

SENATE, No. 3917

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JUNE 10, 2021

Sponsored by:

Senator NICHOLAS P. SCUTARI

District 22 (Middlesex, Somerset and Union)

SYNOPSIS

Allows for relocation of certain medical cannabis alternative treatment centers with personal use licenses from municipalities banning personal use cannabis businesses.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning certain cannabis businesses, and amending
2 P.L.2021, c.16.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. Section 31 of P.L. 2021, c.16 (C.24:6I-45) is amended to read
8 as follows:

9 31. Municipal Regulations or Ordinances.

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

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

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

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

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

Matter underlined thus is new matter.

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

32 c. (1) When the commission receives an application for initial
33 licensing or renewal of an existing license for any cannabis
34 establishment, distributor, or delivery service pursuant to section 19
35 of P.L.2021, c.16. (C.24:6I-31 et al.), or endorsement for a
36 cannabis consumption area pursuant to section 28 of P.L.2019,
37 c.153 (C.24:6I-21), the commission shall provide, within 14 days, a
38 copy of the application to the municipality in which the
39 establishment, distributor, delivery service, or consumption area is
40 to be located, unless the municipality has prohibited the operation
41 of the particular class of business for which licensure is sought
42 pursuant to subsection b. of this section, or in the case of an
43 application seeking a consumption area endorsement, prohibited the
44 operation of cannabis retailers. The municipality shall determine
45 whether the application complies with its local restrictions on the
46 number of cannabis establishments, distributors, or delivery
47 services, or their location, manner, or times of operation, and the

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

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

10 d. An alternative treatment center issued a license for a
11 personal use cannabis establishment, distributor, or delivery service
12 shall be authorized to apply to the Cannabis Regulatory
13 Commission to relocate from a municipality that prohibits one or
14 more forms of personal use cannabis business operations to a
15 municipality that does not have such prohibitions.

16

17 2. This act shall take effect immediately.

18

19

20 STATEMENT

21

22 P.L.2021, c.16 (C.24:6I-31 et al.), enacted February 22, 2021,
23 legalized personal use cannabis for certain adults, subject to State
24 regulation. Pursuant to subsection b. of section 31 of that enactment
25 (C.24:6I-45), a municipality may prohibit the operation of one or
26 more classes of cannabis establishments, cannabis distributors, or
27 cannabis delivery services within the jurisdiction of the
28 municipality through the enactment of an ordinance.

29 This bill allows existing medical cannabis alternative treatment
30 centers deemed to have personal use cannabis licenses pursuant to
31 section 7 of P.L.2009, c.307 (C.24:6I-7) as that section was
32 amended by section 34 of P.L.2021, c.16 to relocate from
33 municipalities banning personal use cannabis businesses to
34 municipalities that allow personal use cannabis businesses, if
35 relocation is permitted by the Cannabis Regulatory Commission.