

ENVIRONMENT—FISSIONABLE SOURCE MATERIAL—N.J. STAT. ANN.
§§ 13:1J-1 to -6 (West Supp. 1981)

The New Jersey Legislature has shown unprecedented caution in enacting N.J. STAT. ANN. §§ 13:1J-1 to -6 by placing a seven-year moratorium on the extraction, milling, or processing of fissionable source materials within the State, effective May 4, 1981. Fissionable source materials are broadly defined as extracted mineral ores which might reasonably be processed into nuclear fuel for reactors or weapons. The Act also strictly limits the exploration of such materials.

This ban is based on legislative findings which concluded that the present extraction of fissionable source materials poses a significant danger to the public health, safety, and welfare. During the prohibition, the Department of Environmental Protection shall continue to study this issue and, within six years, shall prepare a report concerning the dangers of the exploration, mining, or processing of any fissionable source materials. The report is to be prepared after public hearings are held in the affected areas of the State. In its final form, the report must contain recommendations for the prohibition or regulation of such activities upon the expiration of this Act.

The Act does not prohibit the Department of Environmental Protection from containing, cleaning up, or removing fissionable source materials which present an imminent danger to the public. It is not to be construed as preventing a local governing body from further regulating the exploration, mining, or processing of any fissionable source material.

The Attorney General is empowered with authority to seek injunctive relief to prevent a violation. Also, a person in violation of this Act is subject to fines up to \$10,000 for each offense. If the violation is of a continuing nature, each day during which it continues shall constitute an additional, separate, and distinct offense.

—Keith Bonchi

CONTROLLED DANGEROUS SUBSTANCES—DRUG PARAPHERNALIA—AN ACT TO SUPPLEMENT N.J. STAT. ANN. §§ 24:21-46 to -53 (West Cum. Supp. 1980)

N.J. STAT. ANN. §§ 24:21-46 to -53 provides a legal definition for the term "drug paraphernalia": all equipment, products, or materials of any kind which are used to introduce controlled dangerous substances into

the human body. A detailed, but not exhaustive, list explains what types of objects constitute these materials and equipment. Additionally, the Act states several factors that the trier of fact may consider, in addition to or as part of the proof, in determining whether or not an object is drug paraphernalia.

In an effort to curb the introduction of controlled dangerous substances into the human body, the Act mandates a penalty for the use and possession, distribution, or advertisement to promote the sale of drug paraphernalia. Any person who uses, or possesses with the intent to use, any object classified as drug paraphernalia is guilty of a disorderly persons offense. Any person who distributes, dispenses, or possesses with the intent to distribute or dispense drug paraphernalia so that another person may introduce controlled dangerous substances into the human body commits a crime of the fourth degree. However, any person eighteen years of age or older who delivers drug paraphernalia to someone who is both under eighteen years of age and at least three years his junior commits a crime of the third degree.

The Act also restricts the sale or distribution of a hypodermic syringe or needle without a prescription. It is unlawful for any person to have under his control, without a valid prescription from a duly licensed individual, a hypodermic syringe, needle or any other instrument used to introduce controlled dangerous substances into the human body. The law requires that any person who legitimately fills a prescription for a hypodermic syringe or needle for use with controlled dangerous substances must keep the transaction on record for a period of two years. This record must be available for inspection upon request by an authorized public officer or agent. The prescription will become invalid if not filled within six months of its original issuance. Any person who violates this section is guilty of a disorderly persons offense.

Any drug paraphernalia which is seized in accordance with this Act shall be subject to forfeiture provisions in the New Jersey Code of Criminal Justice.

—*Mary A. Smith*

INVESTIGATION OF ARSON—RELEASE OF INFORMATION ON FIRE LOSSES BY INSURERS TO AUTHORIZED STATE AGENCIES —
N.J. STAT. ANN. §§ 17:36-14 to -21 (West Supp. 1981)

N.J. STAT. ANN. §§ 17:36-14 to -21 enables the State to gather information pertaining to property losses by fire and suspected arson. It