

Employee Background Checks – Pending Charges and Convictions

Section 405 of the Medical Marijuana Facilities Licensing Act (MMFLA) requires all licensees to conduct a background check for each prospective employee prior to their hiring. If the background check indicates a pending charge or conviction within the past ten years for a controlled substance-related felony, a licensee is prohibited from hiring the prospective employee without written permission from the Cannabis Regulatory Agency (CRA).

NOTE: A controlled-substance related felony indicating distribution to a minor is grounds for an automatic denial.

The purpose of this bulletin is to advise licensees on the process for obtaining permission from the CRA to hire a prospective employee in this situation. A licensee shall submit all of the following to the CRA:

- Request to Hire Prospective Employee form
 - This form can be found under the Miscellaneous Forms section of the [Medical Facilities Paper Applications, Forms and Resources webpage](#) on the CRA website.
- Copy of the arrest report that resulted in the employee's conviction.
- Copy of the employee's conviction documents.
- Written statement from the licensee that includes all of the following:
 - The prospective employee's job title.
 - A description of the prospective employee's job duties.
 - An explanation of the steps the licensee has taken to ensure the conduct that resulted in the prospective employee's conviction will not jeopardize the facility's operations if the conduct were to reoccur. If the prospective employee's conduct that resulted in the conviction is totally unrelated to the job duties that he or she will be performing, include a statement to that effect.

NOTE: if an existing employee is acquired by a new licensee during a business purchase, a new background check and approval is not required if the new licensee has the records to show the background check was completed.

The CRA will review the required documents, make a determination regarding the prospective employee's employment, and notify the licensee of its determination via email.

Please submit the Request to Hire form, arrest report, conviction documents, and written explanation on the respective license record (i.e., GR-A-XXXXXX) online through the Accela Citizen Access Portal at www.michigan.gov/craonline. Choose "Employee Background Check" for the document category.

The License Maintenance Section of the CRA may be contacted via email at CRA-Applications@michigan.gov or by phone at 517-284-8599. For more information about the Cannabis Regulatory Agency, please visit www.michigan.gov/CRA.