



MEMORANDUM

TO: Cannabis Regulatory Commission Board

FROM: Christopher Riggs, Acting Executive Director

SUBJECT: Request for Modification of Capacity, Physical Plant, Premises, or Administrative Office for Illicit Gardens New Jersey

DATE: [AUGUST 7, 2025](#)

BACKGROUND: A request came in on April 9, 2025 from Vice President Compliance Michele Bowman of Illicit Gardens New Jersey (“Illicit”), an expanded Alternative Treatment Center and Class 1 Cannabis cultivator, requesting an increase of their cultivation canopy tier from Tier I to Tier II, which would allow Illicit to grow in a canopy area between 10,000 square feet and 25,000 square feet. Illicit plans to construct a new 24,000 square foot facility, which will house seven (7) new flower rooms, which will add approximately 11,812.5 square feet of additional flowering canopy. With this addition, Illicit would have a total flowering canopy of 19,291.5 square feet.

AUTHORITY:

N.J.A.C. 17:30–10.4 Cannabis Cultivator Production Management Tiers

(a) All cannabis cultivators shall be assigned a cultivation production management tier at license issuance and reassigned at renewal, as necessary.

(b) The cannabis cultivator shall accurately calculate its plant count and mature cannabis plant grow canopy area.

1. Square footage of a mature cannabis plant grow canopy area is measured horizontally, starting from the outermost point of the furthest plant in a grow canopy area and continuing around the outside of all plants located within the mature cannabis plant grow canopy area.

2. If a vertically tiered or shelving system is included in the cultivation area, the surface area of each tier or shelf must be included in calculating the grow canopy area.



3. A mature cannabis plant grow canopy area is the total square feet in which a cannabis cultivator plants and grows cannabis plants, and does not include areas exclusively used for harvesting, drying, curing, packaging, labeling, or storing cannabis.

(c) The following are the cannabis cultivator cultivation production management tiers:

1. *Microbusiness Cultivator. A cannabis cultivator with a microbusiness license:*

i. *May cultivate and possess no more than 1,000 mature cannabis plants each month; and*

ii. *May cultivate an unlimited number of immature cannabis plants, germinated seeds, cuttings, or clones;*

iii. *In a physical plant occupying an area that does not exceed 2,500 square feet; and*

iv. *In a total mature cannabis plant grow canopy area that does not exceed 2,500 square feet, measured on a horizontal plane, and 24 feet, measured vertically above that plane.*

2. *Tier I Cultivator. A cannabis cultivator with a Tier I Cultivator license may cultivate in a mature cannabis plant grow canopy area that does not exceed 10,000 square feet.*

3. *Tier II Cultivator. A cannabis cultivator with a Tier II Cultivator license may cultivate in a mature cannabis plant grow canopy area that is greater than 10,000 square feet, but does not exceed 25,000 square feet.*

4. *Tier III Cultivator. A cannabis cultivator with a Tier III Cultivator license may cultivate in a mature cannabis plant grow canopy area that is greater than 25,000 square feet, but does not exceed 50,000 square feet.*

5. *Tier IV Cultivator. A cannabis cultivator with a Tier IV Cultivator license may cultivate in a mature cannabis plant grow canopy area that is greater than 50,000 square feet, but does not exceed 75,000 square feet.*

6. *Tier V Cultivator. A cannabis cultivator with a Tier V Cultivator license may cultivate in a mature cannabis plant grow canopy area that is greater than 75,000 square feet, but does not exceed 100,000 square feet.*



7. *Tier VI Cultivator. A cannabis cultivator with a Tier VI Cultivator license may cultivate in a mature cannabis plant grow canopy area that is greater than 100,000 square feet, but does not exceed 150,000 square feet.*

8. *Expanded ATC Cultivator. An expanded ATC cultivator with a cannabis cultivator license may cultivate medical cannabis and personal use cannabis in a combined mature cannabis plant grow canopy area that does not exceed 150,000 square feet.*

(d) A cannabis cultivator applying for a conditional or annual standard cannabis business license may choose its tier in its application and shall include an explanation of the anticipated demand for its products that justify such tier choice.

N.J.A.C. 17:30-9.2 Changes to License Applicant or License Holder; Approval and Notice; Provisional Approval

(a) Cannabis business license holders shall submit an application for an amended license, along with the applicable fee, if any, pursuant to N.J.A.C. 17:30–7.17, for the following material changes, a change:

1. In ownership, which shall include:

i. Addition or removal of owners or passive investors;

ii. Change in license holder entity structure, including any related mergers, acquisitions, or creation of new related entities;

iii. Change in ownership structure or ownership interest that results in a change of owner, pursuant to N.J.A.C. 17:30–9.3; and

iv. Any other changes to the ownership and financial information provided to the Commission pursuant to N.J.A.C. 17:30–7.10 and 7.13;

2. Of management services contractor or the terms of any management services agreement; pursuant to N.J.A.C. 17:30–6.9;

3. Of financial source or the terms of a financial source agreement (FSA) pursuant to N.J.A.C. 17:30–6.10;

4. Of location;



5. *Of modification of capacity, physical plant, premises, or administrative office; or*

6. *Of name of the cannabis business.*

(b) Failure to seek approval for such material changes pursuant to (a) above may result in sanctions upon the license holder pursuant to N.J.A.C. 17:30–20, including civil penalties, or suspension or revocation of any license issued to the license holder.

N.J.A.C. 17:30-7.17 Cannabis Business and Testing Laboratory Fees

...*(j) The following material change fees shall be paid by annual license holders, as applicable:*

1. *The fee to apply for a change of location of a cannabis business premises is:*

i. *Standard cannabis business annual : \$10,000; or*

ii. *Microbusiness : \$1,000;*

2. *The fee to apply for a change or modification of the cannabis business' capacity or physical plant is \$2,000;*

i. *This fee shall not apply to a microbusiness converting to a standard cannabis business pursuant to N.J.A.C. 17:30–7.15; and*

3. *The fee to apply for the transfer of more than 50 percent of ownership interest in a license holder is \$20,000.*

i. *Any financial source, management services contractor, owner, or principal may be required to pay background investigation fees as part of an ownership interest transfer.*

N.J.A.C. 17:30A-7.8 Amendments to Alternative Treatment Center Permit

(a) *An ATC shall submit to the Commission an application for an amended permit, together with fees, if applicable, pursuant to N.J.A.C. 17:30A-7.10, prior to any:*

1. *Change of the alternative treatment center's location;*

2. *Change of the alternative treatment center's ownership;*



3. *Change of the alternative treatment center's name;*
4. *Change in the alternative treatment center's capacity; or*
5. *Modification of or addition to the alternative treatment center's physical plant.*

(b) The alternative treatment center shall submit the application to the permitting authority no later than 30 business days prior to the change.

N.J.A.C. 17:30A-7.10 Fees

(a) The following fees apply:

1. *The annual fee for the review of a permit renewal application for an alternative treatment center is \$20,000;*

The fee to apply for a change of location of the alternative treatment center is \$10,000;

3. *The fee to apply for a change of capacity or any physical modification or addition to the facility is \$2,000; and*

4. *The fee to apply for the transfer of ownership of a permit is \$20,000.*

(b) Fees shall be paid by certified check, money order, or any other form of payment approved by the Commission, and made payable to the "Treasurer, State of New Jersey."

REQUEST:

Illicit New Jersey (144 Route 94, Lafayette, NJ 07848) is requesting the following modification:

- **Modification of Capacity:** from Tier I to Tier II (greater than 10,000 square feet but no more than 25,000 square feet)

Illicit is seeking to construct a new 24,000 square foot facility with seven (7) new flower rooms. These additions will increase Illicit's canopy size by 11,812.5 square feet for a total canopy of 19,291.5 square feet and increase the canopy tier from Tier I (does not exceed 10,000 square feet) to Tier II (greater than 10,000 square feet but no more than 25,000 square feet). A site inspection will be conducted after the new facility is constructed, if the Board determines to approve the increase.



RECOMMENDATION: Staff recommends approval of this request to modify the capacity for the above-referenced entity. NJ-CRC OCI requires submission of a site plan and Standard Operating Procedures for the modifications. The applicant has provided the requisite information.

As an expanded ATC, the fee, as established by N.J.A.C. 17:30-7.17 and N.J.A.C. 17:30-7.10, is \$4,000.00 for Illicit's proposed modification of capacity. Any fees required by the Board for the increases will be invoiced and submitted upon approval by the Board.

Upon approval by the Board and completion of all necessary construction and the transition of equipment, OCI will conduct a site inspection of the increased canopy space and modified physical plant to confirm compliance with the law and regulations.