

[First Reprint]

SENATE, No. 3686

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED MAY 13, 2019

Sponsored by:

Senator STEPHEN M. SWEENEY

District 3 (Cumberland, Gloucester and Salem)

Senator STEVEN V. OROHO

District 24 (Morris, Sussex and Warren)

Senator JAMES BEACH

District 6 (Burlington and Camden)

Senator BOB ANDRZEJCZAK

District 1 (Atlantic, Cape May and Cumberland)

Co-Sponsored by:

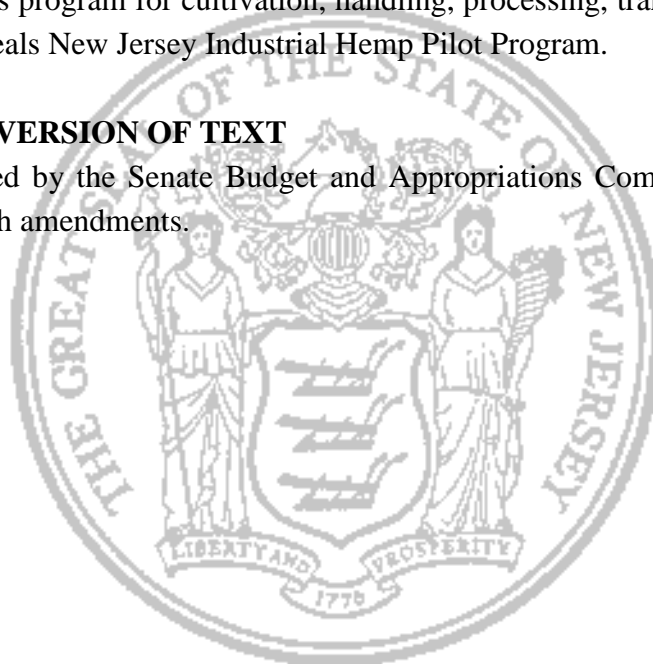
Senators Turner, Cardinale and O'Scanlon

SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on June 17, 2019, with amendments.



(Sponsorship Updated As Of: 6/18/2019)

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
28 P.L. , c. (C.) (pending before the Legislature as this bill),
29 unless 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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SBA committee amendments adopted June 17, 2019.

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 ‘due to the presence of hemp or hemp-derived
13 cannabinoids’¹.

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

16 “Hemp product” means a finished product with a delta-9
17 tetrahydrocannabinol concentration of not more than 0.3 percent
18 that is derived from or made by processing a hemp plant or plant
19 part and prepared in a form available for commercial sale. The term
20 includes cosmetics, personal care products, food intended for
21 human or animal consumption, cloth, cordage, fiber, fuel, paint,
22 paper, particleboard, plastics, and any product containing one or
23 more hemp-derived cannabinoids such as cannabidiol. Hemp
24 products shall not be considered controlled substances ‘due to the
25 presence of hemp or hemp-derived cannabinoids’¹.

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

27 “Secretary” means the Secretary of the New Jersey Department
28 of Agriculture.

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

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

46 b. It is unlawful for a person or entity that is not a hemp
47 producer or an agent of a hemp producer to cultivate, handle, or
48 process living hemp plants or viable seeds, leaf materials, or floral

1 materials derived from hemp. A person or entity that is not a hemp
2 producer or an agent of a hemp producer, but who cultivates,
3 handles, or processes living hemp plants or viable seeds, leaf
4 materials, or floral materials derived from hemp, shall be subject to
5 the same penalties as those related to marijuana.

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

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

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

37 (2) a procedure for testing, including by third parties, using
38 post-decarboxylation or another similarly reliable method, that the
39 delta-9 tetrahydrocannabinol concentration of hemp produced in the
40 State does not exceed the federally defined THC level for hemp,
41 and that hemp products do not exceed the federally defined THC
42 level for hemp when made available to the public ¹【. A hemp
43 producer shall begin harvesting any hemp within 30 days of
44 sampling】¹;

45 (3) ¹provisions that permit a hemp producer to begin harvest of
46 mature hemp plants within 30 days after the date of sampling,
47 provided that the department may require any plant that is not
48 harvested within 30 days after sampling to undergo retesting;

1 (4) provisions that allow a hemp producer to have testing
2 performed by a third-party laboratory to demonstrate compliance
3 with the federally defined THC level for hemp, provided the
4 laboratory:

5 (a) is registered and accredited in accordance with State and
6 federal law;

7 (b) is registered with the State hemp program;

8 (c) agrees to comply with the department's approved testing
9 procedures;

10 (d) transmits laboratory results directly to the department; and

11 (e) submits to random quality assurance testing by the
12 department to validate the accuracy of testing results;

13 (5) provisions that allow a hemp producer to test its own hemp
14 for the purposes of providing information about hemp's delta-9
15 tetrahydrocannabinol levels and to certify label statements for a
16 hemp product, as long as the producer's laboratory meets the
17 requirements in paragraph (4) of this subsection;

18 (6)¹ a procedure for the effective disposal of hemp plants,
19 whether growing or not, that are produced in violation of 7 U.S.C.
20 s.1639o et seq., and products derived from those plants;

21 ¹**[(4)]** (7)¹ a procedure to comply with the enforcement
22 procedures in section 7 of P.L. , c. (C.) (pending before the
23 Legislature as this bill), pursuant to 7 U.S.C. s.1639p, and to
24 provide due process for hemp producers;

25 ¹**[(5)]** (8)¹ a procedure for conducting annual inspections of, at
26 a minimum, a random sample of hemp producers to verify that
27 hemp is not produced in violation of 7 U.S.C. s.1639o et seq.; ¹and¹

28 ¹**[(6)]** (9)¹ a procedure for submitting the information described
29 in 7 U.S.C. s.1639q, as applicable, to the Secretary of the United
30 States Department of Agriculture not later than 30 days after the
31 date the information is received ¹]; and¹ .¹

32 c. Upon adoption of rules and regulations pursuant to
33 subsection b. of this section, subsection c. of section 6, and
34 subsection c. of section 7 of P.L. , c. (C.) (pending before
35 the Legislature as this bill), the department, after consultation with
36 the Governor and the Attorney General, shall submit the rules and
37 regulations, along with P.L. , c. (C.) (pending before the
38 Legislature as this bill), for approval to the Secretary of the United
39 States Department of Agriculture as a state plan for monitoring and
40 regulating the production of hemp in the State pursuant to 7 U.S.C.
41 s.1639o et seq.

42 d. (1) If the plan submitted by the department is disapproved by
43 the Secretary of the United States Department of Agriculture, the
44 department, after consultation with the Governor and the Attorney
45 General, shall amend the rules promulgated pursuant to
46 P.L. , c. (C.) (pending before the Legislature as this bill) as

1 needed to obtain approval and shall thereafter submit an amended
2 plan.

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

7 (3) If a plan submitted by the department is disapproved by the
8 Secretary of the United States Department of Agriculture, nothing
9 in P.L. , c. (C.) (pending before the Legislature as this bill)
10 shall prohibit the production of hemp in the State pursuant to 7
11 U.S.C. s1639q or any other federal law, or rule or regulation
12 adopted pursuant thereto, if the production of hemp is not otherwise
13 prohibited by the State.

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

19

20 6. (New section) a. Except as otherwise provided,
21 P.L. , c. (C.) (pending before the Legislature as this bill)
22 does not apply to the possession, transportation, or sale of hemp
23 products or extracts, including those containing one or more hemp-
24 derived cannabinoids, including cannabidiol.

25 b. In adopting rules and regulations pursuant to
26 P.L. , c. (C.) (pending before the Legislature as this bill),
27 the department ¹~~shall~~ may¹ consult with relevant public agencies
28 as well as private, nonprofit associations in the hemp industry that
29 promote standards, best practices, and self-regulation in the
30 production of hemp.

31 c. In addition to the rules and regulations required for a state
32 plan consistent with the requirements of 7 U.S.C. s.1639o et seq.
33 and section 5 of P.L. , c. (C.) (pending before the
34 Legislature as this bill), no later than 90 days after the effective date
35 of P.L. , c. (C.) (pending before the Legislature as this bill)
36 and notwithstanding the provisions of the “Administrative
37 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.) to the
38 contrary, the department, after consultation with the Governor and
39 Attorney General, shall immediately upon filing proper notice with
40 the Office of Administrative Law, adopt interim rules and
41 regulations to promote the cultivating and processing of hemp and
42 the commercial sale of hemp products, while regulating hemp
43 production in the State pursuant to 7 U.S.C. s.1639o et seq. and
44 P.L. , c. (C.) (pending before the Legislature as this bill).
45 The rules and regulations shall be effective immediately upon filing
46 with the Office of Administrative Law and shall be in effect for a
47 period not to exceed 18 months, and shall, thereafter, be amended,
48 adopted, or readopted by the department in accordance with the

1 provisions of the “Administrative Procedure Act.” The rules and
2 regulations shall:

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

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

9 (3) establish procedures for the department, not more than 30
10 days after receiving and compiling the following information, to
11 provide the information to the United States Secretary of
12 Agriculture: (a) the hemp producer’s name, telephone number,
13 email address, residential address, mailing address, or another form
14 of contact information; (b) the legal description and global
15 positioning system coordinates for each field, facility, or other place
16 where hemp is to be cultivated, processed, or handled; and (c)
17 whether the hemp producer is in compliance with the rules and
18 regulations for the production of hemp in the State. The department
19 shall provide updates to this information as needed;

20 (4) ¹define classes or categories of hemp products that are
21 eligible for sale, transfer, or distribution to members of the public;

22 (5) ¹establish non-refundable application, licensure, and
23 renewal fees in amounts that are reasonable and necessary to cover
24 the costs of administering and enforcing the State hemp program,
25 which shall be deposited in the State hemp program account
26 pursuant to section 8 of P.L. , c. (C.) (pending before the
27 Legislature as this bill); and

28 ¹[(6)] (5)¹ establish procedures governing hemp shipment
29 within the State and across state lines by third-party transporters
30 who are not authorized hemp producers. The regulations shall
31 include a requirement that all shipments need only be accompanied
32 by a proof of authorization to engage in the commercial sale of
33 hemp, either under a state plan pursuant to 7 U.S.C. s.1639p or the
34 United States Department of Agriculture plan pursuant to 7 U.S.C.
35 1639q in a state where a state plan has not been approved from the
36 producer of hemp, as well as a travel manifest that lists the origin,
37 destination, product description, and date of transport. In no case
38 shall the department require third-party carriers to be authorized
39 hemp producers in order to transport hemp.

40 d. Except as provided by section 9 of P.L. , c. (C.)
41 (pending before the Legislature as this bill), a person or business
42 entity may not cultivate, handle, or process hemp, or cause an agent
43 to cultivate, handle or process, in this State or transport, or cause an
44 agent to transport, hemp outside of this State unless that person or
45 business entity is authorized by the department to participate in the
46 State hemp program as a hemp producer. All applicants must apply
47 to the department on a form and in the manner prescribed by the
48 department as described in P.L. , c. (C.) (pending before the

1 Legislature as this bill). Upon approval of the State plan by the
2 United States Department of Agriculture, the department shall begin
3 authorizing participation in the State hemp program established
4 pursuant to P.L. , c. (C.) (pending before the Legislature as
5 this bill).

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

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

11 (b) written consent allowing the department, the Department of
12 Law and Public Safety, and any other State or local law
13 enforcement agency to enter onto all premises where hemp is
14 cultivated, handled, or processed to conduct a physical inspection or
15 to ensure compliance with P.L. , c. (C.) (pending before the
16 Legislature as this bill) and rules and regulation adopted pursuant
17 ¹to P.L. , c. (C.) (pending before the Legislature as this
18 bill) ¹thereto¹ ;

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

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

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

24 (2) If the department determines that an applicant meets the
25 State hemp program participation requirements, the department
26 shall authorize the applicant to participate in the program as a hemp
27 producer.

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

31
32 7. (New section) a. If the department determines that a hemp
33 producer negligently violated P.L. , c. (C.) (pending before
34 the Legislature as this bill) or any rule or regulation adopted
35 pursuant thereto, the department shall enforce the violation in the
36 manner provided by 7 U.S.C. s.1639p ¹as follows¹ :

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

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

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

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

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

3 (a) A reasonable date by which a hemp producer shall correct
4 the negligent violation; ~~'[and]'~~¹

5 (b) A requirement for periodic reports from the hemp producer
6 to the department about the hemp producer's compliance with the
7 corrective action plan, statutes, and any rules or regulations adopted
8 pursuant thereto, for a period of at least two years from the date of
9 the corrective action plan ¹; ~~and~~

10 (c) any other measure that the department determines necessary
11 to ensure that the hemp producer complies with the corrective
12 action plan¹ .

13 (3) A hemp producer that negligently violates any law ^{1,1} or
14 any rule or regulation adopted pursuant thereto, governing that
15 person's or business entity's participation in the hemp program
16 shall not be subject to a criminal or civil enforcement action by the
17 State or a local government other than an enforcement action
18 authorized pursuant to this section ¹; provided that the department
19 may adopt rules and regulations establishing measures to ensure
20 compliance with a corrective action plan required pursuant to
21 paragraph (1) of this subsection¹ .

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

28 b. If the department determines that a hemp producer has
29 violated P.L. , c. (C.) (pending before the Legislature as
30 this bill) or a rule or regulation adopted pursuant thereto with a
31 culpable mental state greater than negligence, subsection a. of this
32 section shall not apply and the department shall report the hemp
33 producer immediately to the United States Attorney General and the
34 Attorney General of the State, who may, on behalf of the
35 department, investigate the violation and institute proceedings for
36 injunctive or other appropriate relief ¹including civil or civil
37 administrative penalties.¹ or report the matter to an appropriate law
38 enforcement agency.

39 c. In addition to the rules and regulations adopted pursuant to
40 sections 5 and 6 of P.L. , c. (C.) (pending before the
41 Legislature as this bill), no later than 90 days after the effective date
42 of P.L. , c. (C.) (pending before the Legislature as this bill)
43 and notwithstanding the provisions of the "Administrative
44 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the
45 contrary, the department, after consulting with the Governor and the
46 Attorney General, shall immediately upon filing proper notice with
47 the Office of Administrative Law, adopt interim rules and

1 regulations establishing a schedule of ¹civil and civil
2 administrative¹ penalties for violations of P.L. , c. (C.)
3 (pending before the Legislature as this bill) or a rule or regulation
4 adopted pursuant thereto that do not conflict with 7 U.S.C. s.1639o
5 et seq. ¹or P.L. , c. (C.) (pending before the Legislature as this
6 bill), and provide notice and appeals processes for hemp producers.¹
7 The regulations shall be effective as regulations immediately upon
8 filing with the Office of Administrative Law and shall be in effect
9 for a period not to exceed 18 months, and shall, thereafter, be
10 amended, adopted, or readopted by the department in accordance
11 with the provisions of the “Administrative Procedure Act.” Any
12 penalty collected pursuant to P.L. , c. (C.) (pending before
13 the Legislature as this bill) shall be deposited in the “New Jersey
14 Hemp Farming Fund” established pursuant to section 8 P.L. , c.
15 (C.) (pending before the Legislature as this bill).

16 d. A person who is or has been convicted of an offense relating
17 to a controlled substance under State or federal law may not
18 participate in the State hemp program established pursuant to
19 P.L. , c. (C.) (pending before the Legislature as this bill) or
20 produce hemp in the State under any other law for a period of at
21 least 10 years following the date of the person's conviction. This
22 prohibition shall not apply to any person growing hemp lawfully
23 with a license, registration, or authorization under a ¹**[pilot]**¹
24 program authorized pursuant to 7 U.S.C. s.5940 before the date of
25 enactment of P.L. , c. (C.) (pending before the Legislature
26 as this bill).

27
28 8. (New section) a. There is established in the Department of
29 Agriculture a special nonlapsing fund to be known as the “New
30 Jersey Hemp Farming Fund.” Moneys in the fund shall be used for
31 the administration and enforcement of P.L. , c. (C.)
32 (pending before the Legislature as this bill).

33 b. The fund shall be credited with:

34 (1) penalties and fees collected by the department pursuant to
35 P.L. , c. (C.) (pending before the Legislature as this bill);

36 (2) moneys as are appropriated by the Legislature;

37 (3) moneys made available to the department for the purposes of
38 P.L. , c. (C.) (pending before the Legislature as this bill),
39 including federal funds; and

40 (4) any return on investment of moneys deposited in the fund.

41

42 9. (New section) a. A State agency may not prohibit a person
43 or business entity that processes or manufactures a product
44 regulated by the agency from applying for or obtaining a permit or
45 other authorization to process or manufacture the product solely on
46 the basis that the person or business entity intends to process or
47 manufacture the product with hemp.

1 b. ¹【Notwithstanding any other law, or rule or regulation
2 adopted pursuant thereto to the contrary, derivatives of hemp,
3 including hemp-derived cannabidiol, may be added to cosmetics,
4 personal care products, and products intended for human or animal
5 consumption to the maximum extent permitted by federal law】
6 Hemp, hemp products, and hemp derivatives, including hemp-
7 derived cannabidiol, produced in accordance with P.L. , c. (C.
8)(pending before the Legislature as this bill) and any rules or
9 regulations adopted pursuant thereto, shall not be considered
10 controlled substances or additives and hemp, hemp products, or
11 hemp derivatives, including hemp-derived cannabidiol may be
12 added as an ingredient to cosmetics, personal care products, or
13 products intended for human or animal consumption¹ .

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

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

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

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

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

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

46

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

48 2C:35-2. As used in this chapter:

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

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

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

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

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

1 represented to be the product of, or to have been distributed by,
2 such other manufacturer, distributor, or dispenser.

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

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

13 “Distribute” means to deliver other than by administering or
14 dispensing a controlled dangerous substance or controlled substance
15 analog. “Distributor” means a person who distributes.

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

26 “Drug or alcohol dependent person” means a person who as a
27 result of using a controlled dangerous substance or controlled
28 substance analog or alcohol has been in a state of psychic or
29 physical dependence, or both, arising from the use of that controlled
30 dangerous substance or controlled substance analog or alcohol on a
31 continuous or repetitive basis. Drug or alcohol dependence 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 “Hashish” means the resin extracted from any part of the plant
37 Genus Cannabis L. and any compound, manufacture, salt,
38 derivative, mixture, or preparation of such resin. “Hashish” shall
39 not mean **【industrial】** hemp or a hemp product cultivated , handled,
40 processed, transported, or sold pursuant to the **【New Jersey**
41 **Industrial Hemp Pilot Program established by P.L.2018, c.139**
42 **(C.4:28-1 et al.)】** “New Jersey Hemp Farming Act,”
43 P.L. , c. (C.) (pending before the Legislature as this bill) .

44 “Manufacture” means the production, preparation, propagation,
45 compounding, conversion, or processing of a controlled dangerous
46 substance or controlled substance analog, either directly or by
47 extraction from substances of natural origin, or independently by
48 means of chemical synthesis, or by a combination of extraction and

1 chemical synthesis, and includes any packaging or repackaging of
2 the substance or labeling or relabeling of its container, except that
3 this term does not include the preparation or compounding of a
4 controlled dangerous substance or controlled substance analog by
5 an individual for his own use or the preparation, compounding,
6 packaging, or labeling of a controlled dangerous substance: (1) by
7 a practitioner as an incident to his administering or dispensing of a
8 controlled dangerous substance or controlled substance analog in
9 the course of his professional practice, or (2) by a practitioner (or
10 under his supervision) for the purpose of, or as an incident to,
11 research, teaching, or chemical analysis and not for sale.

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

26 “Narcotic drug” means any of the following, whether produced
27 directly or indirectly by extraction from substances of vegetable
28 origin, or independently by means of chemical synthesis, or by a
29 combination of extraction and chemical synthesis:

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

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

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

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

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

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

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

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

8 “Practitioner” means a physician, dentist, veterinarian, scientific
9 investigator, laboratory, pharmacy, hospital, or other person
10 licensed, registered, or otherwise permitted to distribute, dispense,
11 conduct research with respect to, or administer a controlled
12 dangerous substance or controlled substance analog in the course of
13 professional practice or research in this State.

14 (a) “Physician” means a physician authorized by law to practice
15 medicine in this or any other state and any other person authorized
16 by law to treat sick and injured human beings in this or any other
17 state.

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

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

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

27 (e) “Laboratory” means a laboratory to be entrusted with the
28 custody of narcotic drugs and the use of controlled dangerous
29 substances or controlled substance analogs for scientific,
30 experimental, and medical purposes and for purposes of instruction
31 approved by the Department of Health.

32 “Production” includes the manufacture, planting, cultivation,
33 growing, or harvesting of a controlled dangerous substance or
34 controlled substance analog.

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

43 “Residential treatment facility” means any facility licensed and
44 approved by the Department of Human Services and which is
45 approved by any county probation department for the inpatient
46 treatment and rehabilitation of drug or alcohol dependent persons.

47 “Schedules I, II, III, IV, and V” are the schedules set forth in
48 sections 5 through 8 of P.L.1970, c.226 (C.24:21-5 through 24:21-

8) and in section 4 of P.L.1971, c.3 (C.24:21-8.1) and as modified by any regulations issued by the Director of the Division of Consumer Affairs in the Department of Law and Public Safety pursuant to the director's authority as provided in section 3 of P.L.1970, c.226 (C.24:21-3).

"State" means the State of New Jersey.

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

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

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

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

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

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

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

"Administer" means the direct application of a controlled dangerous substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by: (1) a practitioner (or, in the practitioner's presence, by the practitioner's lawfully authorized agent), or (2) the patient or research subject at the lawful direction and in the presence of the practitioner.

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

"Commissioner" means the Commissioner of Health.

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

"Counterfeit substance" means a controlled dangerous substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint,

1 number or device, or any likeness thereof, of a manufacturer,
2 distributor, or dispenser other than the person or persons who in fact
3 manufactured, distributed, or dispensed such substance and which
4 thereby falsely purports or is represented to be the product of, or to
5 have been distributed by, such other manufacturer, distributor, or
6 dispenser.

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

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

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

17 “Dispenser” means a practitioner who dispenses.

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

20 “Distributor” means a person who distributes.

21 “Division” means the Division of Consumer Affairs in the
22 Department of Law and Public Safety.

23 “Drug Enforcement Administration” means the Drug
24 Enforcement Administration in the United States Department of
25 Justice.

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

41 “Hashish” means the resin extracted from any part of the plant
42 genus Cannabis and any compound, manufacture, salt, derivative,
43 mixture, or preparation of such resin. “Hashish” shall not mean
44 **[industrial]** hemp or a hemp product cultivated , handled,
45 processed, transported, or sold pursuant to the **[New Jersey**
46 **Industrial Hemp Pilot Program established by P.L.2018, c.139**

1 (C.4:28-1 et al.)】 “New Jersey Hemp Farming Act,”
2 P.L. , c. (C.) (pending before the Legislature as this bill) .

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

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

33 “Narcotic drug” means any of the following, whether produced
34 directly or indirectly by extraction from substances of vegetable
35 origin, or independently by means of chemical synthesis, or by a
36 combination of extraction and chemical synthesis:

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

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

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

1 “Official written order” means an order written on a form
2 provided for that purpose by the Attorney General of the United
3 States or his delegate, under any laws of the United States making
4 provisions therefor, if such order forms are authorized and required
5 by the federal law, and if no such form is provided, then on an
6 official form provided for that purpose by the division. If
7 authorized by the Attorney General of the United States or the
8 division, the term shall also include an order transmitted by
9 electronic means.

10 “Opiate” means any dangerous substance having an addiction-
11 forming or addiction-sustaining liability similar to morphine or
12 being capable of conversion into a drug having such addiction-
13 forming or addiction-sustaining liability. It does not include, unless
14 specifically designated as controlled under section 3 of **[this act]**
15 P.L.1970, c.226 (C.24:21-1 et seq.), the dextrorotatory isomer of 3-
16 methoxy-n-methylmorphinan and its salts (dextromethorphan). It
17 does include its racemic and levorotatory forms.

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

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

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

23 “Pharmacy owner” means the owner of a store or other place of
24 business where controlled dangerous substances are compounded or
25 dispensed by a registered pharmacist; but nothing in this chapter
26 contained shall be construed as conferring on a person who is not
27 registered or licensed as a pharmacist any authority, right, or
28 privilege that is not granted to the person by the pharmacy laws of
29 this State.

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

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

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

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

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

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

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

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

7 “Immediate precursor” means a substance which the division has
8 found to be and by regulation designates as being the principal
9 compound commonly used or produced primarily for use, and
10 which is an immediate chemical intermediary used or likely to be
11 used in the manufacture of a controlled dangerous substance, the
12 control of which is necessary to prevent, curtail, or limit such
13 manufacture.

14 “Substance use disorder involving drugs” means taking or using
15 a drug or controlled dangerous substance, as defined in this chapter,
16 in association with a state of psychic or physical dependence, or
17 both, arising from the use of that drug or controlled dangerous
18 substance on a continuous basis. A substance use disorder is
19 characterized by behavioral and other responses, including, but not
20 limited to, a strong compulsion to take the substance on a recurring
21 basis in order to experience its psychic effects, or to avoid the
22 discomfort of its absence.

23 “Ultimate user” means a person who lawfully possesses a
24 controlled dangerous substance for the person’s own use or for the
25 use of a member of the person’s household or for administration to
26 an animal owned by the person or by a member of the person’s
27 household.

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

29

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

32 5. Schedule I.

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

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

43 c. Any of the following opiates, including their isomers, esters,
44 and ethers, unless specifically excepted, whenever the existence of
45 such isomers, esters, ethers and salts is possible within the specific
46 chemical designation:

47 (1) Acetylmethadol

48 (2) Allylprodine

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

41 d. Any of the following narcotic substances, their salts, isomers
42 and salts of isomers, unless specifically excepted, whenever the
43 existence of such salts, isomers and salts of isomers is possible
44 within the specific chemical designation:

- 45 (1) Acetorphine
- 46 (2) Acetylcodone
- 47 (3) Acetyldihydrocodeine
- 48 (4) Benzylmorphine

- 1 (5) Codeine methylbromide
- 2 (6) Codeine-N-Oxide
- 3 (7) Cyprenorphine
- 4 (8) Desomorphine
- 5 (9) Dihydromorphine
- 6 (10) Etorphine
- 7 (11) Heroin
- 8 (12) Hydromorphenol
- 9 (13) Methyldesorphine
- 10 (14) Methylhydromorphine
- 11 (15) Morphine methylbromide
- 12 (16) Morphine methylsulfonate
- 13 (17) Morphine-N-Oxide
- 14 (18) Myrophine
- 15 (19) Nicocodeine
- 16 (20) Nicomorphine
- 17 (21) Normorphine
- 18 (22) Phoclodine
- 19 (23) Thebacon.
- 20 e. Any material, compound, mixture or preparation which
- 21 contains any quantity of the following hallucinogenic substances,
- 22 their salts, isomers and salts of isomers, unless specifically
- 23 excepted, whenever the existence of such salts, isomers, and salts of
- 24 isomers is possible within the specific chemical designation:
- 25 (1) 3,4-methylenedioxy amphetamine
- 26 (2) 5-methoxy-3,4-methylenedioxy amphetamine
- 27 (3) 3,4,5-trimethoxy amphetamine
- 28 (4) Bufotenine
- 29 (5) Diethyltryptamine
- 30 (6) Dimethyltryptamine
- 31 (7) 4-methyl-2,5-dimethoxylamphetamine
- 32 (8) Ibogaine
- 33 (9) Lysergic acid diethylamide
- 34 (10) Marihuana
- 35 (11) Mescaline
- 36 (12) Peyote
- 37 (13) N-ethyl-3-piperidyl benzilate
- 38 (14) N-methyl-3-piperidyl benzilate
- 39 (15) Psilocybin
- 40 (16) Psilocyn
- 41 (17) Tetrahydrocannabinols, except when found in **【industrial】**
- 42 hemp or a hemp product cultivated , handled, processed,
- 43 transported, or sold pursuant to the **【New Jersey Industrial Hemp**
- 44 **Pilot Program established by P.L.2018, c.139 (C.4:28-1 et al.)】**
- 45 “New Jersey Hemp Farming Act,” P.L. , c. (C.) (pending
- 46 before the Legislature as this bill) .
- 47 (cf: P.L.2018, c.139, s.8)

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

3 1. In order to protect the health, morals and welfare of the State
4 of New Jersey, whenever the county prosecutor of any county of the
5 State of New Jersey receives credible information that wild,
6 cultivated , or hidden growth or beds of alleged Marihuana weed are
7 located anywhere within the county, the county prosecutor shall
8 immediately communicate such information to the Department of
9 Health. The Department of Health, upon receipt of such
10 information, shall immediately dispatch one of its agents to the
11 location who shall make an examination and determination of the
12 alleged Marihuana weed so as to determine the existence or
13 nonexistence of Marihuana weed at the location, and the
14 Department of Health shall immediately communicate by writing its
15 determination to the aforesaid county prosecutor and the
16 Department of Agriculture . “Marihuana” shall not mean
17 **【industrial】** hemp or a hemp product cultivated , handled,
18 processed, transported, or sold pursuant to the **【New Jersey**
19 **Industrial Hemp Pilot Program** established by P.L.2018, c.139
20 (C.4:28-1 et al.)**】** “New Jersey Hemp Farming
21 Act,” P.L. , c. (C.) (pending before the Legislature as this
22 bill) .

23 (cf: P.L.2018, c.139, s.9)

24
25 14. Section 2 of P.L.1939, c.248 (C.26:2-82) is amended to read
26 as follows:

27 2. Upon certification by the Department of Health of the
28 existence of Marihuana weed at the location examined by the
29 Department of Health, then the county prosecutor is hereby
30 empowered to dispatch one of the prosecutor’s agents to the
31 location so certified and the agent shall destroy the Marihuana weed
32 and the county prosecutor or the agent shall not be civilly
33 responsible in any manner whatsoever for destruction of the
34 Marihuana weed. “Marihuana” shall not mean **【industrial】** hemp or
35 a hemp product cultivated , handled, processed, transported, and
36 sold pursuant to the **【New Jersey Industrial Hemp Pilot Program**
37 **established by P.L.2018, c.139 (C.4:28-1 et al.)】** “New Jersey
38 Hemp Farming Act,” P.L. , c. (C.) (pending before the
39 Legislature as this bill) .

40 (cf: P.L.2018, c.139, s.10)

41
42 15. Sections 1 through 5 of P.L.2018, c.139 (C.4:28-1 through
43 C.4:28-5) are repealed.

44
45 16. This act shall take effect immediately.