

FAQ - Cannabis (marijuana) and Hemp

Cannabis Information

The New Jersey Cannabis Regulatory Commission (CRC) is the governing body responsible for regulating the existing Medicinal Cannabis Program and the new recreational cannabis program in New Jersey. The agency has established the rules necessary for the operation of cannabis businesses in the state.

For more information please visit the CRC website: <https://www.nj.gov/cannabis/>

Please note that all questions pertaining to farmland assessment and rollback taxes should be directed to municipal and state tax authorities.

Question:

Can medical or recreational cannabis be grown on property preserved under New Jersey's Farmland Preservation Program?

Answer:

Yes. The State Agriculture Development Committee (SADC) considers cannabis an agricultural crop and that growing cannabis on a preserved farm is permitted under the deed of easement. The growing of cannabis on a preserved farm, whether grown outdoors and/or indoors, must still comply with applicable CRC regulations and DOE provisions, including soil protection and applicable stormwater requirements, and post-preservation utility easements would need to be reviewed in advance by the SADC for consistency with the DOE.

Question:

Is the planting, propagation, cultivation, growth, harvesting, processing or selling of medical or recreational cannabis eligible for Right to Farm protection?

Answer:

No. Cannabis is still a Schedule 1 substance under federal law, defined as a drug with no currently accepted medical use and a high potential for abuse. Because compliance with relevant federal laws is a requirement for Right to Farm protection, the planting, propagation, cultivation, growth, harvesting, processing or selling of medical or recreational cannabis would not be entitled to Right to Farm protection.

Hemp Information

If you have questions about growing Hemp in New Jersey please contact the New Jersey Department of Agriculture Division of Plant Industry who regulate Hemp production in New Jersey.

https://www.nj.gov/agriculture/divisions/pi/prog/nj_hemp.html

Question:

Can hemp be grown on property preserved under New Jersey's Farmland Preservation Program?

Answer:

Yes, the New Jersey Hemp Farming Act, P.L.2019, c. 238 (N.J.S.A. 4:28-1, et seq.) was enacted in August 2019. This new legislation complies with the 2018 Farm Bill, which authorized hemp producers to grow and sell hemp for commercial purposes.

Hemp may be grown on preserved farmland in accordance with relevant provisions of the farmland preservation deed of easement, applicable state and federal law, the New Jersey Hemp Farming Act, N.J.S.A. 4:28-6, et seq., and New Jersey Department of Agriculture regulations at N.J.A.C. 2:25-1.1, et seq.

Question:

Is the planting, propagation, cultivation, growth, harvesting, processing or selling of hemp eligible for Right to Farm protection?

Answer:

Yes, the planting, propagation, cultivation, growth, harvesting, processing or selling of hemp is eligible for Right to Farm protection provided the hemp operation is conducted on a commercial farm as defined in the Right to Farm Act, is in compliance with relevant federal and state laws, and does not pose a direct threat to public health and safety.