



**N.J.S.A. 24:6I-7; N.J.A.C. 17:30A-7.2: Temporary Guidance for
ATC Employee Criminal Background Checks**

To All Alternative Treatment Centers (ATCs):

The following temporary guidance is hereby implemented to enable faster on-boarding of new employees at ATCs. This guidance does not supersede any statute or regulation, and does not discharge ATCs or their employees from complying with any statute or regulation, most notably the requirements at N.J.S.A. 24:6I-7 to submit to be fingerprinted in accordance with applicable State and federal laws, rules and regulations, and the corresponding disqualifying offenses.

N.J.S.A. 24:6I-7 states:

d. (1) The Commission shall require each applicant seeking a permit to operate as, to be a 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....

An applicant who is required to undergo a criminal history record background check pursuant to this section 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 the applicant's written consent to that check. An applicant who is required to undergo a criminal history record background check pursuant to this section 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 or to be a significantly involved person in, a medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, or clinical registrant. An applicant shall bear the cost for the criminal history record background check, including all costs of administering and processing the check....

(5) Notwithstanding the provisions of subsection c. of this section to the contrary, the commission may offer provisional authority for an applicant to be an owner, director, officer, or employee of, or a significantly involved person in, a medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, or clinical registrant for a period not to exceed three months if the applicant submits to the commission a sworn statement attesting



that the person has not been convicted of any disqualifying conviction pursuant to this section.

Pursuant to the authority granted to it in N.J.S.A. 24:6I-7, the Commission shall offer provisional authority for applicants to be employees of ATCs for a period of up to three months, if that person's fingerprint results have not been received within 14 days following the date of a fingerprint appointment, provided the following conditions are met:

1. The employee or business provides a receipt from IdentiGo evidencing the date that fingerprinting has occurred; and
2. The employee submits an attestation to the Commission that the employee has not been convicted of any disqualifying conviction, and the employee has submitted fingerprints pursuant to N.J.S.A. 24:6I-7.

Attestations submitted in accordance with this guidance shall contain the following information/provisions:

3. ATC name
4. Employee's name, title, and signature
5. Date
6. Statement affirming the employee has not 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
7. Statement affirming that the employee has submitted fingerprints pursuant to N.J.S.A. 24:6I-7 and N.J.A.C. 17:30A-7.2.
8. A copy of the receipt of fingerprinting for the employee.

The attestations do not need to be notarized.

The issuance of a provisional approval for an ATC Identification Card does not guarantee a person's qualification. Failure to comply with the requirements of N.J.S.A. 24:6I-7, or the submission of false information to the Commission, shall result in immediate disqualification and revocation of an employee's ATC Identification Card, their provisional status, and may result in ineligibility for a permanent and/or new ATC or Cannabis Business Identification Card. Submission of a false attestation may additionally result in the person's permanent ineligibility to participate in an approved ATC.



At this time, the ability to be badged provisionally is only being offered to line-level staff at ATCs. The Commission will not consider provisional badging requests for owners, board members, principals, or management of the ATCs. If an ATC has expanded to adult use operations, any provisionally badged employee is permitted to provide services to all aspects of the business, whether servicing medicinal operations or adult use operations.

ATCs must ensure that all provisionally badged employees remain under the supervision of someone lawfully possessing an ATC Identification Card.

ATCs shall submit requests for provisional employee status to their respective Field Monitor with all the information outlined in this guidance.