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Application- Reader Bias: Assessing State Agency Bias in the Context of Cannabis Law

48 Rutgers L. Rec. 166 (2021) | WestLaw | LexisNexis | PDFNew Jersey cannabis law is dynamic. In the weeks leading up to this note's publication, the June 2019 RFA was released from its stay and DOH was permitted to resume scoring applications and New Jersey legalized the cannabis for adult use. Thus, this note serves as a road map for licensing ATCs under the new adult use legislation in New Jersey, or for other states that have yet to enact a comprehensive medical cannabis program.
Part I of this note will introduce necessary background information that is germane to understanding the legal treatment of cannabis in New Jersey. More specifically, Part I will track New Jersey's Medical Marijuana Program (?MMP?) progression, beginning with the January 2010 enactment of the New Jersey Compassionate Use Medical Marijuana Act (?CUMMA?) and concluding with the June 2019 RFA. Part II will examine the three ATC licensing processes states employ when the state restricts the amount of available licenses. Part III will analogize and distinguish case law examining the ATC license process in New Jersey, Colorado and Arkansas with caselaw examining college admissions decisions. Part IV will present potential solutions to New Jersey's ATC licensing process, drawing guidance from Missouri.
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