

Township Council
1 Municipal Plaza
Bloomfield, NJ 07003

Louise M. Palagano
Municipal Clerk

<http://www.bloomfieldwpnj.com>

Meeting: 04/25/22 07:00 PM

2022 RESOLUTION APPROVAL

RESOLUTION: PROHIBITING OFF-DUTY CANNABIS USE BY SWORN LAW ENFORCEMENT OFFICERS

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the retail sale of adult use cannabis began in New Jersey on April 21, 2022; and

WHEREAS, despite passage of the Act and commencement of regulated cannabis sales in New Jersey, marijuana remains a Schedule I controlled substance and illegal to possess or use under the Federal Controlled Substances Act; and

WHEREAS, the United States Code indicates that no person “who is an unlawful user or addicted to any controlled substances” may possess or receive any firearm or ammunition. It further specifies that it is unlawful for “any person to sell or otherwise dispose of any firearm to any person knowing or having reasonable cause to believe that such person...is an unlawful user of or addicted to any controlled substance.”; and

WHEREAS, in 2011, the U.S. Department of Justice Bureau of Alcohol, Tobacco, Firearms and Explosives (the “ATF”), in response to “inquiries regarding the use of marijuana for medicinal purposes and its applicability to Federal firearms laws”, issued an “Open Letter to All Federal Firearms Licensees”; and

WHEREAS, the ATF’s written guidance opined “there are no exceptions in Federal law for marijuana purportedly used for medicinal purposes, even if such use is sanctioned by State law”; that any person who is an unlawful user of any controlled substance is prohibited from “shipping, transporting, receiving or possessing firearms or ammunition”, and further concluded that “any person who uses or is addicted to marijuana, regardless of whether his or her State has

passed legislation authorizing use for medicinal purposes, is an unlawful user of or addicted to a controlled substance, and is prohibited by Federal law from possessing firearms or ammunition.”; and

WHEREAS, the ATF also requires that all purchasers of firearms must indicate whether they are an unlawful user of or addicted to a controlled substance, as defined by federal regulations; and

WHEREAS, New Jersey’s Acting Attorney General issued a memo to all Law Enforcement Chief Executives on April 13, 2022 “to remind law enforcement of the provisions” of the Act “that set the parameters for departments issuing policies pertaining to cannabis use”, stating “law enforcement agencies shall continue to maintain a drug and alcohol-free workplace, which prohibition includes marijuana/cannabis whether regulated or illicit”, but the Act “further provides that law enforcement agencies may not take any adverse action against any officers because they do or do not use cannabis off-duty.”; and

WHEREAS, the inconsistencies in the federal and state laws and guidance concerning marijuana use create confusion and potential risks for law enforcement agencies and their officers; and

WHEREAS, a New Jersey law enforcement agency can reasonably question whether they may issue a firearm or ammunition to a police officer who it knows has used cannabis off-duty without violating federal law; and

WHEREAS, the conflict between federal law and the New Jersey law could inadvertently lead officers to commit actions that compromise their credibility as witnesses in prosecutions; and

WHEREAS, this ambiguity can jeopardize the officers’ own safety and well-being as well as the delivery of public safety to the community; and

WHEREAS, the Mayor and Council of the Township of Bloomfield strongly believe that providing excellent, effective public safety is of paramount importance in this community, and maintaining unassailable standards amongst its law enforcement officers and professionals is commensurate with that goal; and

WHEREAS, the Mayor and Council maintain it is in the best interest of both the Township of Bloomfield residents and the Township of Bloomfield Police Department to prohibit law enforcement officers from off-duty cannabis consumption and use as well as while on-duty; and

WHEREAS, Police Officers who are discovered to have violated the prohibition will be subject to progressive discipline; and

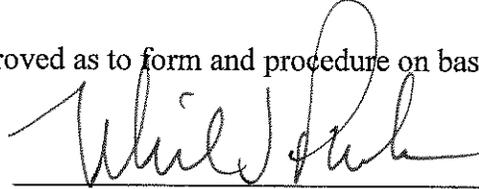
WHEREAS, the Mayor and Council call upon and encourage the State Legislature and Governor to pass legislation banning law enforcement officers from using cannabis products while off-duty.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Township of Bloomfield that:

1. Sworn Township of Bloomfield Police Officers are prohibited from using, consuming, and possessing regulated cannabis products either while off-duty or on-duty.
2. The Public Safety Director shall implement departmental policy to administer and enforce this prohibition.

* * * * *

Approved as to form and procedure on basis of facts set forth.



Director of Law-Township Attorney

I do hereby certify that the funding will be legally appropriated per the above information for the purpose specified in the attached contract. Furthermore, it has been represented to me that the contracts have been processed in accordance with the applicable provisions of New Jersey Local Public Contract Law and the Code of the Township of Bloomfield.



Chief Financial Officer

I hereby certify that the above resolution was duly adopted by the Mayor and Council of the Township of Bloomfield at a meeting of said Township Council held on April 25, 2022.

Janice M. Pellegrino
 Municipal Clerk of the Township of Bloomfield

Mezz
 Mayor of the Township of Bloomfield

✓ Vote Record – Resolution					
		Yes/Aye	No/Nay	Abstain	Absent
<input type="checkbox"/> Adopt	Jenny Mundell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Deny	Nicholas Joanow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	Sarah Cruz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Table	Wartyna Davis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Not Discussed	Ted Gamble	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> First Reading	Richard Rockwell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Table with no Vote	Michael J. Venezia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Approve					
<input type="checkbox"/> Veto by Mayor					
<input type="checkbox"/> Discussion					
<input type="checkbox"/> Defeated					
<input type="checkbox"/> Discussion No Vote					