



State of New Jersey
CANNABIS REGULATORY COMMISSION

PHILLIP D. MURPHY
Governor

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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*

RESOLUTION 2022-11
DESIGNATION OF AUTHORITY TO THE EXECUTIVE DIRECTOR AND CHAIR OF
THE CANNABIS REGULATORY COMMISSION TO REQUEST OR ISSUE RECALL
ORDERS PURSUANT TO N.J.A.C. 17:30A-10.3(c) AND N.J.A.C. 17:30- 9.17(e)

WHEREAS, the Commission has received failed laboratory test results for cannabis products contaminated with mold and processed in an unsafe or unsanitary manner; and

WHEREAS, pursuant to N.J.S.A. 24:6I-24(c)(1), the Commission has established a plan of organization under the direct supervision of a full-time Executive Director for the Commission; and

WHEREAS, pursuant to N.J.S.A. 24:6I-24(e), the Commission may designate its powers and authority as it deems necessary and appropriate to carry out its duties and implement the provisions of N.J.S.A. 24:6I-1 et al. and N.J.S.A. 24:6I-31 et al.; and

WHEREAS, the Commission approved and adopted a set of bylaws on January 27, 2022, which under section 3.12, allows the Commission to delegate authority to the Executive Director; and

WHEREAS, pursuant to N.J.A.C. 17:30A-10.3(c), an Alternative Treatment Center shall maintain a system of recordkeeping that will permit the identification for purposes of recall of any lot or batch of medicinal marijuana from registered qualifying patients when such is found to be unsafe for use; and

WHEREAS, pursuant to N.J.A.C. 17:30-9.17(e), the Commission may, at its discretion, order a cannabis business to undertake a recall; and

WHEREAS, pursuant to N.J.A.C. 17:30-13.1(f), when a cannabis cultivator or cannabis manufacturer receives a written report confirming that a representative sample of a batch or lot of cannabis tested in accordance with N.J.A.C. 17:30-16.4 does not meet specifications indicated in the Commission's Testing Guidance, the cannabis cultivator or cannabis manufacturer shall not sell the batch or lot to another cannabis business and shall destroy the batch or lot and render it unusable; and

WHEREAS, the Commission has determined that it is in the public interest for the Commission to take immediate action on any public health and safety issues concerning cannabis products and to facilitate the product recall process established by the regulations by

designating its authority under N.J.A.C. 17:30A-10.3(c) and N.J.A.C. 17:30-9.17(e) to the Executive Director and Chair as of the date of this Resolution;

NOW, THEREFORE, BE IT RESOLVED, by the New Jersey Cannabis Regulatory Commission, that the authority to request or issue recall and destroy orders established by the regulations is delegated to the Executive Director and Chair on the following terms:

1. The Executive Director and Chair shall have joint authority to request or direct that an Alternative Treatment Center issue a recall and destroy any contaminated medicinal cannabis items under N.J.A.C. 17:30A-10.3(c).
2. The Executive Director and Chair shall have joint authority to request or direct a personal-use cannabis business to recall and destroy any contaminated cannabis products under N.J.A.C. 17:30- 9.17(e).
3. Any actions taken by the Executive Director and Chair shall be reported as soon as practicable to the Commission, with such report indicating the specific action taken and underlying rationale.

Submitted by:



Dianna Houenou, Chair

CERTIFICATION

I hereby certify that the foregoing is a true copy of the Resolution adopted by the Cannabis Regulatory Commission at its meeting held on the 24th day of March, 2022.



Christopher Riggs, Chief Counsel

Vote on the Approval of This Resolution	Motion	Second	Yes	No	Abstain	Absent
Commissioner Barker				X		
Commissioner Del Cid-Kosso		X	X			
Commissioner Delgado			X			
Chairwoman Houenou			X			
Commissioner Nash	X		X			