

SENATE, No. 2491

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED APRIL 16, 2018

Sponsored by:

Senator DECLAN J. O'SCANLON, JR.

District 13 (Monmouth)

Senator VIN GOPAL

District 11 (Monmouth)

Co-Sponsored by:

Senator Turner

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 9/28/2018)

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

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

7
8 1. (New section) This act shall be known and may be cited as
9 the “New Jersey Industrial Hemp Pilot Program.”

10
11 2. (New section) The Legislature finds and declares that
12 industrial hemp is used in a wide variety of products including
13 textiles, construction materials, and foodstuffs, and the demand for
14 these goods is growing; that hemp can be a viable agricultural crop
15 in the State; that the ability to grow hemp on an industrial scale
16 would allow farmers to diversify their products by adding a
17 lucrative cash crop; that researching cultivation methods of
18 industrial hemp would greatly aid farmers seeking to grow hemp for
19 the first time; and that, therefore, it is fitting and proper that the
20 Legislature create an industrial hemp pilot program to promote the
21 research and cultivation of industrial hemp to the maximum extent
22 permitted by federal law.

23
24 3. (New section) As used in sections 1 through 5 of this act:

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

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

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

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

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

35
36 4. (New section) a. The Department of Agriculture shall
37 establish an agricultural pilot program to study and promote the
38 cultivation of industrial hemp to the maximum extent permitted by
39 federal law.

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

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

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

Matter underlined thus is new matter.

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

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

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

26

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

28 2C:35-2. As used in this chapter:

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

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

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

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

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

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

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

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

40 “Distribute” means to deliver other than by administering or
41 dispensing a controlled dangerous substance or controlled substance
42 analog. “Distributor” means a person who distributes.

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

1 structure or any function of the body of man or other animals; and
2 (d) substances intended for use as a component of any article
3 specified in subsections (a), (b), and (c) of this section; but does not
4 include devices or their components, parts, or accessories.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (d) “Hospital” means any federal institution, or any institution
46 for the care and treatment of the sick and injured, operated or
47 approved by the appropriate State department as proper to be

1 entrusted with the custody and professional use of controlled
2 dangerous substances or controlled substance analogs.

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

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

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

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

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

30 "State" means the State of New Jersey.

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

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

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

46 "Stramonium plant" means the plant *Datura Stramonium* Linne,
47 including *Datura Tatula* Linne.

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

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

3 2. As used in this act:

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

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

15 “Commissioner” means the Commissioner of Health.

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

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

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

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

35 “Dispense” means to deliver a controlled dangerous substance to
36 an ultimate user or research subject by or pursuant to the lawful
37 order of a practitioner, including the prescribing, administering,
38 packaging, labeling, or compounding necessary to prepare the
39 substance for that delivery.

40 “Dispenser” means a practitioner who dispenses.

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

43 “Distributor” means a person who distributes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42

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

45 5. Schedule I.

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

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

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

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

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

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

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

11
12 9. Section 1 of P.L.1939, c.248 (C.26:2-81) is amended to read
13 as follows:

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

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

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

1 11. This act shall take effect immediately.

2

3

4

STATEMENT

5

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

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

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

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