



## N.J. Green-Lights Medical Marijuana Program as Calif.'s Goes Up in Smoke

John Farley | December 5, 2011 4:04 AM



Traditional canning jars hold varieties of marijuana in a cabinet at the La Brea Collective medical marijuana dispensary in Los Angeles. Despite a federal crackdown on California's medical marijuana industry, the restrictive nature of New Jersey's pot program means it's probably safe from federal threat. AP/Reed Saxon

Nearly two years after it was legalized in New Jersey, [lawmakers announced last week](#) that the state's medical marijuana program, the most restrictive in the country, would be fully functional sometime in 2012.

How high are the risks? Should New York be looking to its historically less-progressive neighbor as a model for effective medical marijuana policy?

Gov. Chris Christie had issued a surprise announcement in July that the state would [move forward with its then-stalled medical marijuana program](#). But since then, federal prosecutors have done something even more surprising: They [raided and seized property](#) from medical marijuana growers and dispensaries in California, despite the Obama administration's indications that they would not crack down on such facilities.

New Jersey's medical marijuana policy has been in flux for months now. In 2010, the New Jersey State Senate passed the Compassionate Care Act, requiring the state to license six medical

marijuana dispensaries. But even though [86 percent of New Jersey voters support medical marijuana](#), Christie put the [program on hold](#) while he awaited word from federal officials that New Jersey marijuana workers and doctors would not be prosecuted, reported the *Star-Ledger*.

Word never came, but the governor, a former federal prosecutor, felt that [a memo from the U.S. Justice Department](#) indicated the agency would stay true to President Barack Obama's campaign promise in 2008 not to prosecute states that passed medical marijuana legislation, even though it violates federal law. The memo suggested that the federal government did not consider it an efficient use of time to enforce penalties on terminally ill patients seeking marijuana for medicinal reasons. In July, Christie gave medical marijuana the greenlight.

Then, in October, four U.S. attorneys in California announced a [tough new agenda](#) to shut down marijuana growers and dispensaries they said were violating the original intent of the state's law, which was passed back in 1996, the *New York Times* reported. The federal prosecutors said many of the dispensaries were operating as part of a large-scale, for-profit drug operation, as opposed to dispensing medicine to ill patients. [Raids, arrests and property seizures](#) followed, along with [job losses](#) in

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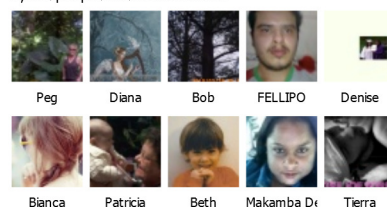
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California's marijuana industry.

Since Christie's announcement in July, there have been multiple setbacks for New Jersey's pot program, however, none of them were caused by the federal government. New Jersey zoning boards rejected four of the six proposed grow sites and dispensary locations due to worries about [weak oversight](#), acting in violation of [federal law and of course residents' overwhelming NIMBY](#) fears, reported *Yahoo News*.

But on Nov. 29, Christie's administration said the state debacles over dispensary and greenhouse locations had been smoothed out and that they were confident that the stringent laws governing the program would enable it to avoid federal prosecution. Though New Jersey will not make its original deadline of Dec. 31, 2011, the medical marijuana program will [definitely be up and running in 2012](#), reported the *Star-Ledger*.

So what makes lawmakers think New Jersey's medical marijuana program is a fairly safe bet? Consider the following facts about the state's Compassionate Care Act:

- Sixteen states and Washington D.C. have medical marijuana laws, and [New Jersey's is the most restrictive](#), according to Politifact. Some other states, like California and Colorado, allow doctors to prescribe marijuana for a host of ailments, including psychological issues like anxiety, and even issue patients multiple prescriptions cards so that the patient's friends or family can pick up their prescription for them — or, you know, for themselves. [New Jersey limits prescriptions to patients with terminal illnesses](#) or illnesses where conventional pain medication has failed, such as glaucoma and epilepsy. Furthermore, a doctor can only prescribe marijuana to a patient they've been seeing for over a year.
- This is a big one: New Jersey's non-profit dispensaries are all licensed by the state, unlike in California, where they are not required to obtain a state license specifically to sell marijuana. "They've [federal prosecutors] never interfered with a dispensary licensed by a state," said Roseanne Scotti, New Jersey state director of Drug Policy Alliance. "In California, the dispensaries are not state licensed. [In Colorado, they are](#), and we haven't seen any interference in Colorado." Thus, you're not likely to see dispensaries with giant [neon pot signs out front, as is the case out West](#).
- The quantity and quality of pot that can be legally possessed is quite limited in New Jersey. A New Jersey patient can only receive 2 ounces of marijuana every 30 days, [unlike in California](#), where patients can buy bundles of the stuff. Furthermore, New Jersey is the first state to limit the potency of medical marijuana, in [this case to 10 percent](#). To put that in perspective, the average marijuana potency in the United States is just [over 10 percent](#). In California, where pot growing in Humboldt County is basically an artisan trade, potency levels reach [upwards of 30 percent](#).
- To the disappointment of medical marijuana activists, who hoped a doctor would regulate the program, Christie [recently appointed a 26-year police veteran to oversee the industry](#).

If New Jersey's program manages to avoid becoming as leniently regulated as it is in California, it's possible that New York could look to its neighbor as a model. There's [currently a bill in the New York State Senate](#), sponsored by Senator Tom Duane, which is similar to New Jersey's. In November, the New York City Council [passed a resolution supporting the bill's passage](#), reported *AM New York*. The bill is currently being reviewed by the Committee on Health. Would Gov. Andrew Cuomo sign it into law?

In 2010, Cuomo took a staunch stance against medical marijuana. However, immediately after Christie put his support behind New Jersey's program, [Cuomo changed his tune](#).

"We're looking at both sides of the issue...and we're reviewing it, but we don't have a final



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position,” said Cuomo.

It’s unclear where the legislature and Cuomo stand, but at a time when the state is making [increasingly heavy budget cuts](#) and [experimenting with new capital funding models](#), government might be catching a strong whiff of the [massive tax incentives](#) the industry offers.

In California, [medical marijuana is a \\$1.5 billion a year industry](#), reported the *San Francisco Chronicle*. California tax regulators estimate the state receives somewhere between [\\$78 and 105 million in sales taxes annually](#), and a new ruling that clarifies dispensaries are not tax-exempt businesses is likely to cause those revenues to surge, reported the *Los Angeles Times*.

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Tags: Andrew Cuomo, Barack Obama, Chris Christie, dispensary, Drug Policy Alliance, health, medical marijuana, U.S. Justice Department