

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

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

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

PROPOSED AMENDMENT

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

13. The growth, cultivation, processing, manufacturing, preparing, packaging, transferring, and retail purchasing and consumption of cannabis, or products created from or which include cannabis, by persons 21 years of age or older, and not by persons under 21 years of age, shall be lawful and subject to regulation by the Cannabis Regulatory Commission created by P.L.2019, c.153 (C.24:6I-5.1 et al.), or any successor to that commission. The commission's or successor's regulatory authority concerning legalized cannabis shall be authorized by law enacted by the Legislature. The receipts from retail purchases of cannabis or products created from or which include cannabis shall only be subject to the tax imposed under the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.), as amended and supplemented, or any other subsequent law of similar effect. Any form of unregulated cannabis, referred to as marijuana, shall not be lawful and may be subject to criminal or other forms of penalties pursuant to any law enacted by the Legislature.

As used in this paragraph:

"Cannabis" means all parts of the plant Genus Cannabis L., whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds. "Cannabis" does not include: cannabis dispensed and consumed for medical purposes pursuant to any law enacted by the Legislature; hemp or hemp products subject to regulation under the "New Jersey Hemp Farming Act," P.L.2019, c.238 (C.4:28-6 et al.), or any other subsequent law of similar effect; or unregulated cannabis, referred to as marijuana, and products created from or which include marijuana.

2. When this proposed amendment to the Constitution is finally agreed to pursuant to Article IX, paragraph 1 of the Constitution, it shall be submitted to the people at the next general election occurring more than three months after the final agreement and shall be published at least once in at least one newspaper of each county designated by the President of the Senate, the Speaker of the

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General Assembly and the Secretary of State, not less than three months prior to the general election.

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

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

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

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

b. In every municipality the following question:

	YES	<p style="text-align: center;">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. Retail sales of cannabis products in this new market would be subject to the State’s sales tax, and no other form of tax.</p>
	NO	<p style="text-align: center;">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.</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, and no other form of tax.</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 establishing the regulatory authority of the Cannabis Regulatory Commission concerning legalized cannabis as defined in 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, created by P.L.2019, c.153 (C.24:6I-5.1 et al.) to oversee the State's medical cannabis program, primarily set forth in the "Jake Honig Compassionate Use Medical Cannabis Act," P.L.2009, c.307 (C.24:6I-1 et al.) (or any successor to that commission), would also oversee the new personal use market. The scope of the commission's regulatory authority would be established in law by the Legislature. All receipts from the retail purchases of cannabis or products created from or which include cannabis would only be subject to the tax imposed under the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.).

As set forth in the proposed amendment, the term "cannabis" would not include: "cannabis dispensed and consumed for medical purposes pursuant to any law enacted by the Legislature; hemp or hemp products subject to regulation under the 'New Jersey Hemp Farming Act,' P.L.2019, c.238 (C.4:28-6 et al.), or any other subsequent law of similar effect; or unregulated cannabis, referred to as marijuana, and products created from or which include marijuana." Thus, passage of the amendment would not affect the State's regulation of medical cannabis and hemp, and unregulated marijuana would remain illegal under the State's laws.

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.

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