



STEVEN M. FULOP  
MAYOR OF JERSEY CITY

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### \*\*\* *PRESS RELEASE* \*\*\*

## **Mayor Fulop & JCPD Officials Take NJ Cannabis Law to Federal Court, Citing Same ATF Firearms Laws Hunter Biden Indicted On**

*Jersey City Takes Firm Stance to Protect NJ Municipalities, Police Officers, and Residents*

*“Federal law does not provide any exception allowing the use of marijuana for medicinal or recreational purposes.” - ATF, May 2023*

To view the press conference livestream, please visit [here](#).

JERSEY CITY, NJ – **Mayor Steven Fulop** and **Public Safety Director James Shea** were joined by **JCPD officials** today to announce a complaint filed in federal court challenging CREAMMA as preempted by federal law. Despite the City’s repeated attempts, the state court continues to avoid addressing the root cause of this very serious issue of how municipalities throughout New Jersey can comply with the new Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (CREAMMA) as preempted by existing federal law.

The Civil Service Commission and judges have all recognized the conflict, but refuse to provide much-needed guidance as to how local governments can comply with the clashing laws.

“Legalization in New Jersey is a good thing, and I have been a vocal supporter from the start. However, that stands separate from this issue we are seeking to address, which is the fact that New Jersey’s CREAMMA law directly conflicts with federal law, exposing Jersey City to tens of millions of dollars in potential liability, compromising public safety, and jeopardizing police officers’ careers statewide,” said **Mayor Fulop**.

The City's efforts come after five JCPD officers took the Attorney General's mandated drug test and tested positive for a Schedule 1 drug, which includes marijuana, cannabis, and THC. To comply with federal law, the City was forced to terminate the officers because they could no longer carry a firearm, which is required of all police officers in New Jersey.

The Federal Gun Control Act of 1968 prohibits any person who is an unlawful user of or addicted to any controlled substance as defined by the Controlled Substances Act of 1970 from shipping, transporting, receiving, or possessing firearms or ammunition.

As marijuana becomes legal in states throughout the U.S., the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) continues to reiterate that the federal firearms law still prohibits marijuana use as it remains a Schedule 1 narcotic. Therefore, anyone who uses cannabis is ineligible to possess a firearm or ammunition.

Safety-sensitive carve-outs are being passed with wording and details that vary from state to state. New Jersey has none.

"As soon as marijuana was legalized in New Jersey, we immediately notified all of our police officers that anyone who uses cannabis cannot possess a firearm, and we cannot legally provide them ammunition," said **Director Shea**. "We have spoken to the State and Civil Service at every turn. We pursued all the necessary avenues to get this corrected. There are no facts in dispute on this. It should be as simple as a federal judge clarifying the conflicting laws so that local governments throughout the State know how to comply."

**All media inquiries should be directed to Kimberly Scalcione at [KScalcione@icnj.org](mailto:KScalcione@icnj.org).**