

Meeting of New Jersey Human Relations Council

April 20, 2022

The virtual meeting of the New Jersey Human Relations Council was held on April 20, 2022 using Microsoft Teams Meeting software.

Call to Order and Pledge of Allegiance: The meeting was called to order by Ashton Burrell at 10:10. The start of the meeting had been delayed 10 minutes to allow people to load and use the substitute meeting software.

HRC Officers in Attendance: Ashton Burrell, Chair, Yumiko Mishima, Vice Chair; Karen Positan, Treasurer.

Those in attendance were as follows (alphabetical order): Hanifa Barnes; Lisa Burke, *New Jersey Administrative Office of the Courts, Diversity, Inclusion, and Community Engagement Program Coordinator*; Terry Cannon, *Bergen County, Human Commission Relations*; Edmund DeVeaux, *Burton Trent Public Affairs LLC/President, NJ CannaBusiness Association*; Claudia Demitro, *Division of Criminal Justice, NJ Attorney General's Office*; Aura Dunn; Vincent Funelas, *Governor's Office of Volunteerism, proxy for Rowena Madden*; Heather Hadley; Brittany S. Hale, *NJHRC Executive Committee*; Kimberly Holmes, *DCA*; Tonya Hopson, *Judiciary*; Ed Kerr; Carol Lamparello; Tisha Leonardo-Santiago, *A.G.'s Office Division on Civil Rights*; Joe Santagata, *NJ HRC*; Peter C, Thambidurai, *DOC*; Joe Walsh; John Wenz, *Advisory Board*; Bryn Whittle, *Deputy Attorney General & Director of Community Engagement NJ Office*; Don Beetham, *Editing the Minutes, Highland Park Historical Commission*.

The chair read from the New Jersey open public meetings act. The meetings are scheduled as follows:

Wednesday April 20th 2022.

Wednesday June 15th 2022

Wednesday September 21st 2022

Wednesday, November 16th 2022

The annual conference will be Wednesday. December 7th 2022.

Chairs report: Ashton Burrell began that he was excited to be meeting today and to be back in the fold of things. The leadership team is meeting as well, and people are reaching out to get more involved.

Minutes from September 2021 Meeting were Read and Approved

New Business – HRC New Website

Claudia Demitro introduced the new website for the NJ Human Relations Council:

<https://www.njoag.gov/about/divisions-and-offices/division-of-criminal-justice-home/nj-human-relations-council/>

One of her goals for his year is to keep the website up to date. The agendas will be posted. There are links to the meetings and minutes back to 2018. The December 2021 conference was

videotaped; There is a link to the conference available on youtube: <https://www.youtube.com/watch?v=LE8lohQdcq8>. Please send any suggestions for, or problems with, the website to Claudia Demitri. The website can be shared with anyone interested in the Council.

2022 HRC Conference

The 2022 conference is being discussed at the executive meetings. Karen Positan noted that there is the capacity to expand the visibility of the conference with the website. Now is the time to talk about a topic. Brittany Hale suggested a theme of “conscious and unconscious bias”: rethinking privilege. Claudia Demitro noted that in addition to conferences there are the HRC meetings. “We do try to have one you know guest speaker or topic speaker at every meeting so if any of you want to discuss something” that’s fine too. It would be helpful for people to volunteer to either chair a subcommittee on the conference or be part of a subcommittee on the conference. Brittany Hale volunteered for the subcommittee. Kimberly Homes noted the shortage of people of color on the bench and in law enforcement, not just as recruits but in supervisory positions. This is a Human Relations Council issue.

Ashton Burrell suggested some type of outreach to communities about the legalization of recreational marijuana; maybe help inform on what people can and can’t do. Claudia Demitro thought that this might be a topic for a pamphlet or a page on the website; she would ask the press team. Edmund DeVeaux volunteered to work with the team on the compilation of information and keeping the council abreast of changes as since his group worked directly with the Legislature and the Cannabis Regulatory Commission. Tisha Leonardo-Santiago suggested doing a quarterly newsletter, incorporating all updates, even the community updates from local HRCs. It would be useful to have a “how to establish a HRC” as well. Maybe this should be part of the conference, i.e. a 30 minute “how to make your own HRC at a local level”.

Theresa Cannon raised four possible topics for the conference: how the community perceives law enforcement, courageous dialogues (how to listen to differing opinions and respect one another), interfaith conversation, and common ground for LGBTQ Plus.

Karen Postian reiterated that anyone with ideas of topics or speakers should email Claudia Demitro. Claudia Demitro said she would be putting together a subcommittee and emailing those people; if she missed anyone, please email her.

Ashton said he like to see more sharing between communities; the starting point would to be pass along information and solutions. More and more people require help. There needs to be accountability for those doing wrong.

Speaker: Introduction to Marijuana Decriminalization and Legalization; Claudia Demitro and Joseph Walsh, NJ Office of the Attorney General

Claudia Demitro began the discussion. Sarah Quigley and Joe Walsh have been leading the marijuana charge in the Attorney General office. Unfortunately, Sarah was out today.

Basically, there are two, well really three different marijuana laws. One is “decriminalization”, which means the removing of criminal penalties from marijuana. One is legalization, which

makes it totally legal to purchase from selected outlets. The third topic is the juvenile marijuana law because there are separate rules for juveniles. When the governor signed these bills last year, the decriminalization bill went into effect right away.

Possession of marijuana for 6 ounces or less is no longer a crime in New Jersey. Police cannot charge the possessor and the statute limits the things that police can do as far as stopping and searching even if they see or smell marijuana.

The law was changed for distributing or selling marijuana of one ounce or less. It used to be less than one ounce. For the first offense is a written warning. It used to be a 4th degree crime for your first offense. Now, it's a warning and then for the second offense of distributing one ounce or less it is a 4th degree crime. There are still first, second and 3rd degree distribution crimes, depending on how much is sold.

For possession, any amount more than 6 ounces is the 4th degree crime. The most serious charge for possession is a 4th degree crime.

There are other parts of the law that deal with expunging marijuana offenses. The judiciary has an excellent campaign including billboards trying to inform people on the expungement dismissal vacation (<https://www.njcourts.gov/marihashexpunge.html>). Many people had their charges expunged, but they didn't know it. The court has a procedure set up so people can find out whether the charge was expunged,

Starting tomorrow (April 21, 2022) it will be legal to purchase marijuana in New Jersey in some of the places that previously were selling medical marijuana. The Cannabis Regulatory Commission 's website has a link to those locations (<https://www.nj.gov/cannabis/>). If the plant is purchased from an official regulated source, it is called *cannabis*. It's not, it is called *marijuana*. Cannabis is regulated and marijuana is not regulated. It is a little confusing because there are slightly different rules about the amount you can possess. The statute says that a person basically can possess one ounce or less of cannabis, or purchase or transport one ounce or less of cannabis. The statute goes a little further and includes transfer without remuneration. A person can give a friend one ounce or less to use without being paid. It is legal as long as it is a non-business, not for promotional purposes. If it is bought from some other place, it is marijuana and the law allows the possession of 6 ounces or less. There is a gray area; the police are going to have to figure it out.

There are different rules for juveniles. The juveniles cannot be charged for possessing marijuana of a certain amount. They will instead get warnings from police that will be sent to their parents. You may recall this part of the state change. Originally for the first offense, the police could not notify the parents of a juvenile having possessing marijuana. But that was changed. If it is second or 3rd warning. the police also have separate rules and limitations about what they can do as far as stopping searching juveniles. This is something else that officers are working through currently.

Joe Walsh then spoke via phone. Joe Walsh is a deputy attorney general currently assigned to the attorney general 's Office of public integrity and accountability, He has been on the marijuana cannabis team for a bit over a year.

The cannabis legalization law covering employers is the Cannabis Regulatory Enforcement Assistance and Marketplace Modernization Act (CREAMM). In other States, employers are

allowed to prohibit their employees from using legal cannabis. The New Jersey Legislature did not provide such provisions. CREAMM allows employer to adopt policies that prohibit employees from bringing cannabis to work or coming to work under the influence.

CREAMM goes on to say that an employer may not take any adverse employment action against someone for using legal cannabis or for having the metabolites of Cannabis in their in their system; we now know if someone is given a urine test and it comes up positive for the marijuana cannabis, they may have used that substance up to 30 days. Having it in your system does not prove that you're under the influence at the time you produce the urine sample or blood samples or saliva samples or oral fluids.

So, the Legislature addressed this in the CREAMM and provided for the creation of a position called a wire, which is a Workplace Impairment Recognition Expert WIRE). Employers are empowered to use WIRES to examine folks who they feel may have come to work under the influence and the cream. The Cannabis Regulatory Commission has not yet set up regulations for WIRES which puts employers in a difficult position when they have to determine whether or not a particularly in a particular employee is under the influence of cannabis.

CREAMM does not provide guidance on when this evaluation is to be done. There are 2 parts. The employer must do both a scientifically reliable test and a physical evaluation in order to determine whether or not this person is under the influence at that moment when they allegedly were at work. Employers are struggling a little bit right now.

The attorney general issued a memorandum for law enforcement employers last week, basically laying out the provisions of the CREAMM to prepare law enforcement employers for this. Employers will have to change their policies to comply with CREAMM.

Claudia Demitro noted that technically the law says you're only allowed to purchase and possess an ounce of cannabis. But if you have 6 times or less, the police cannot charge you. They could technically seize it because it is considered contraband, but if it is one ounce or less, the police cannot take it from you.

Joe Walsh added that the lack of clarity sometimes rears its head at a Correctional Facility. When someone comes in with legal cannabis in their possession, what should the Correctional Facility do? If it is one ounce or less, it is certainly someone's legally possessed property and needs to be returned to them when they're released if it's more than one ounce less than 6 ounces. It's more problematic.

Ashton Burrell asked if there might be resources for people coming back into the community who were charged with a you know minor offenses with marijuana. Claudia Demitro directed him to the judiciary website (see above). Lisa Burke reported that largely minor personal possession charges have been expunged but not charges that are related to distribution and the like. The website provides information on how a person who believes that their related history might have been expunged by operation of law can go about verifying that and getting what's called a certificate or certification of expungement. The process for doing that is detailed on that page and one of the things that I think is important is not only for people to be aware that these expungements have taken place, but also that individuals who benefit from the expungement can get this documentation that verifies that particular matter or matters for expunged in this way.

John Wenz noted that if you are so many feet from a school and you found with possession or you are found distributing, there are also additional penalties that you're subject to. If you sell to a minor or sell to a pregnant woman the penalties are multiplied. There are a tremendous number of people, especially people of color, that have been charged with marijuana offenses and have suffered from that, and their families have suffered. Funds going to areas where that is most dramatically impacted are going to be involved. There is going to be some public discussion within the next few months. Important to consider is notification about how social equity will be provided from the law and how that's going to be facilitated and implemented in New Jersey.

Claudia Demitro noted that the school zone distribution laws have not been changed by the statute. In a school zone there is no warning for someone distributing one ounce or less for the first time. There are inequities with the school zone laws. The law touches everything else but not the school zones. It is not clear what money may be available for social justice issues.

Yumiko Mishima asked how police would determine the amount of cannabis/marijuana someone was carrying. She also wondered about the legality of marijuana crossing State lines.

Claudia Demitro said the police ask the first question a lot but penalties are not worth pursuing if the amount is a bit over the amount. The police will not be carrying scales to measure the amount. They will be focused on large-scale traffickers. Marijuana is still illegal under Federal law. Interstate commerce is regulated under Federal law.

Then legislature did not amend the open container laws. There are rules against having open containers of alcohol or marijuana in a car. There are laws about consuming in a car even if you are a passenger. The statute is specific that having marijuana sealed in the trunk is fine.

Ashton Burrell said that if anyone had more questions, email or Claudia or himself. We need to make sure that we are passing this information on to our community and the people within our community, so that they're aware of the knowledge that we gained today.

The meeting was adjourned at 11:12.