

CITY OF PLAINFIELD

MC 2024-18

ORDINANCE OF THE CITY OF PLAINFIELD, IN THE COUNTY OF UNION, AMENDING AND SUPPLEMENTING CHAPTER 17 (LAND USE), SPECIFICALLY § 17:9-24A PROHIBITING THE MANUFACTURE, SALE, ADVERTISEMENT OR CONCEALMENT OF ANY ILLICIT THC PRODUCT.

WHEREAS, the City of Plainfield has seen an increase in serious health risks due to the public health crisis created by the sale and consumption of illicit THC products and intoxicating cannabinoid products; and

WHEREAS, the City of Plainfield wishes to adopt land use regulations and other requirements for cannabis establishments that can promote the health, safety, and general welfare of the community; and

WHEREAS, the City of Plainfield desires to amend the current regulations as it pertains to the manufacture, sale, advertisement, or concealment of any illicit THC products;

NOW, THEREFORE BE IT ORDAINED, by the City Council of the City of Plainfield, County of Union, State of New Jersey, being the governing body thereof, that Chapter 17 “Land Use” § 17:9-24A, be and hereby is amended to read as follows:

§ 17:9-24A Cannabis-related business or establishments.

A. Cannabis License Requirements.

1. Definitions. The definitions set forth in the Act and the Cannabis Regulations are hereby incorporated by reference.

a. “Illicit THC product” or “Intoxicating Cannabinoid Product” means any hemp derived product, including all derivatives, extracts, cannabinoids, materials, compounds, isomers, acids, salts, salts of isomers, mixture, or preparation:

i. Used or intended for human consumption;

ii. That is not made, produced, manufactured, sold, given away, bartered, exchanged, distributed, furnished, marketed, advertised, or otherwise held out for sale by cannabis establishments duly licensed under the Jake Honig Compassionate Use Medical Cannabis Act, N.J.S.A. 25:61-1, et seq., or the Cannabis Regulatory, Enforcement Assistance, Marketplace Modernization Act, N.J.S.A. 25:61-31, et seq.;
and

iii. That contains: 1) any amount of synthesized tetrahydrocannabinol (THC) of any kind, inclusive of acid forms, regardless of name, and including but not limited to THC-O, delta-8 tetrahydrocannabinol, and delta-10 tetrahydrocannabinol; or 2) a total delta-9 tetrahydrocannabinol content tetrahydrocannabinol content concentration level in excess of 0.3% on a dry weight basis; or 3) a total delta-9 tetrahydrocannabinol content in excess of 0.5 milligrams per labeled serving or individual unit or 2.5 milligrams per package regardless of the number of labeled servings or individual units therein; or 4) in the case of a liquid form, a total delta 9-tetrahydrocannabinol content in excess of 1 milligram per individual unit and 6 milligrams per package, with an individual unit being no less than 12 fluid ounces.

b. “Hemp” means the plant Cannabis sativa L. and any part of that plant, including the seeds thereof, and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.

- c. “Hemp product” means a finished product with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent that is derived from or made by processing a hemp plant or plant part and prepared in a form available for commercial sale.
- d. “Concealment” means to deliberately hide or destroy to prevent or evade discovery.
- e. “Prohibited substance” means any illicit THC product.
- f. “Synthesized tetrahydrocannabinol (THC)” means
 - i. tetrahydrocannabinol synthesized in a laboratory or by industry using directed synthetic or biosynthetic chemistry rather than traditional food preparation techniques such as heating or extracting;
 - ii. chemical compounds derived from the hemp plant that are equivalents of the substances contained in marijuana, or in the resinous extracts of marijuana, and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity.
- g. “Total delta-9 tetrahydrocannabinol content” is the value determined after the process of decarboxylation, or the application of a conversion factor if the testing methodology does not include decarboxylation, that expressed the potential total delta-9 tetrahydrocannabinol content derived from the sum of the THC and THCA content and reported on a dry weight basis. This post-decarboxylation value of THC can be calculated by using a chromatograph technique using heat, such as gas chromatography, through which THCA is converted from its acid form to its neutral form, THC. Thus, this test calculated the total potential THC in a given sample. The total THC can also be calculated by using a liquid chromatograph technique, which keeps the THCA intact. This technique requires the use of the following conversion: [Total THC=(0.877 x THCA) + THC] which calculates the potential total THC in a given sample.

BE IT FURTHER ORDAINED by the City Council of the City of Plainfield, County of Union, State of New Jersey, being the governing body thereof, that Chapter 17 “Land Use” § 17:9-24A, be and hereby is amended to read as follows:

E. Operational Requirements

- 15. No person shall make, manufacture, sell, give away, barter, exchange, distribute, furnish, market, advertise, or otherwise hold out for sale any prohibited substance. Notwithstanding the foregoing, nothing in this section shall prohibit any duly licensed cannabis establishment from making, manufacturing, selling, giving away, bartering, exchanging, distributing, furnishing, marketing, advertising, or otherwise hold out for sale any cannabis product in accordance with the Act.
- 16. No person shall engage in an act of concealment of any prohibited substance.
- 17. Except as otherwise provided in this Code, any person who violates any of the requirements of this section or any regulation promulgated thereunder shall be fined not less than \$5,000.00 per occurrence.
- 18. Any prohibited substance made, manufactured, sold, given away, bartered, exchanged, distributed, furnished, marketed, advertised, or otherwise held out for sale in violation of this section is subject to forfeiture and may be seized by the Police Department of the City of Plainfield.

BE IT FURTHER ORDAINED, if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

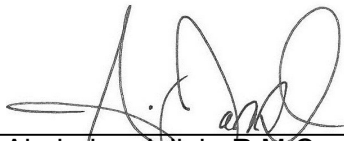
BE IT FURTHER ORDAINED, any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, this Ordinance shall take effect upon passage.

***New Material is bold faced and underlined**

ADOPTED BY THE MUNICIPAL COUNCIL


April 8, 2024



Abubakar Jalloh, R.M.C.
Municipal Clerk

CLERK'S CERTIFICATION

I, Abubakar Jalloh, City Clerk of the City of Plainfield do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Plainfield City Council.



Abubakar Jalloh, R.M.C.
Municipal Clerk

| ✓ Vote Record - Ordinance MC 2024-18 | | | | | | |
|---|--------------------|----------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| | | | Yes/Aye | No/Nay | Abstain | Absent |
| <input checked="" type="checkbox"/> Adopted | Richard Wyatt | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Adopted as Amended | Charles McRae | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Defeated | Steve Hockaday | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Tabled | Terri Briggs Jones | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Repealed | Robert Graham | Mover | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Failed | Julienne Cherry | Seconder | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Vetoed | Darcella Sessomes | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Consensus | | | | | | |