

# ASSEMBLY, No. 5322

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED MAY 13, 2019

**Sponsored by:**

**Assemblyman JOHN J. BURZICHELLI**

**District 3 (Cumberland, Gloucester and Salem)**

**Assemblyman MATTHEW W. MILAM**

**District 1 (Atlantic, Cape May and Cumberland)**

**Assemblyman ERIC HOUGHTALING**

**District 11 (Monmouth)**

**Assemblyman ADAM J. TALIAFERRO**

**District 3 (Cumberland, Gloucester and Salem)**

**Co-Sponsored by:**

**Assemblyman Dancer and Assemblywoman Vainieri Huttle**

**SYNOPSIS**

Establishes program for cultivation, handling, processing, transport, and sale of hemp; repeals New Jersey Industrial Hemp Pilot Program.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 5/21/2019)**

1 AN ACT concerning the cultivation, handling, processing, transport,  
2 and sale of hemp, supplementing Title 4 and 24 of the Revised  
3 Statutes, amending various parts of the statutory law, and  
4 repealing P.L.2018, c.139.

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

8  
9 1. (New section) Sections 1 through 9 of P.L. , c. (C. )  
10 (pending before the Legislature as this bill) shall be known and may  
11 be cited as the “New Jersey Hemp Farming Act.”

12  
13 2. (New section) The Legislature finds and declares that hemp  
14 is a viable agricultural crop and a potentially valuable agricultural  
15 commodity in the State, and that hemp should be cultivated,  
16 handled, processed, transported, and sold in the State to the  
17 maximum extent permitted by federal law. It is the purpose of  
18 P.L. , c. (C. ) (pending before the Legislature as this bill) to:  
19 promote the cultivation and processing of hemp; develop new  
20 commercial markets for farmers and businesses through the sale of  
21 hemp products; promote the expansion of the State’s hemp industry  
22 to the maximum extent permitted by federal law; allow farmers and  
23 businesses to cultivate, handle, and process hemp, and to sell hemp  
24 products for commercial purposes; and to move the State and its  
25 citizens to the forefront of the hemp industry.

26  
27 3. (New section) As used in sections 1 through 9 of P.L. ,  
28 c. (C. ) (pending before the Legislature as this bill), unless  
29 the context otherwise requires:

30 “Agent” means an employee or contractor of a hemp producer.

31 “Applicant” means a person, or for a business entity, any person  
32 authorized to act on behalf of the business entity, who applies to the  
33 department to be a hemp producer in the State.

34 “Commercial sale” means the sale of a product in the stream of  
35 commerce at retail, at wholesale, or on the Internet.

36 “Cultivate” means to plant, water, grow, or harvest a plant or  
37 crop.

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

39 “Federally defined THC level for hemp” means a delta-9  
40 tetrahydrocannabinol concentration of not more than 0.3 percent on  
41 a dry weight basis for hemp or in a hemp product.

42 “Handle” means to possess or store a hemp plant on premises  
43 owned, operated, or controlled by a hemp producer for any period  
44 of time or in a vehicle for any period of time other than during the  
45 actual transport of the plant between premises owned, operated, or

**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 controlled by hemp producers or persons or entities authorized to  
2 produce hemp pursuant to 7 U.S.C. s.1639o et seq. and any state  
3 law or rule or regulation adopted pursuant thereto. “Handle” does  
4 not mean possession or storage of finished hemp products.

5 “Hemp” means the plant *Cannabis sativa* L. and any part of that  
6 plant, including the seeds of the plant and all derivatives, extracts,  
7 cannabinoids, isomers, acids, salts, and salts of isomers, whether  
8 growing or not, with a delta-9 tetrahydrocannabinol concentration  
9 of not more than 0.3 percent on a dry weight basis. Hemp and  
10 hemp-derived cannabinoids, including cannabidiol, shall be  
11 considered an agricultural commodity and not a controlled  
12 substance.

13 “Hemp producer” means a person or business entity authorized  
14 by the department to cultivate, handle, or process hemp in the State.

15 “Hemp product” means a finished product with a delta-9  
16 tetrahydrocannabinol concentration of not more than 0.3 percent  
17 that is derived from or made by processing a hemp plant or plant  
18 part and prepared in a form available for commercial sale. The term  
19 includes cosmetics, personal care products, food intended for  
20 human or animal consumption, cloth, cordage, fiber, fuel, paint,  
21 paper, particleboard, plastics, and any product containing one or  
22 more hemp-derived cannabinoids such as cannabidiol. Hemp  
23 products shall not be considered controlled substances.

24 “Process” means to convert hemp into a marketable form.

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

27 “Transport” means the movement or shipment of hemp by a  
28 hemp producer, a person or entity authorized to produce hemp  
29 pursuant to 7 U.S.C. s.1639o et seq. and any state law or rule or  
30 regulation adopted pursuant thereto, or a hemp producer’s or  
31 authorized entity’s third-party carrier or agent. “Transport” shall  
32 not mean the movement or shipment of hemp products.

33

34 4. (New section) a. Notwithstanding any other provision of  
35 law, or rule or regulation adopted pursuant thereto to the contrary, it  
36 is lawful for a hemp producer or its agent to cultivate, handle, or  
37 process hemp or hemp products in the State. Nothing in P.L. ,  
38 c. (C. ) (pending before the Legislature as this bill) authorizes  
39 any person to violate a federal or State law, or rule or regulation  
40 adopted pursuant thereto. Notwithstanding any other provision of  
41 law, or rule or regulation adopted pursuant thereto to the contrary, it  
42 is lawful to possess, transport, sell, and purchase legally-produced  
43 hemp products in the State.

44 b. It is unlawful for a person or entity that is not a hemp  
45 producer or an agent of a hemp producer to cultivate, handle, or  
46 process living hemp plants or viable seeds, leaf materials, or floral  
47 materials derived from hemp. A person or entity that is not a hemp  
48 producer or an agent of a hemp producer, but who cultivates,  
49 handles, or processes living hemp plants or viable seeds, leaf

1 materials, or floral materials derived from hemp, shall be subject to  
2 the same penalties as those related to marijuana.

3  
4 5. (New section) a. Pursuant to 7 U.S.C. s.1639p, and to  
5 designate itself as the primary regulatory authority over the  
6 production of hemp in the State, the department, in consultation  
7 with the Governor and the Attorney General, shall promulgate  
8 regulations for submission, along with P.L. , c. (C. )  
9 (pending before the Legislature as this bill), to the Secretary of the  
10 United States Department of Agriculture, as a plan under which the  
11 State monitors and regulates hemp production.

12 b. No later than 90 days after the effective date of P.L. ,  
13 c. (C. ) (pending before the Legislature as this bill) and  
14 notwithstanding the provisions of the “Administrative Procedure  
15 Act,” P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the  
16 department, after consultation with the Governor and Attorney  
17 General shall, immediately upon filing proper notice with the Office  
18 of Administrative Law, adopt interim rules and regulations to  
19 implement P.L. , c. (C. ) (pending before the Legislature as  
20 this bill) and to meet the requirements for federal approval as a state  
21 plan pursuant to 7 U.S.C. s.1639o et seq. The regulations shall be  
22 effective as regulations immediately upon filing with the Office of  
23 Administrative Law and shall be in effect for a period not to exceed  
24 18 months, and shall, thereafter, be amended, adopted, or readopted  
25 by the department in accordance with the provisions of the  
26 “Administrative Procedure Act.” The rules and regulations adopted  
27 pursuant to this section shall include the following:

28 (1) a procedure to maintain relevant information regarding land,  
29 fields, greenhouses, or any other location where hemp is produced  
30 in the State, including a legal description of the land and global  
31 positioning system coordinates, for a period of at least three  
32 calendar years;

33 (2) a procedure for testing, including by third parties, using  
34 post-decarboxylation or another similarly reliable method, that the  
35 delta-9 tetrahydrocannabinol concentration of hemp produced in the  
36 State does not exceed the federally defined THC level for hemp,  
37 and that hemp products do not exceed the federally defined THC  
38 level for hemp when made available to the public. A hemp  
39 producer shall begin harvesting any hemp within 30 days of  
40 sampling;

41 (3) a procedure for the effective disposal of hemp plants,  
42 whether growing or not, that are produced in violation of 7 U.S.C.  
43 s.1639o et seq., and products derived from those plants;

44 (4) a procedure to comply with the enforcement procedures in  
45 section 7 of P.L. , c. (C. ) (pending before the Legislature as  
46 this bill), pursuant to 7 U.S.C. s.1639p, and to provide due process  
47 for hemp producers;

1 (5) a procedure for conducting annual inspections of, at a  
2 minimum, a random sample of hemp producers to verify that hemp  
3 is not produced in violation of 7 U.S.C. s.1639o et seq.;

4 (6) a procedure for submitting the information described in 7  
5 U.S.C. s.1639q, as applicable, to the Secretary of the United States  
6 Department of Agriculture not later than 30 days after the date the  
7 information is received; and

8 c. Upon adoption of rules and regulations pursuant to  
9 subsection b. of this section, subsection c. of section 6, and  
10 subsection c. of section 7 of P.L. , c. (C. ) (pending before  
11 the Legislature as this bill), the department, after consultation with  
12 the Governor and the Attorney General, shall submit the rules and  
13 regulations, along with P.L. , c. (C. ) (pending before the  
14 Legislature as this bill), for approval to the Secretary of the United  
15 States Department of Agriculture as a state plan for monitoring and  
16 regulating the production of hemp in the State pursuant to 7 U.S.C.  
17 s.1639o et seq.

18 d. (1) If the plan submitted by the department is disapproved by  
19 the Secretary of the United States Department of Agriculture, the  
20 department, after consultation with the Governor and the Attorney  
21 General, shall amend the rules promulgated pursuant to P.L. ,  
22 c. (C. ) (pending before the Legislature as this bill) as needed  
23 to obtain approval and shall thereafter submit an amended plan.

24 (2) The department shall, as necessary, consult with and seek  
25 technical assistance from the Secretary of the United States  
26 Department of Agriculture in crafting a satisfactory state plan  
27 pursuant to 7 U.S.C. s.1639o et seq.

28 (3) If a plan submitted by the department is disapproved by the  
29 Secretary of the United States Department of Agriculture, nothing  
30 in P.L. , c. (C. ) (pending before the Legislature as this bill)  
31 shall prohibit the production of hemp in the State pursuant to 7  
32 U.S.C. s.1639q or any other federal law, or rule or regulation  
33 adopted pursuant thereto, if the production of hemp is not otherwise  
34 prohibited by the State.

35 (4) As part of the State plan adopted pursuant to subsection b. of  
36 this section, the department shall also submit a certification that the  
37 State has the resources and personnel to implement the practices  
38 and procedures as provided in P.L. , c. (C. ) (pending before  
39 the Legislature as this bill), pursuant to 7 U.S.C. s.1639p.

40  
41 6. (New section) a. Except as otherwise provided, P.L. ,  
42 c. (C. ) (pending before the Legislature as this bill) does not  
43 apply to the possession, transportation, or sale of hemp products or  
44 extracts, including those containing one or more hemp-derived  
45 cannabinoids, including cannabidiol.

46 b. In adopting rules and regulations pursuant to P.L. ,  
47 c. (C. ) (pending before the Legislature as this bill), the  
48 department shall consult with relevant public agencies as well as  
49 private, nonprofit associations in the hemp industry that promote

1 standards, best practices, and self-regulation in the production of  
2 hemp.

3 c. In addition to the rules and regulations required for a state  
4 plan consistent with the requirements of 7 U.S.C. s.1639o et seq.  
5 and section 5 of P.L. , c. (C. ) (pending before the  
6 Legislature as this bill), no later than 90 days after the effective date  
7 of P.L. , c. (C. ) (pending before the Legislature as this bill)  
8 and notwithstanding the provisions of the “Administrative  
9 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.) to the  
10 contrary, the department, after consultation with the Governor and  
11 Attorney General, shall immediately upon filing proper notice with  
12 the Office of Administrative Law, adopt interim rules and  
13 regulations to promote the cultivating and processing of hemp and  
14 the commercial sale of hemp products, while regulating hemp  
15 production in the State pursuant to 7 U.S.C. s.1639o et seq. and  
16 P.L. , c. (C. ) (pending before the Legislature as this bill).  
17 The rules and regulations shall be effective immediately upon filing  
18 with the Office of Administrative Law and shall be in effect for a  
19 period not to exceed 18 months, and shall, thereafter, be amended,  
20 adopted, or readopted by the department in accordance with the  
21 provisions of the “Administrative Procedure Act.” The rules and  
22 regulations shall:

23 (1) establish requirements by which the department authorizes  
24 an applicant to be a hemp producer to cultivate, handle, or process  
25 or any combination thereof, hemp;

26 (2) provide due process, including an appeal process with  
27 retesting, to ensure that hemp producers are not subject to the  
28 consequences of inaccurate test results;

29 (3) establish procedures for the department, not more than 30  
30 days after receiving and compiling the following information, to  
31 provide the information to the United States Secretary of  
32 Agriculture: (a) the hemp producer’s name, telephone number,  
33 email address, residential address, mailing address, or another form  
34 of contact information; (b) the legal description and global  
35 positioning system coordinates for each field, facility, or other place  
36 where hemp is to be cultivated, processed, or handled; and (c)  
37 whether the hemp producer is in compliance with the rules and  
38 regulations for the production of hemp in the State. The department  
39 shall provide updates to this information as needed;

40 (4) define classes or categories of hemp products that are  
41 eligible for sale, transfer, or distribution to members of the public;

42 (5) establish non-refundable application, licensure, and renewal  
43 fees in amounts that are reasonable and necessary to cover the costs  
44 of administering and enforcing the State hemp program, which shall  
45 be deposited in the State hemp program account pursuant to section  
46 8 of P.L. , c. (C. ) (pending before the Legislature as this  
47 bill); and

48 (6) establish procedures governing hemp shipment within the  
49 State and across state lines by third-party transporters who are not

1 authorized hemp producers. The regulations shall include a  
2 requirement that all shipments need only be accompanied by a proof  
3 of authorization to engage in the commercial sale of hemp, either  
4 under a state plan pursuant to 7 U.S.C. s.1639p or the United States  
5 Department of Agriculture plan pursuant to 7 U.S.C. 1639q in a  
6 state where a state plan has not been approved from the producer of  
7 hemp, as well as a travel manifest that lists the origin, destination,  
8 product description, and date of transport. In no case shall the  
9 department require third-party carriers to be authorized hemp  
10 producers in order to transport hemp.

11 d. Except as provided by section 9 of P.L. , c. (C. )  
12 (pending before the Legislature as this bill), a person or business  
13 entity may not cultivate, handle, or process hemp, or cause an agent  
14 to cultivate, handle or process, in this State or transport, or cause an  
15 agent to transport, hemp outside of this State unless that person or  
16 business entity is authorized by the department to participate in the  
17 State hemp program as a hemp producer. All applicants must apply  
18 to the department on a form and in the manner prescribed by the  
19 department as described in P.L. , c. (C. ) (pending before the  
20 Legislature as this bill). Upon approval of the State plan by the  
21 United States Department of Agriculture, the department shall begin  
22 authorizing participation in the State hemp program established  
23 pursuant to P.L. , c. (C. ) (pending before the Legislature as  
24 this bill).

25 (1) In addition to any other information deemed necessary by  
26 the department, an application shall include:

27 (a) a legal description and the global positioning system  
28 coordinates for each location where an applicant intends to cultivate  
29 or process hemp;

30 (b) written consent allowing the department, the Department of  
31 Law and Public Safety, and any other State or local law  
32 enforcement agency to enter onto all premises where hemp is  
33 cultivated, handled, or processed to conduct a physical inspection or  
34 to ensure compliance with P.L. , c. (C. ) (pending before the  
35 Legislature as this bill) and rules and regulation adopted pursuant to  
36 P.L. , c. (C. ) (pending before the Legislature as this bill);

37 (c) the payment of any fees required by the department;

38 (d) a criminal history record background check on all applicants  
39 at the applicant's expense; and

40 (e) any other information required pursuant to rules and  
41 regulations adopted by the department.

42 (2) If the department determines that an applicant meets the  
43 State hemp program participation requirements, the department  
44 shall authorize the applicant to participate in the program as a hemp  
45 producer.

46 (3) An applicant who materially falsifies any information  
47 contained in an application submitted to the department may not  
48 participate in the State hemp program as a hemp producer.

1       7. (New section) a. If the department determines that a hemp  
2 producer negligently violated P.L. , c. (C. ) (pending before  
3 the Legislature as this bill) or any rule or regulation adopted  
4 pursuant thereto, the department shall enforce the violation in the  
5 manner provided by 7 U.S.C. s.1639p as follows:

6       (1) The hemp producer shall not be subject to a civil or criminal  
7 penalty under subsection a. of this section. A hemp producer shall  
8 be required to implement a corrective action plan if the department  
9 determines that the person or business entity negligently violated  
10 State hemp laws or regulations, including by negligently:

11       (a) Failing to disclose, or provide required information about, a  
12 site where hemp is cultivated, handled, or processed;

13       (b) Failing to obtain a necessary license from the department or  
14 a necessary authorization from the State or a federal agency other  
15 than those required to be a hemp producer; or

16       (c) Producing Cannabis sativa L. with more than the federally  
17 defined THC level for hemp.

18       (2) A corrective action plan required pursuant to paragraph (1)  
19 of this subsection shall include:

20       (a) A reasonable date by which a hemp producer shall correct  
21 the negligent violation; and

22       (b) A requirement for periodic reports from the hemp producer  
23 to the department about the hemp producer's compliance with the  
24 corrective action plan, statutes, and any rules or regulations adopted  
25 pursuant thereto, for a period of at least two years from the date of  
26 the corrective action plan.

27       (3) A hemp producer that negligently violates any law or any  
28 rule or regulation adopted pursuant thereto, governing that person's  
29 or business entity's participation in the hemp program shall not be  
30 subject to a criminal or civil enforcement action by the State or a  
31 local government other than an enforcement action authorized  
32 pursuant to this section.

33       (4) A person or business entity found by the department to have  
34 negligently violated any law, or rule or regulation governing the  
35 person's or business entity's participation in the hemp program  
36 three times in a five year period shall be ineligible to participate in  
37 the State hemp program as a hemp producer for a period of five  
38 years beginning on the date of the third violation.

39       b. If the department determines that a hemp producer has  
40 violated P.L. , c. (C. ) (pending before the Legislature as  
41 this bill) or a rule or regulation adopted pursuant thereto with a  
42 culpable mental state greater than negligence, subsection a. of this  
43 section shall not apply and the department shall report the hemp  
44 producer immediately to the United States Attorney General and the  
45 Attorney General of the State, who may, on behalf of the  
46 department, investigate the violation and institute proceedings for  
47 injunctive or other appropriate relief or report the matter to an  
48 appropriate law enforcement agency.



1 c. In addition to the rules and regulations adopted pursuant to  
2 sections 5 and 6 of P.L. , c. (C. ) (pending before the  
3 Legislature as this bill), no later than 90 days after the effective date  
4 of P.L. , c. (C. ) (pending before the Legislature as this bill)  
5 and notwithstanding the provisions of the “Administrative  
6 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.) to the  
7 contrary, the department, after consulting with the Governor and the  
8 Attorney General, shall immediately upon filing proper notice with  
9 the Office of Administrative Law, adopt interim rules and  
10 regulations establishing a schedule of penalties for violations of  
11 P.L. , c. (C. ) (pending before the Legislature as this bill) or  
12 a rule or regulation adopted pursuant thereto that do not conflict  
13 with 7 U.S.C. s.1639o et seq. The regulations shall be effective as  
14 regulations immediately upon filing with the Office of  
15 Administrative Law and shall be in effect for a period not to exceed  
16 18 months, and shall, thereafter, be amended, adopted, or readopted  
17 by the department in accordance with the provisions of the  
18 “Administrative Procedure Act.” Any penalty collected pursuant to  
19 P.L. , c. (C. ) (pending before the Legislature as this bill)  
20 shall be deposited in the “New Jersey Hemp Farming Fund”  
21 established pursuant to section 8 P.L. , c. (C. ) (pending  
22 before the Legislature as this bill).

23 d. A person who is or has been convicted of an offense relating  
24 to a controlled substance under State or federal law may not  
25 participate in the State hemp program established pursuant to  
26 P.L. , c. (C. ) (pending before the Legislature as this bill) or  
27 produce hemp in the State under any other law for a period of at  
28 least 10 years following the date of the person's conviction. This  
29 prohibition shall not apply to any person growing hemp lawfully  
30 with a license, registration, or authorization under a pilot program  
31 authorized pursuant to 7 U.S.C. s.5940 before the date of enactment  
32 of P.L. , c. (C. ) (pending before the Legislature as this bill).

33  
34 8. (New section) a. There is established in the Department of  
35 Agriculture a special nonlapsing fund to be known as the “New  
36 Jersey Hemp Farming Fund.” Moneys in the fund shall be used for  
37 the administration and enforcement of P.L. , c. (C. )  
38 (pending before the Legislature as this bill).

39 b. The fund shall be credited with:

- 40 (1) penalties and fees collected by the department pursuant to  
41 P.L. , c. (C. ) (pending before the Legislature as this bill);
- 42 (2) moneys as are appropriated by the Legislature;
- 43 (3) moneys made available to the department for the purposes of  
44 P.L. , c. (C. ) (pending before the Legislature as this bill),  
45 including federal funds; and
- 46 (4) any return on investment of moneys deposited in the fund.

47  
48 9. (New section) a. A State agency may not prohibit a person  
49 or business entity that processes or manufactures a product

1 regulated by the agency from applying for or obtaining a permit or  
2 other authorization to process or manufacture the product solely on  
3 the basis that the person or business entity intends to process or  
4 manufacture the product with hemp.

5 b. Notwithstanding any other law, or rule or regulation adopted  
6 pursuant thereto to the contrary, derivatives of hemp, including  
7 hemp-derived cannabidiol, may be added to cosmetics, personal  
8 care products, and products intended for human or animal  
9 consumption to the maximum extent permitted by federal law.

10 c. The provisions of P.L. , c. (C. ) (pending before the  
11 Legislature as this bill) applicable to hemp producers shall not  
12 apply to the possession, handling, transport, or sale of hemp  
13 products, including those containing one or more hemp-derived  
14 cannabinoids, including cannabidiol. Notwithstanding any other  
15 law, a person or business entity may possess, transport, sell, and  
16 purchase legally produced hemp products in this State. As part of  
17 the rules and regulations adopted pursuant to P.L. , c. (C. )  
18 (pending before the Legislature as this bill), the Department of  
19 Agriculture shall provide to a retailer of hemp products notice of a  
20 potential violation concerning hemp products sold by the retailer  
21 and shall provide an opportunity to cure a violation committed  
22 unintentionally or negligently.

23 d. The Department of Agriculture, in consultation with the  
24 Department of Health, may adopt rules and regulations only to  
25 regulate the sale of hemp products that provide that:

26 (1) hemp-derived cannabinoids, including cannabidiol, are not  
27 considered controlled substances or adulterants; and

28 (2) products containing one or more hemp-derived cannabinoids,  
29 such as cannabidiol, intended for ingestion are to be considered  
30 foods, not controlled substances or adulterated products to the  
31 maximum extent permitted by federal law.

32 e. Retail sales of hemp products processed outside the State  
33 may be conducted in the State when the products and the hemp used  
34 in the products were processed and cultivated legally in another  
35 state or jurisdiction that has the same or substantially similar  
36 requirements for processing hemp products or cultivating hemp as  
37 provided by P.L. , c. (C. ) (pending before the Legislature as  
38 this bill).

39 f. Hemp products may be legally transported across State lines  
40 and exported to foreign countries in a manner that is consistent with  
41 federal law and the laws of respective foreign countries.

42

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

44 2C:35-2. As used in this chapter:

45 “Administer” means the direct application of a controlled  
46 dangerous substance or controlled substance analog, whether by  
47 injection, inhalation, ingestion, or any other means, to the body of a  
48 patient or research subject by: (1) a practitioner (or, in his  
49 presence, by his lawfully authorized agent), or (2) the patient or

1 research subject at the lawful direction and in the presence of the  
2 practitioner.

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

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

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

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

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

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

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

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

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

30 “Hashish” means the resin extracted from any part of the plant  
31 Genus Cannabis L. and any compound, manufacture, salt,  
32 derivative, mixture, or preparation of such resin. “Hashish” shall  
33 not mean **【industrial】** hemp or a hemp product cultivated, handled,  
34 processed, transported, or sold pursuant to the **【New Jersey**  
35 **Industrial Hemp Pilot Program established by P.L.2018, c.139**  
36 **(C.4:28-1 et al.)】** “New Jersey Hemp Farming Act,” P.L. \_\_\_\_\_,  
37 c. (C. \_\_\_\_\_) (pending before the Legislature as this bill) .

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

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

5 “Marijuana” means all parts of the plant Genus Cannabis L.,  
6 whether growing or not; the seeds thereof, and every compound,  
7 manufacture, salt, derivative, mixture, or preparation of the plant or  
8 its seeds, except those containing resin extracted from the plant; but  
9 shall not include the mature stalks of the plant, fiber produced from  
10 the stalks, oil, or cake made from the seeds of the plant, any other  
11 compound, manufacture, salt, derivative, mixture, or preparation of  
12 mature stalks, fiber, oil, or cake, or the sterilized seed of the plant  
13 which is incapable of germination. “Marijuana” shall not mean  
14 **【industrial】** hemp or a hemp product cultivated, handled,  
15 processed, transported, or sold pursuant to the **【New Jersey**  
16 **Industrial Hemp Pilot Program established by P.L.2018, c.139**  
17 **(C.4:28-1 et al.)】** “New Jersey Hemp Farming Act,” P.L. \_\_\_\_\_,  
18 c. (C. \_\_\_\_\_) (pending before the Legislature as this bill) .

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

47       “State” means the State of New Jersey.

48       “Ultimate user” means a person who lawfully possesses a  
49 controlled dangerous substance or controlled substance analog for

1 his own use or for the use of a member of his household or for  
2 administration to an animal owned by him or by a member of his  
3 household.

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

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

14 “Stramonium plant” means the plant *Datura Stramonium* Linne,  
15 including *Datura Tatula* Linne.

16 (cf: P.L.2018, c.139, s.6)

17

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

20 2. As used in **[this act]** P.L.1970, c.226 (C.24:21-1 et seq.) :

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

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

32 “Commissioner” means the Commissioner of Health.

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

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

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

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

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

8 “Dispenser” means a practitioner who dispenses.

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

11 “Distributor” means a person who distributes.

12 “Division” means the Division of Consumer Affairs in the  
13 Department of Law and Public Safety.

14 “Drug Enforcement Administration” means the Drug  
15 Enforcement Administration in the United States Department of  
16 Justice.

17 “Drugs” means (a) substances recognized in the official United  
18 States Pharmacopoeia, official Homeopathic Pharmacopoeia of the  
19 United States, or official National Formulary, or any supplement to  
20 any of them; and (b) substances intended for use in the diagnosis,  
21 cure, mitigation, treatment, or prevention of disease in man or other  
22 animals; and (c) substances (other than food) intended to affect the  
23 structure or any function of the body of man or other animals; and  
24 (d) substances intended for use as a component of any article  
25 specified in subsections (a), (b), and (c) of this section; but does not  
26 include devices or their components, parts or accessories. “Drugs”  
27 shall not mean **【industrial】** hemp or a hemp product cultivated ,  
28 handled, processed, transported, or sold pursuant to the **【New**  
29 **Jersey Industrial Hemp Pilot Program established by P.L.2018,**  
30 **c.139 (C.4:28-1 et al.)】** “New Jersey Hemp Farming Act,” P.L. ,  
31 c. (C. ) (pending before the Legislature as this bill) .

32 “Hashish” means the resin extracted from any part of the plant  
33 genus Cannabis and any compound, manufacture, salt, derivative,  
34 mixture, or preparation of such resin. “Hashish” shall not mean  
35 **【industrial】** hemp or a hemp product cultivated , handled,  
36 processed, transported, or sold pursuant to the **【New Jersey**  
37 **Industrial Hemp Pilot Program established by P.L.2018, c.139**  
38 **(C.4:28-1 et al.)】** “New Jersey Hemp Farming Act,” P.L. ,  
39 c. (C. ) (pending before the Legislature as this bill) .

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



1 mean **industrial** hemp or a hemp product cultivated , handled,  
2 processed, transported, or sold pursuant to the **New Jersey**  
3 Industrial Hemp Pilot Program established by P.L.2018, c.139  
4 (C.4:28-1 et al.) **New Jersey Hemp Farming Act,** P.L. \_\_\_\_\_,  
5 c. (C. \_\_\_\_\_) (pending before the Legislature as this bill) .

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

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

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

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

29 (c) A substance (and any compound, manufacture, salt,  
30 derivative, or preparation thereof) which is chemically identical  
31 with any of the substances referred to in subsections (a) and (b),  
32 except that the words “narcotic drug” as used in **this act**  
33 P.L.1970, c.226 (C.24:21-1 et seq.) shall not include decocainized  
34 coca leaves or extracts of coca leaves, which extracts do not contain  
35 cocaine or ecgonine.

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

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

1 specifically designated as controlled under section 3 of **[this act]**  
2 P.L.1970, c.226 (C.24:21-1 et seq.) , the dextrorotatory isomer of  
3 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It  
4 does include its racemic and levorotatory forms.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (cf: P.L.2018, c.138, s.7)

16

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

19       5. Schedule I.

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

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

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

- 34       (1) Acetylmethadol
- 35       (2) Allylprodine
- 36       (3) Alphacetylmethadol
- 37       (4) Alphameprodine
- 38       (5) Alphamethadol
- 39       (6) Benzethidine
- 40       (7) Betacetylmethadol
- 41       (8) Betameprodine
- 42       (9) Betamethadol
- 43       (10) Betaprodine
- 44       (11) Clonitazene
- 45       (12) Dextromoramide
- 46       (13) Dextrorphan
- 47       (14) Diampromide
- 48       (15) Diethylthiambutene
- 49       (16) Dimenoxadol

- 1 (17) Dimepheptanol
- 2 (18) Dimethylthiambutene
- 3 (19) Dioxaphetyl butyrate
- 4 (20) Dipipanone
- 5 (21) Ethylmethylthiambutene
- 6 (22) Etonitazene
- 7 (23) Etoxeridine
- 8 (24) Furethidine
- 9 (25) Hydroxypethidine
- 10 (26) Ketobemidone
- 11 (27) Levomoramide
- 12 (28) Levophenacylmorphin
- 13 (29) Morpheridine
- 14 (30) Noracymethadol
- 15 (31) Norlevorphanol
- 16 (32) Normethadone
- 17 (33) Norpipanone
- 18 (34) Phenadoxone
- 19 (35) Phenampromide
- 20 (36) Phenomorphan
- 21 (37) Phenoperidine
- 22 (38) Piritramide
- 23 (39) Proheptazine
- 24 (40) Properidine
- 25 (41) Racemoramide
- 26 (42) Trimeperidine.
- 27 d. Any of the following narcotic substances, their salts, isomers
- 28 and salts of isomers, unless specifically excepted, whenever the
- 29 existence of such salts, isomers and salts of isomers is possible
- 30 within the specific chemical designation:
- 31 (1) Acetorphine
- 32 (2) Acetylcodone
- 33 (3) Acetyldihydrocodeine
- 34 (4) Benzylmorphine
- 35 (5) Codeine methylbromide
- 36 (6) Codeine-N-Oxide
- 37 (7) Cyprenorphine
- 38 (8) Desomorphine
- 39 (9) Dihydromorphine
- 40 (10) Etorphine
- 41 (11) Heroin
- 42 (12) Hydromorphanol
- 43 (13) Methyldesorphine
- 44 (14) Methylhydromorphine
- 45 (15) Morphine methylbromide
- 46 (16) Morphine methylsulfonate
- 47 (17) Morphine-N-Oxide
- 48 (18) Myrophine
- 49 (19) Nicocodeine

- 1 (20) Nicomorphine
- 2 (21) Normorphine
- 3 (22) Phoclo dine
- 4 (23) Thebacon.
- 5 e. Any material, compound, mixture or preparation which
- 6 contains any quantity of the following hallucinogenic substances,
- 7 their salts, isomers and salts of isomers, unless specifically
- 8 excepted, whenever the existence of such salts, isomers, and salts of
- 9 isomers is possible within the specific chemical designation:
- 10 (1) 3,4-methylenedioxy amphetamine
- 11 (2) 5-methoxy-3,4-methylenedioxy amphetamine
- 12 (3) 3,4,5-trimethoxy amphetamine
- 13 (4) Bufotenine
- 14 (5) Diethyltryptamine
- 15 (6) Dimethyltryptamine
- 16 (7) 4-methyl-2,5-dimethoxylamphetamine
- 17 (8) Ibogaine
- 18 (9) Lysergic acid diethylamide
- 19 (10) Marihuana
- 20 (11) Mescaline
- 21 (12) Peyote
- 22 (13) N-ethyl-3-piperidyl benzilate
- 23 (14) N-methyl-3-piperidyl benzilate
- 24 (15) Psilocybin
- 25 (16) Psilocyn
- 26 (17) Tetrahydrocannabinols, except when found in **[industrial]**
- 27 hemp or a hemp product cultivated , handled, processed,
- 28 transported, or sold pursuant to the **[New Jersey Industrial Hemp**
- 29 **Pilot Program established by P.L.2018, c.139 (C.4:28-1 et al.)]**
- 30 “New Jersey Hemp Farming Act,” P.L. , c. (C. ) (pending
- 31 before the Legislature as this bill) .
- 32 (cf: P.L.2018, c.139, s.8)

33  
34 13. Section 1 of P.L.1939, c.248 (C.26:2-81) is amended to read  
35 as follows:

36 1. In order to protect the health, morals and welfare of the State  
37 of New Jersey, whenever the county prosecutor of any county of the  
38 State of New Jersey receives credible information that wild,  
39 cultivated , or hidden growth or beds of alleged Marihuana weed are  
40 located anywhere within the county, the county prosecutor shall  
41 immediately communicate such information to the Department of  
42 Health. The Department of Health, upon receipt of such  
43 information, shall immediately dispatch one of its agents to the  
44 location who shall make an examination and determination of the  
45 alleged Marihuana weed so as to determine the existence or  
46 nonexistence of Marihuana weed at the location, and the  
47 Department of Health shall immediately communicate by writing its  
48 determination to the aforesaid county prosecutor and the  
49 Department of Agriculture . “Marihuana” shall not mean

1 【industrial】 hemp or a hemp product cultivated , handled,  
2 processed, transported, or sold pursuant to the 【New Jersey  
3 Industrial Hemp Pilot Program established by P.L.2018, c.139  
4 (C.4:28-1 et al.)】 “New Jersey Hemp Farming Act,” P.L. \_\_\_\_\_,  
5 c. (C. \_\_\_\_\_) (pending before the Legislature as this bill) .  
6 (cf: P.L.2018, c.139, s.9)

7  
8 14. Section 2 of P.L.1939, c.248 (C.26:2-82) is amended to read  
9 as follows:

10 2. Upon certification by the Department of Health of the  
11 existence of Marihuana weed at the location examined by the  
12 Department of Health, then the county prosecutor is hereby  
13 empowered to dispatch one of the prosecutor’s agents to the  
14 location so certified and the agent shall destroy the Marihuana weed  
15 and the county prosecutor or the agent shall not be civilly  
16 responsible in any manner whatsoever for destruction of the  
17 Marihuana weed. “Marihuana” shall not mean 【industrial】 hemp or  
18 a hemp product cultivated , handled, processed, transported, and  
19 sold pursuant to the 【New Jersey Industrial Hemp Pilot Program  
20 established by P.L.2018, c.139 (C.4:28-1 et al.)】 “New Jersey  
21 Hemp Farming Act,” P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_) (pending before the  
22 Legislature as this bill) .  
23 (cf: P.L.2018, c.139, s.10)

24  
25 15. Sections 1 through 5 of P.L.2018, c.139 (C.4:28-1 through  
26 C.4:28-5) are repealed.

27  
28 16. This act shall take effect immediately.  
29  
30

## 31 STATEMENT

32  
33 This bill would establish a program for the cultivation, handling,  
34 processing, transport, and sale of hemp and hemp products in the  
35 State in accordance with federal law.

36 The federal “Agricultural Improvement Act of 2018” (commonly  
37 known as the 2018 Farm Bill) was enacted in December 2018 and  
38 contains changes to the regulation of the production of hemp by the  
39 federal government. The 2018 Farm Bill significantly expands the  
40 states’ ability to regulate hemp production, and provides an  
41 eventual repeal of the section of the 2014 Farm Bill that allowed for  
42 hemp pilot programs in the states. As New Jersey’s law  
43 establishing a hemp pilot program was consistent with the provision  
44 of the 2014 Farm Bill that will eventually be repealed, an update to  
45 State law is required to ensure the production of hemp in the State.

46 The bill would repeal New Jersey’s hemp pilot program, and  
47 replace it with a permanent program, administered by the  
48 Department of Agriculture (department), that complies with federal

1 law. The bill would define “hemp” as the plant *Cannabis sativa* L.,  
2 any part of the plant, and all derivatives thereof with a delta-9  
3 tetrahydrocannabinol concentration of not more than 0.3 percent,  
4 consistent with federal law. The bill would define hemp producer  
5 as a person or business entity authorized by the department to  
6 cultivate, handle, or process hemp in the State. The bill would  
7 define “hemp product” as a finished product with a delta-9  
8 tetrahydrocannabinol concentration of not more than 0.3 percent  
9 that is derived from or made by processing a hemp plant or plant  
10 part and prepared in a form available for commercial sale, and  
11 would include cannabidiol.

12 The bill would make it lawful for a hemp producer to cultivate,  
13 handle, or process hemp or hemp products in the State, and for any  
14 person to possess, transport, sell, and purchase legally-produced  
15 hemp products in the State. Any unauthorized person who  
16 cultivates, handles, or processes hemp would be subject to the same  
17 penalties as those related to marijuana.

18 The bill would require the department to adopt regulations and  
19 submit a state plan for the regulation of hemp consistent with  
20 federal requirements. The regulations would include: maintaining  
21 information about hemp producers; an inspection, testing and  
22 disposal of noncompliant hemp program; provisions for  
23 enforcement of the bill; information sharing as required by federal  
24 law; and a certification that the department has the resources to  
25 implement the program. If the United States Department of  
26 Agriculture disapproves the State plan, the department would be  
27 required to amend the State plan and resubmit it to gain federal  
28 approval. The bill would not prevent any person from participating  
29 in a federally-administered hemp program if the State does not have  
30 an approved State plan.

31 Additionally, the department would be required to adopt rules  
32 and regulations to: establish requirements to be a hemp producer,  
33 establish an appeal process with retesting, to collect and share  
34 information about hemp producers pursuant to federal law, to define  
35 classes hemp products that are eligible for sale, establish a licensing  
36 fee structure, and establish procedures governing hemp shipment  
37 within the State. The regulations would include a requirement that  
38 all shipments need only be accompanied by the originating hemp  
39 producer’s proof of authorization to engage in the commercial sale  
40 of hemp, as well as a travel manifest that lists the origin,  
41 destination, product description, and date of transport. In no case  
42 shall the department require third-party carriers to be authorized  
43 hemp producers in order to transport hemp.

44 If a hemp producer negligently violates the bill or any rules or  
45 regulations adopted pursuant thereto, the producer would be subject  
46 to a corrective action plan designed to bring the producer into  
47 compliance with the hemp program. Three negligent violations in a  
48 five year period would result in a five year ban from participating in  
49 the hemp program. Any intentional violations would be referred to

1 the Attorney General, and the United States Attorney General. The  
2 department would be required to adopt rules and regulations  
3 establishing a penalty fee structure for violations of the act.

4 The bill would establish a separate fund called the “New Jersey  
5 Hemp Farming Fund” to collect all license fees, penalties collected  
6 by the department, donations, and sums appropriated by the  
7 Legislature to implement the hemp program.

8 The bill would provide that a person may possess, transport, buy,  
9 and sell hemp products in the State, including products containing  
10 cannabidiol derived from hemp, to the maximum extent permitted  
11 by federal law. The department, in consultation with the  
12 Department of Health, would be permitted to adopt rules and  
13 regulations only to regulate the sale of hemp products that provide  
14 that hemp-derived cannabinoids, including cannabidiol, are not  
15 considered controlled substances or adulterants. Retail sales of  
16 hemp products processed outside the State may be conducted in the  
17 State when the products and the hemp used in the products were  
18 processed and cultivated legally in another state or jurisdiction that  
19 has substantially similar requirements for processing hemp products  
20 or cultivating hemp as the bill.

21 The bill would also amend various sections of statutory law to  
22 remove references to the New Jersey Industrial Hemp Pilot  
23 Program, and replace them with the New Jersey Hemp Farming Act.