

Will New Jersey Medical Marijuana Dispensaries Finally Get Off the Ground?

by Mark K. Follender on August 8, 2012

The first crop of legal marijuana is growing in New Jersey. It is just one of several recent developments that suggest that New Jersey medical marijuana dispensaries may soon be open for business. After years of delays, the first dispensary is slated to open in September, with several others closely behind.

For dispensaries seeking to operate in this state, the legal and regulatory hurdles have been numerous. New Jersey's Compassionate Care Medicinal Marijuana Program is the strictest in the country, requiring both dispensaries and patients to satisfy a lengthy list of requirements. Operators must submit to a thorough background check that is performed by the Division of Gaming Enforcement, which normally investigates casino owners for criminal ties. In addition, patients seeking to use medical marijuana must have one of a short list of "debilitating medical conditions," such as cancer and multiple sclerosis.

Medical marijuana dispensaries are also having difficulty securing locations, as the zoning boards in certain New Jersey municipalities formally and informally are denying or discouraging applications. The difficulty is clearly one of perceptions, as governing bodies tend to confuse the proposed marijuana dispensary with the unsavory reputation of methadone clinics. In one instance, as reported by NJ Spotlight, Upper Freehold Township has passed an ordinance prohibiting facilities that violate federal law to ensure that it can keep dispensaries out.

In addition, there are still several other legal loose ends. Most importantly, possession of marijuana is still a drug crime that can result in prison time. In June, the New Jersey General Assembly approved legislation that would decriminalize the possession of small amounts of marijuana. Under the proposed changes, those caught with 15 grams or less of marijuana would only face monetary penalties. The fine would be \$150 on a first offense, and would increase with each subsequent offense. After the third violation, an individual could be ordered to undergo a drug evaluation.

The bill is currently pending in the Senate. However, Governor Christie has indicated that he may veto the legislation.