



State of New Jersey

STATE AGRICULTURE DEVELOPMENT COMMITTEE
HEALTH/AGRICULTURE BUILDING
PO Box 330
TRENTON NJ 08625-0330

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

DOUGLAS H. FISHER
Secretary

Susan E. Payne
Executive Director
(609) 984-2504
(609) 292-7988
(609) 633-2004 ~ FAX

Douglas H. Fisher
Chairman

NJ State Agriculture Development Committee Questions and Answers Regarding Medical Marijuana

December 2011

As a result of the New Jersey Compassionate Use Medical Marijuana Act (Act), the State Agriculture Development Committee (SADC) has received a number of inquiries regarding medical marijuana as it relates to programs it administers. Following are answers to commonly asked questions:

Can medical marijuana be grown on a preserved farm?

Yes, medical marijuana is considered an agricultural crop based on New Jersey's agricultural statutes. Therefore, it can be grown and processed on a preserved farm. However, because growing marijuana is prohibited at the federal level, the Natural Resources Conservation Service's position is that it will not permit the growing of medical marijuana on any farm that has been preserved with federal Farm and Ranch Lands Protection Program funding.

Can Alternative Treatment Center dispensary sites be located on a preserved farm?

No, while the farmland preservation Deed of Easement allows for the "wholesale and retail marketing" of crops on a preserved farm, the sale and distribution of medical marijuana is tightly controlled. Medical marijuana dispensary sites essentially will serve as medical treatment facilities rather than farm markets. Therefore, medical marijuana dispensaries cannot be considered farm markets and a grower cannot sell or distribute medical marijuana from a preserved farm.

Can buildings be constructed on a preserved farm to grow and process marijuana for medical purposes?

Yes, the farmland preservation Deed of Easement allows buildings to be constructed for agricultural purposes. However, like any agricultural activity, growing marijuana for medicinal purposes must conform to all the provisions of the farmland preservation Deed of Easement. So while agricultural structures are permitted, the extent of structures may be limited by provisions in the Deed of Easement intended to protect soil and water resources on the preserved farm. Prospective growers who have questions about constructing agricultural structures on a preserved farm should contact the State Agriculture Development Committee at 609-984-2504 for more information.

Is the growing and processing of medical marijuana eligible for Right-to-Farm protection?

No, the Right to Farm Act requires that commercial farms be in compliance with all applicable federal or State statutes or rules and regulations to qualify for right-to-farm protection.

Because growing medical marijuana is prohibited by federal law, the growing and processing of medical marijuana is not protected under the Right to Farm Act.

S:\Hope\marijuana\medmarijuanaQA120811 sep edits (2).docx