SENATE, No. 353 STATE OF NEW JERSEY 220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by: Senator VIN GOPAL District 11 (Monmouth) Senator TROY SINGLETON District 7 (Burlington)

Co-Sponsored by: Senators Diegnan, Turner, Stanfield and Zwicker

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

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 3/3/2022)

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

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

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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 methamphetamine, lysergic acid diethylamide, phencyclidine, 11 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 [.];

<u>b.</u> As set forth in this subsection, growing or possessing
marijuana plants for personal recreational use or personal medical
use by a person aged 21 or older is not subject to any punishment,
as this possession is not a crime, offense, act of delinquency, or
civil violation of law. This subsection applies under the following
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 <u>12 plants per household.</u>
- 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.

S353 GOPAL, SINGLETON

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2. (New section) Within 90 days of the effective date of 1 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, including any adulterants or dilutants, is not subject to any 16 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 crime of the fourth degree is punishable by a term of imprisonment 21 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 defined in section 3 of P.L.2009, c.307 (C.24:6I-3), aged 21 or 35 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.