

# ASSEMBLY, No. 5921

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JUNE 21, 2021

**Sponsored by:**

**Assemblyman P. CHRISTOPHER TULLY**

**District 38 (Bergen and Passaic)**

**SYNOPSIS**

Provides additional 60 days for a municipality to prohibit the operation of one or more classes of cannabis establishment, or cannabis distributor or cannabis delivery services.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning the deadline by which a municipality may enact  
2 an ordinance related to marijuana, amending P.L. 2021, c.16  
3 (C.24:6I-45).

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

7  
8 1. Section 27 of P.L.2021, c.16 (C.24:6I-45) is amended to read  
9 as follows:

10 27. a. A municipality may enact ordinances or regulations, not  
11 in conflict with the provisions of P.L.2021, c.16 (C.24:6I-31 et al.):

12 (1) governing the number of cannabis establishments,  
13 distributors, or delivery services, as well as the location, manner,  
14 and times of operation of establishments and distributors, but the  
15 time of operation of delivery services shall be subject only to  
16 regulation by the commission; and

17 (2) establishing civil penalties for violation of an ordinance or  
18 regulation governing the number of cannabis establishments,  
19 distributors, or delivery services that may operate in such  
20 municipality, or their location, manner, or the times of operations.

21 b. A municipality may prohibit the operation of any one or  
22 more classes of cannabis establishment, or cannabis distributors or  
23 cannabis delivery services, but not the delivery of cannabis items  
24 and related supplies by a delivery service, within the jurisdiction of  
25 the municipality through the enactment of an ordinance, and this  
26 prohibiting ordinance shall apply throughout the municipality, even  
27 if that municipality or parts thereof fall within any district, area, or  
28 other geographical jurisdiction for which land use planning, site  
29 planning, zoning requirements or other development authority is  
30 exercised by an independent State authority, commission,  
31 instrumentality, or agency pursuant to the enabling legislation that  
32 governs its duties, functions, and powers, even if this development  
33 authority is expressly stated or interpreted to be exclusive  
34 thereunder; the local prohibiting ordinance applies, notwithstanding  
35 the provisions of any independent State authority law to the  
36 contrary. Only an ordinance to prohibit one or more classes of  
37 cannabis establishment, or cannabis distributors or cannabis  
38 delivery services enacted pursuant to the specific authority to do so  
39 by this section shall be valid and enforceable; any ordinance  
40 enacted by a municipality prior to the effective date of this section  
41 addressing the issue of prohibiting one or more types of cannabis-  
42 related activities within the jurisdiction of the municipality is null  
43 and void, and that entity may only prohibit the operation of one or  
44 more classes of cannabis establishment, or cannabis distributors or  
45 cannabis delivery services by enactment of a new ordinance based

**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 upon the specific authority to do so by this section. The failure of a  
2 municipality to enact an ordinance prohibiting the operation of one  
3 or more classes of cannabis establishment, or cannabis distributors  
4 or cannabis delivery services within **【180】** 240 days after the  
5 effective date of P.L.2021, c.16 (C.24:6I-31 et al.), shall result in  
6 any class of cannabis establishment, or a cannabis distributor or  
7 cannabis delivery service that is not prohibited from operating  
8 within the municipality as being permitted to operate therein as  
9 follows: the growing, cultivating, manufacturing, and selling and  
10 reselling of cannabis and cannabis items, and operations to  
11 transport in bulk cannabis items by a cannabis cultivator, cannabis  
12 manufacturer, cannabis wholesaler, or as a cannabis distributor or  
13 cannabis delivery service shall be permitted uses in all industrial  
14 zones of the municipality; and the selling of cannabis items to  
15 consumers from a retail store by a cannabis retailer shall be a  
16 conditional use in all commercial zones or retail zones, subject to  
17 meeting the conditions set forth in any applicable zoning ordinance  
18 or receiving a variance from one or more of those conditions in  
19 accordance with the "Municipal Land Use Law," P.L.1975, c.291  
20 (C.40:55D-1 et seq.). At the end of a five-year period following the  
21 initial failure of a municipality to enact an ordinance prohibiting the  
22 operation of one or more classes of cannabis establishment, or  
23 cannabis distributors or cannabis delivery services, and every five-  
24 year period thereafter following a failure to enact a prohibiting  
25 ordinance, the municipality shall again be permitted to prohibit the  
26 future operation of any one or more classes of cannabis  
27 establishment, or cannabis distributors or cannabis delivery services  
28 through the enactment of an ordinance during a new 180-day  
29 period, but this ordinance shall be prospective only and not apply to  
30 any cannabis establishment, distributor or delivery service operating  
31 in the municipality prior to the enactment of the ordinance.

32 c. (1) When the commission receives an application for initial  
33 licensing or renewal of an existing license for any cannabis  
34 establishment, distributor, or delivery service pursuant to section 19  
35 of P.L.2021, c.16 (C.24:6I-36), or endorsement for a cannabis  
36 consumption area pursuant to section 28 of P.L.2019, c.153  
37 (C.24:6I-21), the commission shall provide, within 14 days, a copy  
38 of the application to the municipality in which the establishment,  
39 distributor, delivery service, or consumption area is to be located,  
40 unless the municipality has prohibited the operation of the  
41 particular class of business for which licensure is sought pursuant to  
42 subsection b. of this section, or in the case of an application seeking  
43 a consumption area endorsement, prohibited the operation of  
44 cannabis retailers. The municipality shall determine whether the  
45 application complies with its local restrictions on the number of  
46 cannabis establishments, distributors, or delivery services, or their  
47 location, manner, or times of operation, and the municipality shall

1 inform the commission whether the application complies with its  
2 local restrictions.

3 (2) A municipality may impose a separate local licensing or  
4 endorsement requirement as a part of its restrictions on the number  
5 of cannabis establishments, distributors, or delivery services, or  
6 their location, manner, or times of operation. A municipality may  
7 decline to impose any local licensing or endorsement requirements,  
8 but a local jurisdiction shall notify the commission that it either  
9 approves or denies each application forwarded to it.  
10 (cf: P.L.2021, c.16, s.27).

11

12 2. This act shall take effect immediately.

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#### STATEMENT

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17 This bill provides for an additional 60 days for which a  
18 municipality may enact an ordinance prohibiting the operation of  
19 one or more classes of cannabis establishment, or cannabis  
20 distributors or cannabis delivery services. Current law states that a  
21 municipality may pass an ordinance prohibiting various types of  
22 cannabis businesses 180 days from the effective date of P.L.2021,  
23 c.16 (C.24:6I-31 et al.). Under this bill, a municipality may pass  
24 this ordinance 240 days from the effective date of P.L.2021, c.16  
25 (C.24:6I-31 et al.). If a municipality does not adopt an ordinance  
26 within this time, the municipality will have permitted operation of  
27 one or more classes of cannabis establishment, or cannabis  
28 distributors or delivery services within the municipality.