

## MEMORANDUM

**TO:** CANNABIS REGULATORY COMMISSION BOARD  
**FROM:** CHRISTOPHER RIGGS, ACTING EXECUTIVE DIRECTOR  
**SUBJECT:** REGULATION WAIVER REQUESTS  
**DATE:** FEBRUARY 12, 2026

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**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. 17:30-11.5(d)(3) and N.J.A.C. 17:30-11.5(d)(6)

**Docket number WR045:** CannPowerment, LLC (“CannPowerment”) a Class 2 Manufacturer license holder, requests a waiver of the regulatory requirements that a cannabis manufacturer shall: 1. manufacture cannabis products such that each single serving of a cannabis product shall contain no more than 10 mg of active THC, or the equivalent weight, as best determined based on THC potency, dependent on form, except that each single serving beverage shall contain no more than five mg of active THC and the regulatory and 2. each ingestible product shall have a universal symbol marked, stamped, or imprinted directly on it, in accordance with N.J.S.A. 24:6I-35.a(8)(h).

CannPowerment requests a waiver to produce a single serve, up to 100 mg THC baked goods, without physical scoring or demarcation. CannPowerment argues that scoring is scientifically unreliable for baked goods, not required for consumer safety, and demarcation is not feasible on single served baked goods. CannPowerment asserts that its single serve baked goods will comply with the 100 mg per-serving cap found at N.J.A.C. 17:30-11.5(d)(2) and in place of scoring, will contain a clear front label stating, “100 mg THC Single Serve,” and come in child-resistant packaging. CannPowerment argues that the inability to offer a single serve 100 mg baked good in the adult-use market has a disproportionate competitive impact on a small, minority, woman owned manufacturing business, as the current regulations prevent smaller manufactures from competing for high-tolerance consumers. CannPowerment asserts that the waiver is necessary to achieve the purpose of the CREAMM Act as it creates a safe, equitable, and complete

marketplace. CannPowerment further asserts that without the waiver, consumers will continue to seek unregulated illicit marketplace alternatives and that the waiver does not create a danger to the public health, safety or welfare, as misleading scoring will be eliminated, and replaced with lab verified potency tested in child resistant, clearly labeled packaging.

**RECOMMENDATION FOR WR045:** Waiving the regulatory requirement that a cannabis manufacturer shall manufacture cannabis products such that each single serving of a cannabis product shall contain no more than 10 mg of active THC, or the equivalent weight, as best determined based on THC potency, dependent on form, except that each single serving beverage shall contain no more than five mg of active THC and 2. each ingestible product shall have a universal symbol marked, stamped, or imprinted directly on it, in accordance with N.J.S.A. 24:6I-35.a(8)(h)



**2. Requested Waiver of N.J.A.C. 17:30-16.1(c)**

**Docket number WR049:** Bud’s Goods of NJ (“Bud’s Goods”), a Class 2 Manufacturer license holder, requests a waiver of the regulatory requirement under N.J.A.C. 17:30-16.1 that after curing is complete and usable cannabis is in its final dried form, or after manufacturing is complete and cannabis products are in their final form, as applicable, before packaging and release for distribution, a cannabis cultivator or cannabis manufacturer shall ensure that a licensed testing laboratory, in accordance with N.J.A.C. 17:30-19: 1. Obtains a representative sample from a batch of unusable or usable cannabis or a lot of cannabis products; 2. Tests the representative sample; and 3. Provides a written report to the cannabis cultivator or cannabis manufacturer. Instead of sending the cannabis product to a licensed testing laboratory for testing before release for distribution, Bud’s Goods request a regulatory waiver so that it can take the cannabis product from the cultivator, pack it into pre-rolls, and return the pre-rolls to the cultivator, without sending the cannabis product for testing.

**RECOMMENDATION FOR WR049:**



### 3. Requested Waiver of N.J.A.C. 17:30-5.1(b)

**Docket number WR051:** Royal Dynastic Organics, LLC (“Royal Dynastic Organics”) a Class 1 Cultivator license holder, requests a waiver of the regulatory requirement that a municipality may enact and amend an ordinance or regulation to prohibit the operation of any one or more classes of cannabis business within the jurisdiction of the municipality pursuant to N.J.S.A. 24:6I-45.b, and such prohibiting ordinance shall apply throughout the municipality. Royal Dynastic Organics argues that the waiver is necessary to achieve the purpose of the CREAMM and Jake Hoing Act to support patient access, equality mandates, and administrative integrity. Royal Dynastic Organics further argues that without the waiver it cannot produce cannabis and that the waiver will not create a danger to the public health as all other compliance measure remain intact.

Please note that Royal Dynastic Organics also request a waiver of N.J.A.C. 17:30-6.8(b), N.J.A.C. 17:30-7.1, N.J.A.C. 17:30-7.3, N.J.A.C. 17:30-2.2, N.J.A.C. 17:30-5.3 and N.J.A.C. 17:30-3.2. However, these regulations are not applicable to Royal Dynastic Organics’ stated goal of obtaining a waiver of the municipal resolution requirement to secure a licensed cultivation and manufacturing site location. Additionally, N.J.A.C. 17:30-5.3 does not exist in the regulations.

**RECOMMENDATION FOR WR051:** Waiving the regulatory requirement that a municipality may enact and amend an ordinance or regulation to prohibit the operation of any one or more classes of cannabis business within the jurisdiction of the municipality pursuant to N.J.S.A. 24:6I-45.b, and such prohibiting ordinance shall apply throughout the municipality

