



Conditional Adult-Use Retail Dispensary (CAURD) *Frequently Asked Questions*

Justice Involved and Marihuana-Related Offense Definition

A **justice involved** individual is someone who has been convicted of a marihuana-related offense in New York State before March 31, 2021; someone whose parent, spouse, child, legal guardian, or dependent has been convicted of a marihuana-related offense in New York State before March 31, 2021; or someone who is the dependent of someone who has been convicted of a marihuana-related offense in New York State before March 31, 2021.

An individual whose domestic partner was convicted of a marihuana-related offense in New York State before March 31, 2021 can be justice involved if they were in a legal, registered domestic partnership at that time because they were not legally permitted to marry in New York State prior to the enactment of the Marriage Equality Act (June 24, 2011).

Individuals who can provide evidence they (or their parent, spouse, child, legal guardian, or dependent; or someone that they were the dependent of) were arrested for a marihuana-related offense before March 31, 2021 are still considered justice involved, even if they were ultimately convicted of another offense, such as non-drug offense, violation, or misdemeanor.

As part of the application, applicants will be required to submit documentation proving the conviction that makes them justice-involved and, if they are not the person who was convicted, their relationship to their convicted family member.

Unless otherwise prohibited under Section 137 of Cannabis Law, a **marihuana-related offense** is defined as:

- An offense described under article 221 of the New York State Penal Law (Offenses Involving Marihuana) prior to its repeal on March 31, 2021; or
- An offense described under article 220 or section 240.36 of the Penal Law where the substance involved was Marihuana, that occurred prior to the creation of article 221 in 1977; or
- An arrest for an offense as described above that ultimately led to a conviction for another offense, such as non-drug offense, violation, or misdemeanor, by means of a plea deal or other mechanism.

Section 137 of the Cannabis Law states that individuals with certain felony convictions related to the operation of a business and the trafficking of cannabis in the last three (3) years may not be able to obtain a license to sell or manufacture cannabis, pending Board review. Please see the text of the Cannabis Law for details.