



## Manufacturing and Retailing of Ingestible Cannabis Products

The purpose of this document is to provide guidance to Alternative Treatment Center permittees and Cannabis Business licensees for the manufacturing and dispensing of ingestible products in both the medical and personal use industries.

Pursuant to Resolutions 2023-143 and 2023-144, the Commission waived N.J.A.C. 17:30A-10.7(e), N.J.A.C. 17:30-11.5(c)(3) and N.J.A.C. 17:30-11.6(b) to allow the manufacturing and dispensing of additional ingestible products as an authorized form in the medical and adult use cannabis industries.

[Medical Waiver- expansion of ingestible cannabis products.](#)

[Adult Use Waiver- expansion of ingestible cannabis products.](#)

The Commission has determined that ingestible products shall only be in the following forms for both medical and personal use:

- Syrups or single-serve beverages (single serve beverages shall contain no more than 5 milligrams of total tetrahydrocannabinols);
- Pills, capsules, or tablets;
- Oral suspensions; and
- A “Non-Temperature Controlled for Safety”<sup>1</sup> food item, such as chocolates, gummies, baked goods, butters, jams, and jellies, such that the product does not require time or temperature control to limit pathogenic microorganism growth or toxin formation.

Moreover, the Commission has determined that ingestible products shall not:

- Be an alcoholic beverage, as defined in N.J.S.A. 33:1-1
- Contain tobacco or nicotine
- Require cooking or baking by the consumer
- Require storage in sterile conditions by the consumer
- Contain any controlled dangerous substance, as defined in N.J.S.A. 24:2I-2

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<sup>1</sup> The manufacturing of all ingestible products shall be limited to packaged “Non-Temperature Controlled for Safety” or “Non-TCS” food items. N.J.A.C. 8:24-1.5 defines “TCS food” as a food that requires time and/or temperature control for safety to limit pathogenic microorganism growth or toxin formation. Thus, a Non-TCS food means it is able to be safely stored at room temperature in a sealed container without the need for time and/or temperature control methods.



Equipment used in manufacturing ingestible products shall comply with kitchen-related health and safety standards of the local jurisdiction and the New Jersey Department of Health at N.J.A.C. 8:24, et seq, as applicable. Additionally, a manufacturer that manufactures ingestible products shall obtain all necessary Food Protection Manager Certifications consistent with the requirements of the New Jersey Department of Health at: [Food Protection Manager Certifications](#).

Employees involved in the manufacturing of ingestible products shall undergo food safety training, prior to engaging in the manufacturing process, that includes: 1) The causes and prevention of foodborne illnesses; 2) Prevention of common foodborne illnesses according to the Centers for Disease Control and Prevention; and 3) Safe food handling practices, including handling of major food allergens as defined in N.J.A.C. 8:24, et seq.

Ingredients used to manufacture ingestible cannabis products shall be cannabis extract as well as any ingredients Generally Recognized as Safe under sections 201(s) and 409 of the Federal Food, Drug and Cosmetic Act (GRAS) grade substances.<sup>2</sup> All infused ingestible cannabis products shall have active ingredient homogeneity to ensure uniform disbursement of cannabinoids.

All packaging of Ingestible products must comply with N.J.A.C. 17:30-16.2(f) and (g), which state:

- (f) All packaging for cannabis items shall:
1. Be fully enclosed, opaque, of a single color, and light resistant.
    - i. Packaging may contain logos or symbols of a different color or colors;
  2. Be child-resistant in accordance with the Poison Prevention Packaging Act of 1970, 16 CFR Part 1700 ;
  3. Protect the product from contamination; and
  4. Be able to be resealed in a child-resistant manner, unless the package contains a single serving cannabis item.
    - i. For ingestible products in liquid form with multiple serving units, the container must have a resealing cap or closure.
- (g) Once a package is sealed, a cannabis business shall not open the package, except for quality control purposes. Once the seal is broken on a cannabis item ready for sale to the consumer, the cannabis item is deemed unusable.

Regarding labeling, cannabis manufacturers must provide a list of ingredients in descending order of predominance by weight or volume as applicable, a nutritional label, and indication if the item requires refrigeration after product opening or consumption within a specified number of days after opening. For products manufactured such that the product's effects are intended to be felt in less than 20 minutes, the item shall contain the following consumer warning in no less than ten-

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<sup>2</sup> See [Generally Recognized as Safe \(GRAS\) | FDA](#)



point font: “The intoxicating effects of this product usually occur in less than 20 minutes but may be delayed by two or more hours.”

Pursuant to N.J.A.C. 17:30-11.8(c)(2), the maximum expiration date for all non-TCS food and single-serve beverage items is six months, beginning from the manufacture date. License-holders and permit-holders are responsible for determining expiration dates based on scientific and safety data for particular products.

Pursuant to N.J.A.C. 17:30-14.3(i), information regarding the safe use of cannabis items, including ingestible cannabis products, must be displayed and provided to consumers at the point of sale. Information on safe and responsible consumption, safe storage, and cannabis and pregnancy are available for download and printing on the Commission’s website here [Safe & Responsible Consumption \(nj.gov\)](#) and here <https://www.nj.gov/cannabis/resources/toolkits/>.

In accordance with that information, retailers must remind cannabis consumers to store all cannabis items - particularly edible products – securely, in the original child-resistant packaging, and well out-of-reach of children.

Please be advised that permittees and licensees must fully abide by all statutory laws and regulations. Thus, all permittees and licensees shall be aware of the following restrictions on ingestible cannabis products:

- No ingestible cannabis products shall be manufactured, marketed, or sold that are in the shape of, or a shape bearing the likeness or containing characteristics of, a realistic or fictional human, animal, or fruit, or part thereof, including artistic, caricature, or cartoon renderings. However, the shape of a cannabis leaf is permissible.
- Each ingestible product shall have a universal symbol marked, stamped, or imprinted directly on it, in accordance with N.J.S.A. 24:6I-35.a(8)(h).
- A commercially manufactured or trademarked food product shall not be used as an ingestible product, provided that a commercially manufactured or trademarked food product may be used as a component of an ingestible product or part of a product’s recipe, so long as the commercially manufactured or trademarked food product is used in a way that renders it unrecognizable in the final ingestible product and the product is not advertised as containing the commercially manufactured or trademarked food product.
- Each single serving of a cannabis product shall contain no more than 10 mg of active THC, or the equivalent weight as best determined based on THC potency,



dependent on form, except that each single serving beverage shall contain no more than 5 mg of active THC.