

New Jersey Cannabis Regulatory Commission
Public In-Writing Comments
Public Meeting: September 9th, 2022

Sender	Date	Comment/Question
Robbin Gulino	7/28/22	<p>Good Day,</p> <p>I forwarded a letter to the NJ Attorney General asking why NJ has not gotten on board with the children's safety campaign addressed to Congress. The letter is signed by 23 State Attorney's General. I was told to direct my inquiry to your Board. I forwarded the letter to your Board. Kindly address these important issues before you move further into distributing licenses. We should be careful to avoid the pitfalls that other states have experienced. You can read more about safety concerns addressed here in the editorial written by Robert Detore, CEO of Turning Point, NJ. (https://www.northjersey.com/story/opinion/2022/07/23/nj-legal-weed-lawmakers-need-to-be-ready-to-react/65379928007/) The letter addressed to Congress that I shared via email states that there have been numerous occasions where children have been hospitalized after consuming edibles. These edibles are clearly packaged to look like groceries that children are attracted to and often enjoy in their homes. On two separate occasions I sent you warning labels that Canada is using to properly educate their public. I can resend them if necessary. As you may know, the NJ Division of Alcohol and Beverage Control requires licensed establishments to display a warning poster regarding the dangers of drinking during pregnancy. I respectfully recommend that NJ make safety a priority by creating and distributing responsible warning labels for distribution and prominent display at all licensed establishments. During the 7/28/22 meeting, I heard Lorenzo Richardson mention the value of keeping the newly licensed establishments on highways and locations away from children so not to normalize substance use. This was also a very valid request which I hope the state will consider. I look forward to your response.</p> <p>Personally requested by: Robbin Gulino, 862-686-3112 rgulino@callisg.com</p>
Patrick Kennedy	8/4/22	<p>Quail Pond Farms is both a Disabled Veteran Owned and Minority owned business in the state of New Jersey, We own our farm and have made 2 updates per request from the CRC Commission to our existing application "1176". We have not heard anything back in response and are hopeful that we will get our application moved into conditional status so that we can begin building our greenhouses onsite as they are very expensive and do not want to start without approval status. Please respond to us when you can, we know your very busy.</p> <p>Thanks Quail Pond Farms!</p>
Ryan Wall	8/5/22	<p>I submit that the cannabis regulatory commission has made an incredible mistake with the decision to implement seed to sale tracking. While a business should be allowed to opt into this tracking to track sales or model future demand, the requirement at the state level is nothing more than an expensive feel-good measure. The regulatory commission has now been convinced by a third party database company to purchase their software</p>

		<p>with the grand idea that tracking increases safety. The idea of a "dashboard" that automatically tracks everything is a vision and that's it. In reality this generates unnecessary overhead for small businesses in the form of increased consumable and technological costs. Not only must a microbusiness be capab</p> <p>This is a continuation from a mis submitted comment on the NJ CRC making a mistake with seed to sale tracking.This industry is getting additional scrutiny due to some misguided need to protect. Seed to sale tracking is not implemented for other "vices" that are currently on sale such as tobacco and alcohol. In these industries, which each have greater potential to cause harm (and indeed do cause harm) have significantly less tracking.It is a shame the CRC has fallen prey to the salesmanship of seed to sale tracking database companies and have already wasted tax dollars on it. They can (and should) revert this decision and just eat whatever cost is incurred rather than subject small businesses to an ineffective and expensive legislative requirement.</p>
<p>Dr Harvey Richman</p>	<p>8/7/22</p>	<p>Dear Sirs, I am petitioning for the inclusion of Optometrists to be listed as providers that can approve MMP cards in NJ. This has been presented previously with discriminatory response. This is the definition of who can certify MMP. "Health care practitioner" means a physician, advanced practice nurse, or physician assistant licensed or certified pursuant to Title 45 of the Revised Statutes who: (1) possesses active registrations to prescribe controlled dangerous substances issued by the United States Drug Enforcement Administration and the Division of Consumer Affairs in the Department of Law and Public Safety; (2) is the health care practitioner responsible for the ongoing treatment of a patient's qualifying medical condition, the symptoms of that condition, or the symptoms associated with the treatment of that condition, provided, however, that the ongoing treatment shall not be limited to the provision of authorization for a patient to use medical cannabis or consultation solely for that purpose; and (3) if the patient is a minor, is a pediatric specialist. Furthermore the regs at NJAC 13:35-7A speaks only of physicians and provides medical management of conditions only treated by Optometrists and Ophthalmologists. The following words and terms when used in this subchapter shall have the following meanings, unless the context indicates otherwise. "Bona fide physician-patient relationship" means a relationship in which the physician has ongoing responsibility for the assessment, care and treatment of a patient's debilitating medical condition, consistent with the requirements at N.J.A.C. 13:35-7A.5. For purposes of this definition, "ongoing responsibility" means: 1. The physician-patient relationship has existed for at least one year; 2. The physician has seen and/or assessed the patient for the debilitating medical condition on at least four visits; or 3. The physician assumes responsibility for providing management and care of the patient's debilitating medical condition after conducting a comprehensive medical history and physical examination, including a personal review of the patient's medical record maintained by other treating physicians reflecting the patient's reaction and response to conventional medical therapies. "Certification" means a statement signed by a physician with whom a patient has a bona fide physician-patient relationship, which attests to the physician's authorization for the patient to be registered to use marijuana. "Debilitating medical condition" means:1. One of the following conditions, if resistant to, or if the patient is</p>

intolerant to, conventional medical therapy: seizure disorder, including epilepsy; intractable skeletal muscular spasticity; or glaucoma; 2. One of the following conditions, if severe or chronic pain, severe nausea or vomiting, cachexia or wasting syndrome results from the condition or its treatment: positive status for human immunodeficiency virus, acquired immune deficiency syndrome or cancer; 3. Amyotrophic lateral sclerosis, multiple sclerosis, terminal cancer, muscular dystrophy or inflammatory bowel disease, including Crohn's disease; 4. Terminal illness, if the physician has determined a prognosis of less than 12 months of life; or 5. Any other medical condition or its treatment that is approved by the New Jersey Cannabis Regulatory Commission by rule. "Medical use of marijuana" means the acquisition, possession, transport or use of marijuana or paraphernalia by a qualified patient registered with the New Jersey Cannabis Regulatory Commission pursuant to P.L. 2009, c. 307 and P.L. 2019, c. 153. Lastly, Optometrists are considered physicians under CMS guidelines since 1987. This has been upheld by NJ Dept of Human Services when it recognized Optometrist to be part of federal programs for physicians. <https://www.cms.gov/regulations-and-guidance/guidance/manuals/downloads/ge101c05.pdf> I will be continuing this communication in next submission.

Continuation of previous submission for your consideration. This is additional information for your review.

Dear licensee, Please be advised that the Division of Consumer Affairs (DCA) announced today that it issued an Administrative Order (AO 2020-15) permitting healthcare professionals to use telemedicine encounters to satisfy existing physical examination requirements when prescribing, dispensing or administering Controlled Dangerous Substances (CDS), and when authorizing medical marijuana, for the duration of the public health emergency. On March 16, 2020, the federal Drug Enforcement Administration (DEA) determined that under federal law, for the duration of the public health emergency, DEA registrants may issue prescriptions for CDS without conducting an in-person medical evaluation so long as, 1) the prescription is issued for a legitimate medical purpose by a healthcare professional acting in the usual course of his/her professional practice; 2) the telemedicine communication is conducted using an audio-visual real-time, two-way interactive communication system; and 3) the healthcare professional is acting in accordance with federal and State law (collectively, the DEA Conditions). (Note that if the patient has had an in-person examination previously, the telemedicine encounter can be conducted by any means, including by phone.) AO 2020-15 waives New Jersey law and rules to allow healthcare professionals authorized to prescribe to use telemedicine to satisfy State requirements for prescribing, dispensing or administering CDS, so long as the prescriber complies with the DEA Conditions and provided that the prescribing is done in a manner consistent with the practitioner's standard of care. The health care professional must still discuss the risks and benefits of the proposed prescribing and document the results of the encounter in the patient record, check the Prescription Monitoring Program, and adhere to the five-day limit for the treatment of acute pain and the need to tailor subsequent prescribing to the patient's needs. Under AO 2020-15, prescribers may use telemedicine encounters:

		<p>To conduct required three-month reviews when continuously prescribing for the management of chronic pain; To assess patients prior to issuing each prescription to identify symptoms of physical or psychological dependence; and To issue a prescription for Schedule II CDS without an initial in-person examination. AO 2020-15 also authorizes a physician to use telemedicine encounters with regard to medical marijuana for both initial and subsequent authorizations if: The authorization is for a recognized qualifying condition; The communication is conducted using an audio-visual, real-time, two-way interactive communication system; and The use of telemedicine is consistent with the standard of care required for the assessment and treatment of the patient's condition. The healthcare professionals covered by AO 2020-15 are those who may prescribe CDS under normal circumstances: physicians, podiatrists, physician assistants, certified nurse midwives, advanced practice nurses, dentists and optometrists. AO 2020-15 takes effect immediately and, unless terminated by a subsequent order, will remain in effect until the earlier of 1) the end of both the state of emergency and public health emergency declared by the Governor; or 2) the end of telemedicine allowance designated by the United States Secretary of Health and Human Services on March 16, 2020. Thank you for being an integral part of the State's response to the COVID-19 pandemic. Sincerely, Paul R. Rodríguez Acting Director Division of Consumer Affairs New Jersey Department of Law and Public Safety</p> <p>As the educational demands and scope of practice of an Optometrist are higher than of other providers on your list, it is a continued concern of the people of NJ that you have maintained your restriction against Optometry solely on political discretion rather than the law.</p>
<p>Juan Garcia</p>	<p>8/9/22</p>	<p>Good morning I just had a common y most of the time I go to pick up my medicine at cure leaf they don't see to have it no more cocobuter Gummy's is what they have and now they are 78 or 90 dollars the state tick away the taxes but the prices are going up pretty soon I won't be able to get my medicine but the recreational side is always well stocked just saying lots of people don't smoke we rely on does edibles. Thank you in advance</p> <p>What is Medical tax?</p>
<p>Danielle Wildstein</p>	<p>8/10/22</p>	<p>I know based on the most recent public CRC meeting that I'm not alone is feeling incredibly frustrated by the slow time table to hear on my NJ microbusiness dispensary application. I applied in Bloomfield with town support, as a women-owned business, with site control and a host of other critical criteria. I've been paying rent to a landlord for a barren space and incurring bank fees by an approved cannabis bank relationship. It was my understanding that i would hear within 90 days of my application which was submitted on 3/16. I'm incredibly excited to run a compliant and successful dispensary if given the honor to do so but it's quite frustrating hemorrhaging this money in the interim. I see that the next meeting is scheduled for 9/22. I genuinely hope for my sake and for the sake of all other microbusiness applicants that we will be informed of award status on that meeting. Thank you for listening to me. -Danielle</p>
<p>Dr. Marques Williams</p>	<p>8/17/22</p>	<p>I am a pharmacist and my twin brother is a biochemist and we would like to open a cannabis quality testing lab in Trenton or Camden and wanted to inquire as to the demand and sustainability?</p>

<p>Joshua Perez-Alejandro</p>	<p>8/23/22</p>	<p>Good Afternoon NJ CRC, First and foremost thank you for your service to the state and the cannabis industry. I also want to thank you on your efforts on approving our company as a social equity and MBE applicant. The CRC did a great job moving approvals along. I have one major concern that I have noticed with the multi-state operators in New Jersey. I have noticed that MSO are being approved for locations that are extremely strategic to steer consumers over NJ owned businesses. Curaleaf in Edgewater, Ascend in Fort Lee, and other locations that are hubs for population density. I understand NJ Government wants their tax revenue, but how does that put NJ owned cannabis business in a position to win if the corporations and publicly traded MSOs get all the high valued areas? Why cant we pause their expansion, and allow NJ owned businesses to open? At the end of the day all these companies are operating in multiple states vertically integrated and being set up for a monopoly. Furthermore, we are at their mercy when we open our doors because Rec cultivators are not open yet. Time and time again these companies showed unethical capitalistic practices, but yet we allow them to come into our home and dominate the industry. They even violated medicinal users time requirements and were fined. The fine is pennies to these companies. In conclusion, give us NJ operators a chance and slow down the expansion of Curaleaf, Ascend, etc from expanding and give us locals a chance. How can we build a home grown industry if foreigners are extracting our capital from NJ and shipping it elsewhere. We are New Jersey lets step up and protect our people from the MSOS. Regards, Joshua Perez, Co-Founder Deo's Garden LLC</p>
<p>Patrick Brady</p>	<p>8/24/22</p>	<p>I am writing this note in regards to the 365 day timeline for final inspection in NJAC:1730. My name is Pat Brady and I am the co-founder and CRO of Ascension Cannabis Brands. Our company has been conditionally licensed and we have begun planning for our construction project. We are being informed of major delays in the construction supply chain. We have met with multiple General Contractors that have all confirmed current minimum 12 month lead times on essential construction materials needed for a compliant and efficient facility. There is a potential that these supply chain issues keep a large percentage of new conditional licensees from being able to complete construction and final inspection within 365 days of the notice of approval on conversion applications. We ask that the commission adjust the language in NJAC:1730-7.14 (k). Currently the language says that "(k) If the Commission determines that the annual license applicant is not compliant pursuant to (g) above, or the license applicant does not undergo a successful final onsite assessment yielding a determination of compliance pursuant to (i) above within 365 days of the notice of approval, the Commission SHALL decline to issue the annual license approval and the license SHALL be returned to the Commission." This language ("SHALL") currently provides no flexibility to the Commission, and does not allow them to determine if a license applicant needs more time than 365 days due to circumstances and delays beyond the license applicants control. We ask that the Commission adjust this language to give itself the flexibility of determining extenuating circumstances but also give us as licensees the security that the millions of dollars we need to invest in the construction of these projects is not at risk if supply chain issues delay our progress beyond 365 days. We would like the new language to be adjusted as follows: "(k) If the Commission determines that the annual</p>

		license applicant is not compliant pursuant to (g) above, or the license applicant does not undergo a successful final onsite assessment yielding a determination of compliance pursuant to (i) above within 365 days of the notice of approval, the Commission "MAY" decline to issue the annual license approval and the license may be returned to the Commission." This small adjustment in the language provides the CRC the ability to determine extenuating circumstances and allows them to extend the time period beyond 365 days, if they see fit. We want to express to the Commission that we think it is of the utmost importance that we as operators and you as regulators work together as a team to get this industry off of the ground in NJ. We as licensees are all facing issues in our economy that will directly affect the timeline of our construction projects. We ask that the commission acknowledge these challenges and make the necessary adjustments to the language in the regulations. Thank you.
philip osoff	8/28/22	i smoked in the 70s--was able to drive. Occasionally i now smoke legally bought marijuana. Often, the stuff is so strong, i would not be able to drive---even walking is hampered.
John ervin	9/5/22	Can a city use cannabis dispensary or cannabis tax revenue for public or private education purposes in the city?
barry doll	9/6/22	Dear Commission I oppose the approval of the license for a cultivating and manufacturing facility (applications # 1102 and 1034 from ELEVENELEVEN Wellness Company) at the former SEARS store on S. Washington Ave in Bergenfield 07621 This facility is in a small geographical and congested town-Bergenfield is less than 3 square miles with over 27,000 residents. This is a poor location for a factory and a health risk to residents. The proposed location is near several churches and schools . Also, it is across the street from a medical facility and a large apartment complex--Foster Village . Finally a government Armory which hosts a soccer league is across the street. The Bergenfield Board of Health and the Municipal Alliance Committee , which iis involved in monitoring drug and substance abuse issues were not consulted for their views / opinion on the proposed facility Accordingly, for the above reasons I urge the Commission to deny the requested licenses Barry Doll Bergenfield
Elaine Yotka	9/8/22	I am writing to oppose the issuance of a license to ELEVENELEVEN, #1102 AND #1034, for a cultivation and manufacturing facility at 450 South Washington Avenue, Bergenfield 07621, Bergen County. This facility is proposed for a location in the small and population-dense town of Bergenfield. The town is less than 3 square miles and has over 27,000 residents. A town of this size cannot and should not be used for the placement of a cannabis manufacturing plant. The location under consideration is merely 2.68 acres, and was formerly home to various family-friendly businesses, like a bowling alley, roller skating rink, and Sears department store. The location is directly next door to a family diner; in very close proximity to a music store/school where children and adults frequent these locations for meals, musical equipment and music lessons; close to churches; and schools. Directly across the street from the proposed location is a shopping area with restaurants, grocery stores, and other businesses frequented by local families and people from surrounding towns. Diagonally across the street from the proposed

		<p>facility is the Teaneck Armory, a government facility which houses an indoor soccer field/school. Adjacent to the shopping area and within walking distance from the proposed location is a large apartment complex comprised of 636 apartments housing easily over 1,000 people, including many elderly and children. My opposition to the licensing of this facility in our small residential town is how the quality of life, health and safety of our residents, (living, shopping, working and eating in such close proximity to the cannabis facility) would be impacted by the odors and potentially toxic fumes emanating from the facility, as well as the additional traffic that would be generated by the deliveries and pickups from the facility. We do not believe that a 3 square mile, densely populated, residential, family town like Bergenfield should be home to a cannabis related business. Although there are 3 other facilities in Bergen County which appear to have been licensed, in Paramus, Rochelle Park, and Fort Lee, those facilities are located on/near major highways in highly trafficked nonresidential areas, like Route 4, Route 17, Route 80, NJ Turnpike, and Palisades Interstate Parkway. I respectfully respect that any applications/licenses for a cannabis manufacturing facility in our small residential town be rejected. Thank you for your time and consideration.</p>
<p>Judith F. Despommier</p>	<p>9/8/22</p>	<p>Dear Commission, This is the third or fourth time I've written in regard to the approval for the cultivating and manufacturing pot building (applications 11023 and 1034) for ELEVENELEVEN Wellness corporation. This proposed site is at the former SEARS building located on S. Washington Ave in Bergenfield, Nj. This is the worst place for such a building. It's smack in-between a Diner (Brownstone Pancake house and Diner) and the D'Bello music store/school. Bergenfield is a bustling community NOT surrounded by farmland or large grassland areas which is where the ELEVENELEVEN building should be. We are a congested town -there is a strip mall directly across from the proposed site, a government facility (the Armory) which offers soccer camps to children, an Urgent medical care facility and eateries. In addition, it is close to a senior adult living community and many churches. I am concerned as to the air quality emanating from the proposed site, noxious fumes which have been known to adversely affect the quality of life for the residents in the town. Keep in mind that Bergenfield is a small geographic area of less than 3 sq miles with over 27,000 residents and still growing. I implore you NOT to approve the license for ELEVENELEVEN Wellness company (Applications 1102 and 1034) and move it somewhere else. Thank you for letting me express myself so freely, Sincerely, Judith F. Despommier</p>
<p>Jill Cohen</p>	<p>9/8/22</p>	<p>Dear CRC, we are being informed of major delays in the construction supply chain. We have met with multiple General Contractors that have all confirmed current minimum 12-month delays on essential construction materials like electric power transformers and roof insulation. There is a potential that these supply chain issues keep a large percentage of new conditional licensees from being able to complete construction and final inspection within 365 days of the notice of approval on conversion applications. We ask that the Commission amend NJAC 17:30-7.14(k) to allow extension requests to complete construction and final inspection. Currently, the language says that "(k) If the Commission determines that the annual license applicant is not compliant pursuant to (g) above, or the license applicant does not undergo a successful final onsite assessment yielding a determination of compliance pursuant to (i) above within 365 days of the</p>

		<p>notice of approval, the Commission SHALL decline to issue the annual license approval and the license SHALL be returned to the Commission.” This language (“SHALL”) currently provides no flexibility to the Commission and does not allow them to determine if a license applicant needs more time than 365 days due to circumstances and delays beyond the license applicant's control. NJAC 17:30-7.14(k) should be amended to allow the CRC flexibility of determining extenuating circumstances related to the construction of these projects, particularly when the supply chain causes significant delays beyond the applicant's control. Accordingly, the regulations should be amended as follows: “(k) If the Commission determines that the annual license applicant is not compliant pursuant to (g) above, or the license applicant does not undergo a successful final onsite assessment yielding a determination of compliance pursuant to (i) above within 365 days of the notice of approval, the Commission [shall] may decline to issue the annual license approval and the license [shall] may be returned to the Commission. If the annual license applicant demonstrates good cause for an extension beyond the 365 days, the extension request shall be granted.” This small adjustment provides the CRC the ability to determine extenuating circumstances and allows the Commission to extend the time period beyond 365 days if they see fit, while also protecting the interest of the annual license applicant. I ask that the Commission acknowledges the challenges that the 365-day deadline creates and make the necessary amendments to the regulations. Thank you for your time and consideration. Jill Cohen Elevated by TheCannaBossLady Owner and Operator</p>
Jakub Pritz	9/9/22	<p>Will regulations allow for multiple strains/form factors to be packaged together such that a sampler package could be created? The structure METRC in California only allows for 1 sku per package. This could be resolved by allowing multiple id's on the packaging.</p>
Joe hernandez	9/10/22	<p>Why is the communities not benefiting from? The construction Contracts opportunities for the community</p>
Gabriella Wilday	9/11/22	<p>My name is Gabriella Wilday, I’m the CEO of a Diversity Owned Conditional License Applicant for Retail. Our application was submitted 159 days ago, and approved during the public meeting on September 9, 2022. I have much respect for the work the CRC is doing. And for CRC employees, who hear from frustrated applicants, it may feel like thankless work at times. To the CRC chairs, commissioners and employees: I fully appreciate the herculean task you are taking on to get a truly equitable and safe legal cannabis market scaled up in New Jersey. Your success is the industry’s success. Clearly, your intentions are good, and I am passionately rooting for you. With that said, I sympathize with the many other applicants I’ve heard on this and previous calls who’ve endured the soul crushing lack of any sort of meaningful update on their application status from the CRC and the tragically glacial pace at which applications are receiving determinations. More importantly, lots of applicants, like myself, took the CRC at their word in the CRC’s own published guidelines pursuant to subchapter 7.2(c), that Conditional Licenses Applications have a 30 day target turnaround time for determination. We created our business plans, made important decisions, incurred significant professional fees and local application fees, and entered costly real estate agreements based on those guideline targets. The fact that the CRC has yet to award</p>

		<p>anyone from New Jersey a license to operate in the adult use market is terrifying. If it's taking 150 days + to review a conditional license, how long is it going to take to review a much more detailed conversion to annual application. Subchapter 7.9(c) of the CRC's published guidelines have a 90 day target for determination. At the current pace of Conditional determinations at 5 times the target, should we plan for 450 days turnaround for Conversions and Annuals? That's a big ask and will undoubtedly cause irreparable financial devastation to the very people you're trying to help. Big thanks to Vice Chair DelGado for appreciating this situation and encouraging the CRC staff for more urgency and progress on application reviews. The September 9th would not have happened if not for the Vice Chairs motion which will hopefully inspire a motion to add a November public meeting, were none currently exists. And CRC, despite my clear frustration with the results to date, I am grateful for the commitment and work you are doing. Progress cannot happen without you. I hope this feedback will serve to motivate you to improve your efficiency as an organization on getting New Jersey businesses licensed and operating. That's the top priority right now if this new industry is going to scale equitably. Thank you for listening, and hopefully taking appropriate actions. Respectfully, Gabriella Wilday</p>
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