



## Cannabis Licensing - Criminal History Rule Change

### Background

Rule changes to the personal criminal history requirements ([WAC 314-55-040](#)) for cannabis licensing were implemented on October 3, 2021. These changes expanded conviction allowances, removed the self-reporting requirement during initial licensure, and clarified the criminal history review process. These changes were enacted to remove any unintended barriers to licensure and to create transparency in the criminal history review process.

### Comparison Chart

Previous Rule	Current Rule
Required applicants to report their own criminal history in addition to LCB completing a background check	Requires attestation only and LCB will complete the background check
A point system was used to determine whether a file will be sent to a manager for further review and decision ( <i>Figure 1.1</i> )	The type and timeframe of convictions is used to determine whether a file will be sent to a licensing manager for further review and decision ( <i>Figure 1.2</i> )
Applicants received points for failing to disclose history that is reported during LCB background check	Point system eliminated, requirement to disclose history is removed
Applications went to a manager for review and were provided the ability to submit information on their behalf, but the rule did not explain this process	Clarifies the review process and that applicants can submit information on their behalf if the file goes to a threshold review
Licensees were required to report any new convictions within 14 days	Licensees are required to report new convictions within 30 days

**Figure 1.1 Previous Point System**

Description	Time period during which points will be assigned	Points assigned
Felony conviction	Ten years	12 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	8 points
Nondisclosure of any of the above	n/a	4 points each

**Figure 1.2 Current Type and Timeframe Considerations**

Conviction Type	Conviction Class	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