

These weed growers didn't get picked to grow medical marijuana in N.J. Now they are ready for a fight.

Joshua S. Bauchner discusses marijuana growers' appeal of New Jersey's recent selection process of six additional growers in NJ.COM interview.

By Susan K. Livio and Payton Guion, NJ Advance Media for NJ.com



Joshua S. Bauchner



Harmony Dispensary grows and sells medical cannabis. Thursday, November 8, 2018. Secaucus, N.J., USA NJCI (Aristide Economopoulos | NJ Advance Media for NJ.com)

Five medical marijuana growers passed over for a chance to operate in New Jersey filed appeals on Thursday challenging the Murphy administration's selection of six of their competitors in December.

The challenges reflect the mounting competition to lay down roots in a state with a fast-growing patient population, which is also working toward passing a law making cannabis legal for adults 21 and over.

In addition to the appeals from the rejected candidates, one existing alternative treatment center, Compassionate Care Foundation in Egg Harbor Township, also filed a challenge to one of the winners. The department green-lit a dispensary on the Atlantic City boardwalk for MPX, just blocks away from the satellite dispensary Compassionate Care plans to open in June.

"Putting a second dispensary on top of the first doesn't serve the goal of assuring patients access to care, as required by law, especially when most of southern New Jersey remains unserved," Compassionate Care Foundation CEO David Knowlton said. "This appeal is all about patients and making sure everyone who is sick has access to high quality medical marijuana. It's our position that the state decision should be reversed."

The appeals were filed by Cresco Atlantic; GGB NJ LLC, which had planned to open in north Jersey; Academy Medical LLC and Harvest NJ LLC, which are vying to operate in south Jersey; Altus NJ LLC aiming for central Jersey; and Bloom Medicinals of PA LLC. The deadline to file the court challenges to the state appellate division was Thursday.

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Joshua Bauchner, an Ansell Grimm & Aaron, PC attorney representing GGB NJ LLC, raised serious questions about how the applications were scored. He said his client received drastically different scores on its application from different judges. In some cases, one judge would award full credit on a certain section of the application and another judge would give no points for the same section.

“The scoring was all over the place,” **Bauchner** said. “When you look at who was awarded the licenses at the end...it was certainly suspect.”

Health Department spokeswoman Donna Leusner declined to comment on the appeals because they are pending litigation.

In December, the health department announced it had awarded six applicants permission to proceed with a plan to grow and sell medicinal marijuana:

- NETA NJ, LLC was chosen to open a facility in Phillipsburg.
- GTI New Jersey, LLC was chosen to open a facility in Paterson.
- Verano NJ, LLC was chosen to open a grow facility in Rahway and a dispensary in Elizabeth.
- Justice Grown was chosen to open a facility in Ewing.
- MPX New Jersey was chosen to open a cultivation facility in Galloway and a dispensary in Atlantic City.
- Columbia Care New Jersey was chosen to open a facility in Vineland.

It was not immediately clear how long the appeal process would take, possibly delaying the expansion of dispensaries and growers beyond the six that were approved by the Christie administration in 2011. There are 40,000 patients, with 23,000 joining since Gov. Phil Murphy has taken steps to expand the program.



Bauchner said his client had filed an appeal with the appellate division of the courts and are seeking a stay from the Department of Health, which would delay the department in awarding the six new licenses. **Bauchner** said these appeals could slow the process by months, if not longer.