



IDFPR

Illinois Department of
Financial and Professional Regulation

Division of Professional Regulation

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FAQs

How Having a Criminal Conviction Can Affect Obtaining a Medical Cannabis Dispensary Agent License

- 1. I am applying for the first time for a license to be a Medical Cannabis Dispensary Agent and I have a criminal conviction in my past. Can I still get a license?**

Depending on the type and nature of the conviction, most likely yes if you are otherwise qualified. There are a few kinds of convictions that by law automatically bar an applicant from receiving a medical cannabis dispensary agent license. If you have one of these, your application cannot be approved. Most types of convictions, however, do not automatically prevent an applicant from obtaining a license. An applicant's convictions, along with other factors, may be considered by the Department in its decision whether to grant a license. We encourage you to apply and fully participate in the Department's review process.

- 2. Which convictions are an automatic bar to receiving a medical cannabis dispensary agent license?**

If you have been convicted of an "excluded offense" as defined under 410 ILCS 130/10(l) of The Compassionate Use of Medical Cannabis Program Act ("Act") your application by law cannot be approved and you will not receive a license:

The Act defines an excluded offense as:

(1) A violent crime defined in Section 3 of the Rights of Crime Victims and Witnesses Act or a substantially similar offense that was classified as a felony in the jurisdiction where the person was convicted; or

(2) A violation of a state or federal controlled substance law that was classified as a felony in the jurisdiction where the person was convicted, except that the registering Department may waive this restriction if the person demonstrates to the registering Department's satisfaction that his or her conviction was for the possession, cultivation, transfer, or delivery of a reasonable amount of cannabis intended for medical use.

Section 3(c) of the Rights of Crime Victims and Witnesses Act (725 ILCS 20/3(c)) defines Violent Crime as: "any felony in which force or threat of force was used against the victim, or any offense involving sexual exploitation, sexual conduct or sexual penetration, or a violation of Section 11-20.1, 11-20.1B, or 11-20.3 of the Criminal Code of 1961 or the Criminal Code of 2012, domestic battery, violation of an order of protection, stalking, or any misdemeanor which results in death or great bodily harm to the victim or any violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, or Section 11-501 of the Illinois Vehicle Code, or a similar provision of a local ordinance, if the violation resulted in personal injury or death, and includes any action committed by a juvenile that would be a violent crime if committed by an adult. For the purposes of this paragraph, "personal injury" shall include any Type A injury as indicated on the traffic accident report completed by a law enforcement officer that requires immediate professional attention in either a doctor's office or medical facility. A Type A injury shall include severely bleeding wounds, distorted extremities, and injuries that require the injured party to be carried from the scene."

3. **Where can I find the date of my conviction?** You must contact the courthouse in the place where the conviction occurred and request a certified copy. IDFPD is not permitted to provide a copy of your criminal history record to you.

4. **Which charges will the Department consider when determining whether an applicant qualifies for a medical cannabis dispensary agent license?**

If you were charged with any criminal offense in any state or federal court, you must disclose on your application those charges however, your disclosure is not an automatic bar to obtaining a license.

If the charges were dismissed, you are **NOT** required to disclose them on your application **unless** the charges were related to:

- the possession, manufacture, or delivery of a controlled substance;
- selling alcohol to a minor;
- theft;
- fraud;
- dishonesty;
- or any criminal offense that would be included as an “excluded offense” under 410 ILCS 130/10(l) of the Compassionate Use of Medical Cannabis Program Act (“Act”).

5. **Which convictions will the Department not consider when determining whether an applicant qualifies for a medical cannabis dispensary agent license?**

You are **NOT** required to notify the Department of these convictions:

- Traffic offenses (except driving under the influence and reckless homicide)
- Trespass (excluding felony trespass)
- Vandalism
- Convictions that have been expunged, sealed, vacated, or reversed by the court or a juvenile conviction/disposition.

6. **I have a juvenile conviction in my past, or an adult conviction that has since been expunged, sealed, vacated, or reversed by the court. Should I disclose these convictions to the Department?**

No. Individuals applying for a Medical Cannabis Dispensary Agent license should not disclose to the Department any adult convictions that have been expunged, sealed, vacated, or reversed by the court, or any juvenile convictions/dispositions.

7. **I have a conviction in my past and have submitted my application. What can I expect next?**

The Department may contact you to request additional information or request an informal conference to discuss your past conviction. If you have a conviction that qualifies for review under the law, you will receive a document called a “Notice of Intent to Deny Licensure.” This document is the first step in the conviction review process. **This Notice**

does NOT indicate that your application has been denied, however, you must follow the instructions on the Notice for the Department to consider your criminal history. If you have an excluded offense, you will receive a Denial Letter and will not be issued a Medical Cannabis dispensary Agent License.

8. I have a criminal conviction, what factors will the Department look at when considering whether my license should be issued?

The Department may consider, but is not limited to, the following factors: (i) the direct relation of the offense to the responsibilities of the license being sought; (ii) whether you have been subsequently convicted since the date of the conviction or your release from confinement; (iii) lack of prior misconduct in a licensed profession in this State or another state or jurisdiction; (iv) your age at the time of the offense; (v) if your conviction would prohibit you from such work through federal law; (vi) completion of sentence, parole, probation, etc.; (vii) your professional character; and (viii) evidence of rehabilitation.

9. If I am denied a medical cannabis dispensary agent license, can I reapply for an Adult Use Cannabis Agent License?

Yes. Denial of a Medical Cannabis Dispensary Agent license does not bar an applicant from applying for an Adult Use Cannabis Agent License. An applicant shall follow the application process for an Adult Use Agent License which includes a criminal conviction review. "Excluded offenses" are not an automatic bar for Adult Use Cannabis Agent applicants.

10. Who can I contact for more information? You can contact the Department at 1(888) 473-4858 or visit our website <https://www.idfpr.com/DPR.asp>.

DISCLAIMER: The above questions and answers are provided for general information only and may not be completely accurate in every circumstance, do not purport to be legal advice, and are not intended to be legally binding on the Department in a particular case. Questions involving interpretation of the law and your legal rights and obligations should be addressed to your lawyer.