



MADISON CHATHAM COALITION

Empowering and educating youth to make and keep healthy lifestyle choices through education, collaboration and community-wide change.

FREQUENTLY ASKED QUESTIONS- CANNABIS/MARIJUANA

BACKGROUND

On February 22, 2021, Governor Phil Murphy signed adult-use cannabis reform bills into law, legalizing and regulating cannabis use and possession for adults 21 years and older (A21 – “The New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act”) and decriminalizing marijuana and hashish possession (A1897). The Governor also signed S3454, clarifying marijuana and cannabis use and possession penalties for individuals younger than 21 years old.

- **Regulated cannabis:** When the substance is bought, sold, and used under certain conditions, it is treated as “regulated cannabis” and fully legal in New Jersey. As a practical matter, however, regulated cannabis will not be available in the State for several months until a new government body, the Cannabis Regulatory Commission, issues rules governing its use.
- **Marijuana and hashish:** All forms of the substance that are not regulated or medical cannabis are treated as “marijuana” or “hashish.” Under the new laws, marijuana and hashish are still defined as “controlled dangerous substances” under N.J.S.A. 2C:35-2 but are largely decriminalized for non-distribution offenses. The laws eliminate existing prohibitions and create new, more lenient penalties for possession and distribution that remain tiered based on weight.

MARIJUANA IS LEGAL NOW? WHAT SPECIFICALLY IS PERMISSABLE BY LAW?

The following conduct no longer violates state law:

- A consumer to possess, display, purchase, transport, or transfer without remuneration for non-promotional, non-business purposes, where the cannabis item is obtained directly from a licensed cannabis retailer:
 - Up to one ounce of usable cannabis; or
 - Up to the equivalent of one ounce of usable cannabis as a cannabis product in solid, liquid, or concentrate form
- Failure to properly dispose of marijuana or hashish
- Possession of paraphernalia for marijuana or hashish
- Possession of marijuana or hashish as a motor vehicle operator
- Simple possession of 6 ounces or less of marijuana
- Simple possession of 17 grams or less of hashish
- Being under the influence of marijuana or hashish

WHAT ARE THE DIFFERENT CLASSES OF CANNABIS LICENSES?

The “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” establishes six marketplace classes of licensed businesses:

- **Class 1 Cannabis Cultivator license**, for facilities involved in growing and cultivating cannabis
- **Class 2 Cannabis Manufacturer license**, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- **Class 3 Cannabis Wholesaler license**, for facilities involved in obtaining and selling cannabis items for later resale by other licensees
- **Class 4 Cannabis Distributor license**, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another
- **Class 5 Cannabis Retailer license** for locations at which cannabis items and related supplies are sold to consumers
- **Class 6 Cannabis Delivery license**, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchases items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer

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AS OF APRIL 21, 2022, WHO CAN PURCHASE CANNABIS AND HOW?

As of April 2022, there are 13 approved adult-use cannabis retailers in the state of New Jersey. These businesses are all additionally licensed as medical dispensaries which means they will sell both medical marijuana and adult-use (recreational) cannabis. These are the only locations where an individual aged 21 or over can legally purchase adult-use cannabis. Those with a prescription for medical marijuana can purchase at additional medical dispensaries up to 3 oz every 30 days. Recreational users can purchase up to one ounce of bud or dried flower, five grams of concentrates, resins or oils, or as many as ten 100 milligram packages of ingestible items in a single transaction.

WHAT SHOULD PEOPLE BE AWARE OF WHEN USING CANNABIS?

The cannabis plant is comprised of over 100 cannabinoids. Tetrahydrocannabinol (THC) is the principal psychoactive component of cannabis. THC affects movement, balance, coordination, and judgement. As is the case with any drug, adverse effects are possible and vary by individual. These can include extreme confusion, paranoia, extremely fast heart rate, increased blood pressure, delusions, or hallucinations.

Additionally, the New Jersey Cannabis Regulatory Commission suggests the following measures be taken to keep individuals safe when using cannabis:

- Understand THC levels and use cannabis products in moderation.
- Varying forms of consumption may take much longer to have an effect than vaping or smoking, and the effects may last longer. For example:
 - Smoked cannabis takes effect within a few minutes of inhalation and fades quickly if not re-inhaled
 - Vaped cannabis may be the same as smoked, or faster
 - Edible cannabis may take 1-2 hours for effect, but can last for several hours
- Know that using cannabis along with alcohol, medicines, other stimulants, and even some foods can impair more than either of them on their own.
- Store cannabis products out of the reach of minors and pets. Locked away is best.
- Do not use cannabis products if you are pregnant, planning to become pregnant, or are breastfeeding.
- Understand there are adverse effects of smoke inhalation from cannabis products.

HOW DOES CANNABIS USE AFFECT DRIVING? IS IT ILLEGAL TO DRIVE UNDER THE INFLUENCE OF CANNABIS?

According to the CDC, cannabis, similar to other substances, negatively affects the skills needed for operating a motor vehicle. Cannabis can cause slowed reaction time, distort perception, and negatively affect a person's ability to make decisions.* Driving while intoxicated is illegal in New Jersey and that includes any drug or alcohol.

IS IT LEGAL TO USE CANNABIS ON PUBLIC PROPERTY?

"The consumption of cannabis items through smoking, vaping, or aerosolizing is prohibited in all places where tobacco smoking is prohibited under the NJ Smoke-Free Air Act, and any indoor public place as that term is defined in N.J.S.A. 26:3D-57 such as bars, restaurants and sport venues, to name just a few.

A municipality *may* adopt an ordinance making it unlawful for any person 21 years of age or older to consume cannabis through other means, (i.e., edibles) in a public place, including any indoor public place as the term is defined in N.J.S.A. 26:3D-57. Because of the broad definition of public place as defined by N.J.S.A. 26:3D-57, a municipality in effect has the authority to restrict the consumption by any means, to a private residence."*

• CDC- CDC.gov

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ARE THERE CHANGES TO THE WAYS THAT POLICE CAN INVESTIGATE CANNABIS/ALCOHOL RELATED CRIMES?

Yes. There are several changes to how police handle cannabis-related crimes. Police cannot fingerprint individuals under the age of 21 for any offense unless the individual is in possession of more than 6 ounces of marijuana or 17 grams of hashish as this is a fourth-degree crime. Additionally, law enforcement is now prohibited from the following actions when investigating an individual under the age of 21:

- Officers cannot request to conduct a search of any person under the age of 21 as a means to determine a violation unless that person is over the age of 18 and the officer has suspicion of additional criminal activity, in which case, the individual may consent to search
- The odor of marijuana, hashish, or alcohol no longer constitutes reasonable articulable suspicion to initiate a stop of an individual under the age of 21, nor does it provide probable cause to search the person's personal property or vehicle to determine a violation of N.J.S.A. 2C:33-15(a)(1)
- The unconcealed possession of an alcoholic beverage, marijuana, hashish, or cannabis item in violation of N.J.S.A. 2C:33-15(a)(1) that is observed in plain sight shall not constitute probable cause to initiate a search of an individual under the age of 21 or that individual's personal property or vehicle to determine a violation of any law
- An individual under the age of 21 who violates N.J.S.A. 2C:33-15(a)(1) shall not be arrested, detained, or otherwise taken into custody, and shall not be transported to a police station, police headquarters, or other places of law enforcement operations, except to the extent that detention or custody at or near the location where the incident occurred is required to issue a written warning or collect information necessary to provide notice of a violation to a parent/guardian unless the person is being arrested, detained, or otherwise taken into custody for also committing another violation of law for which that action is legally permitted or required
- When responding to a violation or suspected violation of N.J.S.A. 2C:33-15(a)(1), law enforcement officers must activate their body-worn cameras, which must remain activated throughout the encounter.

WILL POLICE NOTIFY PARENTS IF TEENS ARE CAUGHT USING MARIJUANA OR ALCOHOL?

Initially, when the bill was introduced, law enforcement was prohibited from notifying parents or guardians if their children under the age of 21 were in possession of or consuming marijuana, cannabis or hashish in public places, however; on March 26, 2021, the law was amended to require, rather than prohibit, law enforcement of providing written notification to parents or guardians as part of a first, second or third offense for anyone under the age of 18. Police officers are also required to retain the written warnings and a sworn statement describing the factual circumstances surrounding the violation. For a second offense, law enforcement will also provide the person with informational materials on community treatment services. For a third offense, the officer will also provide the person a referral to community treatment services regardless of the individual's age.

WHAT SHOULD ADULTS DO IF THEY SEE SOMEONE UNDER THE INFLUENCE OF DRUGS OR ALCOHOL IN PUBLIC?

Regardless of the change in law, police are still required to care for those that may be a danger to themselves or others as per the Community Care Doctrine. While the new legislation states that being under the influence of marijuana or alcohol in public is not against the law, if that person is so intoxicated that they pose a threat to themselves or others, the police may intervene.

WHAT ABOUT MEDICAL CANNABIS? IS THIS ILLEGAL?

As long as a person has a legal medical marijuana card and is in possession of prescribed marijuana from their licensed physician, medical marijuana is legal.