

CHAPTER 25
(CORRECTED COPY OF CORRECTED COPY)

AN ACT addressing certain regulated substances, with a particular emphasis on possession or consumption of various forms of cannabis by certain persons, and revising and supplementing various parts of the statutory law.

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

Title amended.

1. The title of P.L.1979, c.264 is amended to read as follows:

AN ACT concerning certain offenses by persons under the legal age to purchase various regulated items, and supplementing chapter 33 of Title 2C of the New Jersey Statutes.

2. Section 1 of P.L.1979, c.264 (C.2C:33-15) is amended to read as follows:

C.2C:33-15 Possession, consumption by persons under legal age; penalty.

1. a. (1) Any person under the legal age to purchase alcoholic beverages, or under the legal age to purchase cannabis items, who knowingly possesses without legal authority or who knowingly consumes any alcoholic beverage, cannabis item, marijuana, or hashish in any school, public conveyance, public place, or place of public assembly, or motor vehicle shall be subject to the following consequences:

(a) for a first violation, a written warning issued by a law enforcement officer to the underage person. The written warning shall include the person's name, address, and date of birth, and a copy of the warning containing this information, plus a sworn statement that includes a description of the relevant facts and circumstances that support the officer's determination that the person committed the violation, shall be temporarily maintained in accordance with this section only for the purposes of determining a second or subsequent violation subject to the consequences set forth in subparagraph (b) or (c) of this paragraph. Notwithstanding the provisions of section 3 of P.L.1991, c.169 (C.33:1-81.1a) concerning written notification of a violation of this section by a person under 18 years of age to the parent, guardian or other person having legal custody of the underage person, a written notification shall not be provided pursuant to that section for a first violation of this paragraph.

(b) for a second violation, a written warning issued by a law enforcement officer to the underage person indicating that a second violation has occurred, which includes the person's name, address, and date of birth. If the violation is by a person 18 years of age or older, the officer shall provide the person with informational materials about how to access community services provided by public or private agencies and organizations that shall assist the person with opportunities to access further social services, including but not limited to counseling, tutoring programs, mentoring services, and faith-based or other community initiatives. If the violation is by a person under 18 years of age, a written notification concerning the second violation, along with a copy of the written warning for the person's first violation, shall be provided to the parent, guardian or other person having legal custody of the underage person in accordance with section 3 of P.L.1991, c.169 (C.33:1-81.1a). The written notification shall include the same or similar informational materials about how to access community services provided by public or private agencies and organizations as those provided directly by a law enforcement officer to a person 18 years of age or older who commits a second violation of this paragraph. A copy of the second written warning to the underage person, and, if applicable, the written notification to the parent, guardian or other person having legal

custody of the underage person concerning the second warning, plus a sworn statement that includes a description of the relevant facts and circumstances that support the officer's determination that the person committed the second violation, shall be temporarily maintained in accordance with this section only for the purposes of determining a subsequent violation subject to the consequences set forth in subparagraph (c) of this paragraph.

(c) for a third or subsequent violation, a write-up issued by a law enforcement officer to the underage person indicating that a third or subsequent violation has occurred, which includes the person's name, address, and date of birth. If the violation is by a person 18 years of age or older, the officer shall include with the write-up a referral for accessing community services provided by a public or private agency or organization, and provide notice to that agency or organization of the referral which may also be used to initiate contact with the person, and the agency or organization shall offer assistance to the person with opportunities to access further social services, including but not limited to counseling, tutoring programs, mentoring services, and faith-based or other community initiatives. If the violation is by a person under 18 years of age, a written notification concerning the third or subsequent violation shall be provided to the parent, guardian or other person having legal custody of the underage person in accordance with section 3 of P.L.1991, c.169 (C.33:1-81.1a). The written notification shall include a referral for the person and the parent, guardian or other person having legal custody of the underage person for accessing community services provided by a public or private agency or organization, and provide notice to that agency or organization of the referral which may also then be used to initiate contact with both persons, and the agency or organization shall offer assistance to both with opportunities to access further social services, including counseling, tutoring programs, mentoring services, and faith-based or other community initiatives. A copy of a write-up for a third or subsequent violation, the written notification to the parent, guardian or other person having legal custody of the underage person, if applicable, and accompanying referrals, plus a sworn statement that includes a description of the relevant facts and circumstances that support the officer's determination that the person committed the third or subsequent violation, shall be temporarily maintained in accordance with this section only to the extent necessary to track referrals to agencies and organizations, as well as for the purposes of determining a subsequent violation subject to the consequences set forth in this subparagraph.

The failure of a person under the legal age to purchase alcoholic beverages or cannabis items, or the failure of a parent, guardian or other person having legal custody of the underage person, to accept assistance from an agency or organization to which a law enforcement referral was made, or to access any community services provided by that agency or organization shall not result in any summons, initiation of a complaint, or other legal action to be adjudicated and enforced in any court.

(2) (a) A person under the legal age to purchase alcoholic beverages or cannabis items is not capable of giving lawful consent to a search to determine a violation of this section, and a law enforcement officer shall not request that a person consent to a search for that purpose.

(b) The odor of an alcoholic beverage, marijuana, hashish, cannabis, or cannabis item, or burnt marijuana, hashish, cannabis, or cannabis item, shall not constitute reasonable articulable suspicion to initiate an investigatory stop of a person, nor shall it constitute probable cause to initiate a search of a person or that person's personal property to determine a violation of paragraph (1) of this subsection. Additionally, the unconcealed possession of an alcoholic beverage, marijuana, hashish, or cannabis item in violation of paragraph (1) of this subsection, observed in plain sight by a law enforcement officer, shall not constitute

probable cause to initiate a search of a person or that person's personal property to determine any further violation of that paragraph or any other violation of law.

(3) A person under the legal age to purchase alcoholic beverages or cannabis items who violates paragraph (1) of this subsection for possessing or consuming an alcoholic beverage, marijuana, hashish, or a cannabis item shall not be subject to arrest, and shall not be subject to detention or otherwise be taken into custody by a law enforcement officer except to the extent required to issue a written warning or write-up, provide notice of a violation to a parent, guardian or other person having legal custody of the underage person in accordance with section 3 of P.L.1991, c.169 (C.33:1-81a), or make referrals for accessing community services provided by a public or private agency or organization due to a third or subsequent violation, unless the person is being arrested, detained, or otherwise taken into custody for also committing another violation of law for which that action is legally permitted or required.

(4) Consistent with the provisions of subsection c. of section 1 of P.L.2020, c.129 (C.40A:14-118.5), the video and audio recording functions of a law enforcement officer's body worn camera, as defined in that section, shall be activated whenever the law enforcement officer is responding to a call for service related to a violation or suspected violation of paragraph (1)of this subsection for possessing or consuming an alcoholic beverage, marijuana, hashish, or a cannabis item, or at the initiation of any other law enforcement or investigative encounter between an officer and a person related to a violation or suspected violation of that paragraph, and shall remain activated until the encounter has fully concluded and the officer leaves the scene of the encounter; provided, however, that the video and audio recording functions of a body worn camera shall not be deactivated pursuant to subparagraph (a) of paragraph (2) of subsection c. of P.L.2020, c.129 (C.40A:14-118.5), based on a request to deactivate the camera by a person who is the subject of a responsive call for service or law enforcement or investigative encounter related to a violation or suspected violation of paragraph (1)of this subsection.

(5) As part of the process for the issuance of a written warning or write-up to a person for a violation of paragraph (1)of this subsection, the law enforcement officer shall take possession of any alcoholic beverage, marijuana, hashish, or cannabis item from the person, and any drug or cannabis paraphernalia for use with any marijuana, hashish, or cannabis item. The existence and description of the alcoholic beverage, marijuana, hashish, or cannabis item, and any drug or cannabis paraphernalia shall be included in the sworn statement that includes a description of the relevant facts and circumstances that support the officer's determination that the person committed a violation, and which record is temporarily maintained in accordance with this section to determine subsequent possession or consumption violations, and track referrals for accessing community services provided by a public or private agency or organization due to a third or subsequent violation. Any alcoholic beverage, marijuana, hashish, cannabis item, or drug or cannabis paraphernalia obtained by the law enforcement officer shall either be destroyed or secured for use in law enforcement training or educational programs in accordance with applicable law and directives issued by the Attorney General.

(6) With respect to any violation of paragraph (1) of this subsection concerning the possession or consumption of an alcoholic beverage, marijuana, hashish, or any cannabis item:

(a) a person under the legal age to purchase alcoholic beverages or cannabis items shall not be photographed or fingerprinted, notwithstanding any provisions of section 2 of P.L.1982, c.79 (C.2A:4A-61) to the contrary;

(b) (i) any copy of any written warning or write-up issued to a person under the legal age to purchase alcoholic beverages or cannabis items, written notification provided to the person's parent, guardian or other person having legal custody in accordance with section 3 of P.L.1991, c.169 (C.33:1-81.1a), sworn statement describing the relevant facts and circumstances that support an officer's determination that a person committed a violation, or referrals for accessing community services provided by a public or private agency or organization pertaining to a third or subsequent violation shall be segregated and maintained in a separate physical location or electronic repository or database from any other records maintained by a law enforcement agency, and reported to the Attorney General in a manner so that they are similarly segregated and maintained in a separate physical location or electronic repository or database from other law enforcement records accessible to the Attorney General and State and local law enforcement agencies, and shall not be transferred to or copied and placed in any other physical location or electronic repository or database containing any other law enforcement records. These records shall only be used to the extent necessary to determine a subsequent violation of paragraph (1) of this subsection or to track referrals to agencies and organizations, and shall not be revealed, reviewed, or considered in any manner with respect to any current or subsequent juvenile delinquency matter, including but not limited to, a charge, filing, eligibility or decision for diversion or discharge, or sentencing, other disposition, or related decision affecting the juvenile, or with respect to any current or subsequent prosecution for committing an offense or other violation of law, including but not limited to, a charge, filing, eligibility or decision for diversion or discharge, or sentencing, other disposition, or related decision affecting an adult under 21 years of age. Also, these records shall be deemed confidential and shall not be subject to public inspection or copying pursuant to the provisions of P.L.1963, c.73 (C.47:1A-1 et seq.), and their existence shall not be acknowledged based upon any inquiry in the same manner as if the records were expunged records pursuant to the provisions of subsection a. of N.J.S.2C:52-15.

The Attorney General may use the records described hereinto generate the number of occurrences and other statistics concerning first, second, third and subsequent violations of paragraph (1) of this subsection, the municipal, county or other geographic areas within which first, second, third and subsequent violations occur, and the law enforcement agencies involved in first, second, third and subsequent violations, which are to be compiled and made available by the Attorney General in accordance with section 4 of P.L.2021, c.25 (C.2C:33-15.1). The identity of any person named in a record shall not be revealed or included in the information to be compiled and made available in accordance with that section.

The records of violations shall only be maintained temporarily and shall be destroyed or permanently deleted as set forth in subparagraph (c) of this paragraph.

(ii) any records pertaining to a person's acceptance of assistance from an agency or organization to which a law enforcement referral was made shall not be revealed, reviewed, or considered in any manner with respect to any current or subsequent juvenile delinquency matter, including but not limited to, a charge, filing, eligibility or decision for diversion or discharge, or sentencing, other disposition, or related decision affecting the juvenile, or with respect to any current or subsequent prosecution for committing an offense or other violation of law, including but not limited to, a charge, filing, eligibility or decision for diversion or discharge, or sentencing, other disposition, or related decision affecting an adult under 21 years of age. Also, these records shall be deemed confidential and shall not be subject to public inspection or copying pursuant to the provisions of P.L.1963, c.73 (C.47:1A-1 et seq.), and their existence shall not be acknowledged based upon any inquiry in the same

manner as if the records were expunged records pursuant to the provisions of subsection a. of N.J.S.2C:52-15.

(c) all of the records maintained by a law enforcement agency and reported to the Attorney General as described in subsubparagraph (i) of subparagraph (b) of this paragraph shall be destroyed or permanently deleted by the law enforcement agency and Attorney General on the second anniversary following the creation of the record concerning a violation, or not later than the last day of the month in which that second anniversary date falls, or alternatively not later than the 21st birthday of a person who is the subject of a record, or not later than the last day of the month in which that birthday falls, whichever date occurs sooner, except that a record shall be maintained upon request by the person named in the record or representative thereof, the law enforcement officer who made the record, or the law enforcement agency currently maintaining the record if it involves a lawsuit, disciplinary complaint, or criminal prosecution arising from the violation described in the record, based on an assertion that the record has evidentiary or exculpatory value. Upon final disposition of the matter for which the extended record retention was requested, the record shall be destroyed or permanently deleted.

(d) A law enforcement officer shall be guilty of the crime of official deprivation of civil rights as set forth in section 3 of P.L.2021, c.25 (C.2C:30-6.1) for violating the provisions of paragraph (1) of this subsection that address law enforcement actions involving persons who are under the legal age to purchase alcoholic beverages or cannabis items.

b. (Deleted by amendment, P.L.2021, c.25)

c. (Deleted by amendment, P.L.2021, c.25)

d. Nothing in this act shall apply to possession of alcoholic beverages by any such person while actually engaged in the performance of employment pursuant to an employment permit issued by the Director of the Division of Alcoholic Beverage Control, or for a bona fide hotel or restaurant, in accordance with the provisions of R.S.33:1-26, or while actively engaged in the preparation of food while enrolled in a culinary arts or hotel management program at a county vocational school or post-secondary educational institution; and nothing in this section shall apply to possession of cannabis items by any such person while actually engaged in the performance of employment by a cannabis establishment, distributor, or delivery service as permitted pursuant to the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act," P.L.2021, c.16 (C.24:6I-31 et al.).

e. Except as otherwise provided in this section, the provisions of section 3 of P.L.1991, c.169 (C.33:1-81.1a) shall apply to a parent, guardian or other person with legal custody of a person under 18 years of age who is found to be in violation of this section.

f. An underage person and one or two other persons shall be immune from prosecution under this section if:

(1) one of the underage persons called 9-1-1 and reported that another underage person was in need of medical assistance due to alcohol consumption, or the consumption of marijuana, hashish, or a cannabis item;

(2) the underage person who called 9-1-1 and, if applicable, one or two other persons acting in concert with the underage person who called 9-1-1 provided each of their names to the 9-1-1 operator;

(3) the underage person was the first person to make the 9-1-1 report; and

(4) the underage person and, if applicable, one or two other persons acting in concert with the underage person who made the 9-1-1 call remained on the scene with the person under the legal age in need of medical assistance until assistance arrived and cooperated with medical assistance and law enforcement personnel on the scene.

The underage person who received medical assistance also shall be immune from prosecution under this section.

g. For purposes of this section, an alcoholic beverage includes powdered alcohol as defined by R.S.33:1-1, a cannabis item includes any item available for lawful consumption pursuant to the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act,” P.L.2021, c.16 (C.24:6I-31 et al.), and the terms “marijuana” and “hashish” have the same meaning as set forth in N.J.S.2C:35-2, and the terms “drug paraphernalia” and “cannabis paraphernalia” have the same meaning as set forth in N.J.S.2C:36-1 and section 3 of P.L.2021, c.16 (C.24:6I-33), respectively.

C.2C:30-6.1 Crime of official deprivation of civil rights relative to possession of certain items.

3. A law enforcement officer, when responding to a call for service or upon the initiation of any other law enforcement or investigative encounter related to a violation or suspected violation of paragraph (1) of subsection a. of section 1 of P.L.1979, c.264 (C.2C:33-15), concerning the possession or consumption of alcoholic beverages, marijuana, hashish, or any cannabis item by a person under the legal age to purchase alcoholic beverages or cannabis items, shall be guilty of a crime of official deprivation of civil rights as defined in section 2 of P.L.2003, c.31 (C.2C:30-6) if that officer knowingly violates the provisions of subsection a. of section 1 of P.L.1979, c.264 (C.2C:33-15) that address law enforcement actions involving persons who are under the legal age to purchase alcoholic beverages or cannabis items by requesting that a person consent to a search who is not capable of giving lawful consent or searching a person after wrongfully obtaining that person’s consent, initiating an investigatory stop without reasonable articulable suspicion, initiating a search without probable cause, issuing a warning or write-up without a proper basis that a person committed a violation, or detaining or taking into custody a person in a manner or for a longer period beyond the extent required to issue a warning or write-up, or arresting a person for a possession or consumption violation of paragraph (1) of subsection a. of section 1 of P.L.1979, c.264 (C.2C:33-15), or if that officer knowingly engages in any other unlawful act, as described in subsection e. of section 2 of P.L.2003, c.31 (C.2C:30-6), against the person arising out of the call for service or initiation of any other law enforcement or investigative encounter, including but not limited to the unjustified use of force in violation of N.J.S.2C:3-7. A violation set forth in this section shall not require that the law enforcement officer have acted with the purpose to intimidate or discriminate against a person or group of persons because of race, color, religion, gender, handicap, sexual orientation or ethnicity. A violation of this section shall be graded in the same manner as set forth in section 2 of P.L.2003, c.21 (C.2C:30-6) for other crimes of official deprivation of civil rights.

C.2C:33-15.1 Report by Attorney General; taskforce.

4. a. (1) The Attorney General shall biannually issue a comprehensive report detailing the number of occurrences and other statistics, without revealing or including any personal identifying information, concerning first, second, third and subsequent violations of paragraph (1) of subsection a. of section 1 of P.L.1979, c.264 (C.2C:33-15) involving the possession or consumption of any alcoholic beverage, marijuana, hashish, or cannabis items by persons under the legal age to purchase alcoholic beverages or cannabis items, the municipal, county or other geographic areas within which first, second, third and subsequent violations occur, and the law enforcement agencies involved in first, second, third and subsequent violations, covering the previous six-month period. The initial report shall be

issued by June 30, 2021, the second report shall be issued by January 30, 2022, and then the next report issued every six months thereafter. Each report shall also be submitted to the Governor and the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1).

(2) The Attorney General shall also make reports available to the task force established pursuant to subsection b. of this section based on the Attorney General's periodic review of body worn camera recordings of law enforcement officers responding to a call for service related to a violation or suspected violation of paragraph (1) of subsection a. of section 1 of P.L.1979, c.264 (C.2C:33-15), or at the initiation of any other law enforcement or investigative encounter between an officer and a person related to a violation or suspected violation of that paragraph, which recordings are required to be made in accordance with paragraph (4) of subsection a. of section 1 of P.L.1979, c.264 (C.2C:33-15). The periodic review shall be conducted using body worn camera recordings both selected by the Attorney General and randomly determined, and the task force may request an Attorney General review a particular municipality, region, or time period. The identity of any person included in a recording reviewed by the Attorney General shall be kept confidential and shall not be revealed to the members of the task force or any staff provided to the task force by the Department of Law and Public Safety pursuant to paragraph (6) of subsection b. of this section to support its work.

b. (1) A taskforce shall be established in the Department of Law and Public Safety, comprised of 26 members to review each Attorney General report described in subsection a. of this section, and make recommendations thereon to the Governor and Legislature related to law enforcement activities to address the enforcement of underage possession or consumption of alcoholic beverages, marijuana, hashish, or cannabis items in violation of section 1 of P.L.1979, c.264 (C.2C:33-15), as well as the broader issue of underage possession or consumption of these substances.

(2) The membership of the taskforce shall include the following individuals:

- (a) the Attorney General, or a designee;
- (b) the Public Defender, or a designee;
- (c) the Commissioner of the Department of Children and Families, or a designee;
- (d) the Commissioner of Education, or a designee;
- (e) a representative from the Juvenile Justice Commission, appointed by the Governor;
- (f) a representative from the Division of Criminal Justice in the Department of Law and Public Safety, appointed by the Governor;

- (g) the Chair of the Governor's Juvenile Justice Delinquency and Prevention Committee;
- (h) two members appointed by the Governor upon the recommendation of the President of the Senate, at least one of whom shall be a member of the Legislative Black Caucus or Legislative Latino Caucus, determined in coordination with the members recommended by the Speaker of the General Assembly pursuant to subparagraph (i) of this paragraph, so that there is at least one member of each caucus serving as a member of the task force;

- (i) two members appointed by the Governor upon the recommendation of the Speaker of the General Assembly, at least one of whom shall be a member of the Legislative Black Caucus or Legislative Latino Caucus, determined in coordination with the members recommended by the Senate President pursuant to subparagraph (h) of this paragraph, so that there is at least one member of each caucus serving as a member of the task force;

- (j) the Administrative Director of the Courts, or a designee;
- (k) a representative from the New Jersey Institute for Social Justice, appointed by the Governor;

- (l) a representative from the American Civil Liberties Union of New Jersey, appointed by the Governor;
- (m) a representative from the County Prosecutors Association of New Jersey who is actively and presently involved in juvenile matters, appointed by the Governor;
- (n) a representative from the New Jersey Juvenile Officers Association, appointed by the Governor;
- (o) one representative each from the Annie E. Casey Foundation and Vera Institute of Justice, both appointed by the Governor;
- (p) a representative of the NAACP New Jersey State Conference, appointed by the Governor;
- (q) a representative of Salvation and Social Justice, appointed by the Governor;
- (r) a representative from the County Youth Services Commission Administrators, appointed by the Governor;
- (s) a representative from the faith-based ethical community in New Jersey, appointed by the Governor;
- (t) a representative of an employee organization representing employees who work at juvenile justice facilities, appointed by the Governor; and
- (u) three representatives who have been involved with the New Jersey juvenile justice system, appointed by the Governor, including at least one representative of a non-profit organization that deals with juvenile justice issues and at least one individual who has been subject to the custody of the juvenile justice system.

(3) All members appointed by the Governor, other than the members of the Legislature recommended for appointment, shall serve at the pleasure of the Governor. The members of the Legislature shall serve on the task force during their elective term of office. Any vacancies in the membership of the task force shall be filled in the same manner as the original appointments were made.

(4) Members of the task force shall serve without compensation, but shall be reimbursed for necessary expenditures incurred in the performance of their duties as members of the task force within the limits of funds appropriated or otherwise made available to the task force for its purposes.

(5) The task force shall organize as soon as practicable following the appointment of its members. The task force shall choose a chairperson from among its members and shall appoint a secretary who need not be a member of the task force.

(6) The Department of Law and Public Safety shall provide such stenographic, clerical, and other administrative assistants, and such professional staff as the task force requires to carry out its work.

5. Section 41 of P.L.2021, c.16 (C.24:6I-50) is amended to read as follows:

C.24:6I-50 Cannabis regulatory, enforcement assistance, and marketplace modernization fund.

41. Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Fund.

a. All fees and penalties collected by the commission, and all tax revenues on retail sales of cannabis items, and all tax revenues collected pursuant to the provisions of the "Jake Honig Compassionate Use Medical Cannabis Act," P.L.2009, c.307 (C.24:6I-1 et al.), except for amounts credited to the Property Tax Reform Account in the Property Tax Relief Fund pursuant to paragraph 7 of Section I of Article VIII of the New Jersey Constitution, as well as all revenues, if any, collected for the Social Equity Excise Fee pursuant to section 39 of

P.L.2021, c.16 (C.54:47F-1), shall be deposited in a special nonlapsing fund which shall be known as the “Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Fund,” with 15 percent of the monies deposited being placed into an account within the fund to be known as the “Underage Deterrence and Prevention Account.”

b. Monies in the fund, other than any monies derived from the Social Equity Excise Fee to be appropriated annually in accordance with subsection d. of this section and the monies placed into the “Underage Deterrence and Prevention Account” within the fund for the commission to fund programs and services in accordance with subsection e. of this section, shall be appropriated annually as follows:

(1) at least 70 percent of all tax revenues on retail sales of cannabis items shall be appropriated for investments, including through grants, loans, reimbursements of expenses, and other financial assistance, in municipalities defined as an “impact zone” pursuant to section 3 of P.L.2021, c.16 (C.24:6I-33), as well as provide direct financial assistance to qualifying persons residing therein as recommended by the commission; and (2) the remainder of the monies in the fund shall be appropriated by the Legislature to include the following:

(a) to oversee the development, regulation, and enforcement of activities associated with the personal use of cannabis pursuant to P.L.2021, c.16 (C.24:6I-31 et al.), and assist with assuming responsibility from the Department of Health for the further development and expansion, regulation, and enforcement of activities associated with the medical use of cannabis pursuant to the “Jake Honig Compassionate Use Medical Cannabis Act,” P.L.2009, c.307 (C.24:6I-1 et al.) and P.L.2015, c.158 (C.18A:40-12.22 et al.);

(b) to reimburse the expenses incurred by any county or municipality for the training costs associated with the attendance and participation of a police officer from its law enforcement unit, as those terms are defined in section 2 of P.L.1961, c.56 (C.52:17B-67), in a program provided by an approved school, also defined in that section, which trains and certifies the police officer, including a police officer with a working dog as that term is defined in section 1 of P.L.2006, c.88 (C.10:5-29.7), as a Drug Recognition Expert for detecting, identifying, and apprehending drug-impaired motor vehicle operators, and pay for the same training costs incurred by the Division of State Police in the Department of Law and Public Safety for the training of a State police officer or trooper, including an officer or trooper with a working dog, as a Drug Recognition Expert, as well as its costs in furnishing additional program instructors to provide Drug Recognition Expert training to police officers, troopers, and working dogs. A municipality or county seeking reimbursement shall apply to the commission, itemizing the costs, with appropriate proofs, for which reimbursement is requested and provide a copy of the certificate issued to the police officer to indicate the successful completion of the program by the police officer, and that officer’s working dog, if applicable; and

(c) for further investments, including through grants, loans, reimbursements of expenses, and other financial assistance, in municipalities defined as an “impact zone” pursuant to section 3 of P.L.2021, c.16 (C.24:6I-33), as well as provide direct financial assistance to qualifying persons residing therein as recommended by the commission.

The monies appropriated pursuant to paragraph (1) of this subsection shall be offset by any revenue constitutionally dedicated to municipalities defined as an “impact zone” pursuant to section 3 of P.L.2021, c.16 (C.24:6I-33).

c. Any remaining available monies, after the appropriation of those monies in the fund in accordance with subsection b. of this section, shall be deposited in the State’s General Fund.

d. (1) (a) Not less than 60 days prior to the first day of each State fiscal year, the commission shall consult and make recommendations to the Governor and Legislature for making social equity appropriations based upon the amount of any revenues collected during the current fiscal year for the Social Equity Excise Fee pursuant to section 39 of P.L.2021, c.16 (C.54:47F-1), or, if the commission has not imposed or adjusted the excise fee in the current fiscal year pursuant to that section, then appropriations to be made from the General Fund in an amount equal to the revenues that would have been collected had it imposed or adjusted the fee, in order to invest, through grants, loans, reimbursements of expenses, and other financial assistance, in private for-profit and non-profit organizations, public entities, including any municipality defined as an “impact zone” pursuant to section 3 of P.L.2021, c.16 (C.24:6I-33) as well as provide direct financial assistance to qualifying persons as determined by the commission, in order to create, expand, or promote educational and economic opportunities and activities, and the health and well-being of both communities and individuals.

(b) Not less than 30 days prior to submitting its recommendations to the Governor and Legislature pursuant to subparagraph (a) of this paragraph, the commission shall hold at least three regional public hearings throughout the State, with at least one hearing in the northern, central, and southern regions of the State, to solicit the public input on the social equity investments to be made as described in this section.

(2) The commission’s recommendations to the Governor and Legislature may include, but are not limited to, recommending investments in the following categories of social equity programs:

(a) educational support, including literacy programs, extended learning time programs that endeavor to close the achievement gap and provide services for enrolled students after the traditional school day, GED application and preparedness assistance, tutoring programs, vocational programming, and financial literacy;

(b) economic development, including the encouragement and support of community activities so as to stimulate economic activity or increase or preserve residential amenities, and business marketing, and job skills and readiness training, specific employment training, and apprenticeships;

(c) social support services, including food assistance, mental health services, substance use disorders treatment and recovery, youth recreation and mentoring services, life skills support services, and reentry and other rehabilitative services for adults and juveniles being released from incarceration; and

(d) legal aid for civil and criminal cases, regardless of a party’s citizenship or immigration status.

(3) The commission may also, subject to the annual appropriations act, recommend that it retain a portion of the Social Equity Excise Fee to administer startup grants, low-interest loans, application fee assistance, and job training programs through the commission’s Office of Minority, Disabled Veterans and Women Cannabis Business Development established by section 32 of P.L.2019, c.153 (24:6I-25).

(4) Prior to the first day of each fiscal year, the Legislature shall provide to the commission a statement which lists the investments, including the investment recipients and investment amount, to be made by appropriations as set forth in paragraph (1) of this subsection based upon recommendations presented to the Governor and Legislature pursuant to paragraphs (1) through (3) of this subsection, and how the investment is intended to support and advance social equity as described in this subsection.

e. The monies deposited in the "Underage Deterrence and Prevention Account" within the fund shall be used by the commission, based on the acceptance of applications submitted on a form and through an approval or denial process promulgated by the commission, to fund private for-profit and non-profit organizations, and county and municipal programs and services that offer social services, educational, recreational, and employment opportunities, and local economic development designed to encourage, improve, and support youthful community activities to divert and prevent persons under 18 years of age from activities associated with the consumption of cannabis items, or marijuana or hashish.

C.2A:170-51.13 Provision of cannabis item to person under 21; violations, penalties.

6. a. A person who is not otherwise subject to the penalty provisions for a licensed cannabis establishment, distributor, or delivery service, or agent or employee thereof, for selling or otherwise providing a cannabis item to a person under 21 years of age as set forth in section 64 of P.L.2021, c.16 (C.2C:35-10d), shall not, either directly or indirectly by an agent or employee, sell, offer for sale, distribute for commercial purpose or otherwise at no cost or minimal cost or with coupons or rebate offers, give, or furnish, any cannabis item as defined in section 3 of P.L.2021, c.16 (C.24:6I-33) to a person under 21 years of age.

b. A person who violates the provisions of subsection a. of this section who actually sells or otherwise provides a cannabis item to a person under 21 years of age, shall be liable to a civil penalty of not less than \$250 for the first violation, not less than \$500 for the second violation, and shall be guilty of a petty disorderly persons offense for the third and each subsequent violation. The civil penalty shall be collected pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.), in a summary proceeding before the municipal court having jurisdiction. An official authorized by the Cannabis Regulatory Commission established pursuant to section 31 of P.L.2019, c.153 (C.24:6I-24), or authorized by statute or ordinance to enforce the State or local health codes or a law enforcement officer having enforcement authority in that municipality may issue a summons for a violation of the provisions of subsection a. of this section, and, with respect to a civil penalty, may serve and execute all process with respect to the enforcement of this section consistent with the Rules of Court. A civil penalty recovered under the provisions of this subsection shall be recovered by and in the name of the State by the local health agency. The penalty shall be paid into the treasury of the municipality in which the violation occurred for the general uses of the municipality.

c. The establishment of all of the following shall constitute a defense to any action brought pursuant to subsection a. of this section:

(1) that the purchaser or the recipient of the cannabis item falsely represented, by producing a driver's license or non-driver identification card issued by the New Jersey Motor Vehicle Commission, a similar card issued pursuant to the laws of another state or the federal government of Canada, a photographic identification card issued by a county clerk, or other form of government-issued identification described in subparagraph (a) of paragraph (6) of subsection a. of section 18 of P.L.2021, c.16 (C.24:6I-35), that the purchaser or recipient was of legal age to make the purchase or receive the cannabis item;

(2) that the appearance of the purchaser or recipient was such that an ordinary prudent person would believe the purchaser or recipient to be of legal age to make the purchase or receive the cannabis item; and

(3) that the sale or distribution was made in good faith, relying upon the production of the identification set forth in paragraph (1) of this subsection, the appearance of the purchaser or

recipient, and in the reasonable belief that the purchaser or recipient was of legal age to make the purchase or receive the sample.

d. A civil penalty imposed pursuant to this section shall be in addition to any penalty that may be imposed pursuant to section 3 of P.L.1999, c.90 (C.2C:33-13.1).

C.26:3A2-20.2 Authority of Cannabis Regulatory Commission.

7. The Cannabis Regulatory Commission established pursuant to section 31 of P.L.2019, c.153 (C.24:6I-24) and the Commissioner of Health are authorized to coordinate and enforce the provisions of section 6 of P.L.2021, c.25 (C.2A:170-51.11) with respect to the prohibition on the sale or distribution of cannabis items, as defined in section 3 of P.L.2021, c.16 (C.24:6I-33), to persons under 21 years of age. The commission, or commissioner, or both, may delegate the enforcement authority provided in this section to local health agencies, subject to the availability of sufficient funding. The commission, in consultation with the commissioner, shall report on the enforcement program's progress, results of enforcement efforts, and other matters the commission deems appropriate in the commission's annual report on personal use cannabis activities that is prepared pursuant to paragraph (3) of subsection a. of section 14 of P.L.2009, c.307 (C.24:6I-12).

Title amended.

8. The title of P.L.1995, c.304 is amended to read as follows:

AN ACT concerning penalties for the sale and distribution of certain regulated products to persons under the age of 21 years, amending N.J.S.2A:170-51 and P.L.1987, c.423, and supplementing chapter 170 of Title 2A of the New Jersey Statutes.

9. Section 3 of P.L.1995, c.304 (C.2A:170-51.1) is amended to read as follows:

C.2A:170-51.1 Purchase of certain item for person under 21 years of age, petty disorderly persons offense.

3. A person 21 years of age or older who purchases a tobacco product or cannabis item as defined in section 3 of P.L.2021, c.16 (C.24:6I-33) for a person who is under 21 years of age is a petty disorderly person.

10. Section 3 of P.L.1999, c.90 (C.2C:33-13.1) is amended to read as follows:

C.2C:33-13.1 Providing certain items to a person under 21 years of age, petty disorderly persons offense.

3. a. A person who sells or gives to a person under 21 years of age any cigarettes made of tobacco or of any other matter or substance which can be smoked, or any cigarette paper or tobacco in any form, including smokeless tobacco, or any electronic smoking device that can be used to deliver nicotine or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, cigarillo, or pipe, or any cartridge or other component of the device or related product, or any cannabis item as defined in section 3 of P.L.2021, c.16 (C.24:6I-33), including an employee of a retail dealer licensee under P.L.1948, c.65 (C.54:40A-1 et seq.) or employee of a licensed cannabis establishment, cannabis distributor, or cannabis delivery service under P.L.2021, c.16 (C.24:6I-31 et al.), who actually sells or otherwise provides a tobacco product, electronic smoking device, or cannabis item to a person under 21 years of age, shall be punished by a fine as provided for a petty disorderly persons offense. A person who has been previously punished under this

section and who commits another offense under it may be punishable by a fine of twice that provided for a petty disorderly persons offense.

b. The establishment of all of the following shall constitute a defense to any prosecution brought pursuant to subsection a. of this section:

(1) that the purchaser or recipient of the tobacco product, electronic smoking device, or cannabis item falsely represented, by producing a driver's license or non-driver identification card issued by the New Jersey Motor Vehicle Commission, a similar card issued pursuant to the laws of another state or the federal government of Canada, a photographic identification card issued by a county clerk, or other form of government-issued identification described in subparagraph (a) of paragraph (6) of subsection a. of section 18 of P.L.2021, c.16 (C.24:6I-35), that the purchaser or recipient was of legal age to purchase or receive the tobacco product, electronic smoking device, or cannabis item;

(2) that the appearance of the purchaser or recipient of the tobacco product, electronic smoking device, or cannabis item was such that an ordinary prudent person would believe the purchaser or recipient to be of legal age to purchase or receive the tobacco product, electronic smoking device, or cannabis item; and

(3) that the sale or distribution of the tobacco product, electronic smoking device, or cannabis item was made in good faith, relying upon the production of the identification set forth in paragraph (1) of this subsection, the appearance of the purchaser or recipient, and in the reasonable belief that the purchaser or recipient was of legal age to purchase or receive the tobacco product, electronic smoking device, or cannabis item .

c. A penalty imposed pursuant to this section shall be in addition to any penalty that may be imposed pursuant to section 1 of P.L.2000, c.87 (C.2A:170-51.4) concerning tobacco products or electronic smoking devices, or section 64 of P.L.2021, c.16 (C.2C:35-10d) or section 6 of P.L.2021, c.25 (C.2A:170-51.13) concerning cannabis items.

11. Section 46 of P.L.2021, c.16 (C.2C:35-10a) is amended to read as follows:

C.2C:35-10a Personal use of cannabis items.

46. Personal Use of Cannabis Items.

Notwithstanding any other provision of law, the following acts are not unlawful and shall not be an offense or a basis for seizure or forfeiture of assets under N.J.S.2C:64-1 et seq. or other applicable law for persons 21 years of age or older, provided the acts are consistent with the relevant definitions set forth in section 3 of P.L.2021, c.16 (C.24:6I-33), and when an act involves a cannabis item, it was first obtained directly from a licensed cannabis retailer or delivered by a licensed cannabis delivery service making delivery of a purchase order fulfilled by that licensed cannabis retailer for off-premises delivery, evidenced by it being in its original packaging or by a sales slip, invoice, receipt, or other statement or memorandum:

a. Possessing, displaying, purchasing, or transporting: cannabis paraphernalia; one ounce (28.35 grams) or less of useable cannabis; the equivalent of one ounce (28.35 grams) or less of usable cannabis as a cannabis product in solid, liquid, or concentrate form, based upon an equivalency calculation for different product forms set by the Cannabis Regulatory Commission, established pursuant to section 31 of P.L.2019, c.153 (C.24:6I-24), in its regulations, and for which the commission may utilize research conducted in other states on the issue of product equivalency calculations when setting this equivalency; or 5 grams (0.176 ounce) or less of cannabis resin. Possessing, displaying, purchasing, or transporting at any one time any amount of any cannabis items described herein in an amount greater than

as permitted pursuant to this subsection shall be considered a violation of the “Comprehensive Drug Reform Act of 1987,” P.L.1987, c.106 (N.J.S.2C:35-1 et al.), and subject the person to prosecution as if the person possessed, displayed, purchased, or transported marijuana or hashish in violation of that act;

b. Transferring without remuneration: one ounce (28.35 grams) or less of usable cannabis; the equivalent of one ounce (28.35 grams) or less of usable cannabis as a cannabis product in solid, liquid, or concentrate form, based upon the equivalency calculation for different product forms set by the commission pursuant to subsection a. of this section; or five grams (0.176 ounce) or less of cannabis resin to a person who is of legal age for purchasing cannabis items, provided that such transfer is for non-promotional, non-business purposes. Transferring at any one time any amount of any cannabis items described herein in an amount greater than as permitted pursuant to this subsection shall be considered a violation of the “Comprehensive Drug Reform Act of 1987,” P.L.1987, c.106 (N.J.S.2C:35-1 et al.), and subject the person to prosecution as if the person distributed marijuana or hashish in violation of that act. Transferring to a person who is not of legal age that was done by a cannabis establishment, distributor, or delivery service licensed pursuant to P.L.2021, c.16 (C.24:6I-31 et al.), or an employee or agent thereof, or by any other person, is subject to a civil penalty or other legal consequences as set forth in subsection b. of section 64 of P.L.2021, c.16 (C.2C:35-10d) or section 6 of P.L.2021, c.25 (C.2A:170-51.11), as applicable, and a fine as set forth in section 3 of P.L.1999, c.90 (C.2C:33-13.1);

c. Taking delivery of or consuming a lawfully possessed cannabis item, provided that nothing in this section shall permit a person to smoke, vape, or aerosolize any cannabis item in a public place. This prohibition includes the smoking, vaping, or aerosolizing of a cannabis item in any public place pursuant to law that prohibits the smoking of tobacco, including N.J.S.2C:33-13 and the “New Jersey Smoke-Free Air Act,” P.L.2005, c.383 (C.26:3D-55 et seq.), and any indoor public place, as that term is defined in section 3 of P.L.2005, c.383 (C.26:3D-57), or portion thereof, even if the smoking of tobacco is otherwise permitted in that place or portion thereof pursuant to the “New Jersey Smoke-Free Air Act”; except that the smoking, vaping, or aerosolizing of a cannabis item shall be permitted in a cannabis consumption area as set forth in section 28 of P.L.2019, c.153 (C.24:6I-21), and may be permitted by the person or entity that owns or controls a hotel, motel, or other lodging establishment as defined in section 1 of P.L.1967, c.95 (C.29:4-5) in up to 20 percent of its guest rooms. The smoking, vaping, or aerosolizing of a cannabis item may also be prohibited or otherwise regulated in multifamily housing that is a multiple dwelling as defined in section 3 of P.L.1967, c.76 (C.55:13A-3), as decided by the person or entity that owns or controls the multifamily housing, or prohibited or otherwise regulated in the structure or specific units of the structure of a cooperative as defined in section 3 of P.L.1987, c.381 (C.46:8D-3) by the corporation or other legal entity that owns the structure, or prohibited or otherwise regulated in the units of a condominium, as those terms are defined by section 3 of P.L.1969, c.257 (C.46:8B-3), if approved by the association for the condominium and a majority of all of the condominium’s unit owners, as those terms are defined in that section. Except as otherwise provided by P.L.2021, c.16 (C.24:6I-31 et al.), any penalties that may be assessed for the smoking of tobacco where prohibited under the “New Jersey Smoke-Free Air Act” shall be applicable to the smoking, vaping, or aerosolizing of cannabis items where prohibited. Concerning the consumption of any cannabis item, other than by smoking, vaping, or aerosolizing: a person or entity that owns or controls a property, other than multifamily housing that is a multiple dwelling as defined in section 3 of P.L.1967, c.76 (C.55:13A-3), the structure or specific units of the structure of a

cooperative as defined in section 3 of P.L.1987, c.381 (C.46:8D-3), a unit of a condominium, as those terms are defined by section 3 of P.L.1969, c.257 (C.46:8B-3), or a site in a mobile home park as defined in section 3 of P.L.1983, c.386 (C.40:55D-102), which site is leased to the owner of a manufactured home, as defined in that section, that is installed thereon, may prohibit or otherwise regulate the consumption of cannabis items on or in that property, including a casino hotel facility as defined in section 19 of P.L.1977, c.110 (C.5:12-19) with respect to a hotel property, a casino as defined in section 6 of P.L.1977, c.110 (C.5:12-6), or casino simulcasting facility authorized pursuant to the "Casino Simulcasting Act," P.L.1992, c.19 (C.5:12-191 et al.); and

d. Assisting another person to engage in any of the acts described in subsections a. through c. of this section, provided that the person being assisted is of legal age to purchase cannabis items and the assistance being provided is without remuneration.

12. Section 64 of P.L.2021, c.16 (C.2C:35-10d) is amended to read as follows:

C.2C:35-10d Prohibition of persons under the legal age purchasing cannabis or cannabis resin.

64. Prohibition of Persons Under the Legal Age Purchasing Cannabis or Cannabis Resin.

Consistent with the relevant definitions set forth in section 3 of P.L.2021, c.16 (C.24:6I-33):

a. A cannabis establishment licensee, cannabis distributor licensee, or cannabis delivery service licensee, either directly or indirectly by an agent or employee, shall not sell, offer for sale, distribute for commercial purpose at no cost or minimal cost, or give or furnish for consumption, any cannabis items to a person under 21 years of age.

b. Any licensee or employee or agent of a licensee who violates subsection a. of this section who sells or otherwise provides a person under 21 years of age cannabis items which, pursuant to section 46 of P.L.2021, c.16 (C.2C:35-10a) are lawful for persons 21 years of age or older to procure for personal use, shall be subject to a civil penalty of not less than \$250 for the first violation; \$500 for the second violation; and shall be guilty of a petty disorderly persons offense for the third and each subsequent violation; a civil penalty imposed pursuant to this subsection shall be in addition to any penalty that may be imposed pursuant to section 3 of P.L.1999, c.90 (C.2C:33-13.1). Subject to a hearing, a licensee's license may also be revoked, suspended, or otherwise limited. The civil penalties provided for in this subsection shall be recovered by a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

c. The establishment of all of the following facts by a licensee, employee, or agent, allowing any such person under 21 years of age to procure cannabis items shall constitute a defense to any violation of the provisions of subsection a. of this section:

(1) That the purchaser or recipient of the cannabis item falsely represented that the purchaser or recipient was of legal age to make the purchase or receive the cannabis item, by producing a driver's license or non-driver identification card issued by the New Jersey Motor Vehicle Commission, a similar card issued pursuant to the laws of another state or the federal government of Canada, a photographic identification card issued by a county clerk, or other form of government-issued identification described in subparagraph (a) of paragraph (6) of subsection a. of section 18 of P.L.2021, c.16 (C.24:6I-35), to determine the consumer's identity and age;

(2) That the appearance of the purchaser or recipient was such that an ordinary prudent person would believe the purchaser or recipient to be of legal age to purchase or receive the cannabis item; and

(3) That the sale or distribution was made in good faith, relying upon the production of the identification set forth in paragraph (1) of this subsection, the appearance of the purchaser or recipient, and in the reasonable belief that the purchaser or recipient was actually of legal age to make the purchase or receive the cannabis item.

d. A person under 21 years of age shall not purchase, acquire, or attempt to purchase or acquire a cannabis item, even if the cannabis item may be legally purchased by persons at or above the legal age for purchasing cannabis items.

For purposes of this subsection, purchasing a cannabis item includes accepting a cannabis item, and acquiring a cannabis item includes consuming a cannabis item.

e. A person under 21 years of age shall not present or offer to a cannabis establishment, distributor, or delivery service, or the cannabis establishment's, distributor's, or delivery service's agent or employee, any written or oral evidence of age or other personal identifying information that is false, fraudulent, or not actually the person's own, including the use of a driver's license or other government-issued form of identification in violation of section 1 of P.L.1983, c.565 (C.2C:21-2.1), N.J.S.2C:21-17, section 5 of P.L.2003, c.184 (C.2C:21-17.2), or section 6 of P.L.1968, c.313 (C.33:1-81.7), for the purpose of:

(1) Purchasing, attempting to purchase, or otherwise procuring or attempting to procure cannabis items; or

(2) Gaining access to a cannabis establishment's, distributor's, or delivery service's premises.

f. Except as permitted by the commission by rule or regulation, or as necessary on an emergency basis, a person under legal age for purchasing cannabis items may not enter or attempt to enter any portion of a licensed premises that is posted or otherwise identified as being prohibited to the use of persons under legal age for purchasing cannabis items, unless accompanied by and supervised by a parent or legal guardian.

g. (Deleted by amendment, P.L.2021, c.25)

h. The prohibitions of this section do not apply to a person under the legal age for purchasing cannabis items who is acting under the direction of the commission or under the direction of State or local law enforcement agencies for the purpose of investigating possible violations of the laws prohibiting the sale of cannabis items to persons who are under the legal age for purchasing cannabis items.

i. The prohibitions of this section do not apply to a person under the legal age for purchasing cannabis items who is acting under the direction of a licensee for the purpose of investigating possible violations by employees of the licensee of laws prohibiting sales of cannabis items to persons who are under the legal age for purchasing cannabis items.

13. Section 1 of P.L.1983, c.565 (C.2C:21-2.1) is amended to read as follows:

C.2C:21-2.1 Offenses involving false government documents.

1. a. A person who knowingly sells, offers or exposes for sale, or otherwise transfers, or possesses with the intent to sell, offer or expose for sale, or otherwise transfer, a document, printed form or other writing which falsely purports to be a driver's license, birth certificate or other document issued by a governmental agency and which could be used as a means of verifying a person's identity or age or any other personal identifying information is guilty of a crime of the second degree.

b. A person who knowingly makes, or possesses devices or materials to make, a document or other writing which falsely purports to be a driver's license, birth certificate or other document issued by a governmental agency and which could be used as a means of verifying a person's identity or age or any other personal identifying information is guilty of a crime of the second degree.

c. A person who knowingly exhibits, displays or utters a document or other writing which falsely purports to be a driver's license, birth certificate or other document issued by a governmental agency and which could be used as a means of verifying a person's identity or age or any other personal identifying information is guilty of a crime of the third degree. A violation of N.J.S.2C:28-7, constituting a disorderly persons offense, section 1 of P.L.1979, c.264 (C.2C:33-15), section 64 of P.L.2021, c.16 (C.2C:35-10d), R.S.33:1-81 or section 6 of P.L.1968, c.313 (C.33:1-81.7) in a case where the person uses the personal identifying information of another to illegally purchase an alcoholic beverage or for using the personal identifying information of another to misrepresent the person's age for the purpose of obtaining tobacco, cannabis item, or other consumer product denied to persons under 21 years of age shall not constitute an offense under this subsection if the actor received only that benefit or service and did not perpetrate or attempt to perpetrate any additional injury or fraud on another.

d. A person who knowingly possesses a document or other writing which falsely purports to be a driver's license, birth certificate or other document issued by a governmental agency and which could be used as a means of verifying a person's identity or age or any other personal identifying information is guilty of a crime of the fourth degree. A violation of N.J.S.2C:28-7, constituting a disorderly persons offense, section 1 of P.L.1979, c.264 (C.2C:33-15), section 64 of P.L.2021, c.16 (C.2C:35-10d), R.S.33:1-81 or section 6 of P.L.1968, c.313 (C.33:1-81.7) in a case where the person uses the personal identifying information of another to illegally purchase an alcoholic beverage or for using the personal identifying information of another to misrepresent his age for the purpose of obtaining tobacco, any cannabis item, or other consumer product denied to persons under 21 years of age shall not constitute an offense under this subsection if the actor received only that benefit or service and did not perpetrate or attempt to perpetrate any additional injury or fraud on another.

e. In addition to any other disposition authorized by this Title, the provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43), or any other statute indicating the dispositions that may be ordered for an adjudication of delinquency, and, notwithstanding the provisions of subsection c. of N.J.S.2C:43-2, every person convicted of, or adjudicated delinquent or penalized for a violation of any offense defined in this section shall forthwith forfeit his right to operate a motor vehicle over the highways of this State for a period to be fixed by the court at not less than six months or more than two years which shall commence on the day the sentence is imposed. In the case of any person who at the time of the imposition of the sentence is less than 17 years of age, the period of the suspension of driving privileges authorized herein, including a suspension of the privilege of operating a motorized bicycle, shall commence on the day the sentence is imposed and shall run for a period as fixed by the court of not less than six months or more than two years after the day the person reaches the age of 17 years. If the driving privilege of any person is under revocation, suspension, or postponement for a violation of any provision of this Title or Title 39 of the Revised Statutes at the time of any conviction or adjudication of delinquency for a violation of any offense defined in this chapter or chapter 36 of this Title, the revocation, suspension, or

postponement period imposed herein shall commence as of the date of termination of the existing revocation, suspension or postponement.

The court before whom any person is convicted of, or adjudicated delinquent or penalized for a violation of any offense defined in this section shall collect forthwith the New Jersey driver's license or licenses of that person and forward the license or licenses to the Chief Administrator of the New Jersey Motor Vehicle Commission along with a report indicating the first and last day of the suspension or postponement period imposed by the court pursuant to this section. If the court is for any reason unable to collect the license or licenses of the person, the court shall cause a report of the conviction or adjudication of delinquency to be filed with the director. The report shall include the complete name, address, date of birth, eye color and sex of the person and shall indicate the first and last day of the suspension or postponement period imposed by the court pursuant to this section. The court shall inform the person orally and in writing that if the person is convicted of personally operating a motor vehicle during the period of license suspension or postponement imposed pursuant to this section, the person shall, upon conviction, be subject to the penalties set forth in R.S.39:3-40. A person shall be required to acknowledge receipt of the written notice in writing. Failure to receive a written notice or failure to acknowledge in writing the receipt of a written notice shall not be a defense to a subsequent charge of a violation of R.S.39:3-40. If the person is the holder of a driver's license from another jurisdiction, the court shall not collect the license, but shall notify forthwith the director who shall notify the appropriate officials in that licensing jurisdiction. The court shall, however, in accordance with the provisions of this section, revoke the person's non-resident driving privileges in this State.

In addition to any other condition imposed, a court, in its discretion, may suspend, revoke or postpone the driving privileges of a person admitted to supervisory treatment under N.J.S.2C:36A-1 or N.J.S.2C:43-12 without a plea of guilty or finding of guilt.

14. N.J.S.2C:21-17 is amended to read as follows:

Impersonation; theft of identity; crime.

2C:21-17. Impersonation; Theft of identity; crime.

a. A person is guilty of a crime if the person engages in one or more of the following actions by any means including, but not limited to, the use of electronic communications or an Internet website:

(1) Impersonates another or assumes a false identity and does an act in such assumed character or false identity for the purpose of obtaining a benefit for himself or another or to injure or defraud another;

(2) Pretends to be a representative of some person or organization and does an act in such pretended capacity for the purpose of obtaining a benefit for himself or another or to injure or defraud another;

(3) Impersonates another, assumes a false identity or makes a false or misleading statement regarding the identity of any person, in an oral or written application for services, for the purpose of obtaining services;

(4) Obtains any personal identifying information pertaining to another person and uses that information, or assists another person in using the information, in order to assume the identity of or represent himself as another person, without that person's authorization and with the purpose to fraudulently obtain or attempt to obtain a benefit or services, or avoid the payment of debt or other legal obligation or avoid prosecution for a crime by using the name of the other person; or

(5) Impersonates another, assumes a false identity or makes a false or misleading statement, in the course of making an oral or written application for services, with the purpose of avoiding payment for prior services. Purpose to avoid payment for prior services may be presumed upon proof that the person has not made full payment for prior services and has impersonated another, assumed a false identity or made a false or misleading statement regarding the identity of any person in the course of making oral or written application for services.

As used in this section:

"Benefit" means, but is not limited to, any property, any pecuniary amount, any services, any pecuniary amount sought to be avoided or any injury or harm perpetrated on another where there is no pecuniary value.

b. (Deleted by amendment, P.L.2005, c.224).

c. A person who violates subsection a. of this section is guilty of a crime as follows:

(1) If the actor obtains a benefit or deprives another of a benefit in an amount less than \$500 and the offense involves the identity of one victim, the actor shall be guilty of a crime of the fourth degree except that a second or subsequent conviction for such an offense constitutes a crime of the third degree; or

(2) If the actor obtains a benefit or deprives another of a benefit in an amount of at least \$500 but less than \$75,000, or the offense involves the identity of at least two but less than five victims, the actor shall be guilty of a crime of the third degree; or

(3) If the actor obtains a benefit or deprives another of a benefit in the amount of \$75,000 or more, or the offense involves the identity of five or more victims, the actor shall be guilty of a crime of the second degree.

d. A violation of N.J.S.2C:28-7, constituting a disorderly persons offense, section 1 of P.L.1979, c.264 (C.2C:33-15), section 64 of P.L.2021, c.16 (C.2C:35-10d), R.S.33:1-81 or section 6 of P.L.1968, c.313 (C.33:1-81.7) in a case where the person uses the personal identifying information of another to illegally purchase an alcoholic beverage or for using the personal identifying information of another to misrepresent the person's age for the purpose of obtaining tobacco, any cannabis item, or other consumer product denied to persons under 21 years of age shall not constitute an offense under this section if the actor received only that benefit or service and did not perpetrate or attempt to perpetrate any additional injury or fraud on another.

e. The sentencing court shall issue such orders as are necessary to correct any public record or government document that contains false information as a result of a theft of identity. The sentencing court may provide restitution to the victim in accordance with the provisions of section 4 of P.L.2002, c.85 (C.2C:21-17.1).

15. Section 5 of P.L.2003, c.184 (C.2C:21-17.2) is amended to read as follows:

C.2C:21-17.2 Use of personal identifying information of another; certain; degree of crime.

5. a. A person is guilty of a crime of the second degree if, in obtaining or attempting to obtain a driver's license, birth certificate or other document issued by a governmental agency which could be used as a means of verifying a person's identity, age or any other personal identifying information, that person knowingly exhibits, displays or utters a document or other writing which falsely purports to be a driver's license, birth certificate or other document issued by a governmental agency or which belongs or pertains to a person other than the person who possesses the document.

b. Notwithstanding the provisions of N.J.S.2C:1-8 or any other law, a conviction under this section shall not merge with a conviction of any other criminal offense, nor shall such other conviction merge with a conviction under this section, and the court shall impose separate sentences upon each violation of this section and any other criminal offense.

c. A violation of N.J.S.2C:28-7, constituting a disorderly persons offense, section 1 of P.L.1979, c.264 (C.2C:33-15), section 64 of P.L.2021, c.16 (C.2C:35-10d), R.S.33:1-81 or section 6 of P.L.1968, c.313 (C.33:1-81.7) in a case where the person uses the personal identifying information of another to illegally purchase an alcoholic beverage or for using the personal identifying information of another to misrepresent his age for the purpose of obtaining tobacco, any cannabis item, or other consumer product denied to persons under 21 years of age shall not constitute an offense under this section if the actor received only that benefit or service and did not perpetrate or attempt to perpetrate any additional injury or fraud on another.

16. R.S.40:48-1 is amended to read as follows:

Ordinances; general purpose.

40:48-1. Ordinances; general purpose. The governing body of every municipality may make, amend, repeal and enforce ordinances to:

Finances and property. 1. Manage, regulate and control the finances and property, real and personal, of the municipality;

Contracts and contractor's bonds. 2. Prescribe the form and manner of execution and approval of all contracts to be executed by the municipality and of all bonds to be given to it;

Officers and employees; duties, terms and salaries. 3. Prescribe and define, except as otherwise provided by law, the duties and terms of office or employment, of all officers and employees; and to provide for the employment and compensation of such officials and employees, in addition to those provided for by statute, as may be deemed necessary for the efficient conduct of the affairs of the municipality;

Fees. 4. Fix the fees of any officer or employee of the municipality for any service rendered in connection with his office or position, for which no specific fee or compensation is provided. In the case of salaried officers or employees, such fee shall be paid into the municipal treasury;

Salaries instead of fees; disposition of fees. 5. Provide that any officer or employee receiving compensation for his services, in whole or in part by fees, whether paid by the municipality or otherwise, shall be paid a salary to be fixed in the ordinance, and thereafter all fees received by such officer or employee shall be paid into the municipal treasury;

Maintain order. 6. Prevent vice, drunkenness and immorality; to preserve the public peace and order; to prevent and quell riots, disturbances and disorderly assemblages;

Punish beggars; prevention of loitering. 7. Restrain and punish drunkards, vagrants, mendicants and street beggars; to prevent loitering, lounging or sleeping in the streets, parks or public places;

Auctions and noises. 8. Regulate the ringing of bells and the crying of goods and other commodities for sale at auction or otherwise, and to prevent disturbing noises;

Swimming; bathing costume; prohibition of public nudity. 9. Regulate or prohibit swimming or bathing in the waters of, in, or bounding the municipality, and to regulate or prohibit persons from appearing upon the public streets, parks and places clad in bathing costumes or robes, or costumes of a similar character; regulate or prohibit persons from appearing in a state of nudity upon all lands within its borders which are under the

jurisdiction of the State including, without limitation, all lands owned by, controlled by, managed by or leased by the State;

Prohibit annoyance of persons or animals. 10. Regulate or prohibit any practice tending to frighten animals, or to annoy or injure persons in the public streets;

Animals; pounds; establishment and regulation. 11. Establish and regulate one or more pounds, and to prohibit or regulate the running at large of horses, cattle, dogs, swine, goats and other animals, and to authorize their impounding and sale for the penalty incurred, and the costs of impounding, keeping and sale; to regulate or prohibit the keeping of cattle, goats or swine in any part of the municipality; to authorize the destruction of dogs running at large therein;

Hucksters. 12. Prescribe and regulate the place of vending or exposing for sale articles of merchandise from vehicles;

Building regulations; wooden structures. 13. Regulate and control the construction, erection, alteration and repair of buildings and structures of every kind within the municipality; and to prohibit, within certain limits, the construction, erection or alteration of buildings or structures of wood or other combustible material;

Inflammable materials; inspect docks and buildings. 14. Regulate the use, storage, sale and disposal of inflammable or combustible materials, and to provide for the protection of life and property from fire, explosions and other dangers; to provide for inspections of buildings, docks, wharves, warehouses and other places, and of goods and materials contained therein, to secure the proper enforcement of such ordinance;

Dangerous structures; removal or destruction; procedure. 15. Provide for the removal or destruction of any building, wall or structure which is or may become dangerous to life or health, or might tend to extend a conflagration; and to assess the cost thereof as a municipal lien against the premises;

Chimneys and boilers. 16. Regulate the construction and setting up of chimneys, furnaces, stoves, boilers, ovens and other contrivances in which fire is used;

Explosives. 17. Regulate, in conformity with the statutes of this State, the manufacture, storage, sale, keeping or conveying of gunpowder, nitroglycerine, dynamite and other explosives;

Firearms and fireworks. 18. Regulate and prohibit the sale and use of guns, pistols, firearms, and fireworks of all descriptions;

Soft coal. 19. Regulate the use of soft coal in locomotives, factories, power houses and other places;

Theaters, schools, churches and public places. 20. Regulate the use of theaters, cinema houses, public halls, schools, churches, and other places where numbers of people assemble, and the exits therefrom, so that escape therefrom may be easily and safely made in case of fire or panic; and to regulate any machinery, scenery, lights, wires and other apparatus, equipment or appliances used in all places of public amusement;

Excavations. 21. Regulate excavations below the established grade or curb line of any street, not greater than eight feet, which the owner of any land may make, in the erection of any building upon his own property; and to provide for the giving of notice, in writing, of such intended excavation to any adjoining owner or owners, and that they will be required to protect and care for their several foundation walls that may be endangered by such excavation; and to provide that in case of the neglect or refusal, for 10 days, of such adjoining owner or owners to take proper action to secure and protect the foundations of any adjacent building or other structure, that the party or parties giving such notice, or their agents, contractors or employees, may enter into and upon such adjoining property and do all

necessary work to make such foundations secure, and may recover the cost of such work and labor in so protecting such adjacent property; and to make such further and other provisions in relation to the proper conduct and performance of said work as the governing body or board of the municipality may deem necessary and proper;

Sample medicines. 22. Regulate and prohibit the distribution, depositing or leaving on the public streets or highways, public places or private property, or at any private place or places within any such municipality, any medicine, medicinal preparation or preparations represented to cure ailments or diseases of the body or mind, or any samples thereof, or any advertisements or circulars relating thereto, but no ordinance shall prohibit a delivery of any such article to any person above the age of 12 years willing to receive the same;

Boating. 23. Regulate the use of motor and other boats upon waters within or bounding the municipality;

Fire escapes. 24. Provide for the erection of fire escapes on buildings in the municipality, and to provide rules and regulations concerning the construction and maintenance of the same, and for the prevention of any obstruction thereof or thereon;

Care of injured employees. 25. Provide for the payment of compensation and for medical attendance to any officer or employee of the municipality injured in the performance of his duty;

Bulkheads and other structures. 26. Fix and determine the lines of bulkheads or other works or structures to be erected, constructed or maintained by the owners of lands facing upon any navigable water in front of their lands, and in front of or along any highway or public lands of said municipality, and to designate the materials to be used, and the type, height and dimensions thereof;

Lifeguard. 27. Establish, maintain, regulate and control a lifeguard upon any beach within or bordering on the municipality;

Appropriation for life-saving apparatus. 28. Appropriate moneys to safeguard people from drowning within its borders, by location of apparatus or conduct of educational work in harmony with the plans of the United States volunteer life-saving corps in this State;

Fences. 29. Regulate the size, height and dimensions of any fences between the lands of adjoining owners, whether built or erected as division or partition fences between such lands, and whether the same exist or be erected entirely or only partly upon the lands of any such adjoining owners, or along or immediately adjacent to any division or partition line of such lands. To provide, in such ordinance, the manner of securing, fastening or shoring such fences, and for surveying the land when required by statute, and to prohibit in any such ordinance the use at a height of under 10 feet from the ground, of any device, such as wire or cable, that would be dangerous to pedestrians, equestrians, bicyclists, or drivers of off-the-road vehicles, unless that device is clearly visible to pedestrians, equestrians, bicyclists or drivers of off-the-road vehicles. In the case of fences thereafter erected contrary to the provisions thereof, the governing body may provide for a penalty for the violation of such ordinance, and in the case of such fence or fences erected or existing at the time of the passage of any such ordinance, may provide therein for the removal, change or alteration thereof, so as to make such fence or fences comply with the provisions of any such ordinance;

Advertise municipality. 30. Appropriate funds for advertising the advantages of the municipality;

Government Energy Aggregation Programs. 31. Establish programs and procedures pursuant to which the municipality may act as a government aggregator pursuant to sections 40 through 43 of P.L.1999, c.23 (C.48:3-89 through C.48:3-92), section 45 of P.L.1999, c.23

(C.48:3-94), and sections 1, 2 and 6 of P.L.2003, c.24 (C.48:3-93.1 through C.48:3-93.3). Notwithstanding the provisions of any other law, rule or regulation to the contrary, a municipality acting as a government aggregator pursuant to P.L.1999, c.23 (C.48:3-49 et al.) shall not be deemed to be a public utility pursuant to R.S.40:62-24 or R.S.48:1-1 et seq. or be deemed to be operating any form of public utility service pursuant to R.S.40:62-1 et seq., to the extent such municipality is solely engaged in the provision of such aggregation service and not otherwise owning or operating any plant or facility for the production or distribution of gas, electricity, steam or other product as provided in R.S.40:62-12;

Joint municipal action on consent for the provision of cable television service. 32. Establish programs and procedures pursuant to which a municipality may act together with one or more municipalities in granting municipal consent for the provision of cable television service pursuant to the provisions of the "Cable Television Act," P.L.1972, c.186 (C.48:5A-1 et seq.) as amended and supplemented. Notwithstanding the provisions of any other law, rule or regulation to the contrary, two or more municipalities acting jointly pursuant to the provisions of P.L.1972, c.186 (C.48:5A-1 et seq.) shall not be deemed a public utility pursuant to R.S.48:1-1 et seq., to the extent those municipalities are solely engaged in granting municipal consent jointly and are not otherwise owning or operating any facility for the provision of cable television service as provided in P.L.1972, c.186 (C.48:5A-1 et seq.);

Private cable television service aggregation programs. 33. Establish programs and procedures pursuant to which a municipality may employ the services of a private aggregator for the purpose of facilitating the joint action of two or more municipalities in granting municipal consent for the provision of cable television service provided that any such municipality shall adhere to the provisions of the "Cable Television Act," P.L.1972, c.186 (C.48:5A-1 et seq.) as amended and supplemented, and to the provisions of the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.) as amended and supplemented. Notwithstanding the provisions of any other law, rule or regulation to the contrary, a municipality that employs the services of a private aggregator pursuant to the provisions of P.L.1972, c.186 (C.48:5A-1 et seq.) shall not be deemed a public utility pursuant to R.S.48:1-1 et seq., to the extent that the municipality is solely engaged in employing the services of a private aggregator for the purpose of facilitating the joint action of two or more municipalities in granting municipal consent and is not otherwise owning or operating any facility for the provision of cable television service as provided in P.L.1972, c.186 (C.48:5A-1 et seq.);

Protective Custody. 34. Provide protective custody to persons arrested for operating a motor vehicle under the influence of alcoholic beverages, cannabis items as defined in section 3 of P.L.2021, c.16 (C.24:6I-33), any chemical substance, or any controlled dangerous substance in violation of R.S.39:4-50 as provided in section 1 of P.L.2003, c.164 (C.40:48-1.3);

Private Outdoor Video Surveillance Camera Registry. 35. Establish a private outdoor video surveillance camera registry and allow voluntary registration of private outdoor video surveillance cameras as provided in P.L.2015, c.142 (C.40:48-1.6 et al.).

C.52:17B-77.17 Adoption of course by Police Training Commission.

17. a. (1) The Police Training Commission in the Department of Law and Public Safety shall adopt a training course regarding law enforcement interactions with persons under the lawful age to purchase alcoholic beverages or cannabis items based upon the legalization of a personal use cannabis marketplace pursuant to the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act," P.L.2021, c.19 (C.2C:35-

23.1 et al.), the decriminalization of marijuana and hashish pursuant to P.L.2021, c.19 (C.2C:35-23.1 et al.), and the enforcement of violations of applicable statutes associated with the underage possession or consumption of alcoholic beverages, marijuana, hashish, or cannabis items pursuant to those enactments and the companion enactment, P.L.2021, c.25 (C.2C:30-6.1 et al.), and which includes the recognition of and methods to address and avoid racial disparities and implicit bias, and means for interacting with vulnerable juvenile populations. The training course shall be administered by the employing agency as part of the in-service training provided to each local police officer in each law enforcement unit operating in this State.

(2) Prior to being appointed to permanent status as a local police officer in a law enforcement unit, an individual shall be required to complete the training course adopted under paragraph (1) of this subsection. Every local police officer appointed prior to the effective date of this section shall, within 18 months of that effective date, satisfactorily complete a training course on law enforcement interactions as described in paragraph (1) of this subsection.

(3) The Police Training Commission shall adopt rules and regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the purposes of this subsection.

b. Within 45 days of the effective date of P.L.2021, c.25 (C.2C:30-6.1 et al.), the Attorney General shall prepare a notice explaining the provisions of the enactments set forth in paragraph (1) of subsection a. of this section pertaining to persons under the lawful age to purchase alcoholic beverages or cannabis items and the violations of applicable statutes associated with the underage possession or consumption of alcoholic beverages, marijuana, hashish, or cannabis items, and transmit the notice to the chief or director of every municipal police department, every municipal prosecutor, every county prosecutor, and the Superintendent of the New Jersey State Police. The notice shall be disseminated to every law enforcement officer and shall be re-enforced at roll calls and academy service training and continuing education programs so as to ensure that all officers and prosecutors are educated of their responsibilities under the relevant enactments.

Repealer.

18. The following are repealed: Section 1 of P.L.2000, c.33 (C.40:48-1.2);
Section 2 of P.L.2009, c.133 (C.40:48-1.2a); and
Section 77 of P.L.2021, c.16 (C.40:48-1.2b).

19. This act shall take effect immediately.

Approved February 22, 2021.