

It could be months before N.J. can expand its medical marijuana program. Here's why.

Ansell Grimm & Aaron Attorney Joshua S. Bauchner filed a motion last week with the appellate division on the state judiciary asking for a stay from the court. If the court grants the stay, it would prevent the department from issuing any of the new licenses until the matter is litigated.

By Payton Guion, NJ Advance Media for NJ.com



Joshua S. Bauchner



Since Gov. Phil Murphy took office more than a year ago, he's made expanding access to medical marijuana a priority. But his administration's latest efforts to grow the program could be in for a court battle that could last months, or longer.

In December, the state Department of Health announced the six companies it had selected to open medical marijuana dispensaries in the state, furthering an expansion of the state's constrained medical marijuana program that had been started by Murphy earlier in 2018.

But in choosing those six applicants to open alternative treatment centers, the Health Department denied dozens of other vying to be part of the medical marijuana expansion.

At the beginning of February, five groups that weren't selected appealed the state's decision, calling the selection process "arbitrary and capricious." The groups claimed the state Department of Health's application scoring was flawed, and multiple organizations asked the state for a delay on issuing the six new medical marijuana licenses while the appeals were pending.

But on Feb. 14, the Health Department denied the request for a stay from Harvest of New Jersey, one of the groups that wasn't chosen to open an alternative treatment center, according to documents obtained by NJ Cannabis Insider. That denial, plus appeals by five more groups, likely sets up a long court battle for the Health Department before it can issue the six new medical marijuana licenses.

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Since the rejection letter sent on Feb. 14, the department has denied another request for a stay from a different appellant, according to **Joshua Bauchner**, an attorney representing another ATC hopeful, GGB NJ LLC.

In light of the department declining the stay requests, Bauchner said, he filed a motion last week with the appellate division on the state judiciary asking for a stay from the court. If the court grants the stay, it would prevent the department from issuing any of the new licenses until the matter is litigated.

But before the court decides whether to delay the expansion of the state's medical marijuana program, the department will have a chance to respond to the motion filed by the scorned ATC applicants. We don't have any idea how long this process could take.

"It's impossible to predict," **Bauchner** said of how quickly this process could play out in the court. "Obviously we hope they would turn to it with some urgency."

Even if the court grants the stay, what happens next remains up in the air. **Bauchner** said the court could order the Health Department to reconsider the applicants who appealed or it could order the state to restart the whole application process.

Either way, this almost certainly will delay any additional plans from the Health Department to further expand the medical marijuana program. We reported last year that the department planned to consider applications for more medical marijuana providers, this time not vertically integrated, in the spring.

