

**ASSEMBLY CONCURRENT
RESOLUTION No. 840**

**STATE OF NEW JERSEY
218th LEGISLATURE**

INTRODUCED NOVEMBER 18, 2019

Sponsored by:

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Assemblyman JAMEL C. HOLLEY

District 20 (Union)

Assemblywoman BRITNEE N. TIMBERLAKE

District 34 (Essex and Passaic)

Assemblywoman ANGELA V. MCKNIGHT

District 31 (Hudson)

SYNOPSIS

Proposes constitutional amendment to legalize cannabis for personal, non-medical use by adults who are age 21 years or older, subject to regulation by Cannabis Regulatory Commission.

CURRENT VERSION OF TEXT

As introduced.



1 A **CONCURRENT RESOLUTION** proposing to amend Article IV,
2 Section VII of the New Jersey Constitution by adding a new
3 paragraph.

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5 **BE IT RESOLVED** by the General Assembly of the State of New
6 Jersey (the Senate concurring):

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8 1. The following proposed amendment to the Constitution of
9 the State of New Jersey is agreed to:

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PROPOSED AMENDMENT

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13 Amend Article IV, Section VII by adding a new paragraph 13 to
14 read as follows:

15 13. The growth, cultivation, processing, manufacturing,
16 preparing, packaging, transferring, and retail purchasing and
17 consumption of cannabis, or products created from or which include
18 cannabis, by persons 21 years of age or older, and not by persons
19 under 21 years of age, shall be lawful and subject to regulation by
20 the Cannabis Regulatory Commission created by P.L.2019, c.153
21 (C.24:6I-5.1 et al.), or any successor to that commission.

22 (1) The commission's or successor's regulatory authority
23 concerning legalized cannabis shall be authorized by law enacted by
24 the Legislature.

25 (2) The receipts from retail purchases of cannabis or products
26 created from or which include cannabis shall only be subject to the
27 tax imposed under the "Sales and Use Tax Act," P.L.1966, c.30
28 (C.54:32B-1 et. seq.), as amended and supplemented, or any other
29 subsequent law of similar effect; provided, however, that a
30 municipality, subject to authorization by law enacted by the
31 Legislature, may adopt an ordinance to impose an additional
32 municipal tax on the sale, or any other form of transfer, of cannabis
33 or products created from or which include cannabis by an
34 authorized party located in a municipality. The municipal tax rate
35 shall not exceed two percent of the receipts from each sale of
36 cannabis or products created from or which include cannabis by an
37 authorized party or the equivalent value from any other form of
38 transfer by an authorized party.

39 As used in this paragraph:

40 "Cannabis" means all parts of the plant Genus Cannabis L.,
41 whether growing or not, the seeds thereof, and every compound,
42 manufacture, salt, derivative, mixture, or preparation of the plant or
43 its seeds. "Cannabis" does not include: cannabis dispensed and
44 consumed for medical purposes pursuant to any law enacted by the
45 Legislature; hemp or hemp products subject to regulation under the
46 "New Jersey Hemp Farming Act," P.L.2019, c.238 (C.4:28-6 et al.),
47 or any successor enactment thereto; or unregulated cannabis,

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1 referred to as marijuana, and products created from or which
2 include marijuana.

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4 2. When this proposed amendment to the Constitution is finally
5 agreed to pursuant to Article IX, paragraph 1 of the Constitution, it
6 shall be submitted to the people at the next general election
7 occurring more than three months after the final agreement and
8 shall be published at least once in at least one newspaper of each
9 county designated by the President of the Senate, the Speaker of the
10 General Assembly and the Secretary of State, not less than three
11 months prior to the general election.

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13 3. This proposed amendment to the Constitution shall be
14 submitted to the people at that election in the following manner and
15 form:

16 There shall be printed on each official ballot to be used at the
17 general election, the following:

18 a. In every municipality in which voting machines are not used, a
19 legend which shall immediately precede the question as follows:

20 If you favor the proposition printed below make a cross (X), plus
21 (+), or check (✓) in the square opposite the word "Yes." If you are
22 opposed thereto make a cross (X), plus (+) or check (✓) in the
23 square opposite the word "No."

24 b. In every municipality the following question:

	<p>YES</p>	<p>CONSTITUTIONAL AMENDMENT TO LEGALIZE MARIJUANA</p> <p>Do you approve amending the Constitution to legalize a controlled form of marijuana called “cannabis”?</p> <p>Only adults at least 21 years of age could use cannabis. The State commission created to oversee the State’s medical cannabis program would also oversee the new, personal use cannabis market.</p> <p>Cannabis products would be subject to the State sales tax. If authorized by the Legislature, a municipality may pass a local ordinance to charge a local tax on cannabis products.</p>
	<p>NO</p>	<p>INTERPRETIVE STATEMENT</p> <p>This amendment would legalize a controlled form of marijuana called “cannabis.” Only persons at least 21 years of age could use cannabis products legally.</p> <p>The Cannabis Regulatory Commission would oversee the new adult cannabis market. This commission was created in 2019 to oversee the State’s medical cannabis program. The scope of the commission’s new authority would be detailed in laws enacted by the Legislature.</p> <p>All retail sales of cannabis products in the new adult cannabis market would be subject to the State’s sales tax. If authorized by the Legislature, a municipality may pass a local ordinance to charge a local tax on cannabis products.</p>

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SCHEDULE

This constitutional amendment shall take effect on January 1 next following the general election at which it was approved, and the Legislature may take such anticipatory legislative action as may be necessary to effectuate the provisions of the amendment.

STATEMENT

This concurrent resolution proposes a constitutional amendment to legalize cannabis for personal, non-medical use by adults who are 21 years of age or older. The Cannabis Regulatory Commission,

1 created by P.L.2019, c.153 (C.24:6I-5.1 et al.) to oversee the State’s
2 medical cannabis program, primarily set forth in the “Jake Honig
3 Compassionate Use Medical Cannabis Act,” P.L.2009, c.307
4 (C.24:6I-1 et al.) (or any successor to that commission), would also
5 oversee the new personal use market. The scope of the
6 commission’s regulatory authority would be established in law by
7 the Legislature.

8 As set forth in the proposed amendment, the term “cannabis”
9 would not include: “cannabis dispensed and consumed for medical
10 purposes pursuant to any law enacted by the Legislature; hemp or
11 hemp products subject to regulation under the ‘New Jersey Hemp
12 Farming Act,’ P.L.2019, c.238 (C.4:28-6 et al.), or any successor
13 enactment thereto; or unregulated cannabis, referred to as
14 marijuana, and products created from or which include marijuana.”
15 Passage of the amendment would not affect the State’s regulation of
16 medical cannabis and hemp, and unregulated marijuana would
17 remain illegal under the State’s laws.

18 The amendment provides that all receipts from the retail
19 purchases of cannabis or products created from or which include
20 cannabis would only be subject to the tax imposed under the “Sales
21 and Use Tax Act,” P.L.1966, c.30 (C.54:32B-1 et seq.) (or a
22 subsequent enactment of similar effect); provided, however, that a
23 municipality, subject to authorization by law enacted by the
24 Legislature, may adopt an ordinance to impose an additional
25 municipal tax on the sale, or any other form of transfer, of cannabis
26 or products created from or which include cannabis by an
27 authorized party located in a municipality. The municipal tax rate
28 could not exceed two percent of the receipts from each sale of
29 cannabis or products created from or which include cannabis by an
30 authorized party or the equivalent value from any other form of
31 transfer by an authorized party.