



State of New Jersey
CANNABIS REGULATORY COMMISSION

PHILLIP D. MURPHY
Governor

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DIANNA HOUEYOU, *Chair*
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MARIA DEL CID-KOSSO, *Commissioner*
CHARLES BARKER, *Commissioner*
JEFF BROWN, *Executive Director*

TAHESHA L. WAY
Lt. Governor

RESOLUTION 2023-174
APPROVAL OF REQUESTS FOR A DETERMINATION OF REHABILITATION BY
ALTERNATIVE TREATMENT CENTER EMPLOYEES

WHEREAS, the New Jersey Cannabis Regulatory Commission (“the Commission”), established pursuant to P.L. 2019, c.153, known and cited as the “Jake Honig Compassionate Use Medical Cannabis Act,” (“Honig Act”) is charged with implementing the provisions of the Honig Act as well as P.L.2021, c.16, known and cited as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (“CREAMM Act”); and

WHEREAS, pursuant to N.J.S.A. 24:6I-7(d)(1), the Commission requires that any applicant seeking to be an employee of a medical cannabis permittee must undergo a criminal history record background check and provide all requested information as may be required; and

WHEREAS, pursuant to N.J.S.A. 24:6I-7(d)(1), an applicant who is required to undergo a criminal history record background check shall submit to being fingerprinted in accordance with applicable State and federal laws, rules, and regulations. If an applicant refuses consent to a check of the criminal history record background information, the applicant shall not be considered authorized to be employed by a medical cannabis permittee; and

WHEREAS, pursuant to N.J.S.A. 24:6I-7(d)(2), the Commission shall not provide authorization for an applicant to be employed at a medical cannabis permittee if a disqualifying conviction, as set forth in N.J.S.A. 24:6I-7(c), is revealed during a check of the criminal history record background; and

WHEREAS, as set forth in N.J.S.A. 24:6I-7(c):

A person who has been convicted of a crime of the first, second, or third degree under New Jersey law or of a crime involving any controlled dangerous substance or controlled substance analog as set forth in chapter 35 of Title 2C of the New Jersey Statutes except paragraph (11) or (12) of subsection b. of N.J.S.2C:35-5, or paragraph (3) or (4) of subsection a. of N.J.S.2C:35-10, or any similar law of the United States or any other state shall not be issued a permit to operate as a medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, or clinical registrant or be a director, officer, or employee of a medical cannabis

cultivator, medical cannabis manufacturer, medical cannabis dispensary, or clinical registrant, unless such conviction occurred after the effective date of P.L.2009, c. 307 (C.24:6I-1 et al.) and was for a violation of federal law relating to possession or sale of cannabis for conduct that is authorized under P.L.2009, c. 307 (C.24:6I-1 et al.) or P.L.2015, c. 158 (C.18A:40-12.22 et al.); and

WHEREAS, upon receipt of the results of the criminal history record background information, the Commission shall provide written notification to the applicant of the applicant's disqualification to be an employee of a medical cannabis permittee, with the disqualifying conviction identified in the notice; and

WHEREAS, if an individual has been convicted of a disqualifying crime, the Commission will not disqualify the individual on the basis of such conviction "if the individual has affirmatively demonstrated to the Commission by clear and convincing evidence of rehabilitation," in accordance with N.J.S.A. 24:6I-7d(6) and N.J.A.C. 17:30A-7.2(e); and

WHEREAS, in determining whether sufficient evidence of rehabilitation has been provided, the Commission shall consider the factors set forth in N.J.S.A. 24:6I-7d(6) and N.J.A.C. 17:30A-7.2(e):

- a) the nature and responsibility of the position which the convicted individual would hold, has held, or currently holds;
- b) the nature and seriousness of the crime or offense;
- c) the circumstances under which the crime or offense occurred;
- d) the date of the crime or offense;
- e) the age of the individual when the crime or offense was committed;
- f) whether the crime or offense was an isolated or repeated incident;
- g) any social conditions which may have contributed to the commission of the crime or offense; and
- h) any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of those who have had the individual under their supervision; and

WHEREAS, in accordance with N.J.A.C. 17:30A-7.2(g), any individual disqualified shall be given an opportunity to challenge the accuracy of the disqualifying criminal history record prior to being permanently disqualified from participation; and

WHEREAS, pursuant to N.J.S.A. 24:6I-7.2(i), application materials submitted to the Commission are confidential and not public records; and

WHEREAS, ten (10) employees of Alternative Treatment Centers received notice that the result of their criminal history background information check revealed a conviction for a disqualifying offense; and

WHEREAS, each of the ten (10) employees of Alternative Treatment Centers were provided an opportunity to challenge the accuracy of their criminal history results or request a determination of rehabilitation from the Commission; and

WHEREAS, the notice set forth the required documentation that must be provided in order to be considered for a rehabilitation determination or to contest the accuracy of their conviction; and

WHEREAS, each of the ten (10) employees submitted documentation in support of a finding of rehabilitation; and

WHEREAS, the Board of Commissioners has reviewed the documentation provided by each employee, and has found sufficient evidence to support a finding of rehabilitation;

NOW, THEREFORE, BE IT RESOLVED, by the New Jersey Cannabis Regulatory Commission, pursuant to N.J.S.A. 24:6I-7d(6) and N.J.A.C. 17:30A-7.2(e), that the following ATC employees, de-identified by the last four (4) digits of their case number, have satisfied the requirements set forth in the Honig Act and regulation and the Commission has determined to approve their request for a rehabilitation determination:

Case Number for Subject Employees	
3001	3017
3002	3019
3004	3020
3010	3022
3016	3024

The Commission shall provide to each subject employee notice of the Commission's action herein and provide the employee an ATC identification card in accordance with N.J.A.C. 17:30A-8.1.

Submitted by:



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 19th day of October 2023.



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
Vice Chair Delgado	X		X			
Chairwoman Houenou			X			
Commissioner Nash			X			