



September 29, 2021

Recreational Cannabis in New Jersey Regulatory Update

On August 19, 2021, the [New Jersey Cannabis Regulatory Commission](#) (CRC) published its initial rules to empower the CRC to begin licensing cannabis businesses like cultivators, manufacturers, and retailers. The first regulations included minimum standards for providing the secure transport and home delivery of cannabis items. Details for wholesalers, distributors, and delivery services from the CRC are expected in the near future.

The [Summary of the Cannabis Regulatory Commission's Initial Rules for the Personal-Use of Cannabis](#) addresses considerations such as safety, access, and equity. The CRC's initial rules recognize that municipalities play a critical role in regulating the new cannabis industry and recognize their rights to enact restrictions on businesses that make sense for their communities. While the Commission's rules provide the framework for operating a cannabis industry in New Jersey, municipalities have the power to define how that unfolds in communities.

In accordance with the [CREAMM Act](#), municipalities had until August 21, 2021, to decide whether to allow or deny cannabis businesses in their towns. Municipalities may then enact ordinances to determine the number, location, signage, parking, and hours of operation for those cannabis businesses. Any municipality that did not pass an ordinance restricting cannabis business by August 21 will have to wait five years before trying to pass a restriction ordinance.

A frequent question is whether a municipality can restrict the consumption of cannabis on public property and in public spaces. The CRC says an adult 21 years of age or older can generally use cannabis on private property where property owners allow. The CREAMM Act does not permit people to smoke or vape cannabis in any public place or in indoor public spaces as defined in N.J.S.A. 26:3D-57. Public smoking laws also apply to cannabis smoking, and municipalities may enact additional restrictions on public consumption. The CRC provides answers to many other [frequently asked questions](#) posed by municipalities. The Safety Director encourages municipal leaders to visit the page.

Medicinal and recreational use of cannabis has created challenges for law enforcement agencies. The Office of New Jersey Attorney General Gurbir S. Grewal issued [Interim Guidance Regarding Marijuana Decriminalization](#) on March 26, 2021, to all law enforcement officers. The Attorney General Office encourages all officers are to familiarize themselves with the new laws, which are codified as chapters 16 (legalized cannabis), 19 (marijuana decriminalization), 25 (clarifying provisions), and Chapter 38 (clarifying provisions for underage) of the 2021 Public Laws.

The MEL continues to monitor for future guidance from the CRC, the Office of the Attorney General, and other State agencies regarding the recreational use and sale of cannabis. We will provide information as it becomes available.

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