

**18A:6-17.1**  
**LEGISLATIVE HISTORY CHECKLIST**

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**LAWS OF:** 2021                    **CHAPTER:** 51

**NJSA:** 18A:6-17.1 (Requires training for DOE arbitrators to include issues related to cultural diversity and bias.)

**BILL NO:** S699                    (Substituted for A5245)

**SPONSOR(S)** Ruiz, M. Teresa and others

**DATE INTRODUCED:** 1/14/2020

**COMMITTEE:**                    **ASSEMBLY:** Community Development & Affairs

**SENATE:** Education

**AMENDED DURING PASSAGE:** No

**DATE OF PASSAGE:**                    **ASSEMBLY:** 3/1/2021

**SENATE:** 7/30/2020

**DATE OF APPROVAL:** 4/19/2021

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

**FINAL TEXT OF BILL** (Introduced bill enacted) Yes

**S699**

**INTRODUCED BILL (INCLUDES SPONSOR'S STATEMENT):** Yes

**COMMITTEE STATEMENT:**                    **ASSEMBLY:** Yes

**SENATE:** Yes

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

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**A5245**

**INTRODUCED BILL (INCLUDES SPONSOR'S STATEMENT):** Yes

**COMMITTEE STATEMENT:**                    **ASSEMBLY:** Yes

**SENATE:** No

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

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**VETO MESSAGE:** No

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

**FOLLOWING WERE PRINTED:**

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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** No

RH/CL

P.L. 2021, CHAPTER 51, *approved April 19, 2021*

Senate, No. 699

1 AN ACT concerning the training of arbitrators and amending  
2 P.L.2012, c.26.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. Section 22 of P.L.2012, c.26 (C.18A:6-17.1) is amended to  
8 read as follows:

9 22. a. The Commissioner of Education shall maintain a panel  
10 of 50 permanent arbitrators to hear matters pursuant to N.J.S.18A:6-  
11 16. Of the 50 arbitrators, 16 arbitrators shall be designated by the  
12 New Jersey Education Association, six arbitrators shall be  
13 designated by the American Federation of Teachers, 18 arbitrators  
14 shall be designated by the New Jersey School Boards Association,  
15 and 10 arbitrators shall be designated by the New Jersey Principals  
16 and Supervisors Association. The commissioner shall inform the  
17 appropriate designating entity when a vacancy exists. If the  
18 appropriate entity does not designate an arbitrator within 30 days,  
19 the commissioner shall designate an arbitrator to fill that vacancy.

20 All arbitrators designated pursuant to this section shall serve on  
21 the American Arbitration Association panel of labor arbitrators and  
22 shall be members of the National Academy of Arbitrators. The  
23 arbitrators shall have knowledge and experience in the school  
24 employment sector. Arbitrators on the permanent panel shall be  
25 assigned by the commissioner randomly to hear cases.

26 All arbitrators designated pursuant to this section after the  
27 effective date of P.L.2019, c.45, shall receive training on conduct  
28 unbecoming an employee including, but not limited to, issues  
29 related to allegations of sexual assault and child abuse, for the  
30 purpose of assisting the arbitrator in determining matters in which  
31 conduct unbecoming an employee is the basis of the tenure charges  
32 made against the employee. Any arbitrator on the permanent panel  
33 as of the effective date of P.L.2019, c.45, shall receive the training  
34 within 18 months of the effective date of that act.

35 The training on conduct unbecoming an employee shall also  
36 include issues related to cultural diversity and bias. Any arbitrator  
37 on the permanent panel as of the effective date of  
38 P.L. , c. (pending before the Legislature as this bill), shall receive  
39 training on these issues within 18 months of the effective date of  
40 that act.

41 The training shall be conducted by a State agency or private  
42 entity with expertise in the subject area selected by the

**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 commissioner, and any training on sexual misconduct or child abuse  
2 shall be conducted in consultation with a sexual assault or child  
3 abuse prevention organization. The training program utilized by the  
4 State agency or private entity shall be approved by the  
5 commissioner and shall be developed in consultation with interested  
6 stakeholders in the school law and education communities  
7 including, but not limited to, the New Jersey School Boards  
8 Association, the New Jersey Principals and Supervisors  
9 Association, the New Jersey Education Association, the American  
10 Federation of Teachers, and the New Jersey Association of School  
11 Administrators. The training program shall include, but shall not be  
12 limited to:

13 (1) A review of tenure charge cases concerning conduct  
14 unbecoming by a school employee, including cases decided both  
15 before and after the enactment of P.L.2012, c.26 (C.18A:6-  
16 117 et al.); and

17 (2) A review of the factors to be considered by arbitrators in  
18 deciding tenure charge cases concerning conduct unbecoming by a  
19 school employee including, but not limited to, the nature of the  
20 alleged offense and the impact, or potential impact, of the  
21 employee's conduct on the health and safety of students within the  
22 context of the school environment.

23 b. The following provisions shall apply to a hearing conducted  
24 by an arbitrator pursuant to N.J.S.18A:6-16, except as otherwise  
25 provided pursuant to P.L.2012, c.26 (C.18A:6-117 et al.):

26 (1) The hearing shall be held before the arbitrator within 45  
27 days of the assignment of the arbitrator to the case;

28 (2) The arbitrator shall receive no less than \$1250 per day, or  
29 such amount as established at the discretion of the Commissioner of  
30 Education, who shall consider the average per diem rate of  
31 arbitrators eligible to serve on the panel who reside in New Jersey,  
32 New York, and Pennsylvania. The costs and expenses of the  
33 arbitrator shall be borne by the State of New Jersey;

34 (3) Upon referral of the case for arbitration, the employing  
35 board of education shall provide all evidence including, but not  
36 limited to, documents, electronic evidence, statements of witnesses,  
37 and a list of witnesses with a complete summary of their testimony,  
38 to the employee or the employee's representative. The employing  
39 board of education shall be precluded from presenting any  
40 additional evidence at the hearing, except for purposes of  
41 impeachment of witnesses. At least 10 days prior to the hearing,  
42 the employee shall provide all evidence upon which he will rely  
43 including, but not limited to, documents, electronic evidence,  
44 statements of witnesses, and a list of witnesses with a complete  
45 summary of their testimony, to the employing board of education or  
46 its representative. The employee shall be precluded from presenting  
47 any additional evidence at the hearing except for purposes of  
48 impeachment of witnesses.

1       Discovery shall not include depositions, and interrogatories shall  
2 be limited to 25 without subparts.

3       c. The arbitrator shall determine the case under the American  
4 Arbitration Association labor arbitration rules. In the event of a  
5 conflict between the American Arbitration Association labor  
6 arbitration rules and the procedures established pursuant to this  
7 section, the procedures established pursuant to this section shall  
8 govern.

9       d. Notwithstanding the provisions of N.J.S.18A:6-25 or any  
10 other section of law to the contrary, the arbitrator shall render a  
11 written decision within 45 days of the start of the hearing.

12       e. The arbitrator's determination shall be final and binding and  
13 may not be appealable to the commissioner or the State Board of  
14 Education. The determination shall be subject to judicial review  
15 and enforcement as provided pursuant to N.J.S.2A:24-7 through  
16 N.J.S.2A:24-10.

17       f. Timelines set forth herein shall be strictly followed; the  
18 arbitrator or any involved party shall inform the commissioner of  
19 any timeline that is not adhered to.

20       g. An arbitrator may not extend the timeline of holding a  
21 hearing beyond 45 days of the assignment of the arbitrator to the  
22 case without approval from the commissioner. An arbitrator may  
23 not extend the timeline for rendering a written decision within 45  
24 days of the start of the hearing without approval from the  
25 commissioner. Extension requests shall occur before the 41st day  
26 of the respective timelines set forth herein. The commissioner shall  
27 approve or disapprove extension requests within five days of  
28 receipt.

29       h. The commissioner may remove any arbitrator from an  
30 arbitration case or an arbitration panel if an arbitrator does not  
31 adhere to the timelines set forth herein without approval from the  
32 commissioner. If the commissioner removes an arbitrator from an  
33 arbitration case, the commissioner shall refer the case to a new  
34 arbitrator within five days. The newly-assigned arbitrator shall  
35 convene a new hearing and then render a written decision within 45  
36 days of being referred the case.

37 (cf: P.L.2019, c.45, s.1)

38

39       2. This act shall take effect immediately.

40

41

42

43

44       Requires training for DOE arbitrators to include issues related to  
45 cultural diversity and bias.

# SENATE, No. 699

## STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Senator M. TERESA RUIZ**

**District 29 (Essex)**

**Senator TROY SINGLETON**

**District 7 (Burlington)**

**Co-Sponsored by:**

**Senator Turner**

**SYNOPSIS**

Requires training for DOE arbitrators to include issues related to cultural diversity and bias.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



**(Sponsorship Updated As Of: 6/25/2020)**

1 AN ACT concerning the training of arbitrators and amending  
2 P.L.2012, c.26.

3

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

6

7 1. Section 22 of P.L.2012, c.26 (C.18A:6-17.1) is amended to  
8 read as follows:

9 22. a. The Commissioner of Education shall maintain a panel  
10 of 50 permanent arbitrators to hear matters pursuant to N.J.S.18A:6-  
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15 and 10 arbitrators shall be designated by the New Jersey Principals  
16 and Supervisors Association. The commissioner shall inform the  
17 appropriate designating entity when a vacancy exists. If the  
18 appropriate entity does not designate an arbitrator within 30 days,  
19 the commissioner shall designate an arbitrator to fill that vacancy.

20 All arbitrators designated pursuant to this section shall serve on  
21 the American Arbitration Association panel of labor arbitrators and  
22 shall be members of the National Academy of Arbitrators. The  
23 arbitrators shall have knowledge and experience in the school  
24 employment sector. Arbitrators on the permanent panel shall be  
25 assigned by the commissioner randomly to hear cases.

26 All arbitrators designated pursuant to this section after the  
27 effective date of P.L.2019, c.45, shall receive training on conduct  
28 unbecoming an employee including, but not limited to, issues  
29 related to allegations of sexual assault and child abuse, for the  
30 purpose of assisting the arbitrator in determining matters in which  
31 conduct unbecoming an employee is the basis of the tenure charges  
32 made against the employee. Any arbitrator on the permanent panel  
33 as of the effective date of P.L.2019, c.45, shall receive the training  
34 within 18 months of the effective date of that act.

35 The training on conduct unbecoming an employee shall also  
36 include issues related to cultural diversity and bias. Any arbitrator  
37 on the permanent panel as of the effective date of P.L. , c.  
38 (pending before the Legislature as this bill), shall receive training  
39 on these issues within 18 months of the effective date of that act.

40 The training shall be conducted by a State agency or private  
41 entity with expertise in the subject area selected by the  
42 commissioner, and any training on sexual misconduct or child abuse  
43 shall be conducted in consultation with a sexual assault or child  
44 abuse prevention organization. The training program utilized by the  
45 State agency or private entity shall be approved by the

**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 commissioner and shall be developed in consultation with interested  
2 stakeholders in the school law and education communities  
3 including, but not limited to, the New Jersey School Boards  
4 Association, the New Jersey Principals and Supervisors  
5 Association, the New Jersey Education Association, the American  
6 Federation of Teachers, and the New Jersey Association of School  
7 Administrators. The training program shall include, but shall not be  
8 limited to:

9 (1) A review of tenure charge cases concerning conduct  
10 unbecoming by a school employee, including cases decided both  
11 before and after the enactment of P.L.2012, c.26 (C.18A:6-  
12 117 et al.); and

13 (2) A review of the factors to be considered by arbitrators in  
14 deciding tenure charge cases concerning conduct unbecoming by a  
15 school employee including, but not limited to, the nature of the  
16 alleged offense and the impact, or potential impact, of the  
17 employee's conduct on the health and safety of students within the  
18 context of the school environment.

19 b. The following provisions shall apply to a hearing conducted  
20 by an arbitrator pursuant to N.J.S.18A:6-16, except as otherwise  
21 provided pursuant to P.L.2012, c.26 (C.18A:6-117 et al.):

22 (1) The hearing shall be held before the arbitrator within 45  
23 days of the assignment of the arbitrator to the case;

24 (2) The arbitrator shall receive no less than \$1250 per day, or  
25 such amount as established at the discretion of the Commissioner of  
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27 arbitrators eligible to serve on the panel who reside in New Jersey,  
28 New York, and Pennsylvania. The costs and expenses of the  
29 arbitrator shall be borne by the State of New Jersey;

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31 board of education shall provide all evidence including, but not  
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45 Discovery shall not include depositions, and interrogatories shall  
46 be limited to 25 without subparts.

47 c. The arbitrator shall determine the case under the American  
48 Arbitration Association labor arbitration rules. In the event of a



1 conflict between the American Arbitration Association labor  
2 arbitration rules and the procedures established pursuant to this  
3 section, the procedures established pursuant to this section shall  
4 govern.

5 d. Notwithstanding the provisions of N.J.S.18A:6-25 or any  
6 other section of law to the contrary, the arbitrator shall render a  
7 written decision within 45 days of the start of the hearing.

8 e. The arbitrator's determination shall be final and binding and  
9 may not be appealable to the commissioner or the State Board of  
10 Education. The determination shall be subject to judicial review  
11 and enforcement as provided pursuant to N.J.S.2A:24-7 through  
12 N.J.S.2A:24-10.

13 f. Timelines set forth herein shall be strictly followed; the  
14 arbitrator or any involved party shall inform the commissioner of  
15 any timeline that is not adhered to.

16 g. An arbitrator may not extend the timeline of holding a  
17 hearing beyond 45 days of the assignment of the arbitrator to the  
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23 approve or disapprove extension requests within five days of  
24 receipt.

25 h. The commissioner may remove any arbitrator from an  
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27 adhere to the timelines set forth herein without approval from the  
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30 arbitrator within five days. The newly-assigned arbitrator shall  
31 convene a new hearing and then render a written decision within 45  
32 days of being referred the case.

33 (cf: P.L.2019, c.45, s.1)

34

35 2. This act shall take effect immediately.

36

37

38

#### STATEMENT

39

40 Pursuant to P.L.2019, c.45, members of the panel of arbitrators  
41 maintained by the Commissioner of Education are required to  
42 receive training on conduct unbecoming an employee, including,  
43 but not limited to, issues related to allegations of sexual assault and  
44 child abuse, for the purpose of assisting the arbitrator in  
45 determining matters in which conduct unbecoming an employee is  
46 the basis of the tenure charges made against the employee. This bill  
47 would require that the training also include issues related to cultural  
48 diversity and bias.

ASSEMBLY COMMUNITY DEVELOPMENT AND AFFAIRS  
COMMITTEE

STATEMENT TO

**SENATE, No. 699**

**STATE OF NEW JERSEY**

DATED: JANUARY 13, 2021

The Assembly Community Development and Affairs Committee reports favorably Senate Bill No. 699.

This bill requires members of the panel of arbitrators maintained by the Commissioner of Education to receive training related to cultural diversity and bias.

Under current law, the commissioner maintains a panel of 50 permanent arbitrators to hear and decide tenure charge matters. Following the enactment of P.L.2019, c.45, each arbitrator is required to receive training on conduct unbecoming of an employee, which training is currently required to include issues related to allegations of sexual assault and child abuse.

Under this bill, the training on conduct unbecoming of an employee would also be required to include issues related to cultural diversity and bias. The bill also provides that any arbitrator serving on the permanent panel as of the enactment of the bill would be required to complete the cultural diversity and bias training within 18 months of the date of enactment.

As reported by the committee, this bill is identical to Assembly Bill No. 5245, which was also reported by the committee on this date.

SENATE EDUCATION COMMITTEE

STATEMENT TO

**SENATE, No. 699**

**STATE OF NEW JERSEY**

DATED: JUNE 25, 2020

The Senate Education Committee favorably reports Senate Bill No. 699.

This bill requires members of the panel of arbitrators maintained by the Commissioner of Education to receive training related to cultural diversity and bias.

Under current law, the commissioner maintains a panel of 50 permanent arbitrators to hear and decide tenure charge matters. Following the enactment of P.L.2019, c.45, each arbitrator is required to receive training on conduct unbecoming of an employee, which training is currently required to include issues related to allegations of sexual assault and child abuse.

Under this bill, the training on conduct unbecoming of an employee would also be required to include issues related to cultural diversity and bias. The bill also provides that any arbitrator serving on the permanent panel as of the enactment of the bill would be required to complete the cultural diversity and bias training within 18 months of the date of enactment.

This bill was pre-filed for introduction in the 2020-2021 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

# ASSEMBLY, No. 5245

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JANUARY 7, 2021

**Sponsored by:**

**Assemblywoman SHAVONDA E. SUMTER**

**District 35 (Bergen and Passaic)**

**Assemblywoman VERLINA REYNOLDS-JACKSON**

**District 15 (Hunterdon and Mercer)**

**Assemblyman STERLEY S. STANLEY**

**District 18 (Middlesex)**

**Co-Sponsored by:**

**Assemblywoman Timberlake**

**SYNOPSIS**

Requires training for DOE arbitrators to include issues related to cultural diversity and bias.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 3/1/2021)**

A5245 SUMTER, REYNOLDS-JACKSON

2

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2 P.L.2012, c.26.

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4 arbitration rules and the procedures established pursuant to this  
5 section, the procedures established pursuant to this section shall  
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7 d. Notwithstanding the provisions of N.J.S.18A:6-25 or any  
8 other section of law to the contrary, the arbitrator shall render a  
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34 days of being referred the case.

35 (cf: P.L.2019, c.45, s.1)

36

37 2. This act shall take effect immediately.

38

39

40

#### STATEMENT

41

42 This bill requires members of the panel of arbitrators maintained by  
43 the Commissioner of Education to receive training related to cultural  
44 diversity and bias.

45 Under current law, the commissioner maintains a panel of 50  
46 permanent arbitrators to hear and decide tenure charge matters.  
47 Following the enactment of P.L.2019, c.45, each arbitrator is required  
48 to receive training on conduct unbecoming of an employee, which

**A5245 SUMTER, REYNOLDS-JACKSON**

5

1 training is currently required to include issues related to allegations of  
2 sexual assault and child abuse.

3 Under this bill, the training on conduct unbecoming of an  
4 employee would also be required to include issues related to cultural  
5 diversity and bias. The bill also provides that any arbitrator serving on  
6 the permanent panel as of the enactment of the bill would be required  
7 to complete the cultural diversity and bias training within 18 months of  
8 the date of enactment.



ASSEMBLY COMMUNITY DEVELOPMENT AND AFFAIRS  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 5245**

**STATE OF NEW JERSEY**

DATED: JANUARY 13, 2021

The Assembly Community Development and Affairs Committee reports favorably Assembly Bill No. 5245.

This bill requires members of the panel of arbitrators maintained by the Commissioner of Education to receive training related to cultural diversity and bias.

Under current law, the commissioner maintains a panel of 50 permanent arbitrators to hear and decide tenure charge matters. Following the enactment of P.L.2019, c.45, each arbitrator is required to receive training on conduct unbecoming of an employee, which training is currently required to include issues related to allegations of sexual assault and child abuse.

Under this bill, the training on conduct unbecoming of an employee would also be required to include issues related to cultural diversity and bias. The bill also provides that any arbitrator serving on the permanent panel as of the enactment of the bill would be required to complete the cultural diversity and bias training within 18 months of the date of enactment.

As reported by the committee, this bill is identical to Senate Bill No. 699, which was also reported by the committee on this date.

# Governor Murphy Takes Action on Legislation

04/19/2021

**TRENTON** - Today, Governor Phil Murphy signed the following bills and resolutions into law:  
**SJR-93/AJR-180 (Lagana, Cunningham, Pou/Wimberly, Reynolds-Jackson, Quijano)** Designates February 14 of each year as Frederick Douglass Day in NJ.

**S-275/A-2142 (Kean, Cruz-Perez/Tully, Swain, Dancer)** Provides resident tuition rate to certain non-resident dependent children of United States military personnel attending public institutions of higher education.

**S-551/A-1057 (Codey, Bucco/Jasey, McKeon, Dunn)** Permits appointment of nonresident municipal emergency management coordinators in municipalities with populations under 5,000 persons in certain circumstances.

**S-699/A-5245 (Ruiz, Singleton/Sumter, Reynolds-Jackson, Stanley)** Requires training for DOE arbitrators to include issues related to cultural diversity and bias.

**S-1017/A-2562 (Gopal, Lagana/DeAngelo, Dancer, Chaparro)** Provides retirement allowance after 20 years of service regardless of age for current members of PFRS who retire within two years.

**S-1851/A-4407 (Ruiz, Cryan/Jasey, Moriarty)** Eliminates eligibility of postsecondary students and other individuals for State student assistance, training, and employment services if school or training provider requires student to consent to arbitration agreement or proceeding or to waive certain rights.

**S-2323/A-3869 (Gopal, Bucco/Armato, Vainieri Huttle, Verrelli)** Requires opioid antidote prescriptions for certain patients.

**S-2476/A-3998 (Singleton, Addiego/Murphy, Giblin, Verrelli)** Concerns certain workers' compensation supplemental benefits for surviving dependents of essential employees who die in course of employment.

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**S-2831/A-4783 (Ruiz, Beach/Quijano, Lampitt, Jasey)** Requires DOE to establish Alternate Route Interstate Reciprocity Pilot Program

**S-2973/A-4895 (Beach/Armato)** Creates office of deputy superintendent of elections in counties of fifth class.

**S-3004/A-4947 (Sarlo, Pou/Johnson, Wirths, Reynolds-Jackson)** Establishes retroactive date for provisions of P.L.2018, c.165, which clarifies provisions of "Predatory Towing Prevention Act."

Governor Murphy vetoed the following bills:

**S-347/A-1992 (Smith, Vitale/Stanley, Conaway, Houghtaling) - CONDITIONAL** - Establishes "NJ One Health Task Force."

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**S-619/A-1635 (O'Scanlon/Lampitt, Downey) - CONDITIONAL** - Permits use of telemedicine and telehealth to authorize patients for medical cannabis and to issue written instructions for dispensing medical cannabis.

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**S-2725/A-4473 (Gopal/Houghtaling, Downey) - CONDITIONAL** - Concerns assessment of real property in counties operating under "Real Property Assessment Demonstration Program."

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