

**WAC 314-55-040 Cannabis applicant or licensee background**

**checks.** (1) The board conducts a background check of a new applicant or for license renewals to evaluate whether the applicant or licensee qualifies or requalifies for a license. The background check includes a criminal record check through the Washington State Patrol and the Federal Bureau of Investigations database.

(2) **Review and evaluation of information produced by background checks.** The board will review the information produced by background checks to determine whether the applicant or licensee qualifies for a new or renewed license. Information from the background check may not preclude approval but will be considered in determining the applicant's eligibility for licensure.

(3) The board will determine threshold review for actionable outcomes as follows:

Conviction Type	Actionable Outcomes	Time Consideration	Determination
<b>Felonies</b>	Class A and B Convictions	10 years	Threshold Review if 1 or more
	Class C Convictions	7 years	Threshold Review if 2 or more
<b>Misdemeanors</b>	Gross misdemeanors and misdemeanors	3 years	Threshold Review if 3 or more

**(4) Active state supervision and active federal supervision, resulting in determination of threshold review.**

(a) The board will conduct a threshold review of any license applicant or license renewal if the background check indicates that the applicant or renewing licensee is under active state supervision, active federal supervision, or both.

**(5) Pending criminal charge review and evaluation.** The board will review and evaluate the applicant or renewing licensee's pending criminal charges. Review and evaluation criteria include, but are not limited to:

(a) A determination of whether convictions of pending charge(s) alone or compiled would put an individual over the conviction allowances below.

(i) The application will be placed on hold for ninety days and if no disposition within 90 days, the application will be withdrawn.

(6) **Threshold review evaluation criteria.** When an actionable outcome results in a determination for threshold review, the board will consider the following criteria:

- (a) Time since the conviction, or pending offenses;
- (b) Nature and specific circumstances of the offense;
- (c) Relationship of the offense or incident to the nature of the work performed;
- (d) Number of offenses or incidents;
- (e) If criminal, any relevant evidence of rehabilitation, such as information about compliance with conditions of parole or probation, including orders of no contact with victims and witnesses, and the individuals conduct and experience since the time of the offense; and
- (f) Any other relevant information, including information submitted by the applicant or licensee, or requested by the board.

(7) **Continued reporting.** Cannabis licensees must report any criminal convictions to the board within thirty days. New convictions will be considered upon receipt or at the time of renewal.

[Statutory Authority: RCW 69.50.342 and 69.50.345. WSR 16-11-110, § 314-55-040, filed 5/18/16, effective 6/18/16; WSR 15-11-107, § 314-55-040, filed 5/20/15, effective 6/20/15. Statutory Authority: RCW 69.50.325, 69.50.331, 69.50.342, 69.50.345. WSR 13-21-104, § 314-55-040, filed 10/21/13, effective 11/21/13.]

CONCEPTUAL DRAFT