal custody of the underage person in accordance  
35 with section 3 of P.L.1991, c.169 (C.33:1-81.1a). The written  
36 notification would include a referral to a public or private agency or  
37 organization included in a county-level comprehensive plan used to  
38 fund community services prepared in accordance with section 4 of  
39 P.L.1983, c.531 (C.26:2B-33) that can assist with opportunities to  
40 access further social services, including counseling, tutoring  
41 programs, mentoring services, and faith-based or other community  
42 initiatives. A copy of the second written warning with a description  
43 of the relevant facts and circumstances that support the officer's  
44 determination of probable cause that the person committed the  
45 second violation, would be temporarily maintained in accordance  
46 with the bill only for the purposes of determining a third or  
47 subsequent violation.

1 - for a third or subsequent violation based upon a probable cause  
2 finding by a law enforcement officer, a civil penalty of up to \$50 or  
3 the performance of community service in lieu of payment of the  
4 penalty, and a written notification concerning the third or  
5 subsequent violation would be provided to the parent, guardian or  
6 other person having legal custody of the underage person in  
7 accordance with section 3 of P.L.1991, c.169 (C.33:1-81.1a).  
8 Whenever the civil penalty was imposed, it would be recovered in a  
9 summary proceeding in either municipal court or the Superior Court  
10 and, like the civil penalty imposed on a person over 18 years of age,  
11 would be remitted to the State Treasurer for deposit in the Alcohol  
12 Education, Rehabilitation and Enforcement Fund, and used to fund  
13 community services, including resources that serve persons with  
14 alcohol use disorder and persons with a substance use disorder as  
15 well as educational programs, through annual county-level  
16 comprehensive plans that may incorporate government programs  
17 and services, and private organizations, including volunteer groups.  
18 Whenever community service was imposed by the court in lieu of  
19 payment of the civil penalty, the value of each hour of service  
20 would be considered to be not less than the State minimum wage  
21 established by the "New Jersey State Wage and Hour Law,"  
22 P.L.1966, c.113 (C.34:11-56a et seq.), or federal minimum wage  
23 established by 29 U.S.C. s.206, or any successor State or federal  
24 law, whichever wage is higher, and the community service imposed  
25 could not exceed \$50 in value. In addition, for a third or  
26 subsequent violation, the court would include a referral to a public  
27 or private agency or organization included in a county-level  
28 comprehensive plan as described above. All law enforcement and  
29 court records concerning the disposition of a third or subsequent  
30 violation would be temporarily maintained in accordance with the  
31 bill only to the extent necessary to enforce a civil penalty or  
32 community service imposed by the court, and the court's referral for  
33 treatment and other assistance, as well as for the purposes of  
34 determining a subsequent violation.

35 A person under the legal age to purchase cannabis items would  
36 not be capable, under the provisions of the bill, of giving lawful  
37 consent to a search to determine an underage possession or  
38 consumption violation, and a law enforcement officer would not be  
39 permitted to request that a person consent to a search for that  
40 purpose.

41 The odor of marijuana, hashish, cannabis, or cannabis item, or  
42 burnt marijuana, hashish, cannabis, or cannabis item, would not  
43 constitute reasonable articulable suspicion to initiate an  
44 investigatory stop of a person, nor would it constitute probable  
45 cause to initiate a search of a person or that person's personal  
46 property to determine an underage possession or consumption  
47 violation. Additionally, the unconcealed, underage possession of an  
48 alcoholic beverage, marijuana, hashish, or cannabis item, observed

1 in plain sight by a law enforcement officer, would not constitute  
2 probable cause to initiate a search of a person or that person's  
3 personal property to determine any further unlawful possession or  
4 consumption violation or any other violation of law.

5 A person under the legal age to purchase cannabis items who  
6 commits a violation for possessing or consuming marijuana,  
7 hashish, or a cannabis item would not be subject to arrest, and  
8 would not be subject to detention or otherwise be taken into custody  
9 by a law enforcement officer except to the extent required to issue a  
10 written warning, provide notice of a violation to a parent, guardian  
11 or other person having legal custody of the underage person, or  
12 issue a summons for a third or subsequent violation, unless the  
13 person is being arrested, detained, or otherwise taken into custody  
14 for also committing another violation of law for which that action is  
15 legally permitted or required.

16 Consistent with the provisions of subsection c. of section 1 of  
17 P.L.2020, c.129 (C.40A:14-118.5), the video and audio recording  
18 functions of a law enforcement officer's body worn camera, as  
19 defined in that section, would be required to be activated whenever  
20 the law enforcement officer is responding to a call for service  
21 related to an underage possession or consumption violation or  
22 suspected violation, or at the initiation of any other law  
23 enforcement or investigative encounter between an officer and a  
24 person related to a violation or suspected violation, and would be  
25 required to remain activated until the encounter has fully concluded  
26 and the officer leaves the scene of the encounter.

27 As part of the process for the issuance of a written warning to a  
28 person for a violation pursuant to the bill based upon probable  
29 cause, the law enforcement officer could take possession of any  
30 marijuana, hashish, or cannabis item from the person, and any drug  
31 or cannabis paraphernalia for use with the marijuana, hashish, or  
32 cannabis item. The existence and description of the marijuana,  
33 hashish, or cannabis item, and any drug or cannabis paraphernalia  
34 would be included in the relevant facts and circumstances  
35 catalogued in the determination of probable cause record  
36 temporarily maintained in accordance with bill. Any marijuana,  
37 hashish, cannabis item, or drug or cannabis paraphernalia obtained  
38 by the law enforcement officer would either be destroyed or secured  
39 for use in law enforcement training or educational programs in  
40 accordance with applicable law and directives issued by the  
41 Attorney General.

42 With respect to any violation concerning the underage possession  
43 or consumption of marijuana, hashish, or any cannabis item:

44 - a person under the legal age to purchase cannabis items shall  
45 not be photographed or fingerprinted, notwithstanding any  
46 provisions of section 2 of P.L.1982, c.79 (C.2A:4A-61) to the  
47 contrary;



1 - any copy of any written warning issued to a person under the  
2 legal age to purchase cannabis items, written notification provided  
3 to the person's parent, guardian or other person having legal  
4 custody, or record pertaining to a third or subsequent violation  
5 subject to a summary proceeding for imposition of a civil penalty or  
6 community service would be segregated and maintained in a  
7 separate physical location or electronic repository or database from  
8 any other records maintained by a law enforcement agency, and  
9 reported to the Attorney General in a manner so that they are  
10 similarly segregated and maintained in a separate physical location  
11 or electronic repository or database from other law enforcement  
12 records accessible to the Attorney General and State and local law  
13 enforcement agencies, and could not be transferred to or copied and  
14 placed in any other physical location or electronic repository or  
15 database containing any other law enforcement records. These  
16 records would only be used, as previously described, to the extent  
17 necessary to determine a subsequent underage possession or  
18 consumption violation or enforce a civil penalty or community  
19 service imposed by a court.

20 Such records would not be revealed, reviewed, or considered in  
21 any manner with respect to any current or subsequent juvenile  
22 delinquency matter, including but not limited to, a charge, filing,  
23 eligibility or decision for diversion or discharge, or sentencing,  
24 other disposition, or related decision affecting the juvenile, or with  
25 respect to any current or subsequent prosecution for committing an  
26 offense or other violation of law, including but not limited to, a  
27 charge, filing, eligibility or decision for diversion or discharge, or  
28 sentencing, other disposition, or related decision affecting an adult  
29 under 21 years of age. Also, these records shall be deemed  
30 confidential and shall not be subject to public inspection or copying  
31 pursuant to the provisions of P.L.1963, c.73 (C.47:1A-1 et seq.),  
32 and their existence shall not be acknowledged based upon any  
33 inquiry in the same manner as if the records were expunged records  
34 pursuant to the provisions of subsection a. of N.J.S.2C:52-15.

35 The Attorney General could use the records to generate the  
36 number of occurrences and other statistics concerning first, second,  
37 third and subsequent violations, the municipal, county or other  
38 geographic areas within which first, second, third and subsequent  
39 violations occur, and the law enforcement agencies involved in  
40 first, second, third and subsequent violations, which would to be  
41 compiled and made publicly available by the Attorney General in  
42 biannual reports, with the first such report scheduled to be issued by  
43 June 30, 2021, the second one issued by January 30, 2022, and then  
44 the next report issued every six months thereafter. The identity of  
45 any person named in a record would not be revealed or included in  
46 the information to be compiled and made available.

47 All of the records maintained by a law enforcement agency and  
48 reported to the Attorney General would be destroyed or

1 permanently deleted by the law enforcement agency and Attorney  
2 General on the second anniversary following the creation of the  
3 record concerning a violation, or not later than the last day of the  
4 month in which that second anniversary date falls, except that a  
5 record would be maintained upon request by the person named in  
6 the record or representative thereof, the law enforcement officer  
7 who made the record, or the law enforcement agency currently  
8 maintaining the record if it involves a law suit, disciplinary  
9 complaint, or criminal prosecution arising from the violation  
10 described in the record, based on an assertion that the record has  
11 evidentiary or exculpatory value. Upon final disposition of the  
12 matter for which the extended record retention was requested, the  
13 record shall be destroyed or permanently deleted.

14 For underage violations, the bill would also establish an  
15 immunity from prosecution for: any underage person in need of  
16 medical assistance due to the consumption of marijuana or hashish;  
17 the underage person who called 9-1-1 to get that person assistance;  
18 and up to two other persons acting in concert with the underage  
19 person who made the call. This immunity is the same immunity  
20 already provided for situations involving the underage consumption  
21 of alcohol, and expanded to the underage consumption of cannabis  
22 items by the recently passed “New Jersey Cannabis Regulatory,  
23 Enforcement Assistance, and Marketplace Modernization Act.”

24 Additionally, the \$50 civil penalty created by that act for using  
25 another person’s driver’s license or other government-issued  
26 identification card, or using a false identity, to obtain cannabis  
27 items would be eliminated. The current law does not provide for  
28 any form of punishment when another’s identity or a false identity  
29 is used to obtain tobacco products or alcoholic beverages, so this  
30 would be an approach consistent with the existing State’s approach  
31 on such uses or identification cards or false identities.

32 A taskforce would be established in the Department of Law and  
33 Public Safety, comprising of 26 ex-official members and members  
34 appointed by the Governor representing law enforcement, juvenile  
35 justice interests, and community and non-profit groups to review  
36 each Attorney General biannual report described above and any  
37 requested amount of law enforcement body worn camera recordings  
38 mandated by the bill concerning interactions on underage  
39 possession and consumption violations or potential violations, and  
40 make recommendations thereon to the Governor and Legislature  
41 related to law enforcement activities to address the enforcement of  
42 underage possession or consumption of marijuana, hashish, or  
43 cannabis items, as well as the broader issue of underage possession  
44 or consumption of these substances.

45 To assist with efforts to deter and prevent persons under the legal  
46 age to purchase cannabis items from engaging in activities  
47 associated with underage use of cannabis items, or illegal marijuana  
48 or hashish, the bill would revise provisions in the recently passed

1 legislation establishing a legalized cannabis market that create the  
2 “Cannabis Regulatory, Enforcement Assistance, and Marketplace  
3 Modernization Fund,” and establish an account within that fund to  
4 be known as the “Underage Deterrence and Prevention Account.”  
5 From all of the monies from retail sales of cannabis items and  
6 various other cannabis-related sources that are deposited in the  
7 fund, 15 percent of such would be placed in the internal account.  
8 These monies would be used by the Cannabis Regulatory  
9 Commission to fund private for-profit and non-profit organizations,  
10 and county and municipal programs and services that offer social  
11 services, educational, recreational, and employment opportunities,  
12 and local economic development designed to encourage, improve,  
13 and support youthful community activities to divert and prevent  
14 persons under 18 year of age from engaging in activities associated  
15 with underage use of cannabis items, or illegal marijuana or  
16 hashish.

17 Suppliers of Cannabis Items to Underage Persons

18 The bill would establish the following civil penalties for persons  
19 who sell or otherwise provide cannabis items to underage persons:  
20 not less than \$250 for a first violation; not less than \$500 for a  
21 second violation; and \$1,000 for a third and each subsequent  
22 violation. These are the same civil penalties applicable to licensed  
23 tobacco retailers and persons who provide tobacco products to  
24 underage persons. See P.L.2019, c.396, s.1 (C.2A:170-51.14).  
25 The “Cannabis Regulatory, Enforcement Assistance, and  
26 Marketplace Modernization Act,” specifically in section 64, would  
27 also establish the same civil penalties for licensed businesses, and  
28 their agents and employees, who commit such acts, so to prevent a  
29 doubling of the civil penalty, the bill specifies that its penalty would  
30 apply to any person who is not otherwise subject to the civil penalty  
31 under that act.

32 Any official authorized by the Cannabis Regulatory  
33 Commission, or, like with tobacco product enforcement, any  
34 official authorized by statute or ordinance to enforce the State or  
35 local health codes, or a law enforcement officer could issue  
36 summons for violations. Additionally, like tobacco product  
37 enforcement, the civil penalty would be recovered by the local  
38 health agency for the jurisdiction in which a violation occurred, and  
39 the money collected would be paid into the treasury of the  
40 corresponding municipality for the municipality’s own general uses.  
41 The commission, along with the Commissioner of Health, would be  
42 authorized to coordinate efforts to enforce the bill’s provisions for  
43 punishing violators, as well as delegate enforcement authority to  
44 local health agencies, just as the Commissioner of Health may do so  
45 currently with respect to enforcement efforts concerning tobacco  
46 products. The commission would report on enforcement efforts  
47 concerning underage sales or other transfers in its annual report on  
48 personal use cannabis activities that would be prepared pursuant to

1 the “Cannabis Regulatory, Enforcement Assistance, and  
2 Marketplace Modernization Act.”

3 In addition to a civil penalty, a fine for selling or otherwise  
4 providing a cannabis item to an underage person could be imposed,  
5 which would be the same fine that may currently be imposed when  
6 the action involves a tobacco product. See P.L.1999, c.90, s.3  
7 (C.2C:33-13.1). The fine would be based on the fine imposed for  
8 committing a petty disorderly persons offense, which is a fine of up  
9 to \$500, and this fine could be doubled for second or subsequent  
10 violations.

11 Further, a person 21 years of age or older who purchased a  
12 cannabis item as a “straw man” on behalf of a person who is under  
13 21 years of age could be adjudged a petty disorderly person, subject  
14 to a term of imprisonment of up to 30 days, a fine of up to \$500, or  
15 both.

#### 16 Law Enforcement Training

17 The Police Training Commission in the Department of Law and  
18 Public Safety would adopt a training course regarding law  
19 enforcement interactions with persons under the lawful age to  
20 purchase cannabis items based upon the legalization of a personal  
21 use cannabis marketplace pursuant to the “New Jersey Cannabis  
22 Regulatory, Enforcement Assistance, and Marketplace  
23 Modernization Act,” the decriminalization of marijuana and hashish  
24 pursuant to P.L. , c. (C. ) (passed both Houses of the  
25 Legislature on December 17, 2020 as Third Reprint of Assembly  
26 Committee Substitute for Assembly Bill Nos. 1897 and 4269), and  
27 the enforcement of violations of applicable statutes associated with  
28 the underage possession or consumption of marijuana, hashish, or  
29 cannabis items pursuant to those enactments and this companion  
30 bill. This training would include the recognition of and methods to  
31 address and avoid racial disparities and implicit bias, and means for  
32 interacting with vulnerable juvenile populations. The training  
33 course would be administered by the employing agency as part of  
34 the in-service training provided to each local police officer in each  
35 law enforcement unit operating in this State. Prior to being  
36 appointed to permanent status as a local police officer in a law  
37 enforcement unit, an individual would be required to complete the  
38 training course. Every local police officer appointed prior to the  
39 effective date of the bill would, within 18 months of that effective  
40 date, satisfactorily complete a training course on such law  
41 enforcement interactions.

42 Additionally, within 45 days of the bill’s effective date, the  
43 Attorney General would prepare a notice explaining the provisions  
44 of the aforementioned enactments pertaining to persons under the  
45 lawful age to purchase cannabis items and violations of the  
46 applicable statutes associated with the underage possession or  
47 consumption of marijuana, hashish, or cannabis items, and transmit  
48 the notice to the chief or director of every municipal police

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1 department, every municipal prosecutor, every county prosecutor,  
2 and the Superintendent of the New Jersey State Police. The notice  
3 would be disseminated to every law enforcement officer and would  
4 be re-enforced at roll calls and academy service training and  
5 continuing education programs so as to ensure that all officers and  
6 prosecutors are educated of their responsibilities under the relevant  
7 enactments.

# SENATE JUDICIARY COMMITTEE

## STATEMENT TO

### **SENATE, No. 3454**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: FEBRUARY 19, 2021

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 3454.

This bill, as amended, addresses matters related to certain regulated substances, with a particular emphasis on the underage possession or consumption of illegal marijuana or hashish, or legalized cannabis items which may only be lawfully possessed by persons 21 years of age or older pursuant to Article IV, Section VII, paragraph 13 of the New Jersey Constitution and the enabling legislation to establish a legal, regulated cannabis marketplace, the Second Reprint of Assembly Bill No. 21, titled the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act,” which passed both Houses of the Legislature on December 17, 2020. Additionally, it addresses: penalties for underage possession or consumption of alcoholic beverages; modifies penalties for persons who wrongfully supply legalized cannabis items to underage persons; establishes funding for programs and services to help deter and prevent underage possession and consumption of cannabis items, or illegal marijuana or hashish; applies the existing crime of official deprivation of civil rights, section 2 of P.L.2003, c.31 (C.2C:30-6), to unlawful law enforcement interactions with underage persons for alcohol, marijuana, and cannabis item possession or consumption; and provides revised training for law enforcement officers concerning interactions with underage persons regarding such activities.

#### Underage Possession or Consumption

The bill would make the underage possession or consumption of an alcoholic beverage, marijuana, hashish, or any cannabis item subject to the following consequences:

- for a first violation, a written warning issued by a law enforcement officer to the underage person. The written warning would include the person’s name, address, and date of birth, and a copy of the warning containing this information, plus a sworn statement that includes a description of the relevant facts and circumstances that support the officer’s determination that the person committed the violation, would be temporarily maintained in accordance with the bill only for the purposes of determining a second or subsequent violation;

- for a second violation, a written warning issued by a law enforcement officer to the underage person indicating that a second violation has occurred, which includes the person's name, address, and date of birth. If the violation was by a person 18 years of age or older, the officer would provide the person with informational materials about how to access community services provided by public or private agencies and organizations that would assist the person with opportunities to access further social services, including but not limited to counseling, tutoring programs, mentoring services, and faith-based or other community initiatives. If the violation was by a person under 18 years of age, a written notification concerning the second violation, along with a copy of the written warning for the person's first violation, would be provided to the parent, guardian or other person having legal custody of the underage person in accordance with section 3 of P.L.1991, c.169 (C.33:1-81.1a). The written notification would include the same or similar informational materials as directly supplied to a person 18 years of age or older about how to access community services. A copy of the second written warning, and if applicable, the written notification to a parent, guardian, or other person with legal custody, plus a sworn statement that includes a description of the relevant facts and circumstances that support the officer's determination that the person committed the second violation, would be temporarily maintained in accordance with the bill only for the purposes of determining a third or subsequent violation;

- for a third or subsequent violation, a write-up issued by a law enforcement officer to the underage person indicating that a third or subsequent violation has occurred, which includes the person's name, address, and date of birth. If the violation was by a person 18 years of age or older, the officer would include with the write-up a referral for accessing community services provided by a public or private agency or organization, and provide notice to that agency or organization of the referral which may also be used to initiate contact with the person, and the agency or organization would offer assistance to the person with opportunities to access further social services, including but not limited to counseling, tutoring programs, mentoring services, and faith-based or other community initiatives. If the violation was by a person under 18 years of age, a written notification concerning the third or subsequent violation would be provided to the parent, guardian or other person having legal custody of the underage person, and the notice would include a referral for accessing community services for both persons. A copy of a write-up for a third or subsequent violation, the written notification to the parent, guardian or other person having legal custody of the underage person, if applicable, and accompanying referrals, plus a sworn statement that includes a description of the relevant facts and circumstances that support the officer's

determination that the person committed the third or subsequent violation, would be temporarily maintained in accordance with this section only to the extent necessary to track referrals to agencies and organizations, as well as for the purposes of determining a subsequent violation.

The failure of a person under the legal age to purchase alcoholic beverages or cannabis items, or the failure of a parent, guardian or other person having legal custody of the underage person, to accept assistance from an agency or organization to which a law enforcement referral was made, or to access any community services provided by that agency or organization shall not result in any summons, initiation of a complaint, or other legal action to be adjudicated and enforced in any court.

A person under the legal age to purchase alcoholic beverages or cannabis items would not be capable, under the provisions of the bill, of giving lawful consent to a search to determine an underage possession or consumption violation, and a law enforcement officer would not be permitted to request that a person consent to a search for that purpose.

The odor of alcoholic beverages, marijuana, hashish, cannabis, or cannabis item, or burnt marijuana, hashish, cannabis, or cannabis item, would not constitute reasonable articulable suspicion to initiate an investigatory stop of a person, nor would it constitute probable cause to initiate a search of a person or that person's personal property to determine an underage possession or consumption violation. Additionally, the unconcealed, underage possession of an alcoholic beverage, marijuana, hashish, or cannabis item, observed in plain sight by a law enforcement officer, would not constitute probable cause to initiate a search of a person or that person's personal property to determine any further unlawful possession or consumption violation or any other violation of law.

A person under the legal age to purchase alcoholic beverages or cannabis items who commits a violation for possessing or consuming an alcoholic beverage, marijuana, hashish, or cannabis item would not be subject to arrest, and would not be subject to detention or otherwise be taken into custody by a law enforcement officer except to the extent required to issue a written warning or write-up, provide notice of a violation to a parent, guardian or other person having legal custody of the underage person, or make community service referrals due to a third or subsequent violation, unless the person is being arrested, detained, or otherwise taken into custody for also committing another violation of law for which that action is legally permitted or required.

Consistent with the provisions of subsection c. of section 1 of P.L.2020, c.129 (C.40A:14-118.5), the video and audio recording functions of a law enforcement officer's body worn camera, as defined in that section, would be required to be activated whenever the law enforcement officer is responding to a call for service related to an



underage possession or consumption violation or suspected violation, or at the initiation of any other law enforcement or investigative encounter between an officer and a person related to a violation or suspected violation, and would be required to remain activated until the encounter has fully concluded and the officer leaves the scene of the encounter.

As part of the process for the issuance of a written warning or write-up (with referral for a third or subsequent violation) for an underage possession or consumption violation, the law enforcement officer would take possession of any alcoholic beverage, marijuana, hashish, or cannabis item from the person, and any drug or cannabis paraphernalia for use with marijuana, hashish, or cannabis item. The existence and description of the alcoholic beverage, marijuana, hashish, or cannabis item, and any drug or cannabis paraphernalia would be included in the sworn statement that includes the relevant facts and circumstances that support the determination that a person committed a violation. Any alcoholic beverage, marijuana, hashish, cannabis item, or drug or cannabis paraphernalia obtained by the law enforcement officer would either be destroyed or secured for use in law enforcement training or educational programs in accordance with applicable law and directives issued by the Attorney General.

With respect to any violation concerning underage possession or consumption:

- a person under the legal age to purchase alcoholic beverages or cannabis items could not be photographed or fingerprinted, notwithstanding any provisions of section 2 of P.L.1982, c.79 (C.2A:4A-61) to the contrary;

- any copy of any written warning or write-up issued to a person under the legal age to purchase alcoholic beverages or cannabis items, written notification provided to the person's parent, guardian or other person having legal custody, sworn statements describing the relevant facts and circumstances supporting an officer's determination that a violation occurred, or referrals for accessing community services provided by a public or private agency or organization would be segregated and maintained in a separate physical location or electronic repository or database from any other records maintained by a law enforcement agency, and reported to the Attorney General in a manner so that they are similarly segregated and maintained in a separate physical location or electronic repository or database from other law enforcement records accessible to the Attorney General and State and local law enforcement agencies, and could not be transferred to or copied and placed in any other physical location or electronic repository or database containing any other law enforcement records. These records would only be used, as previously described, to the extent necessary to determine a subsequent underage possession or consumption violation or track referrals to agencies and organizations.

Such records, and any other records pertaining to a person's acceptance of assistance from an agency or organization, would not be revealed, reviewed, or considered in any manner with respect to any current or subsequent juvenile delinquency matter, including but not limited to, a charge, filing, eligibility or decision for diversion or discharge, or sentencing, other disposition, or related decision affecting the juvenile, or with respect to any current or subsequent prosecution for committing an offense or other violation of law, including but not limited to, a charge, filing, eligibility or decision for diversion or discharge, or sentencing, other disposition, or related decision affecting an adult under 21 years of age. Also, these records would be deemed confidential and not be subject to public inspection or copying pursuant to the provisions of P.L.1963, c.73 (C.47:1A-1 et seq.), and their existence would not be acknowledged based upon any inquiry in the same manner as if the records were expunged records pursuant to the provisions of subsection a. of N.J.S.2C:52-15.

The Attorney General could use the law enforcement records to generate the number of occurrences and other statistics concerning first, second, third and subsequent violations, the municipal, county or other geographic areas within which first, second, third and subsequent violations occur, and the law enforcement agencies involved in first, second, third and subsequent violations, which would to be compiled and made publicly available by the Attorney General in biannual reports, with the first such report scheduled to be issued by June 30, 2021, the second one issued by January 30, 2022, and then the next report issued every six months thereafter. The identity of any person named in a record would not be revealed or included in the information to be compiled and made available.

All of the records maintained by a law enforcement agency and reported to the Attorney General would be destroyed or permanently deleted by the law enforcement agency and Attorney General on the second anniversary following the creation of the record concerning a violation, or not later than the last day of the month in which that second anniversary date falls, or alternatively not later than the 21st birthday of a person who is the subject of a record, or not later than the last day of the month in which that birthday falls, whichever date occurs sooner; provided, that a record would be maintained upon request by the person named in the record or representative thereof, the law enforcement officer who made the record, or the law enforcement agency currently maintaining the record if it involves a lawsuit, disciplinary complaint, or criminal prosecution arising from the violation described in the record, based on an assertion that the record has evidentiary or exculpatory value. Upon final disposition of the matter for which the extended record retention was requested, the record shall be destroyed or permanently deleted.

For underage violations, the bill would also establish an immunity from prosecution for: any underage person in need of medical

assistance due to the consumption of marijuana or hashish; the underage person who called 9-1-1 to get that person assistance; and up to two other persons acting in concert with the underage person who made the call. This immunity is the same immunity already provided for situations involving the underage consumption of alcohol, and expanded to the underage consumption of cannabis items by the recently passed “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act.”

The \$50 civil penalty created by that act for using another person’s driver’s license or other government-issued identification card, or using a false identity, to obtain cannabis items would be eliminated. The current law does not provide for any form of punishment when another’s identity or a false identity is used to obtain tobacco products or alcoholic beverages, so this would be an approach consistent with the existing State’s approach on such uses of identification cards or false identities.

Additionally, the bill removes municipal authority either granted under existing law or as established under the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” to enact ordinances with civil penalties or fines concerning underage possession or consumption violations, as well as the authority to enact any ordinance with a civil penalty for the non-smoking consumption of a cannabis item in public by a person who is of legal age to purchase and consume that item.

To assist with efforts to deter and prevent persons under the legal age to purchase cannabis items from engaging in activities associated with underage use of cannabis items, or illegal marijuana or hashish, the bill would revise provisions in the recently passed bill creating the “Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Fund,” and establish an account within that fund to be known as the “Underage Deterrence and Prevention Account.” From all of the monies from retail sales of cannabis items and various other cannabis-related sources that are deposited in the fund, 15 percent of such would be placed in the internal account. These monies would be used by the Cannabis Regulatory Commission to fund private for-profit and non-profit organizations, and county and municipal programs and services that offer social services, educational, recreational, and employment opportunities, and local economic development designed to encourage, improve, and support youthful community activities to divert and prevent persons under 18 years of age from engaging in activities associated with underage use of cannabis items, or illegal marijuana or hashish.

#### Taskforce Concerning Underage Possession or Consumption

A taskforce would be established in the Department of Law and Public Safety, comprised of 26 ex-official members and members appointed by the Governor representing law enforcement, juvenile justice interests, and community and non-profit groups to review each

Attorney General biannual report on underage violations described above as well as examine reports by the Attorney General concerning his periodic review of body worn camera recordings mandated by the bill concerning interactions on underage possession and consumption violations or potential violations, and make recommendations thereon to the Governor and Legislature related to law enforcement activities to address the enforcement of underage possession or consumption of alcoholic beverages, marijuana, hashish, or cannabis items, as well as the broader issue of underage possession or consumption of these substances.

#### Suppliers of Cannabis Items to Underage Persons

The bill would establish the following consequences for persons who sell or otherwise provide cannabis items to underage persons: a civil penalty of not less than \$250 for a first violation; a civil penalty of not less than \$500 for a second violation; and it would be a petty disorderly persons offense for a third and each subsequent violation (up to 30 days imprisonment; up to \$500 fine, or both). The “Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act,” specifically in section 64, as amended by this bill, would also establish the same liability for licensed businesses, and their agents and employees, who commit such acts; so, to prevent a doubling up of the penalty provisions, the bill specifies that its penalties would only apply to any person who is not otherwise subject to the penalties under that act.

Any official authorized by the Cannabis Regulatory Commission, or, like with tobacco product enforcement, any official authorized by statute or ordinance to enforce the State or local health codes, or a law enforcement officer, could issue a summons for violations. Additionally, like tobacco product enforcement, any civil penalty would be recovered by the local health agency for the jurisdiction in which a violation occurred, and the money collected would be paid into the treasury of the corresponding municipality for the municipality’s own general uses. The commission, along with the Commissioner of Health, would be authorized to coordinate efforts to enforce the bill’s provisions for punishing violators, as well as delegate enforcement authority to local health agencies, just as the Commissioner of Health may do so currently with respect to enforcement efforts concerning tobacco products. The commission would report on enforcement efforts concerning underage sales or other transfers of cannabis items in its annual report on personal use cannabis activities that would be prepared pursuant to the “Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act.”

In addition to imposition of a civil penalty for a first or second violation, a fine for selling or otherwise providing a cannabis item to an underage person could be imposed, which would be the same fine that may currently be imposed when the action involves a tobacco

product. See P.L.1999, c.90, s.3 (C.2C:33-13.1). The fine for a first or second violation would be based on the fine of up to \$500 imposed for committing a petty disorderly persons offense (with a third or subsequent violation being an actual petty disorderly persons offense), and this fine could be doubled for second or subsequent violations.

Further, a person 21 years of age or older who purchased a cannabis item as a “straw man” on behalf of a person who is under 21 years of age could be adjudged a petty disorderly person.

#### Law Enforcement Criminal Liability

A law enforcement officer, when responding to a call for service or upon the initiation of any other law enforcement or investigative encounter related to a violation or suspected violation for underage possession or consumption, would be guilty of a crime of official deprivation of civil rights as defined in section 2 of P.L.2003, c.31 (C.2C:30-6) if that officer knowingly violated provisions set forth in the bill addressing law enforcement interactions with underage persons by: requesting that a person consent to a search who is not capable of giving lawful consent or searching a person after wrongfully obtaining that person’s consent; initiating an investigatory stop without reasonable articulable suspicion; initiating a search without probable cause; issuing a warning or write-up for a violation without a proper basis that a person committed the violation; detaining or taking into custody a person in a manner or for a longer period beyond the extent required to issue a warning or write-up; arresting a person for a possession or consumption violation as prohibited by the bill; or if that officer knowingly engaged in any other unlawful act against the person arising out of the call for service or initiation of any other law enforcement or investigative encounter, including but not limited to the unjustified use of force in violation of N.J.S.2C:3-7. There would not be a requirement to establish criminal liability on the basis that the officer’s unlawful act was done with the purpose to intimidate or discriminate against a person or group of persons because of race, color, religion, gender, handicap, sexual orientation or ethnicity, which motivation must be proven for other criminal deprivations of civil rights under section 2 of P.L.2003, c.31 (C.2C:30-6). The crime would be graded the same as other criminal deprivations of civil rights: it would be crime of the third degree, punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both, but could be upgraded to a crime of the second degree if bodily injury resulted from the deprivation of rights (five to 10 years’ imprisonment; fine of up to \$150,000, or both), or even a crime of the first degree if the violation involved murder, manslaughter, kidnapping, or aggravated sexual assault.

#### Law Enforcement Training

The Police Training Commission in the Department of Law and Public Safety would adopt a training course regarding law enforcement interactions with persons under the lawful age to

purchase alcoholic beverages or cannabis items based upon the legalization of a personal use cannabis marketplace pursuant to the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act,” the decriminalization of marijuana and hashish pursuant to P.L. , c. (C. ) (passed both Houses of the Legislature on December 17, 2020 as Third Reprint of Assembly Committee Substitute for Assembly Bill Nos. 1897 and 4269), and the enforcement of violations of applicable statutes associated with the underage possession or consumption of alcoholic beverages, marijuana, hashish, or cannabis items pursuant to those enactments and this companion bill. This training would include the recognition of and methods to address and avoid racial disparities and implicit bias, and means for interacting with vulnerable juvenile populations. The training course would be administered by the employing agency as part of the in-service training provided to each local police officer in each law enforcement unit operating in this State. Prior to being appointed to permanent status as a local police officer in a law enforcement unit, an individual would be required to complete the training course. Every local police officer appointed prior to the effective date of the bill would, within 18 months of that effective date, satisfactorily complete a training course on such law enforcement interactions.

Additionally, within 45 days of the bill’s effective date, the Attorney General would prepare a notice explaining the provisions of the aforementioned enactments pertaining to persons under the lawful age to purchase alcoholic beverages or cannabis items and violations of the applicable statutes associated with the underage possession or consumption of alcoholic beverages, marijuana, hashish, or cannabis items, and transmit the notice to the chief or director of every municipal police department, every municipal prosecutor, every county prosecutor, and the Superintendent of the New Jersey State Police. The notice would be disseminated to every law enforcement officer and would be re-enforced at roll calls and academy service training and continuing education programs so as to ensure that all officers and prosecutors are educated of their responsibilities under the relevant enactments.

The committee amendments to the bill:

- modify the consequences for the underage possession or consumption of marijuana, hashish, or cannabis items, so that there is a written warning system, with parental notification in some instances, and the production of informational materials or law enforcement referrals for accessing community services provided by public or private agencies or organizations, as described in the statement above, and these consequences would apply uniformly to all persons under 21 years of age;

- apply the same consequences for underage possession or consumption of marijuana, hashish, or cannabis items to the underage possession or consumption of alcoholic beverages;

- require that the law enforcement record on a violation include a sworn statement that includes a description of the relevant facts and circumstances that support a law enforcement officer's determination that a person committed a violation;

- alter the timeframe for when the temporary law enforcement records on violations would be destroyed or permanently deleted, to include as an alternative to the two-year period in the bill as introduced, that such records be destroyed or deleted not later than the 21st birthday of a person who is the subject of a record, or not later than the last day of the month in which that birthday falls, if either date is sooner than two years;

- remove municipal authority either granted under existing law or as established by the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" (passed both Houses on December 17, 2020 as Second Reprint of Assembly Bill No. 21) to enact ordinances with civil penalties or fines concerning underage possession or consumption violations on private property, as well as any ordinance with a civil penalty for the non-smoking consumption of a cannabis item in public by a person who is of legal age to purchase and consume that item;

- increase liability for suppliers of cannabis items to underage persons by making a third or subsequent violation a petty disorderly persons offense, instead of a \$1,000 civil penalty;

- require that the Attorney General conduct periodic reviews of body worn camera recordings, with the resulting reports on such examinations to be reviewed by the task force on underage possession and consumption created by the bill;

- specify criminal liability for law enforcement officers for official deprivations of civil rights concerning unlawful law enforcement interactions with underage persons regarding possession or consumption violations, as described in the statement above; and

- update the bill's title and synopsis to more accurately reflect the amendments incorporated into the bill.

# LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

## SENATE, No. 3454 STATE OF NEW JERSEY 219th LEGISLATURE

DATED: FEBRUARY 25, 2021

### SUMMARY

**Synopsis:** Concerns certain regulated substances, with particular emphasis on underage possession or consumption of various forms of cannabis, including legal consequences for such activities set forth in legislation passed by both Houses of Legislature.

**Type of Impact:** Annual expenditure increases for the State, municipalities and counties; revenue increases and decreases to the municipalities.

**Agencies Affected:** Department of Law and Public Safety; Cannabis Regulatory Commission; Department of Health; Judiciary; Department of Corrections; State Parole Board; Office of the Public Defender; County and Municipal law enforcement agencies.

#### Office of Legislative Services Estimate

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>State Cost Increase</b>		Indeterminate	
<b>Local Cost Increase</b>		Indeterminate	
<b>Local Revenue Impact</b>		Indeterminate	

- The Office of Legislative Services (OLS) anticipates that the bill will increase municipal revenues and expenditures annually. Civil penalties for marijuana related violations for persons who sell or provide cannabis items to underage persons are likely to increase municipal revenues. However, municipalities will also see a loss in revenue as the bill removes municipal authority to enact ordinances with civil penalties or fines concerning underage possession or consumption violations. The OLS does not have sufficient information to determine the direction or magnitude of the net fiscal impact.
- Annual expenditures will increase due to new enforcement responsibilities of the State, county and municipal law enforcement agencies. The bill establishes an elaborate written warning and parental notification system. The bill also mandates production of informational materials or law enforcement referrals for accessing community services for underage



persons. Though the costs involved are unknown at this time, it is likely to add to the fiscal burden of law enforcement agencies.

- The bill's establishment of the task force and reporting requirements may increase the workload of the Office of the Attorney General in the Department of Law and Public Safety, county and municipal law enforcement agencies. Depending on the resource allocation policies of affected agencies, the added responsibilities may or may not augment State and local government administrative expenditures.
- The OLS finds that this bill will result in an indeterminate annual cost increase for the State and local governments to store data from body worn camera (BWCs). Depending on the specific number of body worn cameras required to outfit all uniformed patrol officers making a call for an underage marijuana related violation who are not currently equipped, the costs may increase further.
- The OLS projects that the bill may increase the annual State expenditures of the Police Training Commission (PTC) by an indeterminate amount. Any increase would likely be marginal and result from the development and periodic updating of a course curriculum and examination, if applicable.

## **BILL DESCRIPTION**

This bill addresses penalties for underage possession or consumption of alcoholic beverages; modifies penalties for persons who wrongfully supply legalized cannabis items to underage persons; establishes funding for programs and services to help deter and prevent underage possession and consumption of cannabis items, or illegal marijuana or hashish; applies the existing crime of official deprivation of civil rights to unlawful law enforcement interactions with underage persons for alcohol, marijuana, and cannabis item possession or consumption; and provides revised training for law enforcement officers concerning interactions with underage persons regarding such activities.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS finds that this bill will result in a revenue increase for the municipalities and an expenditure increase to the State, municipal and county law enforcement agencies.

### **State Impact:**

The OLS estimates that this bill will result in an indeterminate expenditure increase to the State due to additional enforcement efforts. The bill establishes a written warning system, with parental notification in some instances, and the production of informational materials or law enforcement referrals for accessing community services provided by public or private

organizations for marijuana and other violations by all persons under 21 years of age. Furthermore, law enforcement officers will need to include a sworn statement with a description of the relevant facts and circumstances to support an officer's determination that a person committed a violation adding to the current workload.

The bill mandates a permanent deletion or destruction of records on underage marijuana violations to include as an alternative to the two-year period that such records be destroyed or deleted not later than the 21st birthday of a person, or not later than the last day of the month in which that birthday falls, if either date is sooner than two years. It is unclear as to how this workload will be distributed between the various law enforcement agencies but is likely to result in additional administrative workload.

A law enforcement officer would be guilty of a crime of official deprivation of civil rights if that officer knowingly violates provisions set forth in the bill addressing law enforcement interactions with underage persons. The crime would be graded the same as other criminal deprivations of civil rights: it would be crime of the third degree, punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both, but could be upgraded to a crime of the second degree if bodily injury resulted from the deprivation of rights (five to 10 years' imprisonment; fine of up to \$150,000, or both), or even a crime of the first degree if the violation involved murder, manslaughter, kidnapping, or aggravated sexual assault. The Judiciary will see an increased caseload with new lawsuits brought to court and more cases being adjudicated in courts for these crimes. This could result in increased expense for the Department of Corrections (DOC). According to data provided by the DOC, the average annual cost of housing an inmate in a State prison for FY 2019 totaled \$50,191, whereas the marginal costs per day were approximately \$8.60. With regard to revenue gains from fines, the State's ability to collect criminal fines and penalties has historically been limited.

The bill will result in an expenditure increase for the Office of the Attorney General due to additional resources to conduct periodic reviews of recordings from BWCs, with the resulting reports on such examinations to be reviewed by the task force on underage possession and consumption created by the bill. This would include the cost of equipment acquisition, an annual licensing fee, maintenance, and storage. Even after acquisition, ongoing maintenance and storage costs would be incurred.

The Department of Law and Public Safety may incur an increase in expenditures under the bill for setting up a 26-member taskforce. These expenditures could include administrative expenses for staff support, the cost of any meeting space rentals, and reimbursable expenses incurred by the members of the taskforce.

The Cannabis Regulatory Commission (CRC), along with the Commissioner of Health, would be authorized to coordinate efforts to enforce the bill's provisions for punishing violators, as well as delegate enforcement authority to local health agencies, just as the Commissioner of Health may do so currently with respect to enforcement efforts concerning tobacco products. Per the bill, any civil penalty would be recovered by the local health agency for the jurisdiction in which a violation occurred, and the money collected would be paid into the treasury of the corresponding municipality for the municipality's own general uses.

The PTC in the Department of Law and Public Safety would adopt a training course regarding law enforcement interactions and enforcement of statutes with persons under the lawful age to purchase alcoholic beverages or cannabis items. The OLS does not have sufficient information to estimate the costs involved.

#### Municipal Impact:

This bill may result in an increase in revenues for municipalities. This bill establishes civil penalties for persons who sell or otherwise provide cannabis items to underage persons: a civil

penalty of not less than \$250 for a first violation; a civil penalty of not less than \$500 for a second violation; and it would be a petty disorderly persons offense for a third and each subsequent violation (up to 30 days imprisonment; up to \$500 fine, or both). Further, a person 21 years of age or older who purchased a cannabis item as a “straw man” on behalf of a person who is under 21 years of age could be adjudged a petty disorderly person. The “Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” would also establish the same liability for licensed businesses, and their agents and employees, who commit such acts. The OLS does not have sufficient information to estimate the number of violations likely to occur or the revenue impact from these penalties.

Further, municipalities will also see a loss in revenue as the bill removes municipal authority to enact ordinances with civil penalties or fines concerning underage possession or consumption violations on private property, as well as any ordinance with a civil penalty for the non-smoking consumption of a cannabis item in public by a person who is of legal age to purchase and consume that item. The OLS cannot determine the direction and magnitude of the bill’s fiscal net impact on municipalities.

The bill establishes the “Underage Deterrence and Prevention Account,” which will receive 15 percent of the monies from retail sales of cannabis items to be used by the CRC to fund private for-profit and non-profit organizations, and county and municipal programs and services to support youthful community activities to prevent persons under 18 years of age from engaging in activities associated with underage use of cannabis items, or illegal marijuana or hashish. However, the OLS cannot determine if those funds will suffice for these purposes.

#### County Impact:

The OLS estimates that this bill will result in an indeterminate expenditure increase to the counties due to additional enforcement efforts.

*Section:            Judiciary*

*Analyst:          Anuja Pande Joshi*  
*Assistant Fiscal Analyst*

*Approved:        Thomas Koenig*  
*Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

Governor Phil Murphy

# Governor Murphy Signs Historic Adult-Use Cannabis Reform Bills Into Law

02/22/2021

**TRENTON** – Governor Phil Murphy today signed historic adult-use cannabis reform bills into law, legalizing and regulating cannabis use and possession for adults 21 years and older (A21 – “The New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act”) and decriminalizing marijuana and hashish possession (A1897). The Governor also signed S3454, clarifying marijuana and cannabis use and possession penalties for individuals younger than 21 years old.

“Our current marijuana prohibition laws have failed every test of social justice, which is why for years I’ve strongly supported the legalization of adult-use cannabis. Maintaining a status quo that allows tens of thousands, disproportionately people of color, to be arrested in New Jersey each year for low-level drug offenses is unjust and indefensible,” **said Governor Murphy**. “This November, New Jerseyans voted overwhelmingly in support of creating a well-regulated adult-use cannabis market. Although this process has taken longer than anticipated, I believe it is ending in the right place and will ultimately serve as a national model.

“This legislation will establish an industry that brings equity and economic opportunity to our communities, while establishing minimum standards for safe products and allowing law enforcement to focus their resources on real public safety matters,” **continued Governor Murphy**. “Today, we’re taking a monumental step forward to reduce racial disparities in our criminal justice system, while building a promising new industry and standing on the right side of history. I’d like to thank the Legislature, advocates, faith leaders, and community leaders for their dedicated work and partnership on this critical issue.”

“At long last, New Jersey is turning the page on our previous treatment of marijuana use,” **said Dianna Houenou, incoming Chair of the New Jersey Cannabis Regulatory Commission (CRC)**. “I am excited to get to work building on the successes of the medical program and standing up the adult-use cannabis industry. It’s an honor to be part of this historic movement in New Jersey.”

“Today, Governor Murphy signed legislation into law that reflects the will of New Jerseyans who made their voices loud and clear last November when they voted to legalize recreational cannabis use for adults,” **said U.S. Senator Robert Menendez**. “As always, the needs of our state will guide my work in the U.S. Senate, and I stand ready to advocate for federal policies that respect and protect the ability of local enterprises and law-abiding citizens to do business in a cannabis marketplace that is transparent, equitable, safe and accountable.”

“The failed War on Drugs has systematically targeted people of color and the poor, disproportionately impacting Black and Brown communities and hurting families in New Jersey and across our nation,” **said U.S. Senator Cory Booker**. “Today is a historic day, and I applaud Governor Murphy, the legislature, and the many advocates for racial and social justice whose leadership is ensuring that New Jersey is at the forefront of equitable marijuana legalization policy. I will continue to work with my colleagues in the Senate to end the federal marijuana prohibition so we can finally begin healing the wounds of decades of injustice.”

"This is a historic reform that will have a real-life impact on social justice, law enforcement and the state's economy," **said Senate President Steve Sweeney**. "We can now move forward to correct social injustices at the same time that marijuana is made legal for adults. This will launch a new cannabis industry with the potential to create jobs and generate economic activity at a time when it is desperately needed. The decriminalization law is the most sweeping measure of its kind in the country and is a groundbreaking step in our continued effort to make criminal justice reforms that are fairer and more effective. This will help reduce the racial disparities and social inequities that have long plagued our criminal justice system."

"For the last fifty years, marijuana criminalization has been used as a tool to propel mass incarceration," **said Senator Sandra Cunningham**. "It has done immeasurable harm to Black and Brown communities around the country, and today we begin to right the ship here in New Jersey. I look forward to seeing the tangible impact this legislation has on our communities in the years to come."

"I am proud to have been a driving force behind the most progressive decriminalization law in the country and I am grateful to finally see it enacted," **said Senator Teresa Ruiz**. "Every day roughly 100 people in New Jersey are arrested for marijuana possession, this law is a move that offers individuals a second chance and ensures they do not become entangled in the criminal justice system. This is yet another step towards bringing justice and equity to our communities. Going forward, we must continue to look for creative solutions to reverse the generational impact the War on Drugs has had."

"This will usher in a new era of social justice by doing away with the failed policy that criminalized the use of marijuana," **said Senator Nicholas Scutari, the leading advocate of legalizing adult-use marijuana in New Jersey over the past decade**. "Too many people have been arrested, incarcerated and left with criminal records that disrupt and even destroy their lives. We don't want the criminal justice system to be an unfair barrier to success. By implementing a regulated system that allows people age 21 and over to purchase limited amounts of marijuana for personal use we will bring marijuana out of the underground market where it can be controlled, regulated and taxed, just as alcohol has been for decades. *New Jersey will now be a leader in legalizing a once stigmatized drug in ways that will help the communities hurt the most by the War on Drugs and realize the economic benefits of the new adult-use cannabis market.*"

"We're moving closer to the long-overdue need to end cannabis prohibition," **said Assemblywoman Annette Quijano**. "So much time, effort, and thought have gone into this legislation. We've continued conversations, for what I believe, has produced a stronger piece of legislation with a focused eye toward social justice and equity. This is the beginning of a new era of economic opportunity, social justice for marijuana possession, and hope for a better future for thousands of New Jersey residents."

"With legalization comes an unprecedented opportunity for residents to clean the slate with expungement provisions and for communities to grow their economic base with businesses," **said Assemblyman Jamel Holley**. "A key component of cannabis legalization is addressing social justice concerns. The fact that Black New Jerseyans are 3 or 4 times more likely to be arrested on cannabis charges has contributed to the disenfranchisement of black communities. We have the opportunity here to also right the wrongs in our society in regards to past criminal possession of cannabis. No matter where you stand in the legalized marijuana debate, there has been a clear understanding that minorities within our urban communities have been hit hardest in the so-called War on Drugs. During this entire campaign for legalization, there has been one united vocal stance: There was harm done in the past and it must be corrected."

"This new law includes real, enterprising opportunities for New Jersey communities that have been disproportionately impacted by cannabis prohibition, along with more defined employment opportunities and a commission that requires diversity," **said Assemblywoman Britnee Timberlake**. "This will be a clear revenue generator for the State, and the social justice and diversity portion in the legislation remains imperative."

"Undoubtedly, this is the largest regulatory undertaking the state has considered since the Casino Control Commission," **said Assemblywoman Angela McKnight**. "Remaining at status quo meant continued disparity in arrests for African Americans and teens for amounts now to be considered personal use. We are moving the state in a direction more compassionate for cannabis and in line with what is happening across the country in regards to legalization."

"This has been a long time coming in our State," **said Assemblyman Joseph Daniels**. "who chairs the Assembly Federal Relations and Oversight Reform Committee led the discussion on the bill in today's hearing. "Social justice for black and brown communities, which have been generationally impacted by cannabis prohibition, and equity in business are priorities in this legislation. We cannot fairly, or effectively provide regulation without ensuring these communities stay at the forefront of the conversation."

"New Jersey voters on November 3rd issued the Legislature a mandate: to provide the infrastructure for the legalization of cannabis in New Jersey. Today, we move on that directive by presenting legislation for discussion with fellow legislation and statewide stakeholders," **said Assemblyman Benjie Wimberly**. "The War on Drugs in many ways became a war on particular communities, incarcerating millions of black and brown people and affecting families irreparably for decades. Our work on refining this legislation aims to correct the economic and social justice disparities surrounding cannabis use."

"With Governor Murphy's signature, the decades-long practice of racist marijuana enforcement will begin to recede, in a shift that emphasizes the urgency of building the most equitable framework possible for cannabis legalization," **said Amol Sinha, Executive Director of the American Civil Liberties Union of New Jersey, which is a founding member of New Jersey United for Marijuana Reform**. "With this historic reform, New Jersey also shifts our approach to youth possession and use by moving away from the punitive status quo to a framework that values public health, harm reduction, and the well-being of young people. Our state's cannabis laws can set a new standard for what justice can look like, with the removal of criminal penalties for possession and an unprecedented portion of tax revenue dedicated to addressing the harms wrought by the drug war. Signing these laws puts in motion the next phase of this effort: to work relentlessly to transform the principles of legalization into greater racial and social justice in New Jersey. This is a new beginning – and the culmination of years of advocacy – and we must keep in mind that it is only the start."

Under A21, the Cannabis Regulatory Commission (CRC) will promulgate regulations to govern the medical and adult-use industries and oversee the applications for licensing of cannabis businesses. The legislation further provides for the Legislature to reinvest cannabis revenues in designated "impact zones"; directs the CRC to promote diversity and inclusion in business ownership; and contains critical employment protections for people who engage in lawful behavior with respect to cannabis.

A1897 reforms criminal and civil penalties for marijuana and hashish offenses, as well as provides remedies for people currently facing certain marijuana charges. The bill prevents unlawful low-level distribution and possession offenses from being used in pretrial release, probation, and parole decisions and provides certain protections against discrimination in employment, housing, and places of public accommodation. The bill also creates a pathway to vacate active sentences for certain offenses committed before enactment of the enabling legislation.

The Governor today also signed S3454 into law, clarifying penalties for marijuana and cannabis possession and consumption for individuals younger than 21 years old. The legislation corrects inconsistencies in A21 and A1897 concerning marijuana and cannabis penalties for those underage.

"I have been working on decriminalizing adult-use marijuana for well over three years now, and I am happy to finally see it become a reality," **said Senator Ronald Rice**. "This is a common-sense and just law that gives an equal playing field for folks in communities of color. Many have argued that legalizing adult-use marijuana has been for social, economic and criminal justice, however, decriminalization for me, is equally as important. I will continue to watch closely and fight to ensure communities of color are treated equally."

"This is only one piece in the many parts of change that must be done in the name of social justice for our communities. The War on Drugs in many ways became a war on particular communities, incarcerating millions of people and affecting families irreparably for decades," **said Assemblyman Benjie Wimberly**. "The action we take now to help our black and brown communities who have been disproportionately affected by current laws surrounding cannabis use is critical to trauma for future generations."

“There have been far too many people, especially those from Black and Hispanic communities, who have been negatively impacted by the criminalization of cannabis,” **said Assemblywoman Annette Quijano**. “There have been long-term impacts on the lives of all people in this state, but considerably those of color. This law is the product of taking a hard look at our current laws, listening to the will of the majority of New Jerseyans and taking a common-sense approach to cannabis offenses.”

“Black New Jerseyans are up to four times more likely to be arrested on cannabis charges than White people. It is a sad fact, a further painful reminder that so people in our communities have been disenfranchised for far too long,” **said Assemblyman Jamel Holley**. “There have always been glaring social justice concerns and obvious inequity in the high number of arrests of minority residents. Now, finally, this is the time for it to stop.”

“It’s time for the change we seek,” **said Assemblywoman Angela McKnight**. “New Jersey residents are not happy with the status quo and we need to move in a direction of compassion for the communities that have long been targeted by current regulatory criteria. The call for action, for social justice reform, is resounding throughout our nation. And it begins in New Jersey today.”

“Decriminalization and expungement for those who have been disproportionately incarcerated for marijuana offenses is well overdue in New Jersey and many other states throughout this nation,” **said Assemblywoman Britnee Timberlake**. “A criminal marijuana charge has a detrimental effect on an individual’s opportunity to access higher education, obtain gainful employment, receive housing support, and address child custody issues. Not all communities are impacted equally by marijuana enforcement, measures to reduce the collateral consequences of criminal records are ones of racial, social, and economic justice. This is about social justice for a people who have endured the inequities in the law for generations.”

In July 2019, Governor Murphy signed legislation ([“The Jake Honig Compassionate Use Medical Cannabis Act”](#)) to reform New Jersey’s Medicinal Marijuana Program (MMP) and expand patient access to medical marijuana, ensuring this life-changing medical treatment is affordable and accessible for those who need it most.

In December 2019, Governor Murphy signed [one of the most progressive expungement reforms in the nation](#), giving individuals entangled in the criminal justice system the opportunity to fully participate in society. S4154 eliminated fees for expungement applications and additionally created a petition process for “clean slate” expungement for residents, as well as required the State to implement an automated clean slate expungement system. Furthermore, the bill required that low-level marijuana convictions be sealed upon the disposition of a case, preventing those convictions from being used against individuals in the future.