

[First Reprint]

**SENATE, No. 3454**

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**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

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INTRODUCED FEBRUARY 11, 2021

**Sponsored by:**

**Senator NICHOLAS P. SCUTARI**

**District 22 (Middlesex, Somerset and Union)**

**Senator NILSA I. CRUZ-PEREZ**

**District 5 (Camden and Gloucester)**

**SYNOPSIS**

Concerns certain regulated substances, with particular emphasis on underage possession or consumption of various forms of cannabis, including legal consequences for such activities set forth in legislation passed by both Houses of Legislature.

**CURRENT VERSION OF TEXT**

As reported by the Senate Judiciary Committee on February 19, 2021, with amendments.



1 AN ACT addressing <sup>1</sup>certain regulated substances, with a particular  
2 emphasis on<sup>1</sup> possession or consumption of various forms of  
3 cannabis by certain persons, and <sup>1</sup>**[amending]** revising<sup>1</sup> and  
4 supplementing various parts of the statutory law.

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

8  
9 1. The title of P.L.1979, c.264 is amended to read as follows:  
10 AN ACT concerning certain **[alcoholic beverage and cannabis item]**  
11 offenses by persons under the legal age to purchase **[alcoholic**  
12 **beverages and cannabis]** various regulated items, and  
13 supplementing chapter 33 of Title 2C of the New Jersey Statutes.  
14 (cf: P.L.2021, c. , s.72)

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

18 1. a. (1) Any person under the legal age to purchase alcoholic  
19 beverages <sup>1</sup>, or under the legal age to purchase cannabis items,<sup>1</sup>  
20 who knowingly possesses without legal authority or who knowingly  
21 consumes any alcoholic beverage <sup>1</sup>, cannabis item, marijuana, or  
22 hashish<sup>1</sup> in any school, public conveyance, public place, or place of  
23 public assembly, or motor vehicle, <sup>1</sup>**[is guilty of a petty disorderly**  
24 **persons offense, and]**<sup>1</sup> shall <sup>1</sup>**[, in the case of an adult under the**  
25 **legal age to purchase alcoholic beverages,]**<sup>1</sup> be <sup>1</sup>**[fined not less**  
26 **than \$250.**

27 (2) (a) Any person under the legal age to purchase cannabis  
28 items who is between 18 years of age and under 21 years of age,  
29 and who knowingly possesses without legal authority or who  
30 knowingly consumes marijuana, hashish, or any cannabis item **[,**  
31 **the amount of which may be lawfully possessed by a person of the**  
32 **legal age to purchase cannabis items pursuant to section 46. of**  
33 **P.L. , c. (C. ) (passed both Houses on December 17, 2020 as**  
34 **Second Reprint of Assembly Bill No. 21),]** in any school, public  
35 conveyance, public place, or place of public assembly, or motor  
36 vehicle **[, is guilty of a petty disorderly persons offense, and]** shall  
37 **[, in the case of an adult under the legal age to purchase cannabis**  
38 **items,]** be **[fined not less than \$250]** subject to a civil penalty of up  
39 to \$50 based upon a probable cause finding of a violation by a law  
40 enforcement officer, which shall be recovered in a summary  
41 proceeding before either the municipal court having jurisdiction or  
42 the Superior Court in the name of the State pursuant to the “Penalty  
43 Enforcement Law of 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.).

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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SJU committee amendments adopted February 19, 2021.



1 provided by public or private agencies and organizations that shall  
2 assist the person with opportunities to access further social services,  
3 including but not limited to counseling, tutoring programs,  
4 mentoring services, and faith-based or other community initiatives.  
5 If the violation is by a person under 18 years of age<sup>1</sup> , <sup>1</sup>**[and]**<sup>1</sup> a  
6 written notification concerning the second violation, along with a  
7 copy of the written warning for the person's first violation, shall be  
8 provided to the parent, guardian or other person having legal  
9 custody of the underage person in accordance with section 3 of  
10 P.L.1991, c.169 (C.33:1-81.1a). The written notification shall  
11 include <sup>1</sup>**[a referral to a]** the same or similar informational  
12 materials about how to access community services provided by<sup>1</sup>  
13 public or private <sup>1</sup>**[agency or organization included in a county-**  
14 level comprehensive plan used to fund community services  
15 prepared in accordance with section 4 of P.L.1983, c.531 (C.26:2B-  
16 33) that can assist with opportunities to access further social  
17 services, including counseling, tutoring programs, mentoring  
18 services, and faith-based or other community initiatives] agencies  
19 and organizations as those provided directly by a law enforcement  
20 officer to a person 18 years of age or older who commits a second  
21 violation of this paragraph<sup>1</sup> . A copy of the second written warning  
22 to the underage person, and <sup>1</sup>, if applicable,<sup>1</sup> the written notification  
23 to the parent, guardian or other person having legal custody of the  
24 underage person concerning the second warning, plus <sup>1</sup>a sworn  
25 statement that includes<sup>1</sup> a description of the relevant facts and  
26 circumstances that support the officer's determination <sup>1</sup>**[of probable**  
27 cause]<sup>1</sup> that the person committed the second violation, shall be  
28 temporarily maintained in accordance with this section only for the  
29 purposes of determining a subsequent violation subject to the  
30 consequences set forth in <sup>1</sup>**[subsubparagraph (iii)]** subparagraph  
31 (c)<sup>1</sup> of this <sup>1</sup>**[subparagraph]** paragraph<sup>1</sup> .  
32 <sup>1</sup>**[(iii)]** (c)<sup>1</sup> for a third or subsequent violation <sup>1</sup>**[based upon a**  
33 probable cause finding by a law enforcement officer, a civil penalty  
34 of up to \$50 or the performance of community service in lieu of  
35 payment of the penalty, which may be imposed without requiring a  
36 finding that a person does not have the ability to pay the penalty in  
37 full, notwithstanding the provisions of section 1 of P.L.2009, c.317  
38 (C.2B:12-23.1)]<sup>1</sup> , <sup>1</sup>**[and]**<sup>1</sup> a write-up issued by a law enforcement  
39 officer to the underage person indicating that a third or subsequent  
40 violation has occurred, which includes the person's name, address,  
41 and date of birth. If the violation is by a person 18 years of age or  
42 older, the officer shall include with the write-up a referral for  
43 accessing community services provided by a public or private  
44 agency or organization, and provide notice to that agency or  
45 organization of the referral which may also be used to initiate  
46 contact with the person, and the agency or organization shall offer

1 assistance to the person with opportunities to access further social  
2 services, including but not limited to counseling, tutoring programs,  
3 mentoring services, and faith-based or other community initiatives.  
4 If the violation is by a person under 18 years of age,<sup>1</sup> a written  
5 notification concerning the third or subsequent violation shall be  
6 provided to the parent, guardian or other person having legal  
7 custody of the underage person in accordance with section 3 of  
8 P.L.1991, c.169 (C.33:1-81.1a). <sup>1</sup>【Whenever the civil penalty is  
9 imposed, it shall be recovered in a summary proceeding before  
10 either the municipal court having jurisdiction or the Superior Court  
11 in the name of the State pursuant to the “Penalty Enforcement Law  
12 of 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.). The penalty shall  
13 be remitted to the State Treasurer for deposit in the Alcohol  
14 Education, Rehabilitation and Enforcement Fund established  
15 pursuant to section 3 of P.L.1983, c.531 (C.26:2B-32), and used to  
16 fund community services, including resources that serve persons  
17 with alcohol use disorder and persons with a substance use disorder  
18 as well as educational programs, through annual county-level  
19 comprehensive plans that may incorporate government programs  
20 and services, and private organizations, including volunteer groups,  
21 prepared in accordance with section 4 of P.L.1983, c.531 (C.26:2B-  
22 33). Whenever community service is imposed by the court in lieu  
23 of payment of the civil penalty, the value of each hour of service  
24 shall be considered to be not less than the State minimum wage  
25 established by the “New Jersey State Wage and Hour Law,”  
26 P.L.1966, c.113 (C.34:11-56a et seq.), or federal minimum wage  
27 established by 29 U.S.C. s.206, or any successor State or federal  
28 law, whichever wage is higher, and the community service imposed  
29 shall not exceed \$50 in value. In addition to the imposition of a  
30 civil penalty or community service, the court】 The written  
31 notification<sup>1</sup> shall include a referral <sup>1</sup>【to】 for the person and the  
32 parent, guardian or other person having legal custody of the  
33 underage person for accessing community services provided by<sup>1</sup> a  
34 public or private agency or organization <sup>1</sup>【included in a county-  
35 level comprehensive plan used to fund community services  
36 prepared in accordance with section 4 of P.L.1983, c.531 (C.26:2B-  
37 33) that can assist】 , and provide notice to that agency or  
38 organization of the referral which may also then be used to initiate  
39 contact with both persons, and the agency or organization shall  
40 offer assistance to both<sup>1</sup> with opportunities to access further social  
41 services, including counseling, tutoring programs, mentoring  
42 services, and faith-based or other community initiatives. <sup>1</sup>【All law  
43 enforcement and court records concerning the disposition of】 A  
44 copy of a write-up for<sup>1</sup> a third or subsequent violation <sup>1</sup>, the written  
45 notification to the parent, guardian or other person having legal  
46 custody of the underage person, if applicable, and accompanying  
47 referrals, plus a sworn statement that includes a description of the

1 relevant facts and circumstances that support the officer's  
2 determination that the person committed the third or subsequent  
3 violation,<sup>1</sup> shall be temporarily maintained in accordance with this  
4 section only to the extent necessary to <sup>1</sup>enforce a civil penalty or  
5 community service imposed by the court, and the court's referral for  
6 treatment and other assistance] track referrals to agencies and  
7 organizations<sup>1</sup> , as well as for the purposes of determining a  
8 subsequent violation subject to the consequences set forth in this  
9 <sup>1</sup>subsubparagraph] subparagraph<sup>1</sup> .

10 <sup>1</sup>[(c) (i)]

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

19 (2) (a)<sup>1</sup> A person under the legal age to purchase <sup>1</sup>alcoholic  
20 beverages or<sup>1</sup> cannabis items is not capable of giving lawful  
21 consent to a search to determine a violation of this section, and a  
22 law enforcement officer shall not request that a person consent to a  
23 search for that purpose.

24 <sup>1</sup>[(ii)] (b)<sup>1</sup> The odor of <sup>1</sup>an alcoholic beverage,<sup>1</sup> marijuana,  
25 hashish, cannabis, or cannabis item, or burnt marijuana, hashish,  
26 cannabis, or cannabis item, shall not constitute reasonable  
27 articulable suspicion to initiate an investigatory stop of a person,  
28 nor shall it constitute probable cause to initiate a search of a person  
29 or that person's personal property to determine a violation of  
30 paragraph <sup>1</sup>[(2)] (1)<sup>1</sup> of this subsection. Additionally, the  
31 unconcealed possession of an alcoholic beverage, marijuana,  
32 hashish, or cannabis item in violation of paragraph (1) <sup>1</sup>or (2)<sup>1</sup> of  
33 this subsection, observed in plain sight by a law enforcement  
34 officer, shall not constitute probable cause to initiate a search of a  
35 person or that person's personal property to determine any further  
36 violation of <sup>1</sup>either] that<sup>1</sup> paragraph or any other violation of law.

37 <sup>1</sup>[(d)] (3)<sup>1</sup> A person under the legal age to purchase <sup>1</sup>alcoholic  
38 beverages or<sup>1</sup> cannabis items who violates paragraph <sup>1</sup>[(2)] (1)<sup>1</sup> of  
39 this subsection for possessing or consuming <sup>1</sup>an alcoholic  
40 beverage,<sup>1</sup> marijuana, hashish, or a cannabis item shall not be  
41 subject to arrest, and shall not be subject to detention or otherwise  
42 be taken into custody by a law enforcement officer except to the  
43 extent required to issue a written warning <sup>1</sup>or write-up<sup>1</sup> , provide  
44 notice of a violation to a parent, guardian or other person having  
45 legal custody of the underage person in accordance with section 3  
46 of P.L.1991, c.169 (C.33:1-81.1a), or <sup>1</sup>issue a summons for]

1 make referrals for accessing community services provided by a  
2 public or private agency or organization due to<sup>1</sup> a third or  
3 subsequent violation, unless the person is being arrested, detained,  
4 or otherwise taken into custody for also committing another  
5 violation of law for which that action is legally permitted or  
6 required.

7 <sup>1</sup>[(e)] (4)<sup>1</sup> Consistent with the provisions of subsection c. of  
8 section 1 of P.L.2020, c.129 (C.40A:14-118.5), the video and audio  
9 recording functions of a law enforcement officer's body worn  
10 camera, as defined in that section, shall be activated whenever the  
11 law enforcement officer is responding to a call for service related to  
12 a violation or suspected violation of paragraph <sup>1</sup>[(2)] (1)<sup>1</sup> of this  
13 subsection for possessing or consuming <sup>1</sup>an alcoholic beverage,<sup>1</sup>  
14 marijuana, hashish, or a cannabis item, or at the initiation of any  
15 other law enforcement or investigative encounter between an officer  
16 and a person related to a violation or suspected violation of that  
17 paragraph, and shall remain activated until the encounter has fully  
18 concluded and the officer leaves the scene of the encounter;  
19 provided, however, that the video and audio recording functions of  
20 a body worn camera shall not be deactivated pursuant to  
21 subparagraph (a) of paragraph (2) of subsection c. of P.L.2020,  
22 c.129 (C.40A:14-118.5), based on a request to deactivate the  
23 camera by a person who is the subject of a responsive call for  
24 service or law enforcement or investigative encounter related to a  
25 violation or suspected violation of paragraph <sup>1</sup>[(2)] (1)<sup>1</sup> of this  
26 subsection.

27 <sup>1</sup>[(f)] (5)<sup>1</sup> As part of the process for the issuance of a written  
28 warning <sup>1</sup>or write-up<sup>1</sup> to a person for a violation of <sup>1</sup>[subparagraph  
29 (b) of]<sup>1</sup> paragraph <sup>1</sup>[(2)] (1)<sup>1</sup> of this subsection <sup>1</sup>[based upon  
30 probable cause]<sup>1</sup> , the law enforcement officer <sup>1</sup>[may] shall<sup>1</sup> take  
31 possession of any <sup>1</sup>alcoholic beverage,<sup>1</sup> marijuana, hashish, or  
32 cannabis item from the person, and any drug or cannabis  
33 paraphernalia for use with <sup>1</sup>[the] any<sup>1</sup> marijuana, hashish, or  
34 cannabis item. The existence and description of the <sup>1</sup>alcoholic  
35 beverage,<sup>1</sup> marijuana, hashish, or cannabis item, and any drug or  
36 cannabis paraphernalia shall be included in the <sup>1</sup>sworn statement  
37 that includes a description of the<sup>1</sup> relevant facts and circumstances  
38 <sup>1</sup>[catalogued in] that support<sup>1</sup> the <sup>1</sup>officer's<sup>1</sup> determination <sup>1</sup>[of  
39 probable cause] that the person committed a violation, and which<sup>1</sup>  
40 record <sup>1</sup>is<sup>1</sup> temporarily maintained in accordance with this section  
41 to determine subsequent possession or consumption violations, and  
42 <sup>1</sup>[the enforcement of court dispositions] track referrals for  
43 accessing community services provided by a public or private  
44 agency or organization due to a third or subsequent violation<sup>1</sup> .  
45 Any <sup>1</sup>alcoholic beverage,<sup>1</sup> marijuana, hashish, cannabis item, or  
46 drug or cannabis paraphernalia obtained by the law enforcement

1 officer shall either be destroyed or secured for use in law  
2 enforcement training or educational programs in accordance with  
3 applicable law and directives issued by the Attorney General.

4 **[(g)] (6)** With respect to any violation of **[(subparagraph (b)**  
5 **of]** paragraph **[(2)] (1)** of this subsection concerning the  
6 possession or consumption of **an alcoholic beverage, marijuana,**  
7 **hashish, or any cannabis item:**

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

12 **[(ii)] (b) (i)** any copy of any written warning **or write-up**  
13 **issued to a person under the legal age to purchase alcoholic**  
14 **beverages or cannabis items, written notification provided to the**  
15 **person's parent, guardian or other person having legal custody in**  
16 **accordance with section 3 of P.L.1991, c.169 (C.33:1-81.1a),**  
17 **sworn statement describing the relevant facts and circumstances**  
18 **that support an officer's determination that a person committed a**  
19 **violation, or [record] referrals for accessing community services**  
20 **provided by a public or private agency or organization pertaining**  
21 **to a third or subsequent violation [subject to a summary**  
22 **proceeding for imposition of a civil penalty or community service]**  
23 **shall be segregated and maintained in a separate physical location**  
24 **or electronic repository or database from any other records**  
25 **maintained by a law enforcement agency, and reported to the**  
26 **Attorney General in a manner so that they are similarly segregated**  
27 **and maintained in a separate physical location or electronic**  
28 **repository or database from other law enforcement records**  
29 **accessible to the Attorney General and State and local law**  
30 **enforcement agencies, and shall not be transferred to or copied and**  
31 **placed in any other physical location or electronic repository or**  
32 **database containing any other law enforcement records. These**  
33 **records shall only be used to the extent necessary to determine a**  
34 **subsequent violation of [subparagraph (b) of] paragraph [(2)]**  
35 **(1) of this subsection or [enforce a civil penalty or community**  
36 **service imposed by a court] to track referrals to agencies and**  
37 **organizations, and shall not be revealed, reviewed, or considered**  
38 **in any manner with respect to any current or subsequent juvenile**  
39 **delinquency matter, including but not limited to, a charge, filing,**  
40 **eligibility or decision for diversion or discharge, or sentencing,**  
41 **other disposition, or related decision affecting the juvenile, or with**  
42 **respect to any current or subsequent prosecution for committing an**  
43 **offense or other violation of law, including but not limited to, a**  
44 **charge, filing, eligibility or decision for diversion or discharge, or**  
45 **sentencing, other disposition, or related decision affecting an adult**  
46 **under 21 years of age. Also, these records shall be deemed**



1 confidential and shall not be subject to public inspection or copying  
2 pursuant to the provisions of P.L.1963, c.73 (C.47:1A-1 et seq.),  
3 and their existence shall not be acknowledged based upon any  
4 inquiry in the same manner as if the records were expunged records  
5 pursuant to the provisions of subsection a. of N.J.S.2C:52-15.

6 The Attorney General may use the records <sup>1</sup>described herein<sup>1</sup> to  
7 generate the number of occurrences and other statistics concerning  
8 first, second, third and subsequent violations of <sup>1</sup>[subparagraph (b)  
9 of]<sup>1</sup> paragraph <sup>1</sup>[(2)] (1)<sup>1</sup> of this subsection, the municipal, county  
10 or other geographic areas within which first, second, third and  
11 subsequent violations occur, and the law enforcement agencies  
12 involved in first, second, third and subsequent violations, which are  
13 to be compiled and made available by the Attorney General in  
14 accordance with section <sup>1</sup>[3] 4<sup>1</sup> of P.L. , c. (C. ) (pending  
15 before the Legislature as this bill). The identity of any person  
16 named in a record shall not be revealed or included in the  
17 information to be compiled and made available in accordance with  
18 that section.

19 The records of violations shall only be maintained temporarily  
20 and shall be destroyed or permanently deleted as set forth in  
21 <sup>1</sup>[subsubparagraph (iii) of this]<sup>1</sup> subparagraph <sup>1</sup>]; and

22 (iii)] (c) of this paragraph.

23 (ii) any records pertaining to a person's acceptance of assistance  
24 from an agency or organization to which a law enforcement referral  
25 was made shall not be revealed, reviewed, or considered in any  
26 manner with respect to any current or subsequent juvenile  
27 delinquency matter, including but not limited to, a charge, filing,  
28 eligibility or decision for diversion or discharge, or sentencing,  
29 other disposition, or related decision affecting the juvenile, or with  
30 respect to any current or subsequent prosecution for committing an  
31 offense or other violation of law, including but not limited to, a  
32 charge, filing, eligibility or decision for diversion or discharge, or  
33 sentencing, other disposition, or related decision affecting an adult  
34 under 21 years of age. Also, these records shall be deemed  
35 confidential and shall not be subject to public inspection or copying  
36 pursuant to the provisions of P.L.1963, c.73 (C.47:1A-1 et seq.),  
37 and their existence shall not be acknowledged based upon any  
38 inquiry in the same manner as if the records were expunged records  
39 pursuant to the provisions of subsection a. of N.J.S.2C:52-15.

40 (c)<sup>1</sup> all of the records maintained by a law enforcement agency  
41 and reported to the Attorney General as described in  
42 subsubparagraph <sup>1</sup>[(ii)] (i)<sup>1</sup> of <sup>1</sup>[this]<sup>1</sup> subparagraph <sup>1</sup>(b) of this  
43 paragraph<sup>1</sup> shall be destroyed or permanently deleted by the law  
44 enforcement agency and Attorney General on the second  
45 anniversary following the creation of the record concerning a  
46 violation, or not later than the last day of the month in which that  
47 second anniversary date falls, <sup>1</sup>or alternatively not later than the

1 21st birthday of a person who is the subject of a record, or not later  
2 than the last day of the month in which that birthday falls,  
3 whichever date occurs sooner,<sup>1</sup> except that a record shall be  
4 maintained upon request by the person named in the record or  
5 representative thereof, the law enforcement officer who made the  
6 record, or the law enforcement agency currently maintaining the  
7 record if it involves a lawsuit, disciplinary complaint, or criminal  
8 prosecution arising from the violation described in the record, based  
9 on an assertion that the record has evidentiary or exculpatory value.  
10 Upon final disposition of the matter for which the extended record  
11 retention was requested, the record shall be destroyed or  
12 permanently deleted.

13 <sup>1</sup>(d) A law enforcement officer shall be guilty of the crime of  
14 official deprivation of civil rights as set forth in section 3 of P.L. ,  
15 c. (C. ) (pending before the Legislature as this bill) for  
16 violating the provisions of paragraph (1) of this subsection that  
17 address law enforcement actions involving persons who are under  
18 the legal age to purchase alcoholic beverages or cannabis items.<sup>1</sup>

19 b. <sup>1</sup>【Whenever 【this offense】 a violation of paragraph (1) of  
20 subsection a. of this section concerning the possession or  
21 consumption of an alcoholic beverage is committed in a motor  
22 vehicle, the court shall, in addition to the sentence authorized 【for  
23 the offense】 under that paragraph, suspend or postpone for six  
24 months the driving privilege of the defendant. Upon the conviction  
25 of finding of guilt of any person under this section, the court shall  
26 forward a report to the New Jersey Motor Vehicle Commission  
27 stating the first and last day of the suspension or postponement  
28 period imposed by the court pursuant to this section. If a person at  
29 the time of the imposition of a sentence is less than 17 years of age,  
30 the period of license postponement, including a suspension or  
31 postponement of the privilege of operating a motorized bicycle,  
32 shall commence on the day the sentence is imposed and shall run  
33 for a period of six months after the person reaches the age of 17  
34 years.

35 If a person at the time of the imposition of a sentence has a valid  
36 driver's license issued by this State, the court shall immediately  
37 collect the license and forward it to the commission along with the  
38 report. If for any reason the license cannot be collected, the court  
39 shall include in the report the complete name, address, date of birth,  
40 eye color, and sex of the person as well as the first and last date of  
41 the license suspension period imposed by the court.

42 The court shall inform the person orally and in writing that if the  
43 person is convicted of operating a motor vehicle during the period  
44 of license suspension or postponement, the person shall be subject  
45 to the penalties set forth in R.S.39:3-40. A person shall be required  
46 to acknowledge receipt of the written notice in writing. Failure to  
47 receive a written notice or failure to acknowledge in writing the

1 receipt of a written notice shall not be a defense to a subsequent  
2 charge of a violation of R.S.39:3-40.

3 If the person convicted or found guilty under this section is not a  
4 New Jersey resident, the court shall suspend or postpone, as  
5 appropriate, the non-resident driving privilege of the person based  
6 on the age of the person and submit to the commission the required  
7 report. The court shall not collect the license of a non-resident  
8 convicted under this section. Upon receipt of a report by the court,  
9 the commission shall notify the appropriate officials in the licensing  
10 jurisdiction of the suspension or postponement. **】** (Deleted by  
11 amendment, P.L. , c. ) (pending before the Legislature as this  
12 bill)<sup>1</sup>

13 c. <sup>1</sup>**】**In addition to the general **】**penalties prescribed  
14 **】**for a disorderly persons offense **】**under this section, the court may  
15 require any person who violates **】**this act **】**paragraph (1) of  
16 subsection a. of this section for possession or consumption of an  
17 alcoholic beverage to participate in an alcohol or drug abuse  
18 education or treatment program, authorized by the Division of  
19 Mental Health and Addiction Services in the Department of Human  
20 Services, for a period not to exceed **】**the maximum period of  
21 confinement prescribed by law for the offense for which the  
22 individual has been convicted **】**30 days. Any participation in an  
23 alcohol or drug abuse education or treatment program by a person  
24 who violates paragraph (2) of subsection a. of this section for  
25 possession or consumption of marijuana, hashish, or a cannabis  
26 item shall be addressed in accordance with that paragraph. **】**  
27 (Deleted by amendment, P.L. , c. ) (pending before the  
28 Legislature as this bill)<sup>1</sup>

29 d. Nothing in this act shall apply to possession of alcoholic  
30 beverages by any such person while actually engaged in the  
31 performance of employment pursuant to an employment permit  
32 issued by the Director of the Division of Alcoholic Beverage  
33 Control, or for a bona fide hotel or restaurant, in accordance with  
34 the provisions of R.S.33:1-26, or while actively engaged in the  
35 preparation of food while enrolled in a culinary arts or hotel  
36 management program at a county vocational school or post-  
37 secondary educational institution; and nothing in this section shall  
38 apply to possession of cannabis items by any such person while  
39 actually engaged in the performance of employment by a cannabis  
40 establishment, distributor, or delivery service as permitted pursuant  
41 to the “New Jersey Cannabis Regulatory, Enforcement Assistance,  
42 and Marketplace Modernization Act,” P.L. , c. (C. ) (passed  
43 both Houses on December 17, 2020 as Second Reprint of Assembly  
44 Bill No. 21).

45 e. <sup>1</sup>**】**Except as otherwise provided in this section, the<sup>1</sup>  
46 provisions of section 3 of P.L.1991, c.169 (C.33:1-81.1a) shall  
47 apply to a parent, guardian or other person with legal custody of a

1 person under 18 years of age who is found to be in violation of this  
2 section.

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

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

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

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

15 (4) the underage person and, if applicable, one or two other  
16 persons acting in concert with the underage person who made the 9-  
17 1-1 call remained on the scene with the person under the legal age  
18 in need of medical assistance until assistance arrived and  
19 cooperated with medical assistance and law enforcement personnel  
20 on the scene.

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

23 g. For purposes of this section, an alcoholic beverage includes  
24 powdered alcohol as defined by R.S.33:1-1, **[and]** a cannabis item  
25 includes any item available for lawful consumption pursuant to the  
26 “New Jersey Cannabis Regulatory, Enforcement Assistance, and  
27 Marketplace Modernization Act,” P.L. , c. (C. ) (passed both  
28 Houses on December 17, 2020 as Second Reprint of Assembly Bill  
29 No. 21), the terms “marijuana” and “hashish” have the same  
30 meaning as set forth in N.J.S.2C:35-2, and the terms “drug  
31 paraphernalia” and “cannabis paraphernalia” have the same  
32 meaning as set forth in N.J.S.2C:36-1 and section 3 of P.L. ,  
33 c. (C. ) (passed both Houses on December 17, 2020 as Second  
34 Reprint of Assembly Bill No. 21), respectively.  
35 (cf: P.L.2021, c. , s.73)

36  
37 13. (New section) A law enforcement officer, when responding  
38 to a call for service or upon the initiation of any other law  
39 enforcement or investigative encounter related to a violation or  
40 suspected violation of paragraph (1) of subsection a. of section 1 of  
41 P.L.1979, c.264 (C.2C:33-15), concerning the possession or  
42 consumption of alcoholic beverages, marijuana, hashish, or any  
43 cannabis item by a person under the legal age to purchase alcoholic  
44 beverages or cannabis items, shall be guilty of a crime of official  
45 deprivation of civil rights as defined in section 2 of P.L.2003, c.31  
46 (C.2C:30-6) if that officer knowingly violates the provisions of  
47 subsection a. of section 1 of P.L.1979, c.264 (C.2C:33-15) that  
48 address law enforcement actions involving persons who are under

1 the legal age to purchase alcoholic beverages or cannabis items by  
2 requesting that a person consent to a search who is not capable of  
3 giving lawful consent or searching a person after wrongfully  
4 obtaining that person's consent, initiating an investigatory stop  
5 without reasonable articulable suspicion, initiating a search without  
6 probable cause, issuing a warning or write-up without a proper basis  
7 that a person committed a violation, or detaining or taking into  
8 custody a person in a manner or for a longer period beyond the  
9 extent required to issue a warning or write-up, or arresting a person  
10 for a possession or consumption violation of paragraph (1) of  
11 subsection a. of section 1 of P.L.1979, c.264 (C.2C:33-15) ), or if  
12 that officer knowingly engages in any other unlawful act, as  
13 described in subsection e. of section 2 of P.L.2003, c.31 (C.2C:30-  
14 6), against the person arising out of the call for service or initiation  
15 of any other law enforcement or investigative encounter, including  
16 but not limited to the unjustified use of force in violation of  
17 N.J.S.2C:3-7. A violation set forth in this section shall not require  
18 that the law enforcement officer have acted with the purpose to  
19 intimidate or discriminate against a person or group of persons  
20 because of race, color, religion, gender, handicap, sexual orientation  
21 or ethnicity. A violation of this section shall be graded in the same  
22 manner as set forth in section 2 of P.L.2003, c.21 (C.2C:30-6) for  
23 other crimes of official deprivation of civil rights.<sup>1</sup>  
24

25 <sup>1</sup>**[3.] 4.**<sup>1</sup> (New section) a. (1) The Attorney General shall  
26 biannually issue a comprehensive report detailing the number of  
27 occurrences and other statistics, without revealing or including any  
28 personal identifying information, concerning first, second, third and  
29 subsequent violations of <sup>1</sup>**[subparagraph (b) of]**<sup>1</sup> paragraph <sup>1</sup>**[(2)]**  
30 <sup>1</sup>**(1)**<sup>1</sup> of subsection a. of section 1 of P.L.1979, c.264 (C.2C:33-15)  
31 involving the possession or consumption of <sup>1</sup>any alcoholic  
32 beverage,<sup>1</sup> marijuana, hashish, or cannabis items by persons under  
33 the legal age to purchase <sup>1</sup>alcoholic beverages or<sup>1</sup> cannabis items,  
34 the municipal, county or other geographic areas within which first,  
35 second, third and subsequent violations occur, and the law  
36 enforcement agencies involved in first, second, third and  
37 subsequent violations, covering the previous six-month period. The  
38 initial report shall be issued by June 30, 2021, the second report  
39 shall be issued by January 30, 2022, and then the next report issued  
40 every six months thereafter. Each report shall also be submitted to  
41 the Governor and the Legislature pursuant to section 2 of P.L.1991,  
42 c.164 (C.52:14-19.1).

43 (2) The Attorney General shall also make <sup>1</sup>reports<sup>1</sup> available to  
44 the task force established pursuant to subsection b. of this section  
45 <sup>1</sup>**[for their]** based on the Attorney General's periodic review <sup>1</sup>**[],**  
46 <sup>1</sup>**all]** <sup>1</sup>of<sup>1</sup> body worn camera recordings of law enforcement officers  
47 responding to a call for service related to a violation or suspected

1 violation of paragraph ~~“(2)”~~ “(1)”<sup>1</sup> of subsection a. of section 1 of  
2 P.L.1979, c.264 (C.2C:33-15), or at the initiation of any other law  
3 enforcement or investigative encounter between ~~“and an”~~<sup>1</sup> officer  
4 and a person related to a violation or suspected violation of that  
5 paragraph, which recordings are required to be made in accordance  
6 with ~~“subparagraph (e) of that”~~<sup>1</sup> paragraph “(4) of subsection a. of  
7 section 1 of P.L.1979, c.264 (C.2C:33-15)”<sup>1</sup> . “The periodic review  
8 shall be conducted using body worn camera recordings both  
9 selected by the Attorney General and randomly determined, and the  
10 task force may request an Attorney General review of a particular  
11 municipality, region, or timeperiod.”<sup>1</sup> The identity of any person  
12 included in a recording reviewed by the ~~“task force”~~<sup>1</sup> Attorney  
13 General<sup>1</sup> shall be kept confidential ~~“by”~~<sup>1</sup> and shall not be revealed  
14 to<sup>1</sup> the members of the task force ~~“and or”~~<sup>1</sup> any staff provided to  
15 the task force by the Department of Law and Public Safety pursuant  
16 to paragraph (6) of subsection b. of this section to support its work.

17 b. (1) A taskforce shall be established in the Department of  
18 Law and Public Safety, comprised of 26 members to review each  
19 Attorney General report ~~“and any requested amount of law~~  
20 ~~enforcement body worn camera recordings”~~<sup>1</sup> described in  
21 subsection a. of this section, and make recommendations thereon to  
22 the Governor and Legislature related to law enforcement activities  
23 to address the enforcement of underage possession or consumption  
24 of “alcoholic beverages,”<sup>1</sup> marijuana, hashish, or cannabis items in  
25 violation of section 1 of P.L.1979, c.264 (C.2C:33-15), as well as  
26 the broader issue of underage possession or consumption of these  
27 substances.

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

- 30 (a) the Attorney General, or a designee;  
31 (b) the Public Defender, or a designee;  
32 (c) the Commissioner of the Department of Children and  
33 Families, or a designee;  
34 (d) the Commissioner of Education, or a designee;  
35 (e) a representative from the Juvenile Justice Commission,  
36 appointed by the Governor;  
37 (f) a representative from the Division of Criminal Justice in the  
38 Department of Law and Public Safety, appointed by the Governor;  
39 (g) the Chair of the Governor’s Juvenile Justice Delinquency and  
40 Prevention Committee;  
41 (h) two members appointed by the Governor upon the  
42 recommendation of the President of the Senate, at least one of  
43 whom shall be a member of the Legislative Black Caucus or  
44 Legislative Latino Caucus, determined in coordination with the  
45 members recommended by the Speaker of the General Assembly  
46 pursuant to subparagraph (i) of this paragraph, so that there is at

- 1 least one member of each caucus serving as a member of the task  
2 force;
- 3 (i) two members appointed by the Governor upon the  
4 recommendation of the Speaker of the General Assembly, at least  
5 one of whom shall be a member of the Legislative Black Caucus or  
6 Legislative Latino Caucus, determined in coordination with the  
7 members recommended by the Senate President pursuant to  
8 subparagraph (h) of this paragraph, so that there is at least one  
9 member of each caucus serving as a member of the task force;
- 10 (j) <sup>1</sup> [a Judge of the Superior Court, who is currently assigned to  
11 the Chancery Division, Family Part for juvenile delinquency  
12 matters, to be chosen by] <sup>1</sup> the Administrative Director of the Courts  
13 <sup>1</sup>, or a designee<sup>1</sup>;
- 14 (k) a representative from the New Jersey Institute for Social  
15 Justice, appointed by the Governor;
- 16 (l) a representative from the American Civil Liberties Union of  
17 New Jersey, appointed by the Governor;
- 18 (m) a representative from the County Prosecutors Association of  
19 New Jersey who is actively and presently involved in juvenile  
20 matters, appointed by the Governor;
- 21 (n) a representative from the New Jersey Juvenile Officers  
22 Association, appointed by the Governor;
- 23 (o) one representative each from the Annie E. Casey Foundation  
24 and Vera Institute of Justice, both appointed by the Governor;
- 25 (p) a representative of the NAACP New Jersey State Conference,  
26 appointed by the Governor;
- 27 (q) a representative of Salvation and Social Justice, appointed by  
28 the Governor;
- 29 (r) a representative from the County Youth Services  
30 Commission Administrators, appointed by the Governor;
- 31 (s) a representative from the faith-based ethical community in  
32 New Jersey, appointed by the Governor;
- 33 (t) a representative of an employee organization representing  
34 employees who work at juvenile justice facilities, appointed by the  
35 Governor; and
- 36 (u) three representatives who have been involved with the New  
37 Jersey juvenile justice system, appointed by the Governor,  
38 including at least one representative of a non-profit organization  
39 that deals with juvenile justice issues and at least one individual  
40 who has been subject to the custody of the juvenile justice system.
- 41 (3) All members appointed by the Governor, other than the  
42 members of the Legislature recommended for appointment, shall  
43 serve at the pleasure of the Governor. The members of the  
44 Legislature shall serve on the task force during their elective term  
45 of office. Any vacancies in the membership of the task force shall  
46 be filled in the same manner as the original appointments were  
47 made.

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

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

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

13  
14 **‘[4.] 5.’** Section 41 of P.L. , c. (C. ) (passed both  
15 Houses of the Legislature on December 17, 2020 as Second Reprint  
16 of Assembly Bill No. 21) is amended to read as follows:

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

19 a. All fees and penalties collected by the commission, and all  
20 tax revenues on retail sales of cannabis items, and all tax revenues  
21 collected pursuant to the provisions of the “Jake Honig  
22 Compassionate Use Medical Cannabis Act,” P.L.2009, c.307  
23 (C.24:6I-1 et al.), except for amounts credited to the Property Tax  
24 Reform Account in the Property Tax Relief Fund pursuant to  
25 paragraph 7 of Section I of Article VIII of the New Jersey  
26 Constitution, as well as all revenues, if any, collected for the Social  
27 Equity Excise Fee pursuant to section 39 of P.L. , c. (C. )  
28 (passed both Houses of the Legislature on December 17, 2020 as  
29 Second Reprint of Assembly Bill No. 21), shall be deposited in a  
30 special nonlapsing fund which shall be known as the “Cannabis  
31 Regulatory, Enforcement Assistance, and Marketplace  
32 Modernization Fund **[.]**,” with 15 percent of the monies deposited  
33 being placed into an account within the fund to be known as the  
34 “Underage Deterrence and Prevention Account.”

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

42 (1) at least 70 percent of all tax revenues on retail sales of  
43 cannabis items shall be appropriated for investments, including  
44 through grants, loans, reimbursements of expenses, and other  
45 financial assistance, in municipalities defined as an “impact zone”  
46 pursuant to section 3 of P.L. , c. (C. ) (passed both Houses  
47 of the Legislature on December 17, 2020 as Second Reprint of  
48 Assembly Bill No. 21), as well as provide direct financial assistance



1 to qualifying persons residing therein as recommended by the  
2 commission; and

3 (2) the remainder of the monies in the fund shall be appropriated  
4 by the Legislature to include the following:

5 (a) to oversee the development, regulation, and enforcement of  
6 activities associated with the personal use of cannabis pursuant to  
7 P.L. , c. (C. ) (passed both Houses of the Legislature on  
8 December 17, 2020 as Second Reprint of Assembly Bill No. 21),  
9 and assist with assuming responsibility from the Department of  
10 Health for the further development and expansion, regulation, and  
11 enforcement of activities associated with the medical use of  
12 cannabis pursuant to the “Jake Honig Compassionate Use Medical  
13 Cannabis Act,” P.L.2009, c.307 (C.24:6I-1 et al.) and P.L.2015,  
14 c.158 (C.18A:40-12.22 et al.);

15 (b) to reimburse the expenses incurred by any county or  
16 municipality for the training costs associated with the attendance  
17 and participation of a police officer from its law enforcement unit,  
18 as those terms are defined in section 2 of P.L.1961, c.56 (C.52:17B-  
19 67), in a program provided by an approved school, also defined in  
20 that section, which trains and certifies the police officer, including a  
21 police officer with a working dog as that term is defined in section  
22 1 of P.L.2006, c.88 (C.10:5-29.7), as a Drug Recognition Expert for  
23 detecting, identifying, and apprehending drug-impaired motor  
24 vehicle operators, and pay for the same training costs incurred by  
25 the Division of State Police in the Department of Law and Public  
26 Safety for the training of a State police officer or trooper, including  
27 an officer or trooper with a working dog, as a Drug Recognition  
28 Expert, as well as its costs in furnishing additional program  
29 instructors to provide Drug Recognition Expert training to police  
30 officers, troopers, and working dogs. A municipality or county  
31 seeking reimbursement shall apply to the commission, itemizing the  
32 costs, with appropriate proofs, for which reimbursement is  
33 requested and provide a copy of the certificate issued to the police  
34 officer to indicate the successful completion of the program by the  
35 police officer, and that officer’s working dog, if applicable; and

36 (c) for further investments, including through grants, loans,  
37 reimbursements of expenses, and other financial assistance, in  
38 municipalities defined as an “impact zone” pursuant to section 3 of  
39 P.L. , c. (C. ) (passed both Houses of the Legislature on  
40 December 17, 2020 as Second Reprint of Assembly Bill No. 21), as  
41 well as provide direct financial assistance to qualifying persons  
42 residing therein as recommended by the commission.

43 The monies appropriated pursuant to paragraph (1) of this  
44 subsection shall be offset by any revenue constitutionally dedicated  
45 to municipalities defined as an “impact zone” pursuant to section 3  
46 of P.L. , c. (C. ) (passed both Houses of the Legislature on  
47 December 17, 2020 as Second Reprint of Assembly Bill No. 21).

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

4 d. (1) (a) Not less than 60 days prior to the first day of each  
5 State fiscal year, the commission shall consult and make  
6 recommendations to the Governor and Legislature for making social  
7 equity appropriations based upon the amount of any revenues  
8 collected during the current fiscal year for the Social Equity Excise  
9 Fee pursuant to section 39 of P.L. , c. (C. ) (passed both  
10 Houses of the Legislature on December 17, 2020 as Second Reprint  
11 of Assembly Bill No. 21), or, if the commission has not imposed or  
12 adjusted the excise fee in the current fiscal year pursuant to that  
13 section, then appropriations to be made from the General Fund in an  
14 amount equal to the revenues that would have been collected had it  
15 imposed or adjusted the fee, in order to invest, through grants,  
16 loans, reimbursements of expenses, and other financial assistance,  
17 in private for-profit and non-profit organizations, public entities,  
18 including any municipality defined as an "impact zone" pursuant to  
19 section 3 of P.L. , c. (C. ) (passed both Houses of the  
20 Legislature on December 17, 2020 as Second Reprint of Assembly  
21 Bill No. 21), as well as provide direct financial assistance to  
22 qualifying persons as determined by the commission, in order to  
23 create, expand, or promote educational and economic opportunities  
24 and activities, and the health and well-being of both communities  
25 and individuals.

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

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

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

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

46 (c) social support services, including food assistance, mental  
47 health services, substance use disorders treatment and recovery,  
48 youth recreation and mentoring services, life skills support services,

1 and reentry and other rehabilitative services for adults and juveniles  
2 being released from incarceration; and

3 (d) legal aid for civil and criminal cases <sup>1</sup>, regardless of a  
4 party's citizenship or immigration status<sup>1</sup>.

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

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

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

31 (cf: P.L.2021, c. , s.41)

32

33 <sup>1</sup>**[5.] 6.**<sup>1</sup> (New section) a. A person who is not otherwise  
34 subject to the penalty provisions for a licensed cannabis  
35 establishment, distributor, or delivery service, or agent or employee  
36 thereof, for selling or otherwise providing a cannabis item to a  
37 person under 21 years of age as set forth in section 64 of P.L. , c.  
38 (C. ) (passed both Houses of the Legislature on December 17,  
39 2020 as Second Reprint of Assembly Bill No. 21), shall not, either  
40 directly or indirectly by an agent or employee, sell, offer for sale,  
41 distribute for commercial purpose or otherwise at no cost or  
42 minimal cost or with coupons or rebate offers, give, or furnish, any  
43 cannabis item as defined in section 3 of P.L. , c. (C. ) (passed  
44 both Houses of the Legislature on December 17, 2020 as Second  
45 Reprint of Assembly Bill No. 21) to a person under 21 years of age.

46 b. A person who violates the provisions of subsection a. of this  
47 section who actually sells or otherwise provides a cannabis item to  
48 a person under 21 years of age, shall be liable to a civil penalty of

1 not less than \$250 for the first violation, not less than \$500 for the  
2 second violation, and <sup>1</sup>["\$1,000"] shall be guilty of a petty disorderly  
3 persons offense<sup>1</sup> for the third and each subsequent violation. The  
4 civil penalty shall be collected pursuant to the "Penalty  
5 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.),  
6 in a summary proceeding before the municipal court having  
7 jurisdiction. An official authorized by the Cannabis Regulatory  
8 Commission established pursuant to section 31 of P.L.2019, c.153  
9 (C.24:6I-24), or authorized by statute or ordinance to enforce the  
10 State or local health codes or a law enforcement officer having  
11 enforcement authority in that municipality may issue a summons for  
12 a violation of the provisions of subsection a. of this section, and,  
13 with respect to a civil penalty,<sup>1</sup> may serve and execute all process  
14 with respect to the enforcement of this section consistent with the  
15 Rules of Court. A <sup>1</sup>civil<sup>1</sup> penalty recovered under the provisions of  
16 this subsection shall be recovered by and in the name of the State  
17 by the local health agency. The penalty shall be paid into the  
18 treasury of the municipality in which the violation occurred for the  
19 general uses of the municipality.

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

23 (1) that the purchaser or the recipient of the cannabis item  
24 falsely represented, by producing a driver's license or non-driver  
25 identification card issued by the New Jersey Motor Vehicle  
26 Commission, a similar card issued pursuant to the laws of another  
27 state or the federal government of Canada, a photographic  
28 identification card issued by a county clerk, or other form of  
29 government-issued identification described in subparagraph (a) of  
30 paragraph (6) of subsection a. of section 18 of P.L. , c. (C. )  
31 (passed both Houses of the Legislature on December 17, 2020 as  
32 Second Reprint of Assembly Bill No. 21), that the purchaser or  
33 recipient was of legal age to make the purchase or receive the  
34 cannabis item;

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

39 (3) that the sale or distribution was made in good faith, relying  
40 upon the production of the identification set forth in paragraph (1)  
41 of this subsection, the appearance of the purchaser or recipient, and  
42 in the reasonable belief that the purchaser or recipient was of legal  
43 age to make the purchase or receive the sample.

44 d. A <sup>1</sup>civil<sup>1</sup> penalty imposed pursuant to this section shall be in  
45 addition to any penalty that may be imposed pursuant to section 3  
46 of P.L.1999, c.90 (C.2C:33-13.1).

1       <sup>1</sup>**[6.] 7.**<sup>1</sup> (New Section) The Cannabis Regulatory Commission  
2 established pursuant to section 31 of P.L.2019, c.153 (C.24:6I-24)  
3 and the Commissioner of Health are authorized to coordinate and  
4 enforce the provisions of section <sup>1</sup>**[5] 6.**<sup>1</sup> of P.L. , c. (C. )  
5 (pending before the Legislature as this bill) with respect to the  
6 prohibition on the sale or distribution of cannabis items, as defined  
7 in section 3 of P.L. , c. (C. ) (passed both Houses of the  
8 Legislature on December 17, 2020 as Second Reprint of Assembly  
9 Bill No. 21), to persons under 21 years of age. The commission, or  
10 commissioner, or both, may delegate the enforcement authority  
11 provided in this section to local health agencies, subject to the  
12 availability of sufficient funding. The commission, in consultation  
13 with the commissioner, shall report on the enforcement program's  
14 progress, results of enforcement efforts, and other matters the  
15 commission deems appropriate in the commission's annual report  
16 on personal use cannabis activities that is prepared pursuant to  
17 paragraph (3) of subsection a. of section 14 of P.L.2009, c.307  
18 (C.24:6I-12).

19

20       <sup>1</sup>**[7.] 8.**<sup>1</sup> The title of P.L.1995, c.304 is amended to read as  
21 follows:

22 **AN ACT** concerning penalties for the sale and distribution of  
23 **[tobacco] certain regulated products** to persons under the age of  
24 **[18] 21 years**, amending N.J.S.2A:170-51 and P.L.1987, c.423,  
25 and supplementing chapter 170 of Title 2A of the New Jersey  
26 Statutes.

27 (cf: P.L.1995, c.304, title)

28

29       <sup>1</sup>**[8.] 9.**<sup>1</sup> Section 3 of P.L.1995, c.304 (C.2A:170-51.1) is  
30 amended to read as follows:

31       3. A person 21 years of age or older who purchases a tobacco  
32 product or cannabis item as defined section 3 of P.L. ,  
33 c. (C. ) (passed both Houses of the Legislature on December  
34 17, 2020 as Second Reprint of Assembly Bill No. 21) for a person  
35 who is under 21 years of age is a petty disorderly person.

36 (cf: P.L.2017, c.118, s.1)

37

38       <sup>1</sup>**[9.] 10.**<sup>1</sup> Section 3 of P.L.1999, c.90 (C.2C:33-13.1) is  
39 amended to read as follows:

40       3. a. A person who sells or gives to a person under 21 years of  
41 age any cigarettes made of tobacco or of any other matter or  
42 substance which can be smoked, or any cigarette paper or tobacco  
43 in any form, including smokeless tobacco, or any electronic  
44 smoking device that can be used to deliver nicotine or other  
45 substances to the person inhaling from the device, including, but not  
46 limited to, an electronic cigarette, cigar, cigarillo, or pipe, or any  
47 cartridge or other component of the device or related product, or

1 any cannabis item as defined in section 3 of P.L. , c. (C. )  
2 (passed both Houses of the Legislature on December 17, 2020 as  
3 Second Reprint of Assembly Bill No. 21), including an employee of  
4 a retail dealer licensee under P.L.1948, c.65 (C.54:40A-1 et seq.) or  
5 employee of a licensed cannabis establishment, cannabis distributor,  
6 or cannabis delivery service under P.L. , c. (C. ) (passed  
7 both Houses of the Legislature on December 17, 2020 as Second  
8 Reprint of Assembly Bill No. 21), who actually sells or otherwise  
9 provides a tobacco product **【or】** , electronic smoking device , or  
10 cannabis item to a person under 21 years of age, shall be punished  
11 by a fine as provided for a petty disorderly persons offense. A  
12 person who has been previously punished under this section and  
13 who commits another offense under it may be punishable by a fine  
14 of twice that provided for a petty disorderly persons offense.

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

18 (1) that the purchaser or recipient of the tobacco product **【or】** ,  
19 electronic smoking device , or cannabis item falsely represented, by  
20 producing **【either】** a driver's license or non-driver identification  
21 card issued by the New Jersey Motor Vehicle Commission, a  
22 similar card issued pursuant to the laws of another state or the  
23 federal government of Canada, **【or】** a photographic identification  
24 card issued by a county clerk, or other form of government-issued  
25 identification described in subparagraph (a) of paragraph (6) of  
26 subsection a. of section 18 of P.L. , c. (C. ) (passed both  
27 Houses of the Legislature on December 17, 2020 as Second Reprint  
28 of Assembly Bill No. 21), that the purchaser or recipient was of  
29 legal age to purchase or receive the tobacco product **【or】** ,  
30 electronic smoking device, or cannabis item;

31 (2) that the appearance of the purchaser or recipient of the  
32 tobacco product **【or】** , electronic smoking device , or cannabis item  
33 was such that an ordinary prudent person would believe the  
34 purchaser or recipient to be of legal age to purchase or receive the  
35 tobacco product **【or】** , electronic smoking device , or cannabis  
36 item; and

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

44 c. A penalty imposed pursuant to this section shall be in  
45 addition to any penalty that may be imposed pursuant to section 1  
46 of P.L.2000, c.87 (C.2A:170-51.4) concerning tobacco products or  
47 electronic smoking devices, or section 64 of P.L. , c. (C. )

1 (passed both Houses of the Legislature on December 17, 2020 as  
2 Second Reprint of Assembly Bill No. 21) or section ~~1~~<sup>1</sup> ~~5~~<sup>6</sup> of  
3 P.L. , c. (C. ) (pending before the Legislature as this bill)  
4 concerning cannabis items.  
5 (cf: P.L.2017, c.118, s.3)

6  
7 ~~1~~<sup>1</sup> ~~10~~<sup>11</sup> Section 46 of P.L. , c. (C. ) (passed both  
8 Houses of the Legislature on December 17, 2020 as Second Reprint  
9 of Assembly Bill No. 21) is amended to read as follows:

10 46. Personal Use of Cannabis Items.

11 Notwithstanding any other provision of law, the following acts  
12 are not unlawful and shall not be an offense or a basis for seizure or  
13 forfeiture of assets under N.J.S.2C:64-1 et seq. or other applicable  
14 law for persons 21 years of age or older, provided the acts are  
15 consistent with the relevant definitions set forth in section 3 of  
16 P.L. , c. (C. ) (passed both Houses of the Legislature on  
17 December 17, 2020 as Second Reprint of Assembly Bill No. 21),  
18 and when an act involves a cannabis item, it was first obtained  
19 directly from a licensed cannabis retailer or delivered by a licensed  
20 cannabis delivery service making delivery of a purchase order  
21 fulfilled by that licensed cannabis retailer for off-premises delivery,  
22 evidenced by it being in its original packaging or by a sales slip,  
23 invoice, receipt, or other statement or memorandum:

24 a. Possessing, displaying, purchasing, or transporting: cannabis  
25 paraphernalia; one ounce (28.35 grams) or less of useable cannabis;  
26 the equivalent of one ounce (28.35 grams) or less of usable  
27 cannabis as a cannabis product in solid, liquid, or concentrate form,  
28 based upon an equivalency calculation for different product forms  
29 set by the Cannabis Regulatory Commission, established pursuant  
30 to section 31 of P.L.2019, c.153 (C.24:6I-24), in its regulations, and  
31 for which the commission may utilize research conducted in other  
32 states on the issue of product equivalency calculations when setting  
33 this equivalency; or 5 grams (0.176 ounce) or less of cannabis resin.  
34 Possessing, displaying, purchasing, or transporting at any one time  
35 any amount of any cannabis items described herein in an amount  
36 greater than as permitted pursuant to this subsection shall be  
37 considered a violation of the “Comprehensive Drug Reform Act of  
38 1987,” P.L.1987, c.106 (N.J.S.2C:35-1 et al.), and subject the  
39 person to prosecution as if the person possessed, displayed,  
40 purchased, or transported marijuana or hashish in violation of that  
41 act;

42 b. Transferring without remuneration: one ounce (28.35 grams)  
43 or less of useable cannabis; the equivalent of one ounce (28.35  
44 grams) or less of usable cannabis as a cannabis product in solid,  
45 liquid, or concentrate form, based upon the equivalency calculation  
46 for different product forms set by the commission pursuant to  
47 subsection a. of this section; or five grams (0.176 ounce) or less of  
48 cannabis resin to a person who is of legal age for purchasing

1 cannabis items, provided that such transfer is for non-promotional,  
2 non-business purposes. Transferring at any one time any amount of  
3 any cannabis items described herein in an amount greater than as  
4 permitted pursuant to this subsection **【**, or to a person who is not of  
5 legal age to purchase cannabis items,**】** shall be considered a  
6 violation of the “Comprehensive Drug Reform Act of 1987,”  
7 P.L.1987, c.106 (N.J.S.2C:35-1 et al.), and subject the person to  
8 prosecution as if the person distributed marijuana or hashish in  
9 violation of that act **【**, unless the transfer**】** . Transferring to a  
10 person who is not of legal age that was done by a cannabis  
11 establishment, distributor, or delivery service licensed pursuant to  
12 P.L. , c. (C. ) (passed both Houses of the Legislature on  
13 December 17, 2020 as Second Reprint of Assembly Bill No. 21), or  
14 an employee or agent thereof, **【in which case it**】** or by any other**  
15 **person, is **【a civil violation and the**】** subject to a civil penalty <sup>1</sup>or****  
16 **other legal consequences<sup>1</sup> as set forth in subsection b. of section 64**  
17 **of P.L. , c. (C. ) (passed both Houses of the Legislature on**  
18 **December 17, 2020 as Second Reprint of Assembly Bill No. 21)**  
19 ****【shall apply**】** or section <sup>1</sup>**【5】 6<sup>1</sup>** of P.L. , c. (C. ) (pending**  
20 **before the Legislature as this bill), as applicable, and a fine as set**  
21 **forth in section 3 of P.L.1999, c.90 (C.2C:33-13.1);****

22 c. Taking delivery of or consuming a lawfully possessed  
23 cannabis item, provided that nothing in this section shall permit a  
24 person to smoke, vape, or aerosolize any cannabis item in a public  
25 place. This prohibition includes the smoking, vaping, or  
26 aerosolizing of a cannabis item in any public place pursuant to law  
27 that prohibits the smoking of tobacco, including N.J.S.2C:33-13 and  
28 the “New Jersey Smoke-Free Air Act,” P.L.2005, c.383 (C.26:3D-  
29 55 et seq.), and any indoor public place, as that term is defined in  
30 section 3 of P.L.2005, c.383 (C.26:3D-57), or portion thereof, even  
31 if the smoking of tobacco is otherwise permitted in that place or  
32 portion thereof pursuant to the “New Jersey Smoke-Free Air Act”;  
33 except that the smoking, vaping, or aerosolizing of a cannabis item  
34 shall be permitted in a cannabis consumption area as set forth in  
35 section 28 of P.L.2019, c.153 (C.24:6I-21), and may be permitted  
36 by the person or entity that owns or controls a hotel, motel, or other  
37 lodging establishment as defined in section 1 of P.L.1967, c.95  
38 (C.29:4-5) in up to 20 percent of its guest rooms. The smoking,  
39 vaping, or aerosolizing of a cannabis item may also be prohibited or  
40 otherwise regulated in multifamily housing that is a multiple  
41 dwelling as defined in section 3 of P.L.1967, c.76 (C.55:13A-3), as  
42 decided by the person or entity that owns or controls the  
43 multifamily housing, or prohibited or otherwise regulated in the  
44 structure or specific units of the structure of a cooperative as  
45 defined in section 3 of P.L.1987, c.381 (C.46:8D-3) by the  
46 corporation or other legal entity that owns the structure, or  
47 prohibited or otherwise regulated in the units of a condominium, as



1 those terms are defined by section 3 of P.L.1969, c.257 (C.46:8B-  
2 3), if approved by the association for the condominium and a  
3 majority of all of the condominium's unit owners, as those terms  
4 are defined in that section. Except as otherwise provided by P.L. ,  
5 c. (C. ) (passed both Houses of the Legislature on December  
6 17, 2020 as Second Reprint of Assembly Bill No. 21), any penalties  
7 that may be assessed for the smoking of tobacco where prohibited  
8 under the "New Jersey Smoke-Free Air Act" shall be applicable to  
9 the smoking, vaping, or aerosolizing of cannabis items where  
10 prohibited. Concerning the consumption of any cannabis item,  
11 other than by smoking, vaping, or aerosolizing: a person or entity  
12 that owns or controls a property, other than multifamily housing  
13 that is a multiple dwelling as defined in section 3 of P.L.1967, c.76  
14 (C.55:13A-3), the structure or specific units of the structure of a  
15 cooperative as defined in section 3 of P.L.1987, c.381 (C.46:8D-3),  
16 a unit of a condominium, as those terms are defined by section 3 of  
17 P.L.1969, c.257 (C.46:8B-3), or a site in a mobile home park as  
18 defined in section 3 of P.L.1983, c.386 (C.40:55D-102), which site  
19 is leased to the owner of a manufactured home, as defined in that  
20 section, that is installed thereon, may prohibit or otherwise regulate  
21 the consumption of cannabis items on or in that property, including  
22 a casino hotel facility as defined in section 19 of P.L.1977, c.110  
23 (C.5:12-19) with respect to a hotel property, a casino as defined in  
24 section 6 of P.L.1977, c.110 (C.5:12-6), or casino simulcasting  
25 facility authorized pursuant to the "Casino Simulcasting Act,"  
26 P.L.1992, c.19 (C.5:12-191 et al.); <sup>1</sup>and a municipality may enact  
27 an ordinance making it an unlawful act for any person 21 years of  
28 age or older to consume, other than by smoking, vaping, or  
29 aerosolizing, any cannabis item in a public place, including any  
30 indoor public place as that term is defined in section 3 of P.L.2005,  
31 c.383 (C.26:3D-57), or portion thereof, and providing a civil  
32 penalty for a violation in accordance with section 77 of P.L. ,  
33 c. (C. ) (passed both Houses of the Legislature on December  
34 17, 2020 as Second Reprint of Assembly Bill No. 21);<sup>1</sup> and

35 d. Assisting another person to engage in any of the acts  
36 described in subsections a. through c. of this section, provided that  
37 the person being assisted is of legal age to purchase cannabis items  
38 and the assistance being provided is without remuneration.  
39 (cf: P.L.2021, c. , s.46)

40

41 <sup>1</sup>**[11.] 12.**<sup>1</sup> Section 64 of P.L. , c. (C. ) (passed both  
42 Houses of the Legislature on December 17, 2020 as Second Reprint  
43 of Assembly Bill No. 21) is amended to read as follows:

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

46 Consistent with the relevant definitions set forth in section 3 of  
47 P.L. , c. (C. ) (passed both Houses of the Legislature on  
48 December 17, 2020 as Second Reprint of Assembly Bill No. 21):

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

7 b. Any licensee or employee or agent of a licensee who  
8 ~~allows~~ violates subsection a. of this section who sells or  
9 otherwise provides a person under ~~the age of~~ 21 ~~to procure~~  
10 years of age cannabis items which, pursuant to section 46 of P.L. ,  
11 c. (C. ) (passed both Houses of the Legislature as Second  
12 Reprint of Assembly Bill No. 21) are ~~not unlawful~~ lawful for  
13 persons 21 years of age or older to procure for personal use, shall be  
14 subject to a civil penalty of not less than \$250 for the first violation;  
15 \$500 for the second violation; and ~~shall be guilty of a~~  
16 petty disorderly persons offense<sup>1</sup> for the third and each subsequent  
17 violation; a <sup>1</sup>civil penalty imposed pursuant to this subsection shall  
18 be in addition ~~subject~~ to any penalty that may be imposed  
19 pursuant to section 3 of P.L.1999, c.90 (C.2C:33-13.1). Subject to a  
20 hearing, a licensee's license may also be revoked, suspended, or  
21 otherwise limited. The <sup>1</sup>civil penalties provided for in this  
22 subsection shall be recovered by a summary proceeding pursuant to  
23 the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-  
24 10 et seq.).

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

30 (1) That the purchaser or recipient of the cannabis item falsely  
31 represented that the purchaser or recipient was of legal age to make  
32 the purchase or receive the cannabis item, by producing a driver's  
33 license or non-driver identification card issued by the New Jersey  
34 Motor Vehicle Commission, a similar card issued pursuant to the  
35 laws of another state or the federal government of Canada, a  
36 photographic identification card issued by a county clerk, or other  
37 form of government-issued identification ~~card as set forth~~  
38 described in subparagraph (a) of paragraph (6) of subsection a. of  
39 section 18 of P.L. , c. (C. ) (passed both Houses of the  
40 Legislature on December 17, 2020 as Second Reprint of Assembly  
41 Bill No. 21), to determine the consumer's identity and age; ~~and~~

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

46 (3) That the sale or distribution was made in good faith, relying  
47 upon the production of the identification set forth in paragraph (1)

1 of this subsection, the appearance of the purchaser or recipient, and  
2 in the reasonable belief that the purchaser or recipient was actually  
3 of legal age to make the purchase or receive the cannabis item.

4 d. **【It shall be unlawful for a】** A person under **【the age of】** 21  
5 **【to】** years of age shall not purchase, acquire, or attempt to purchase  
6 or acquire a cannabis item, even if the cannabis item may be legally  
7 purchased by persons at or above the legal age for purchasing  
8 cannabis items.

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

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

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

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

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

34 g. **【Any person under the legal age to purchase cannabis, who**  
35 **knowingly possesses without legal authority or who knowingly**  
36 **consumes any cannabis item, in any school, public conveyance,**  
37 **public place, place of public assembly, or motor vehicle, shall be**  
38 **guilty of an offense as set forth in section 1 of P.L.1979, c.264**  
39 **(C.2C:33-15). Any person under the legal age to purchase**  
40 **cannabis, who knowingly possesses without legal authority or who**  
41 **knowingly consumes, any cannabis item on private property shall**  
42 **be guilty of a municipal violation as set forth in section 1 of**  
43 **P.L.2000, c.33 (C.40:48-1.2).】** (Deleted by amendment, P.L. ,  
44 c. ) (pending before the Legislature as this bill)

45 h. The prohibitions of this section do not apply to a person  
46 under the legal age for purchasing cannabis items who is acting  
47 under the direction of the commission or under the direction of

1 State or local law enforcement agencies for the purpose of  
2 investigating possible violations of the laws prohibiting the sale of  
3 cannabis items to persons who are under the legal age for  
4 purchasing cannabis items.

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

11 (cf: P.L.2021, c. , s.64)

12

13 <sup>1</sup>**【12.】 13.** Section 1 of P.L.1983, c.565 (C.2C:21-2.1) is  
14 amended to read as follows:

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

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

29 c. A person who knowingly exhibits, displays or utters a  
30 document or other writing which falsely purports to be a driver's  
31 license, birth certificate or other document issued by a  
32 governmental agency and which could be used as a means of  
33 verifying a person's identity or age or any other personal identifying  
34 information is guilty of a crime of the third degree. A violation of  
35 N.J.S.2C:28-7, constituting a disorderly persons offense, section 1  
36 of P.L.1979, c.264 (C.2C:33-15), section 64 of P.L. , c. (C. )  
37 (passed both Houses of the Legislature on December 17, 2020 as  
38 Second Reprint of Assembly Bill No. 21), R.S.33:1-81 or section 6  
39 of P.L.1968, c.313 (C.33:1-81.7) in a case where the person uses the  
40 personal identifying information of another to illegally purchase an  
41 alcoholic beverage or for using the personal identifying information  
42 of another to misrepresent the person's age for the purpose of  
43 obtaining tobacco, cannabis item, or other consumer product denied  
44 to persons under 21 years of age shall not **【**, except as otherwise set  
45 forth in this subsection,**】** constitute an offense under this subsection  
46 if the actor received only that benefit or service and did not  
47 perpetrate or attempt to perpetrate any additional injury or fraud on  
48 another. **【**If a person used the personal identifying information of

1 another to misrepresent the person’s age for the purpose of illegally  
2 obtaining any cannabis item available for lawful consumption  
3 pursuant to the “New Jersey Cannabis Regulatory, Enforcement  
4 Assistance, and Marketplace Modernization Act,” P.L. \_\_\_\_\_,  
5 c. (C. \_\_\_\_\_) (passed both Houses of the Legislature as Second  
6 Reprint of Assembly Bill No. 21), the person shall be subject to a  
7 civil penalty of \$50. The civil penalty provided for in this  
8 subsection shall be collected pursuant to the “Penalty Enforcement  
9 Law of 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.), in a summary  
10 proceeding before the municipal court having jurisdiction. A civil  
11 penalty recovered under the provisions of this subsection shall be  
12 recovered by and in the name of the State by the local municipality.  
13 The penalty shall be paid into the treasury of the municipality in  
14 which the violation occurred for the general use of the  
15 municipality.】

16 d. A person who knowingly possesses a document or other  
17 writing which falsely purports to be a driver's license, birth  
18 certificate or other document issued by a governmental agency and  
19 which could be used as a means of verifying a person's identity or  
20 age or any other personal identifying information is guilty of a  
21 crime of the fourth degree. A violation of N.J.S.2C:28-7,  
22 constituting a disorderly persons offense, section 1 of P.L.1979,  
23 c.264 (C.2C:33-15), section 64 of P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_) (passed both  
24 Houses of the Legislature on December 17, 2020 as Second Reprint  
25 of Assembly Bill No. 21), R.S.33:1-81 or section 6 of P.L.1968,  
26 c.313 (C.33:1-81.7) in a case where the person uses the personal  
27 identifying information of another to illegally purchase an alcoholic  
28 beverage or for using the personal identifying information of  
29 another to misrepresent his age for the purpose of obtaining  
30 tobacco, <sup>1</sup>any<sup>1</sup> cannabis item, or other consumer product denied to  
31 persons under 21 years of age shall not **【**, except as otherwise set  
32 forth in this subsection,**】** constitute an offense under this subsection  
33 if the actor received only that benefit or service and did not  
34 perpetrate or attempt to perpetrate any additional injury or fraud on  
35 another. **【**If the personal identifying information of another is used  
36 to obtain any cannabis item available for lawful consumption  
37 pursuant to the “New Jersey Cannabis Regulatory, Enforcement  
38 Assistance, and Marketplace Modernization Act,” P.L. \_\_\_\_\_,  
39 c. (C. \_\_\_\_\_) (passed both Houses of the Legislature as Second  
40 Reprint of Assembly Bill No. 21), the person shall be subject to a  
41 civil penalty of \$50. The penalty provided for in this subsection  
42 shall be collected pursuant to the “Penalty Enforcement Law of  
43 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.), in a summary  
44 proceeding before the municipal court having jurisdiction. A  
45 penalty recovered under the provisions of this subsection shall be  
46 recovered by and in the name of the State by the local municipality.  
47 The penalty shall be paid into the treasury of the municipality in

1 which the violation occurred for the general use of the  
2 municipality.】

3 e. In addition to any other disposition authorized by this Title,  
4 the provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43), or any  
5 other statute indicating the dispositions that may be ordered for an  
6 adjudication of delinquency, and, notwithstanding the provisions of  
7 subsection c. of N.J.S.2C:43-2, every person convicted of, or  
8 adjudicated delinquent or penalized for a violation of any offense  
9 defined in this section shall forthwith forfeit his right to operate a  
10 motor vehicle over the highways of this State for a period to be  
11 fixed by the court at not less than six months or more than two  
12 years which shall commence on the day the sentence is imposed. In  
13 the case of any person who at the time of the imposition of the  
14 sentence is less than 17 years of age, the period of the suspension of  
15 driving privileges authorized herein, including a suspension of the  
16 privilege of operating a motorized bicycle, shall commence on the  
17 day the sentence is imposed and shall run for a period as fixed by  
18 the court of not less than six months or more than two years after  
19 the day the person reaches the age of 17 years. If the driving  
20 privilege of any person is under revocation, suspension, or  
21 postponement for a violation of any provision of this Title or Title  
22 39 of the Revised Statutes at the time of any conviction or  
23 adjudication of delinquency for a violation of any offense defined in  
24 this chapter or chapter 36 of this Title, the revocation, suspension,  
25 or postponement period imposed herein shall commence as of the  
26 date of termination of the existing revocation, suspension or  
27 postponement.

28 The court before whom any person is convicted of, or  
29 adjudicated delinquent or penalized for a violation of any offense  
30 defined in this section shall collect forthwith the New Jersey  
31 driver's license or licenses of that person and forward the license or  
32 licenses to the Chief Administrator of the New Jersey Motor  
33 Vehicle Commission along with a report indicating the first and last  
34 day of the suspension or postponement period imposed by the court  
35 pursuant to this section. If the court is for any reason unable to  
36 collect the license or licenses of the person, the court shall cause a  
37 report of the conviction or adjudication of delinquency to be filed  
38 with the director. The report shall include the complete name,  
39 address, date of birth, eye color and sex of the person and shall  
40 indicate the first and last day of the suspension or postponement  
41 period imposed by the court pursuant to this section. The court  
42 shall inform the person orally and in writing that if the person is  
43 convicted of personally operating a motor vehicle during the period  
44 of license suspension or postponement imposed pursuant to this  
45 section, the person shall, upon conviction, be subject to the  
46 penalties set forth in R.S.39:3-40. A person shall be required to  
47 acknowledge receipt of the written notice in writing. Failure to  
48 receive a written notice or failure to acknowledge in writing the

1 receipt of a written notice shall not be a defense to a subsequent  
2 charge of a violation of R.S.39:3-40. If the person is the holder of a  
3 driver's license from another jurisdiction, the court shall not collect  
4 the license, but shall notify forthwith the director who shall notify  
5 the appropriate officials in that licensing jurisdiction. The court  
6 shall, however, in accordance with the provisions of this section,  
7 revoke the person's non-resident driving privileges in this State.

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

12 (cf: P.L.2021, c. , s.65)

13  
14 **13.** **14.**<sup>1</sup> N.J.S.2C:21-17 is amended to read as follows:

15 2C:21-17. Impersonation; Theft of identity; crime.

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

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

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

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

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

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

1 As used in this section:

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

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

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

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

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

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

22 d. A violation of N.J.S.2C:28-7, constituting a disorderly  
23 persons offense, section 1 of P.L.1979, c.264 (C.2C:33-15), section  
24 64 of P.L. , c. (C. ) (passed both Houses of the Legislature  
25 on December 17, 2020 as Second Reprint of Assembly Bill No. 21),  
26 R.S.33:1-81 or section 6 of P.L.1968, c.313 (C.33:1-81.7) in a case  
27 where the person uses the personal identifying information of  
28 another to illegally purchase an alcoholic beverage or for using the  
29 personal identifying information of another to misrepresent the  
30 person's age for the purpose of obtaining tobacco, <sup>1</sup>any<sup>1</sup> cannabis  
31 item, or other consumer product denied to persons under 21 years of  
32 age shall not [ , except as otherwise set forth in this subsection, ]  
33 constitute an offense under this section if the actor received only  
34 that benefit or service and did not perpetrate or attempt to perpetrate  
35 any additional injury or fraud on another. [If a person used the  
36 personal identifying information of another to misrepresent the  
37 person's age for the purpose of illegally obtaining any cannabis  
38 item available for lawful consumption pursuant to the "New Jersey  
39 Cannabis Regulatory, Enforcement Assistance, and Marketplace  
40 Modernization Act," P.L. , c. (C. ) (passed both Houses of  
41 the Legislature as Second Reprint of Assembly Bill No. 21), the  
42 person shall be subject to a civil penalty of \$50. The civil penalty  
43 provided for in this subsection shall be collected pursuant to the  
44 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10  
45 et seq.), in a summary proceeding before the municipal court having  
46 jurisdiction. A civil penalty recovered under the provisions of this  
47 subsection shall be recovered by and in the name of the State by the  
48 local municipality. The penalty shall be paid into the treasury of



1 the municipality in which the violation occurred for the general use  
2 of the municipality.】

3 e. The sentencing court shall issue such orders as are necessary  
4 to correct any public record or government document that contains  
5 false information as a result of a theft of identity. The sentencing  
6 court may provide restitution to the victim in accordance with the  
7 provisions of section 4 of P.L.2002, c.85 (C.2C:21-17.1).  
8 (cf: P.L.2021, c. , s.66)

9  
10 <sup>1</sup>【14.】 15.<sup>1</sup> Section 5 of P.L.2003, c.184 (C.2C:21-17.2) is  
11 amended to read as follows:

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

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

27 c. A violation of N.J.S.2C:28-7, constituting a disorderly  
28 persons offense, section 1 of P.L.1979, c.264 (C.2C:33-15), section  
29 64 of P.L. , c. (C. ) (passed both Houses of the Legislature  
30 on December 17, 2020 as Second Reprint of Assembly Bill No. 21),  
31 R.S.33:1-81 or section 6 of P.L.1968, c.313 (C.33:1-81.7) in a case  
32 where the person uses the personal identifying information of  
33 another to illegally purchase an alcoholic beverage or for using the  
34 personal identifying information of another to misrepresent his age  
35 for the purpose of obtaining tobacco, <sup>1</sup>any cannabis item, or other  
36 consumer product denied to persons under 21 years of age shall not  
37 **【, except as otherwise set forth in this subsection,】** constitute an  
38 offense under this section if the actor received only that benefit or  
39 service and did not perpetrate or attempt to perpetrate any  
40 additional injury or fraud on another. **【If the personal identifying**  
41 **information of another is used to obtain any cannabis item available**  
42 **for lawful consumption pursuant to the “New Jersey Cannabis**  
43 **Regulatory, Enforcement Assistance, and Marketplace**  
44 **Modernization Act,” P.L. , c. (C. ) (passed both Houses of**  
45 **the Legislature as Second Reprint of Assembly Bill No. 21), the**  
46 **person shall be subject to a civil penalty of \$50. The civil penalty**  
47 **provided for in this subsection shall be collected pursuant to the**

1 “Penalty Enforcement Law of 1999,” P.L.1999, c.274 (C.2A:58-10  
2 et seq.), in a summary proceeding before the municipal court having  
3 jurisdiction. A civil penalty recovered under the provisions of this  
4 subsection shall be recovered by and in the name of the State by the  
5 local municipality. The penalty shall be paid into the treasury of  
6 the municipality in which the violation occurred for the general use  
7 of the municipality.】

8 (cf: P.L.2021, c. , s.67)

9

10 <sup>1</sup>16. Section 76 of P.L. , c. (C. ) (passed both Houses of  
11 the Legislature on December 17, 2020 as Second Reprint of  
12 Assembly Bill No. 21) is amended to read as follows:

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

14 40:48-1. Ordinances; general purpose. The governing body of  
15 every municipality may make, amend, repeal and enforce  
16 ordinances to:

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

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

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

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

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

40 Maintain order. 6. Prevent vice, drunkenness and immorality; to  
41 preserve the public peace and order; to prevent and quell riots,  
42 disturbances and disorderly assemblages; 【to prohibit the  
43 consumption of alcoholic beverages or cannabis items by underage  
44 persons on private property pursuant to section 1 of P.L.2000, c.33  
45 (C.40:48-1.2);】

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

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

4 Swimming; bathing costume; prohibition of public nudity. 9.  
5 Regulate or prohibit swimming or bathing in the waters of, in, or  
6 bounding the municipality, and to regulate or prohibit persons from  
7 appearing upon the public streets, parks and places clad in bathing  
8 costumes or robes, or costumes of a similar character; regulate or  
9 prohibit persons from appearing in a state of nudity upon all lands  
10 within its borders which are under the jurisdiction of the State  
11 including, without limitation, all lands owned by, controlled by,  
12 managed by or leased by the State;

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

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

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

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

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

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

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

- 1 Explosives. 17. Regulate, in conformity with the statutes of this  
2 State, the manufacture, storage, sale, keeping or conveying of  
3 gunpowder, nitroglycerine, dynamite and other explosives;
- 4 Firearms and fireworks. 18. Regulate and prohibit the sale and  
5 use of guns, pistols, firearms, and fireworks of all descriptions;
- 6 Soft coal. 19. Regulate the use of soft coal in locomotives,  
7 factories, power houses and other places;
- 8 Theaters, schools, churches and public places. 20. Regulate the  
9 use of theaters, cinema houses, public halls, schools, churches, and  
10 other places where numbers of people assemble, and the exits  
11 therefrom, so that escape therefrom may be easily and safely made  
12 in case of fire or panic; and to regulate any machinery, scenery,  
13 lights, wires and other apparatus, equipment or appliances used in  
14 all places of public amusement;
- 15 Excavations. 21. Regulate excavations below the established  
16 grade or curb line of any street, not greater than eight feet, which  
17 the owner of any land may make, in the erection of any building  
18 upon his own property; and to provide for the giving of notice, in  
19 writing, of such intended excavation to any adjoining owner or  
20 owners, and that they will be required to protect and care for their  
21 several foundation walls that may be endangered by such  
22 excavation; and to provide that in case of the neglect or refusal, for  
23 10 days, of such adjoining owner or owners to take proper action to  
24 secure and protect the foundations of any adjacent building or other  
25 structure, that the party or parties giving such notice, or their  
26 agents, contractors or employees, may enter into and upon such  
27 adjoining property and do all necessary work to make such  
28 foundations secure, and may recover the cost of such work and  
29 labor in so protecting such adjacent property; and to make such  
30 further and other provisions in relation to the proper conduct and  
31 performance of said work as the governing body or board of the  
32 municipality may deem necessary and proper;
- 33 Sample medicines. 22. Regulate and prohibit the distribution,  
34 depositing or leaving on the public streets or highways, public  
35 places or private property, or at any private place or places within  
36 any such municipality, any medicine, medicinal preparation or  
37 preparations represented to cure ailments or diseases of the body or  
38 mind, or any samples thereof, or any advertisements or circulars  
39 relating thereto, but no ordinance shall prohibit a delivery of any  
40 such article to any person above the age of 12 years willing to  
41 receive the same;
- 42 Boating. 23. Regulate the use of motor and other boats upon  
43 waters within or bounding the municipality;
- 44 Fire escapes. 24. Provide for the erection of fire escapes on  
45 buildings in the municipality, and to provide rules and regulations  
46 concerning the construction and maintenance of the same, and for  
47 the prevention of any obstruction thereof or thereon;

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

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

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

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

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

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

40 Government Energy Aggregation Programs. 31. Establish  
41 programs and procedures pursuant to which the municipality may  
42 act as a government aggregator pursuant to sections 40 through 43  
43 of P.L.1999, c.23 (C.48:3-89 through C.48:3-92), section 45 of  
44 P.L.1999, c.23 (C.48:3-94), and sections 1, 2 and 6 of P.L.2003,  
45 c.24 (C.48:3-93.1 through C.48:3-93.3). Notwithstanding the  
46 provisions of any other law, rule or regulation to the contrary, a  
47 municipality acting as a government aggregator pursuant to  
48 P.L.1999, c.23 (C.48:3-49 et al.) shall not be deemed to be a public

1 utility pursuant to R.S.40:62-24 or R.S.48:1-1 et seq. or be deemed  
2 to be operating any form of public utility service pursuant to  
3 R.S.40:62-1 et seq., to the extent such municipality is solely  
4 engaged in the provision of such aggregation service and not  
5 otherwise owning or operating any plant or facility for the  
6 production or distribution of gas, electricity, steam or other product  
7 as provided in R.S.40:62-12;

8 Joint municipal action on consent for the provision of cable  
9 television service. 32. Establish programs and procedures pursuant  
10 to which a municipality may act together with one or more  
11 municipalities in granting municipal consent for the provision of  
12 cable television service pursuant to the provisions of the "Cable  
13 Television Act," P.L.1972, c.186 (C.48:5A-1 et seq.) as amended  
14 and supplemented. Notwithstanding the provisions of any other  
15 law, rule or regulation to the contrary, two or more municipalities  
16 acting jointly pursuant to the provisions of P.L.1972, c.186  
17 (C.48:5A-1 et seq.) shall not be deemed a public utility pursuant to  
18 R.S.48:1-1 et seq., to the extent those municipalities are solely  
19 engaged in granting municipal consent jointly and are not otherwise  
20 owning or operating any facility for the provision of cable  
21 television service as provided in P.L.1972, c.186 (C.48:5A-  
22 1 et seq.);

23 Private cable television service aggregation programs. 33.  
24 Establish programs and procedures pursuant to which a  
25 municipality may employ the services of a private aggregator for  
26 the purpose of facilitating the joint action of two or more  
27 municipalities in granting municipal consent for the provision of  
28 cable television service provided that any such municipality shall  
29 adhere to the provisions of the "Cable Television Act," P.L.1972,  
30 c.186 (C.48:5A-1 et seq.) as amended and supplemented, and to the  
31 provisions of the "Local Public Contracts Law," P.L.1971, c.198  
32 (C.40A:11-1 et seq.) as amended and supplemented.  
33 Notwithstanding the provisions of any other law, rule or regulation  
34 to the contrary, a municipality that employs the services of a private  
35 aggregator pursuant to the provisions of P.L.1972, c.186 (C.48:5A-  
36 1 et seq.) shall not be deemed a public utility pursuant to R.S.48:1-  
37 1 et seq., to the extent that the municipality is solely engaged in  
38 employing the services of a private aggregator for the purpose of  
39 facilitating the joint action of two or more municipalities in  
40 granting municipal consent and is not otherwise owning or  
41 operating any facility for the provision of cable television service as  
42 provided in P.L.1972, c.186 (C.48:5A-1 et seq.);

43 Protective Custody. 34. Provide protective custody to persons  
44 arrested for operating a motor vehicle under the influence of  
45 alcoholic beverages, cannabis items as defined in section 3 of  
46 P.L. , c. (C. ) (pending before the Legislature as this bill),  
47 any chemical substance, or any controlled dangerous substance in

1 violation of R.S.39:4-50 as provided in section 1 of P.L.2003, c.164  
2 (C.40:48-1.3);

3 Private Outdoor Video Surveillance Camera Registry. 35.  
4 Establish a private outdoor video surveillance camera registry and  
5 allow voluntary registration of private outdoor video surveillance  
6 cameras as provided in P.L.2015, c.142 (C.40:48-1.6 et al.).<sup>1</sup>  
7 (cf: P.L.2021, c. , s.76)  
8

9 <sup>1</sup>**[15.] 17.**<sup>1</sup> (New section) a. (1) The Police Training  
10 Commission in the Department of Law and Public Safety shall  
11 adopt a training course regarding law enforcement interactions with  
12 persons under the lawful age to purchase <sup>1</sup>alcoholic beverages or<sup>1</sup>  
13 cannabis items based upon the legalization of a personal use  
14 cannabis marketplace pursuant to the “New Jersey Cannabis  
15 Regulatory, Enforcement Assistance, and Marketplace  
16 Modernization Act,” P.L. , c. (C. ) (passed both Houses of  
17 the Legislature on December 17, 2020 as Second Reprint of  
18 Assembly Bill No. 21), the decriminalization of marijuana and  
19 hashish pursuant to P.L. , c. (C. ) (passed both Houses of the  
20 Legislature on December 17, 2020 as Third Reprint of Assembly  
21 Committee Substitute for Assembly Bill Nos. 1897 and 4269), and  
22 the enforcement of violations of applicable statutes associated with  
23 the underage possession or consumption of <sup>1</sup>alcoholic beverages,<sup>1</sup>  
24 marijuana, hashish, or cannabis items pursuant to those enactments  
25 and the companion enactment, P.L. , c. (C. ) (pending  
26 before the Legislature as this bill), and which includes the  
27 recognition of and methods to address and avoid racial disparities  
28 and implicit bias, and means for interacting with vulnerable juvenile  
29 populations. The training course shall be administered by the  
30 employing agency as part of the in-service training provided to each  
31 local police officer in each law enforcement unit operating in this  
32 State.

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

41 (3) The Police Training Commission shall adopt rules and  
42 regulations, pursuant to the "Administrative Procedure Act,"  
43 P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the purposes of  
44 this <sup>1</sup>**[section]** subsection<sup>1</sup>.

45 b. Within 45 days of the effective date of P.L. , c. (C. )  
46 (pending before the Legislature as this bill), the Attorney General  
47 shall prepare a notice explaining the provisions of the enactments

1 set forth in paragraph (1) of subsection a. of this section pertaining  
2 to persons under the lawful age to purchase <sup>1</sup>alcoholic beverages  
3 or<sup>1</sup> cannabis items and the <sup>1</sup>**【of】**<sup>1</sup> violations of applicable statutes  
4 associated with the underage possession or consumption of  
5 <sup>1</sup>alcoholic beverages,<sup>1</sup> marijuana, hashish, or cannabis items, and  
6 transmit the notice to the chief or director of every municipal police  
7 department, every municipal prosecutor, every county prosecutor,  
8 and the Superintendent of the New Jersey State Police. The notice  
9 shall be disseminated to every law enforcement officer and shall be  
10 re-enforced at roll calls and academy service training and  
11 continuing education programs so as to ensure that all officers and  
12 prosecutors are educated of their responsibilities under the relevant  
13 enactments.

14

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

19

20 <sup>1</sup>**【16.】** <sup>1</sup>19.<sup>1</sup>This act shall take effect immediately.