

Certificate of Rule Waiver

This Certificate of Rule Waiver, issued to all Alternative Treatment Centers, shall grant relief from the following provision(s) of Chapter 17:30A of the New Jersey Administrative Code pursuant to N.J.S.A. 24:6I-7(a)(6) and N.J.A.C. 17:30A-7.11:

N.J.A.C. 17:30A-10.12 Home delivery prohibited

An alternative treatment center shall not deliver marijuana to the home or residence of a registered qualifying patient or primary caregiver

N.J.A.C. 17:30A-7.9 ATC Location

(a) An ATC shall conduct all operations authorized by the Act at the address(es) identified on the permit issued by the Commission. The Commission shall not authorize or permit dispensing operations at any satellite locations. However, an ATC, as approved by the Commission, may cultivate marijuana at a location separate from the location where the ATC shall dispense the marijuana, but both locations shall be within the same region.

N.J.A.C. 17:30A-13.6 Prohibitions, restrictions, limitations on the cultivation or dispensing of medicinal marijuana and criminal penalties

(b) Distribution of medicinal marijuana to qualified patients or their primary caregivers shall take place at the Commission-approved location identified on the ATC's permit.

Waiver of the rule(s) listed above is subject to the following terms and conditions:

1. N.J.A.C. 17:30A-10.12 is hereby waived, allowing delivery to the home or residence of a registered qualifying patient or primary caregiver.
2. N.J.A.C. 17:30A-7.9(a) and N.J.A.C. 17:30A-13.6(b) are hereby waived only as to the requirement that all ATC operations and dispensing of medicinal marijuana must be conducted on the premises of the ATC. As approved by the Commission, for the purposes of dispensing only, an ATC may dispense medical cannabis items to qualified patients and caregivers on the exterior premises of the ATC, including any parking lots and adjacent sidewalks ("curbside pick-up") that are located at the address on their permit, or via home delivery.
3. Orders for curbside pick-up or home delivery shall be placed in advance, and products shall be labeled in the ATC prior to dispensing on the exterior premises.
4. An ATC engaging in curbside pick-up shall, upon receiving a patient's or caregiver's purchase order, provide the patient or caregiver with a pick-up time to reduce traffic around the ATC.
5. An ATC engaging in curbside pick-up or home delivery shall conduct an in-person visual verification of the patient's or caregiver's registry identification card prior to dispensing, which may be conducted without handling the ID card, for example through a car window.
6. All curbside pick-up or home delivery transactions shall be appropriately logged in the registry and ATC inventory in accordance with N.J.A.C. 17:30A-9.3, N.J.A.C. 17:30A-9.9, and any other applicable rules.
7. All curbside pick-up or home delivery transactions shall be conducted in a secure and monitored

manner in accordance with N.J.A.C. 17:30A-9.7.

8. An ATC engaging in curbside pick-up or home delivery shall notify the municipality in which the ATC is located and the local police department that the ATC intends to dispense medical cannabis items to patients and caregivers on the exterior of the ATC via home delivery or curbside pick-up.
9. Prior to dispensing via curbside delivery or home delivery, an ATC shall get approval from the Commission of the ATC's Standard Operating Procedures (SOPs) for:
 - a. Taking orders, verifying registry identification and authorization, and taking payment;
 - b. Logging the transaction in the registry and ATC inventory; and
 - c. Providing any security measures needed to accommodate curbside delivery or home delivery.

This waiver shall take effect immediately and shall remain in place until modified or rescinded by the New Jersey Cannabis Regulatory Commission.

Pursuant to N.J.A.C. 17:30A-7.11, the Commission finds this waiver to be necessary to achieve the purpose of P.L. 2009, c.307 and provide more access to caregivers and patients who would otherwise qualify for the use of medicinal cannabis, to alleviate suffering from debilitating medical conditions, and does not create a danger to the public health, safety, or welfare.



BY: Dianna Houenou, Chair

New Jersey Cannabis Regulatory Commission

DATE ISSUED: July 28, 2022

EXPIRATION DATE: Upon modification or rescission by the New Jersey Cannabis Regulatory Commission.