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October 13, 2021

Via Email and FedEx Overnight

Dianna Houenou, Chair
Sam Delgado, Vice Chair
Charles Barker, Commissioner
Maria Del Cid-Kosso, Commissioner
Krista G. Nash, Commissioner
Jeff Brown, Executive Director
Cannabis Regulatory Commission
225 East State Street, 2nd Floor West
Trenton, New Jersey 08608

Re: Post-Remand Proceedings for 2018 MMATC RFA

Dear Chair Houenou, Vice Chair Delgado, Commissioners Barker, Cid-Kosso, and Nash, and Executive Director Brown:

We write on behalf of GGB New Jersey, LLC, Altus New Jersey, LLC, Bloom Medicinals of PA, LLC, Liberty Plant Sciences, LLC, and Pangaea Health and Wellness, LLC (collectively, “Appellants”) to request an update on the status of the post-remand proceedings. We write to request that the Commission provide a date certain for resolution of the 2018 remand process; especially in light of its election to award 2019 licenses ahead of prior applicants.

By way of background, on November 25, 2020, the Appellate Division vacated the Department of Health’s December 17, 2018 Final Agency Decisions denying Appellants’ applications for vertically integrated Alternative Treatment Center (“ATC”) permits as part of the July 16, 2018 Request for Applications (“2018 RFA”) and remanded the matter to the Department for further proceedings. In re Application for Medicinal Marijuana Alternative Treatment Center for Pangaea Health and Wellness, LLC, 465 N.J. Super. 343 (App. Div. 2020). In its decision, the Court expressly provided that “any further proceedings” should occur “expeditiously.” Id. at 400.

We note that Appellants submitted applications in the 2018 RFA to the Commission's predecessor more than three years ago and that immediately after the remand Appellants reached out to the Commission's predecessor agency, the New Jersey Department of Health to engage in a process whereby Appellants' due process rights would be protected and the public's need for additional medical cannabis could be met. We further note that post-remand supplemental submissions were provided to the Commission on or before Monday, May 17, 2021 and Respondents' supplemental submissions were due to the Commission no more than thirty (30) days later. In the meantime, the Commission seems to have turned its attention to the 2019 medical cannabis applications and the progression of adult use, prior to resolving the court-ordered, post-remand proceedings for Appellants—all highly qualified, established operators who are ready, willing, and able to proceed with the licensing process.

Resolving the 2018 RFA on an expedited basis and awarding licenses to Appellants is a true panacea in that it: (i) ensures sufficient supply for the more than 117,000 registered patients and protects against depletion of medical cannabis through the advent of an adult-use market; (ii) lays the groundwork for development of a robust adult-use market by ensuring additional operators are in place to convert and support that market; (iii) generates much needed tax revenue for the State; (iv) creates hundreds of jobs; and (v) helps the administration keep its promise that a robust cannabis marketplace will be in place next year. Notably, none of the Respondents oppose the award of licenses, and only object to the loss of theirs. So awarding licenses also will not lead to more litigation and delay.

We understand that the Commission intends to award certain 2019 medical cannabis licenses at its upcoming October 15, 2021 meeting, and reserve our rights accordingly. We expect that the Commission will next turn its attention to the long overdue award of licenses pursuant to the 2018 RFA on remand. To that end, we request that within seven (7) calendar days of the receipt of this letter the Commission provide Appellants with a date certain for the completion of the post-remand process.

We thank the Commission for consideration of this letter and remain available to discuss the above at any time.

Sincerely,

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