

## **Criminal Background Checks and METRC Requirements for Facility Employees**

The Medical Marihuana Facilities Licensing Act (MMFLA) and Administrative Rules require 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 10 years for a controlled substance-related felony, a licensee shall not hire the prospective employee without written permission of the board. These requests may be sent to [LARA-BMMR-Enforcement@michigan.gov](mailto:LARA-BMMR-Enforcement@michigan.gov).

The Administrative Rules require all licensees to:

- Keep records of the results of the criminal history background checks, record confirmation of criminal history background checks, and make the confirmation of criminal history background checks available for inspection upon request by LARA or authorized persons.
- Have a policy in place that requires employees to report any new or pending charges or convictions. If an employee is charged or convicted for a controlled substance-related felony or any other felony, the licensee shall report it immediately to the department. The reporting should include confirmation of the final disposition of the employee (resigned, terminated, continue to employ, etc.). These reports may be sent to [LARA-BMMR-Enforcement@michigan.gov](mailto:LARA-BMMR-Enforcement@michigan.gov).
- Enter in the statewide monitoring system (METRC) the employee's information and level of METRC access within 7 business days of hiring. METRC will assign an employee identification number. The licensee shall update employee METRC information and changes in status or access for employees within 7 business days.
- Remove employee access and permissions to the marihuana facility and the statewide monitoring system if an employee is no longer employed by a licensee.
- Screen prospective employees against a list of excluded employees based on a report or investigation maintained by the department. This list does not yet exist. The department will advise when and where this list will be made available at a date yet to be determined.

Licensees are encouraged to conduct yearly criminal background checks on all current employees to receive the most up-to-date criminal background information.

As used in the Administrative Rules, the term “employee” includes, but is not limited to:

- hourly employees
- contract employees
- trainees
- any other person given any type of employee credentials or authorized access to the marihuana facility

Trade services provided by individuals not normally engaged in the operation of a marihuana facility – except for those individuals required to have employee credentials under the Administrative Rules – must be reasonably monitored, logged in as a visitor, and escorted through any limited access areas.

## **Secure Transporter Requirements**

In addition to all above requirements, the MMFLA also provides that a Secure Transporter must not have employees who will have custody of marihuana or money that is related to a marihuana transaction if they have:

- been convicted of or released from incarceration for a felony under the laws of Michigan, any other state, or the United States within the past 5 years

OR

- been convicted of a misdemeanor involving a controlled substance within the past 5 years.

Secure Transporter licensees must report to the department any new felonies for employees that have custody of marihuana or money that is related to a marihuana transaction.

Secure Transporter licensees are encouraged to report to the department any new misdemeanors involving a controlled substance for employees that have custody of marihuana or money that is related to a marihuana transaction.

These reports may be sent to [LARA-BMMR-Enforcement@michigan.gov](mailto:LARA-BMMR-Enforcement@michigan.gov). The reporting should include confirmation of the final disposition of the employee (resigned, terminated, continue to employ, etc.).