



State of New Jersey
CANNABIS REGULATORY COMMISSION

PHILLIP D. MURPHY
Governor

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Lt. Governor

DIANNA HOUEYOU, *Chair*
SAMUEL DELGADO, *Vice Chair*
KRISTA NASH, *Commissioner*
MARIA DEL CID-KOSSO, *Commissioner*
CHARLES BARKER, *Commissioner*
JEFF BROWN, *Executive Director*

RESOLUTION 2022-10

DESIGNATION OF AUTHORITY TO THE EXECUTIVE DIRECTOR TO APPROVE, DENY OR RENEW APPLICATIONS FOR QUALIFYING PATIENTS, CAREGIVERS, HEALTH CARE PRACTITIONERS, AND CERTAIN FACILITY MODIFICATIONS PURSUANT TO N.J.A.C. 17:30A-2.2, N.J.A.C. 17:30A-2.3, N.J.A.C. 17:30A-7.8, AND N.J.A.C. 17:30-9.2(a)(5)

WHEREAS, the Commission continuously receives submissions of applications for new or renewed registration as qualifying patients, health care practitioners, or caregivers, which the Commission must decide whether to approve or deny; and

WHEREAS, the Commission continuously receives applications for facility modifications, which similarly requires the Commission to approve or deny the request; 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, of which section 3.12 allows the Commission to delegate authority to the Executive Director; and

WHEREAS, N.J.A.C. 17:30A-2.2 provides the Commission with the authority and sets forth the process for reviewing and approving or denying applications for new or renewed registrations as a qualifying patient; and

WHEREAS, pursuant to N.J.A.C. 17:30A-2.2(b), the Commission shall notify the applicant for registration as a qualifying patient in writing, by electronic mail, or by telephone if an application is incomplete and shall explain what documents or information are necessary for the Commission to deem the application complete; and

WHEREAS, pursuant to N.J.A.C. 17:30A-2.2(d), the Commission shall approve or deny an application to issue or renew a registration as a qualifying patient within 30 days of receipt of the completed application and shall issue a registry identification card within five business days of approving the application; and

WHEREAS, N.J.A.C. 17:30A-2.3 provides the Commission with the authority and sets forth the process for reviewing and approving or denying applications for new or renewed registrations as a primary caregiver; and

WHEREAS, pursuant to N.J.A.C. 17:30A-2.3(b), the Commission shall notify the applicant for registration as a primary caregiver in writing, by electronic mail, or by telephone if an application is incomplete and shall explain what documents or information are necessary for the Commission to deem the application complete; and

WHEREAS, pursuant to N.J.A.C. 17:30A-2.3(d), the Commission shall approve or deny an application to issue or renew a registration as a primary caregiver within 30 days of receipt of the completed application and shall issue a registry identification card within five business days of approving the application; and

WHEREAS, N.J.A.C. 17:30A-2.4 and 2.5 set forth the process for a licensed physician in good standing to practice medicine in the state to enroll as an authorizing physician and certify to the Commission that the physician meets the standards and requirements established in the law and regulation for authorizing the medicinal use of cannabis by patients; and

WHEREAS, prior to the Commission assuming all powers, duties, and responsibilities from the Department of Health with regards to medicinal use of cannabis pursuant to N.J.S.A. 24:6I-24, Department of Health staff were responsible for the intake, review, and determination of all applications for qualifying patients and caregivers, as well as intake of physician certifications; and

WHEREAS, Commission staff who have transferred over from the Department of Health to continue these tasks have retained the substantive and procedural expertise for the intake, review, and determination of all applications for qualifying patients and caregivers, as well as intake of physician certifications; and

WHEREAS, pursuant to N.J.A.C. 17:30A-7.8, an alternative treatment center shall submit to the Commission an application for an amended permit prior to any: (1) change of the alternative treatment center's location; (2) change of the alternative treatment center's ownership; (3) change of the alternative treatment center's name; (4) change in the alternative treatment center's capacity; or (5) modification of or addition to the alternative treatment center's physical plant; and

WHEREAS, pursuant to N.J.A.C. 17:30-9.2(a)(5), personal-use cannabis business license holders must submit an application for an amended license for material changes, including a modification of capacity, physical plant, or premises; and

WHEREAS, the Commission has determined that applications for new or renewed registration as qualifying patients, caregivers, and authorizing health care practitioners, as well as applications for facility modifications that would not alter the business's authorized canopy size or otherwise substantially affect the business's operations, do not create enough urgency for the Chair to call a special meeting of the Board to consider and act on these applications; and

WHEREAS, the Commission has determined that it is in the public interest to streamline Commission business and create greater operational efficiency by designating the Commission's authority to accept, review, and approve or deny these applications under N.J.A.C. 17:30A-2.2, N.J.A.C. 17:30A-2.3, N.J.A.C. 17:30A-7.8 and N.J.A.C. 17:30-9.2(a)(5) to the Executive Director or his designee; and

NOW, THEREFORE, BE IT RESOLVED, by the New Jersey Cannabis Regulatory Commission, that the authority to process applications for qualifying patients, caregivers, and authorizing health care practitioners and the application process for certain facility modifications is delegated to the Executive Director or his designee on the following terms:

1. Consistent with the Commission's Plan of Organization, the Executive Director or his designee shall have the authority to notify applicants in writing, by electronic mail, or by telephone if an application or certification is incomplete pursuant to N.J.A.C. 17:30A-2.2(b), N.J.A.C. 17:30A-2.3(b), or N.J.A.C. 17:30A-2.5.
2. The Executive Director or his designee shall have the authority to approve or deny qualifying patient and qualifying caregiver applications and issue a new or renewed registration within 30 days of receipt of the completed application or renewal and shall have the authority to issue a registry identification card within five business days of approving the application or renewal pursuant to N.J.A.C. 17:30A-2.2(d) and N.J.A.C. 17:30A-2.3(d) and shall have the authority to intake health care practitioner certifications pursuant to N.J.A.C. 17:30A-2.5.
3. The Executive Director or his designee shall have the authority to approve applications for facility modification pursuant to N.J.A.C. 17:30A-7.8 and N.J.A.C. 17:30-9.2(a)(5) so long as the modification sought would not alter the business's authorized canopy size or otherwise substantially affect the business's operations.
4. The Executive Director or his designee shall report patient and caregiver enrollment to the Commission on a monthly basis.
5. The Executive Director or his designee shall as soon as practicable notify the Commission of any approved facility modification.

Submitted by:

A handwritten signature in black ink, appearing to be 'DH' with a long horizontal line extending to the right.

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		X		
Commissioner Del Cid-Kosso	X		X			
Commissioner Delgado			X			
Chairwoman Houenou			X			
Commissioner Nash			X			