



**State of New Jersey**  
**CANNABIS REGULATORY COMMISSION**

PHILLIP D. MURPHY  
*Governor*

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

TAHESHA L. WAY  
*Lt. Governor*

**RESOLUTION 2023-190**  
**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-7(d)(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-7(d)(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**, five (5) 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 five (5) 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 five (5) 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-7(d)(6) and N.J.A.C. 17:30A-7.2(e), that the following ATC employees, 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	
3025	3040
3028	3041
3033	

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:



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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 7th day of December 2023.



Christopher Riggs, Chief Counsel

<b>Vote on the Approval of This Resolution</b>	<b>Motion</b>	<b>Second</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Commissioner Barker			X			
Commissioner Del Cid-Kosso			X			
Vice Chair Delgado		X	X			
Chairwoman Houenou			X			
Commissioner Nash	X		X			