

MEMORANDUM

TO: CANNABIS REGULATORY COMMISSION BOARD
FROM: CHRISTOPHER RIGGS, ACTING EXECUTIVE DIRECTOR
SUBJECT: REGULATION WAIVER REQUESTS
DATE: AUGUST 7, 2025

BACKGROUND: Over the course of the prior months, adult use licensees and medicinal operators have submitted requests for the Commission to waive specific regulations. This memorandum will outline those specific requests, and will also provide recommendations.

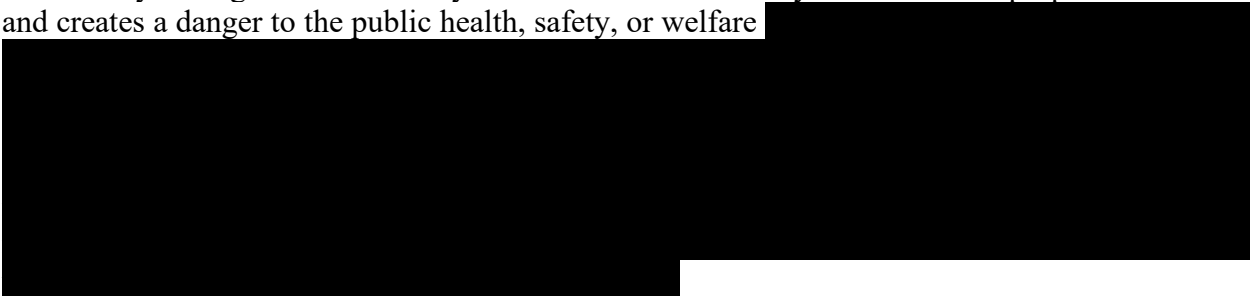
AUTHORITY: Pursuant to N.J.A.C. 17:30-3.7(a), The Commission, in accordance with the general purposes and intent of the Act and this chapter, may waive a regulatory requirement regarding the operations of a cannabis business, to the extent such waiver does not conflict with any other State law, if in the Commission's determination, such a waiver: 1. Is necessary to achieve the purpose of the 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.

REQUESTS:

1. Requested Waiver of N.J.A.C. 17:30-19.5(b)

Docket number WR021 – Curaleaf NJ (“Curaleaf”), a Class 2 Cannabis Manufacturer license holder, requests a waiver of the regulatory requirement under N.J.A.C. 17:30-19.5(b) that retention samples for stability testing be conducted by batch and lot. In the alternative, Curaleaf requests that the Commission permit product-family-based stability testing. Curaleaf asserts that under product-family-based stability testing, products with identical formulations, packaging, and distribution methods will be evaluated collectively rather than per batch. Curaleaf argues that this method of stability testing will reduce costs, minimize waste, improve regulatory efficiency, and align with industry best practices. To support its request Curaleaf supplied sample stability reports, cost analysis, and waste data.

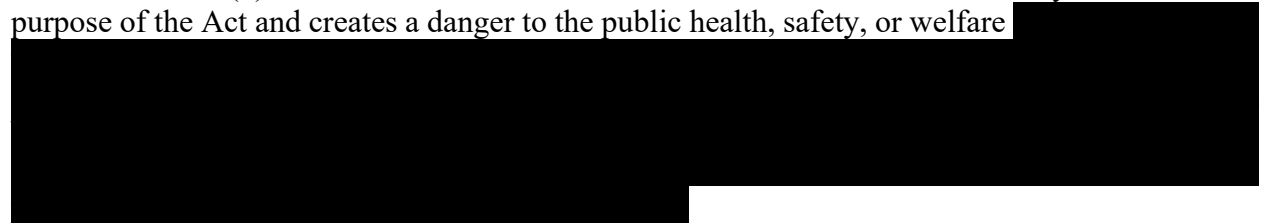
RECOMMENDATION FOR WR021: Whether waiving the requirement that retention samples for stability testing be conducted by batch and lot is necessary to achieve the purpose of the Act and creates a danger to the public health, safety, or welfare



2. Requested waiver of N.J.A.C. 17:30-11.8(c)(2)

Docket number WR027 – The New Jersey Cannabis Trade Association (“NJCTA”), request a waiver of the regulatory requirement that in the absence of stability testing information that is applicable to a specific usable cannabis or cannabis product, the expiration date for usable cannabis and all other formulations not provided in N.J.A.C. 17:30-11.8 (c)(1), shall not be later than six (6) months from the manufacture or cultivation date. In the alternative, NJCTA requests that the Commission change the expiration date to a default twelve (12) months, which may be extended beyond that date by additional stability data identified under N.J.A.C. 17:30-19.5. To support its waiver request NJCTA argues, the 6 month expiration date is not mandated by statute and removing products from the market sooner than necessary deprives the consumers; allowing a safe product to remain on the shelf longer promotes the consistency of product varieties and keeps consumers from the illicit marketplace; a 12 month expiration date does not create a danger to the public health, safety or welfare as the products can be safely consumed within 12 months.

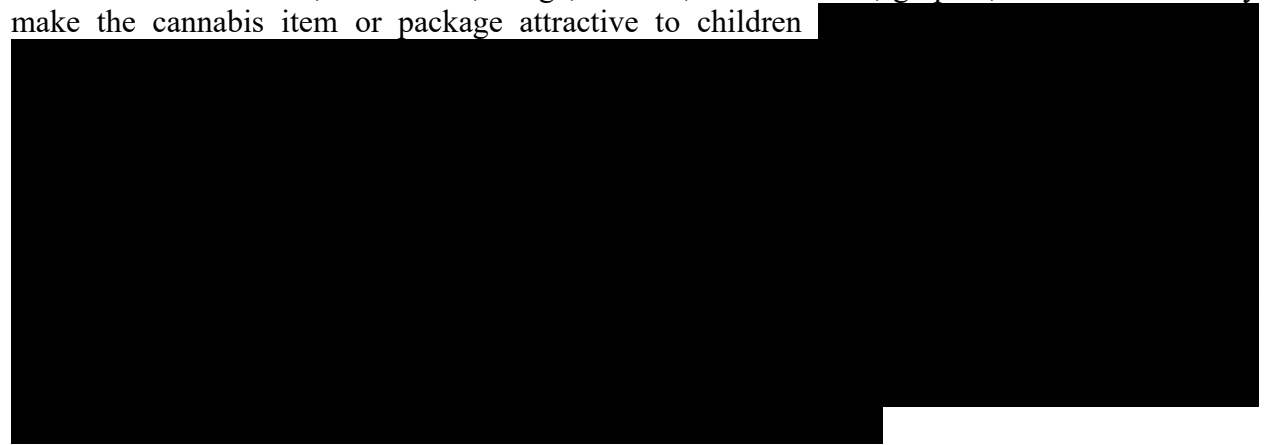
RECOMMENDATION FOR WR027: Whether waiving the requirement that the expiration date for usable cannabis and all other formulations not provided in N.J.A.C. 17:30-11.8 (c)(1), shall not be later than six (6) months from the manufacture or cultivation date is necessary to achieve the purpose of the Act and creates a danger to the public health, safety, or welfare



3. Requested waiver of N.J.A.C. 17:30-16.5(a)(6)

Docket number WR029- Nova Farms Woodbury LLC (“Nova Farms”), a Class 2 Cannabis Manufacture license holder, request a waiver of the regulatory requirement that cannabis items or packages not include a statement, illustration, image, cartoon, color scheme, graphic, or feature that may make the cannabis item or package attractive to children. Nova Farms proposed package includes a graphic of a piece of melting chocolate. Nova Farms argues that its proposed package: does not violate CREAMMA as the package is not attractive to individuals under the age of 21 as the graphic “is not similar to any form of trademarked, characteristic, or product-specialized packaging of any commercially available candy that may be attractive to children”; allows Nova Farms to develop a unique brand identity and connect with consumers in a crowded marketplace; and does not create a danger to the public health, safety, or welfare as the presence of candy on the package is not prohibited and the packaging is child-resistant.

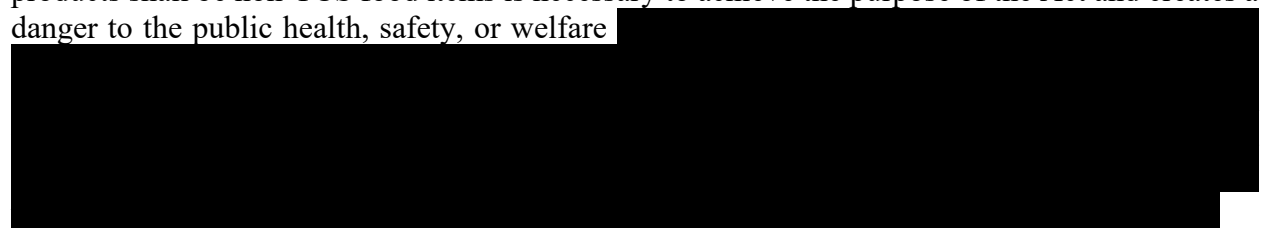
RECOMMENDATION FOR WR029: Waiving the requirement that cannabis items or packages not include a statement, illustration, image, cartoon, color scheme, graphic, or feature that may make the cannabis item or package attractive to children



4. Requested waiver of N.J.A.C 17:30-11.5(e)(4)

Docket number WR030- Inclusion Gourmet LLC (“Inclusion Gourmet”), a Class 2 Cannabis Manufacture license holder, request a waiver of the regulatory requirement that ingestible cannabis products shall be a non-TCS food item. Inclusion Gourmet seeks approval for Jersey Gelati, a cannabis infused ice cream. Inclusion Gourmet argues that N.J.A.C. 17:30-11.5(c) permits a “broad acceptance of cannabis-infused form factors that may be produced” by manufactures; as NJ-CRC’s Edibles Waiver and guidance cites N.J.A.C. 8:24-1.5 to provide the definition of TCS food, the definition is not applicable to Inclusion Gourmet as it is not a retail food establishments, food and beverage vending machines, or cottage operation (title of Subchapter 8:24); and NJ-CRC permits a cannabis-infused baking good that requires refrigeration. Inclusion Gourmet asserts that its waiver request should be granted because CREAMMA broadly permits edibles without self-stable limitations, the waiver is necessary to achieve the purpose of CREAMMA; because consumers seek new products, the waiver is necessary to provide access to consumers; and because the product meets the safety standards provided in the adult use regulations (i.e.. Child safety protection in its packaging, a line delineating serving size) it does not create a danger to the public health, safety, or welfare.

RECOMMENDATION FOR WR030: Whether waiving the requirement that ingestible products shall be non-TCS food items is necessary to achieve the purpose of the Act and creates a danger to the public health, safety, or welfare



5. Requested waiver of N.J.A.C. 17:30-16.2(f) and N.J.A.C. 17:30-16.5(a)(6)

Docket number WR031- Nova Farms Woodbury LLC (“Nova Farms”), a Class 2 Cannabis Manufacturer license holder, request a waiver of the regulatory requirement that cannabis items or packages not include a statement, illustration, image, cartoon, color scheme, graphic, or feature that may make the cannabis item or package attractive to children. Additionally, Nova Farms request a waiver of the regulatory requirement that packaging for cannabis items shall be of a single color.

Nova Farms argues that tie-dye color scheme is not attractive to children as children are attracted to a more simplistic color scheme. Further, tie-dye is not linked to products or commodities that children enjoy. Instead, tie-dye has been around for centuries, and its appearance in Western society is based in the 1960s adult hippie- countercultural movement. In regard to its waiver request that packaging for cannabis items shall be of a single color, Nova Farms argues that there is no regulatory requirement that the inner container must be of a single color.

Nova Farms argues that its proposed package: does not violate CREAMMA, instead assist with connecting consumers by creating a brand identity; allows Nova Farms to connect to its intended consumers and develop a unique brand identity in a crowded marketplace; and does not create a danger to public health, safety, or welfare as internal containers are not required to be a single color. Nova Farms further notes that as it operates in multiple states, buying different internal containers for New Jersey will become costly, with that cost being passed on to New Jersey consumers.

RECOMMENDATION FOR WR031: Waiving the requirement that cannabis items or packages not include a statement, illustration, image, cartoon, color scheme, graphic, or feature that may make the cannabis item or package attractive to children

