State of New Jersey
CANNABIS REGULATORY COMMISSION
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Lt. Governor

DIANNA HOUENOU, *Chair*
SAMUEL DELGADO, *Vice Chair*
KRISTA NASH, *Commissioner*
MARIA DEL CID-KOSSO, *Commissioner*
CHARLES BARKER, *Commissioner*
CHRIS RIGGS, *Acting Executive*

RESOLUTION 2025-312
APPROVAL OF PRODUCT TESTING GUIDANCE AND WAIVER OF N.J.A.C. 17:30-19.3(b)(4), N.J.A.C. 17:30-19.3(b)(5) AND N.J.A.C. 17:30-19.3(b)(6) TO AMEND REPRESENTATIVE SAMPLE BATCH SIZES AND INCREMENTAL UNITS

WHEREAS, the New Jersey Cannabis Regulatory Commission ("the Commission"), established pursuant to P.L.2019, c.153, known and cited as the "Jake Honig Compassionate Use Medical Cannabis Act," is charged with implementing the provisions of that Act as well as P.L.2021, c.16, known and cited as the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" ("CREAMM Act"); and

WHEREAS, pursuant to N.J.A.C. 17:30-19.4(a)(1), a testing laboratory shall analyze the samples according to the Cannabis Regulatory Commission's Testing Guidance, available on the Commission website, except when otherwise required by regulations; and

WHEREAS, the Commission has conducted research and held several meetings with industry stakeholders regarding product testing requirements and product safety concerns inherent in the Commission's current regulations; and

WHEREAS, to properly ensure the safety of cannabis items, the Commission must waive certain regulations relating to representative initial samples; and

WHEREAS, pursuant to N.J.A.C. 17:30-3.7(a), the Commission, in accordance with the general purposes and intent of the CREAMM Act and regulations, may waive a regulatory requirement regarding the operations of a regulated business, to the extent such waiver does not conflict with any other State law, if in the Commission's determination, such a waiver: (1) is necessary to achieve the purpose of the CREAMM Act; (2) is necessary to provide access to cannabis items to consumers; and (3) does not create a danger to the public health, safety, or welfare; and

WHEREAS, pursuant to N.J.A.C. 17:30-19.3(b)(4), a representative initial sample of usable cannabis shall be 0.5 percent of a batch or lot, with the following increment sample amounts:

i. Less than or equal to 10 pounds of usable cannabis, five increment samples;
ii. 10.1-20 pounds of usable cannabis, 10 increment samples;
iii. 20.1-30 pounds of usable cannabis, 15 increment samples;

iv. 30.1-40 pounds of usable cannabis, 20 increment samples;
v. 40.1-50 pounds of usable cannabis, 25 increment samples; and
vi. 50.1-100 pounds of usable cannabis, 30 increment samples; and

WHEREAS, pursuant to N.J.A.C. 17:30-19.3(b)(5), a representative initial sample of non-homogenizable cannabis product shall be:

i. 50 or less total units, two increment units;
ii. 51-150 total units, three increment units;
iii. 151-500 total units, five increment units;
iv. 501-1,200 total units, eight increment units;
v. 1,201-3,200 total units, 16 increment units;
vi. 3,201-10,000 total units, 40 increment units; and
vii. 10,001-35,000 total units, 125 increment units; and

WHEREAS, pursuant to N.J.A.C. 17:30-19.3(b)(6), a representative retention sample shall be two times the amounts listed for representative initial samples of a batch or lot at N.J.A.C. 17:30-19.3(b)(4) and (5); and

WHEREAS, the Commission has received, reviewed, and considered multiple requests to amend the current standards concerning initial representative samples; and

WHEREAS, the Commission has determined that this waiver is necessary to achieve the purpose of the CREAMM Act, is necessary to protect consumer safety, and does not create a danger to the public health, safety, or welfare; and

NOW, THEREFORE, BE IT RESOLVED, that the waiver of N.J.A.C. 17:30-19.3(b)(4), N.J.A.C. 17:30-19.3(b)(5), and N.J.A.C. 17:30-19.3(b)(6) is hereby approved. The waiver is subject to the following terms and conditions:

1. Nothing herein shall be construed to authorize any person or entity that does not hold a Testing Laboratory license to engage in any activities authorized by this waiver.
2. Testing Laboratories shall follow the representative initial sampling batch sizes and incremental units under the Commission's Testing Guidance document.
3. Testing Laboratories shall have the following grace periods for implementing the Commission's Testing Guidance Requirements document: Testing Laboratories shall have until March 19, 2025, to implement sampling changes, and until midnight of May 23, 2025, to implement initial and stability testing changes.
4. Failure to adhere to the terms and conditions herein shall be considered a regulatory violation and is subject to adverse action by the Commission consistent with N.J.A.C. 17:30-20.1 through -20.10.

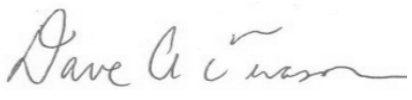
Additionally, the Testing Guidance presented by the Commission's Product Safety, Packaging, and Labeling Committee is hereby approved. The Committee shall disseminate the Testing Guidance to all impacted license holders.

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 18th day of February 2025.



Dave Tuason, Chief Counsel

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