



State of New Jersey
CANNABIS REGULATORY COMMISSION
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PHILLIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

DIANNA HOUENOU, *Chair*
SAMUEL DELGADO, *Vice Chair*
KRISTA NASH, *Commissioner*
MARIA DEL CID-KOSSO, *Commissioner*
CHARLES BARKER, *Commissioner*
JEFF BROWN, *Executive Director*

MINUTES – PUBLIC MEETING NO. 22-01-07
JANUARY 7, 2022 – 1:00PM
Publicly Accessible Online via Zoom

1. CALL TO ORDER

The January 7, 2022 public meeting of the New Jersey Cannabis Regulatory Commission (“CRC”) was called to order by Chairwoman Houenou at 1:00pm at 225 East State Street, Trenton, New Jersey 08608 via Zoom Webinar.

Executive Assistant Erin Hogan read the following statement:

“Madam Chairwoman, this is a Meeting of the New Jersey Cannabis Regulatory Commission. Adequate notice of this meeting has been provided in accordance with the Senator Byron M. Baer Open Public Meetings Act. The Meeting was noticed in the Asbury Park Press, Atlantic City Express, Bergen Record, Courier Post, and the Trenton Times in April 2021. Information regarding the virtual nature of the meeting due to the COVID-19 pandemic was posted in publications and on the CRC website. The meeting time and location has also been posted on the website of the New Jersey Cannabis Regulatory Commission and with the Office of the Secretary of the State.”

2. ROLL CALL

Executive Assistant Hogan took the roll, and the following Commissioners were present:

Mr. Charles Barker, Mrs. Maria Del Cid-Kosso, Mr. Samuel Delgado, Mrs. Krista Nash, and Ms. Dianna Houenou.

No one was absent. *The following members were present virtually:* Jeff Brown, Erin Hogan, Toni-Anne Blake, Wesley McWhite, Daniel Said, Chris Riggs, Kelly Anderson-Thomas, Justin Rodriguez.

3. EXECUTIVE SESSION

Chairwoman Houenou called for a motion to go into Executive Session for approximately 60 minutes. Commissioner Nash made the motion, and Commissioner Del Cid-Kosso seconded. Hearing no discussion, Ms. Hogan took the vote.

AYES: Chairwoman Houenou, Vice Chair Delgado, Commissioner Nash, Commissioner Barker, Commissioner Del Cid-Kosso

NAYS: None

The motion was passed.

Executive session started at 1:08pm and ended at 1:46pm.

4. APPROVAL OF PREVIOUS MEETING'S MINUTES

The open, public portion of the meeting began at 2:02pm. Chairwoman Houenou asked for a motion to adopt the minutes and executive session minutes for the December 7, 2021, meeting. Ms. Hogan noted that the minutes were shared with the commission members prior to the meeting. Vice Chair Delgado made the motion, and Commissioner Barker seconded. Hearing no discussion, Chairwoman Houenou called the vote.

AYES: Chairwoman Houenou, Vice Chair Delgado, Commissioner Nash, Commissioner Barker, Commissioner Del Cid-Kosso

NAYS: None

The motion was carried.

5. CHAIR'S REPORT

Chairwoman Houenou reiterated the Commission's accomplishments in 2021 and outlined expectations for 2022. The expectations for the Commission included launching the recreational cannabis industry, evaluating, and hopefully approving the application process. Class 5 retail license applications will open on March 15th, 2022. Chairwoman outlined additional 2022 priorities for the CRC, which include completing formal rule proposals for adopting permanent regulations for the adult use industry and updating medicinal regulations.

6. EXECUTIVE DIRECTOR'S REPORT

Executive Director Brown provided an update on the cultivator and manufacturer personal-use applications. The application acceptance process for cultivators, manufacturers and laboratories began on December 15, 2021, at 9:00am. The online application system has been consistently operational and as of January 5, 2022, the CRC received 300 total submitted and paid applications and over 1,500 user accounts have been created.

Executive Director Brown updated the public on the 2019 Request for Application ("RFA") awards. There were four vertically integrated awardees and ten cultivation awardees, and they are currently in the investigatory stage of permitting. During this stage, the information submitted as part of the awardees application is verified, criminal history background checks are performed,

Curio applied for a permit to become an alternative treatment center in the central region and on October 15th, 2021, their 2019 application was denied. On November 29th, 2021, Curio filed a notice of appeal with the appellate division and on December 1st, 2021, the CRC received Curio's request for stay of the 2019 RFA Central Region vertically integrated awards. Curio is challenging the validity of women-owned business enterprise certifications that were provided to the awardees, Altus NJ, LLC and Holistic NJ, LLC among other applicants. The Department of Treasury provides these certifications, and it was clear in the 2019 RFA that the applicants would be provided with 30 points for that measure. Curio contends that if the other awardees were not given the 30 points, then they would've been given an award in the Central Region.

The CRC offered Altus and Holistic an opportunity to respond to Curio's allegations and on December 17th, 2021, they provided responses to these allegations. On December 27th, 2021, Curio replied to those responses from Altus and Holistic. The Commission then received sur-replies from Altus and Holistic but these were disregarded by Commission staff and have not been considered in the recommendation because Altus and Holistic were not given permission to file a sur-reply.

Based on the review of the submissions, it is recommended that the Commission deny Curio's request for stay as it has failed to meet its heavy burden of providing clear and convincing evidence of each of the four Crowe factors.

Chairwoman Houenou asked for a motion to adopt the resolution concerning the denial of Curio's request for stay for the 2019 RFA awards. Commissioner Del Cid-Kosso made the motion, and Vice Chair Delgado seconded. Hearing no discussion, Executive Director Brown called the vote:

AYES: Commissioner Barker, Commissioner Del Cid-Kosso, Vice Chair Delgado, Commissioner Nash and Chairwoman Houenou.

NAYS: None

The resolution passed.

10. CONSIDERATION OF OWNERSHIP TRANSFER OF MPX TO IANTHUS

Executive Director Brown summarized the proposed ownership transfer from the current owners of MPX New Jersey to Ianthus NJ, LLC. MPX New Jersey applied for an ownership transfer, which has been reviewed by staff. Ianthus NJ, LLC and its parent company IAnthus Capital Holdings have gone through a comprehensive investigatory review and key individuals have submitted criminal history background checks. The proposed owners have complied with all requests for information, statutory and regulatory requirements and there's been no derogatory information uncovered during the investigation that would disqualify the proposed owners and approving the transfer would not violate statutory caps on ownerships.

For these reasons, it is staff's recommendation to approve this transfer of ownership.

Chairwoman Houenou asked for a motion to adopt the resolution concerning ownership transfer of MPX to IAnthus. Commissioner Nash made the motion, and Commissioner Del Cid-Kosso seconded. Hearing no discussion, Executive Director Brown called the vote:

AYES: Commissioner Del Cid-Kosso, Vice Chair Delgado, Commissioner Nash and Chairwoman Houenou.

NAYS: Commissioner Barker

The resolution passed.

11. CONSIDERATION OF DELEGATED WAIVER AUTHORITY TO ADDRESS COVID-19

Executive Director Brown summarized the need for the delegated waiver authority to address COVID-19.

Due to the spread of COVID-19 and its potential impacts on the medicinal cannabis industry and the CRC, the resolution under consideration would delegate authority to the Executive Director to issue regulatory waivers for a period of 90 days. The resolution would also extend current COVID-19 regulatory waivers for an additional 90 days, which include the ability for patients to use curbside pickup, telephonic consultation for patients and reduce caregiver fees to \$20 instead of \$100. The delegated authority would expire on April 7th, 2022, if not extended.

This delegated authority would enable the Commission to act expeditiously and efficiently to address any issues may arise in the market to ensure patients continue to have access to their medicine and for those reasons, it is Executive Director Brown's recommendation to approve the authority.

Chairwoman Houenou asked for a motion to adopt the resolution concerning the delegated waiver authority to address COVID-19. Commissioner Del Cid-Kosso made the motion, and Commissioner Barker seconded. Hearing no discussion, Executive Director Brown called the vote:

AYES: Commissioner Barker, Commissioner Del Cid-Kosso, Vice Chair Delgado, Commissioner Nash and Chairwoman Houenou.

NAYS: None

The resolution passed.

12. PUBLIC COMMENTS

Chairwoman Houenou reminded the public that they can submit their comments to the CRC before, during and after the public meeting in writing via the CRC website at nj.gov/cannabis/meetings by end of the day on January 10th, 2022. Chair reminded public that all submitted questions and comments were shared with the commission members and are made public along with the minutes.

Director of Communications, Toni-Anne Blake, called on members of the public who signed up to speak. All speakers were given three (3) minutes to speak.

Ryan Edward Finn: He has concerns about CRC enforcement of tip jars and feels it is unfair and overreaching of the CRC to take them away. He feels it was targeted to his ATC. He is an advocate for patient rights to home grow.

Aaron Streater: He is from Camden City and is interested in finding out the statute of limitations

Piero Urteaga: Student pursuing chemical engineering degree and applying for conditional cultivation microbusiness. He wants to know what is needed from the applicant if awarded? He is also an advocate for home grow. Searched for RSO in NJ but couldn't find anything in the state.

Monique Hamilton: Co-Founder of DrMoniHami.com and is advocating for information of other forms besides inhalation. She suggests considering establishing cannabis education initiatives, as well as ongoing medical assessments for patients, against companies that offer fee for 12 months of patient certification

Chirali Patel: Member of Blaze Responsibly and wishes to advocate for cheaper medicine because the cheaper ATCs aren't always nearby. ATC's are limiting strains and the amount you can purchase. ATC's currently can't handle the demand of medical patients, so how will they handle recreational demand? Requests public webinar for use of the recreational application system.

David Feder: He questions if CRC can confirm if local opt outs do not apply to microbusinesses? Towns have created burdensome obstacles and are requiring applicants to pay the town up to 10K for local support. He also suggests that the CRC should reconsider the ban on edibles.

Paul Josephson: He states that he looks forward to working with the CRC.

Chelsea Martinez: She is from White Lilly, which is a women and minority owned applicant. Is it required to show you are fully funded upon application submission or is future funding sufficient? Would obtaining a meeting be a banning factor since it is federally funded?

Maeve E. Cannon: Attorney for Harvest of NJ and she is disappointed with the decision made by the CRC. CRC could have righted the wrong but didn't. She states that there will be needless litigation.

Kent Kiffner, Esq.: Counsel for Sourceholding and GGB. He is advocating for the awarding of his client's application from the 2018 RFA. He assures further litigation. Wants CRC staff to engage.

Peter Barsoom: He is from Liberty Plant Sciences, which was a 2018 RFA applicant. He is upset with the decisions in the meeting. Claims he was denied on a flawed process. Wants to correct what the court has deemed a flawed process. He states that the CRC has created more delay and more costs to be expended. Wants the CRC to award license to Liberty Plant Sciences.

Albert Cattafi: He is from Flowershop Dispensary, which is a recreational applicant. He has questions about packaging and miscellaneous items.

Chris Goldstein: He is speaking on the waiver for COVID-19. He described how dispensaries have been slow to adopt safety guidelines and wants to see expansion of curbside pickup, which is available in theory but not in practice. He suggests requiring proof of vaccination, actual curbside pickup, log and report staff with COVID and release publicly, barriers at the counters, innovative designs for patients to reduce lines and contact. He states that price is a major issue. Division of Consumer Affairs can't get involved because price is not regulated.

13. ADJOURNMENT

Chairwoman Houenou called for a motion to adjourn. Vice Chair Delgado made the motion to adjourn, and seconded by Commissioner Nash. Chairwoman Houenou called the vote.

AYES: Chairwoman Houenou, Commissioner Delgado, Commissioner Nash,
Commissioner Barker, Commissioner Del Cid-Kosso

NAYS: None

The public meeting adjourned at 3:33pm.

CERTIFICATION

I hereby certify that the foregoing minutes represent a true and complete summary of the public meeting held by the Cannabis Regulatory Commission on January 7th, 2022.



Christopher Riggs
Chief Counsel

Date: 1-27-22



Erin Hogan
Executive Assistant

Date: 1/27/2022