

# SENATE, No. 3582

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 22, 2021

**Sponsored by:**

**Senator VIN GOPAL**

**District 11 (Monmouth)**

**Senator TROY SINGLETON**

**District 7 (Burlington)**

**Co-Sponsored by:**

**Senators Diegnan and Turner**

**SYNOPSIS**

Legalizes growing or possessing up to six marijuana plants for personal recreational use, and up to 10 plants for personal medical use, by persons aged 21 or older.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 11/8/2021)**

1 AN ACT concerning marijuana and amending various parts of the  
2 statutory law.

3

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

6

7 1. N.J.S.2C:35-4 is amended to read as follows:

8 2C:35-4. a. Except as authorized by P.L.1970, c.226 (C.24:21-1  
9 et seq.), any person who knowingly maintains or operates any  
10 premises, place or facility used for the manufacture of  
11 methamphetamine, lysergic acid diethylamide, phencyclidine,  
12 gamma hydroxybutyrate, flunitrazepam, **[marijuana in an amount**  
13 **greater than five pounds or ten plants]** or any substance listed in  
14 Schedule I or II, or the analog of any such substance, or any person  
15 who knowingly aids, promotes, finances or otherwise participates in  
16 the maintenance or operations of such premises, place or facility, is  
17 guilty of a crime of the first degree and shall, except as provided in  
18 N.J.S.2C:35-12, be sentenced to a term of imprisonment which shall  
19 include the imposition of a minimum term which shall be fixed at,  
20 or between, one-third and one-half of the sentence imposed, during  
21 which the defendant shall be ineligible for parole. Notwithstanding  
22 the provisions of subsection a. of N.J.S.2C:43-3, the court may also  
23 impose a fine not to exceed \$750,000.00 or five times the street  
24 value of all controlled dangerous substances, controlled substance  
25 analogs, gamma hydroxybutyrate or flunitrazepam at any time  
26 manufactured or stored at such premises, place or facility,  
27 whichever is greater**【.】**;

28 b. As set forth in this subsection, growing or possessing  
29 marijuana plants for personal recreational use or personal medical  
30 use by a person aged 21 or older is not subject to any punishment,  
31 as this possession is not a crime, offense, act of delinquency, or  
32 civil violation of law. This subsection applies under the following  
33 circumstances:

34 (1) A person aged 21 or older may grow or possess up to six  
35 marijuana plants for personal recreational use, with a maximum of  
36 12 plants per household; and

37 (2) A qualifying patient as defined in section 3 of P.L.2009,  
38 c.307 (C.24:6I-3), aged 21 or older, or a designated caregiver, as  
39 defined in section 3 of P.L.2009, c.307 (C.24:6I-3), aged 21 or  
40 older, on behalf of the qualifying patient, may grow or possess up to  
41 10 marijuana plants for personal medical use, with a maximum of  
42 12 plants per household.

43 (cf: P.L.1999, c.133, s.2)

**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 2. (New section) Within 90 days of the effective date of  
2 P.L. , c. (C. ) (pending before the Legislature as this bill),  
3 the Cannabis Regulatory Commission established by section 31 of  
4 P.L.2019, c.153 (C.24:6I-24) shall implement rules and regulations  
5 to effectuate the purposes of subsection b. of N.J.S.2C:35-4.

6  
7 3. This act shall take effect immediately.  
8  
9

10 STATEMENT  
11

12 This bill would make it legal for a person aged 21 or over to  
13 grow and possess certain amounts of marijuana for personal use.

14 P.L.2021, c.16, which legalized the personal use of cannabis,  
15 provides that possession of six ounces or less of marijuana,  
16 including any adulterants or dilutants, is not subject to any  
17 punishment, as this possession is not a crime, offense, act of  
18 delinquency, or civil violation of law. Under the enactment,  
19 possession of more than six ounces of marijuana, including any  
20 adulterants or dilutants, constitutes a crime of the fourth degree. A  
21 crime of the fourth degree is punishable by a term of imprisonment  
22 of up to 18 months or a fine of up to \$10,000 or both.

23 P.L.2021, c.16 does not make it legal for a person to grow their  
24 own marijuana for personal use.

25 Under the bill, growing or possessing marijuana plants for  
26 personal recreational use or personal medical use by a person aged  
27 21 or older would also not be a crime, offense, act of delinquency,  
28 or civil violation of law. The bill would apply under the following  
29 circumstances:

30 (1) A person aged 21 or older may grow or possess up to six  
31 marijuana plants for personal recreational use, with a maximum of  
32 12 plants per household; and

33 (2) A qualifying patient as defined in section 3 of P.L.2009,  
34 c.307 (C.24:6I-3), aged 21 or older, or a designated caregiver, as  
35 defined in section 3 of P.L.2009, c.307 (C.24:6I-3), aged 21 or  
36 older, on behalf of the qualifying patient, may grow or possess up to  
37 10 marijuana plants for personal medical use, with a maximum of  
38 12 plants per household.