CERTIFICATE OF WAIVER OF REGULATION AND STATUTE

Authority:	N.J.A.C. 17:30A-7.11 and N.J.S.A. 24:6I-23
Date Issued:	September 9, 2026
Regulation/Statute Affected:	N.J.A.C. 17:30A-7.2(a) and N.J.S.A. 24:6I-7d.(1) as set forth below
Effective Date:	September 9, 2026
Expiration Date:	Upon modification or revocation by the Board of Commissioners

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The New Jersey Cannabis Regulatory Commission ("Commission") grants relief in the form of this regulatory waiver to "employees" and other individuals who are not owners, principals, directors, board members, officers, or significantly involved persons of an Alternative Treatment Center (ATC), subject to the criteria and conditions set forth herein.

The requirement that certain individuals involved in the medical cannabis industry consent to submit to a criminal history record background check is set forth in both statute and regulation. Pursuant to N.J.A.C. 17:30A-7.11, the Commission may waive a regulatory requirement to the extent such waiver (1) is necessary to achieve the purpose of the "Jake Honig Compassionate Use Medical Cannabis Act" ("Honig Act"); (2) provides access to patients who would otherwise qualify for the use of medicinal marijuana to alleviate suffering from debilitating medical conditions; and (3) does not create a danger to the public health, safety, or welfare. Similarly, the Honig Act provides an avenue by which the Commission may waive a statutory requirement of P.L.2009, c. 307, "The New Jersey Compassionate Use Medical Marijuana Act," ("CUMMA"), the predecessor to the Honig Act, regarding the operations of an ATC if the Commission determines that granting the waiver (1) is necessary to achieve the purpose of P.L.2009, c. 307; (2) provides access to patients who would not otherwise qualify for the medical use of cannabis to alleviate suffering from debilitating medical conditions; and (3) does not create a danger to the public health, safety, or welfare. N.J.S.A. 24:6I-23.

Pursuant to N.J.A.C. 17:30A-7.2(a), each principal, director, board member, owner, and employee shall provide written consent to submit to a criminal history record background check pursuant to N.J.S.A. 24:6I-4 and shall comply with procedures established by the Division of State Police pursuant to N.J.A.C. 13:59 for obtaining readable fingerprint impressions.

Additionally, pursuant to N.J.S.A. 24:6I-7d.(1) as set forth in CUMMA, applicants seeking a permit as an ATC must undergo a criminal history record background check. For purposes of this provision, applicant includes any owners, directors, officers, or employees of an ATC. Subsequently, upon enactment of the Honig Act, N.J.S.A. 24:6I-7d.(1) was expanded to provide that each applicant seeking a permit to operate as, to be an owner, director, officer, or employee of, or to be a significantly involved person in, a medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, or clinical registrant to undergo a criminal history record background check.

The specific regulation and statute to be waived are as follows, with the waiver extending only to the provisions requiring a criminal history background check for employees and individuals who are not owners, principals, directors, board members, officers, or otherwise significantly involved persons of an Alternative Treatment Center (ATC) :

N.J.A.C. 17:30A-7.2:

(a) Each principal, director, board member, owner, and employee shall provide written consent to submit to a criminal history record background check pursuant to N.J.S.A. 24:6I-4 and shall comply with procedures established by the Division of State Police pursuant to N.J.A.C. 13:59 for obtaining readable fingerprint impressions.

N.J.S.A. 24:6I-7d.(1)as set forth in CUMMA:

d. (1) The commissioner shall require each applicant seeking a permit to operate as an alternative treatment center to undergo a criminal history record background check. For purposes of this section, the term "applicant" shall include any owner, director, officer, or employee of an alternative treatment center. The commissioner is authorized to exchange fingerprint data with and receive criminal history record background information from the Division of State Police and the Federal Bureau of Investigation consistent with the provisions of applicable federal and State laws, rules, and regulations. The Division of State Police shall forward criminal history record background information to the commissioner in a timely manner when requested pursuant to the provisions of this section.

An applicant shall submit to being fingerprinted in accordance with applicable State and federal laws, rules, and regulations. No check of criminal history record background information shall be performed pursuant to this section unless the applicant has furnished his written consent to that check. An applicant who refuses to consent to, or cooperate in, the securing of a check of criminal history record background information shall not be considered for a permit to operate, or authorization to be employed at, an alternative treatment center. An applicant shall bear the cost for the criminal history record background check, including all costs of administering and processing the check.

The Commission finds that waiver of N.J.A.C. 17:30A-7.2(a) pursuant to its authority under N.J.A.C. 17:30A-7.11, and N.J.S.A. 24:6I-7d.(1) as set forth in CUMMA pursuant to its authority under N.J.S.A. 24:6I-23, as articulated above, is necessary to achieve the purpose of the aforementioned Acts; provides access to patients who would otherwise qualify for the use of medicinal marijuana to alleviate suffering from debilitating medical conditions; and does not create a danger to the public health, safety, or welfare.

This waiver does not extend to owners, principals, directors, board members, officers, or significantly involved persons of an ATC or clinical registrant; ATCs and clinical registrants must ensure that any individual holding such a title, including as a result of promotion or reorganization, continue to comply with the background check requirements of N.J.A.C. 17:30A-7.2 and N.J.S.A. 24:6I-7d.(1) as set forth in the Honig Act.

This waiver shall take effect immediately and shall remain in place further formal action by the New Jersey Cannabis Regulatory Commission is taken to rescind or amend this waiver. The relief granted is subject to review, modification, or revocation as the Commission deems appropriate.



BY: Harris Laufer, Chairperson
New Jersey Cannabis Regulatory Commission