

**WAC 314-55-040 ~~What criminal history might prevent a marijuana license applicant from receiving or keeping a marijuana license?~~ Cannabis applicant or licensee background checks.** (1) ~~When ~~the~~ WSLCB board uses a point system~~ conducts when it processes a criminal background history check on a new applicant or for license renewals, it uses a point system to determine if the person evaluates whether the applicant or licensee qualifies or requalifies for a license.

~~(2) The background check will include~~ 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:

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

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The application will be placed on hold for ninety days and if no disposition within 90 days, the application will be withdrawn.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

~~(a) The Board will consider any convictions within the last ten years. If there are crimes against persons or convictions of an egregious matter i.e. harm against others, weapons), the Board may be considered them past the ten year review period.~~

~~(b) Convictions based on cannabis offenses will not be considered, unless there are other circumstances in the conviction that bring it to an egregious level.~~

~~(3) If a Cannabis licensee or applicant accumulates ten or more points during the background check, their application will go to a manager for a review process. who have accumulated 10 or more points will be reviewed further for consideration. Points will be calculated based on the following table. The WSLCB will not normally issue a marijuana license or renew a license to an applicant who has accumulated eight or more points as indicated below:~~

Description	Time period during which points will be assigned	Points assigned
Felony conviction (Classes A and B)	Ten years	<del>10</del> points
Felony conviction (Class C)	Five years	<del>5</del> points
Gross misdemeanor conviction	Three years	5 points
Misdemeanor conviction	Three years	4 points
Currently under federal or state supervision for a felony conviction	n/a	<del>10</del> points
Nondisclosure of any of the above	n/a	4 points each

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~~(4) If a case is pending for an alleged offense that would earn eight ten or more points, the WSLCB will hold the application for the disposition of the case. If the disposition is not settled within ninety days, the WSLCB will administratively close the application.~~

~~(3) The WSLCB may not issue a marijuana license to anyone who has accumulated eight or more points as referenced above. This~~

~~is a discretionary threshold and it is further recommended that the following exceptions to this standard be applied:~~

~~**Exception to criminal history point assignment.**~~

~~(a) Prior to initial license application, two federal or state misdemeanor convictions for the possession only of marijuana within the previous three years may not be applicable to the criminal history points accumulated. All criminal history must be reported on the personal/criminal history form.~~

~~(i) Regardless of applicability, failure to disclose full criminal history will result in point accumulation.~~

~~(ii) State misdemeanor possession convictions accrued after December 6, 2013, exceeding the allowable amounts of marijuana, usable marijuana, and marijuana infused products described in chapter 69.50 RCW shall count toward criminal history point accumulation. will be considered during the review process for applicability.~~

~~(b) Prior to initial license application, any single state or federal convictions for the growing, possession, or sale of marijuana will be considered for mitigation on an individual basis. Mitigation will be considered based on the quantity of product involved and other circumstances surrounding the conviction.~~

~~**Review Process**~~

~~(a) If an applicant or licensee receives ten or more points during the background check, the application will go to a manager for review. The applicant and/or licensee will be asked to submit a statement on their behalf regarding their convictions. The manager will review all of the circumstances around the point accrual and make a decision on if the history would present a public safety risk.~~

~~(74) **Continued reporting.** Once licensed Cannabis, marijuana licensees must report any criminal convictions to the ~~WSLEC~~ board within ~~thirtyfourteen~~ 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.]