



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 the arrest ultimately led to a conviction for another offense, such as non-drug offense or lesser offense by means of a plea deal or other mechanism.

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;
- An offense described under section 3382 of the New York State Public Health Law (Growing of the Plant Known as Cannabis by Unlicensed Persons) prior to its repeal on March 31, 2021;
- An offense described under article 105 of the New York State Penal Law where the conduct involved is an offense as described above; or
- An arrest for an offense as described above that ultimately led to a conviction for another offense, such as non-drug offense or lesser offense 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.



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- **I was arrested for a marihuana-related offense, but I was convicted of a different offense. Am I justice involved?**

Individuals who can provide evidence they (or their parent, legal guardian, child, spouse, or dependent; or someone that they were a dependent of) were arrested for a marihuana-related offense before March 31, 2021, may be considered justice involved if they were ultimately convicted of a different offense.

- **I was convicted of a marihuana-related offense in other state or in federal court. Am I justice involved?**

As stated in the CAURD regulations, to be considered justice involved, the conviction must have occurred in New York State.

- **I was convicted of crimes other than a marihuana-related offenses, does that make me ineligible for CAURD?**

It depends on the nature of the crimes. Under Section 137 of the Cannabis Law, certain felony convictions trigger a review process by the Board to determine eligibility. These are not automatic disqualifications, however.

Offenses specifically mentioned in Section 137 include individuals with any of the felony convictions listed below within the past three years:

- Fraud
- Money laundering
- Forgery or other unlawful conduct related to owning and operating a business
- Hiring, employing, or using a minor in transporting, carrying selling, giving away, preparing for sale, or peddling any controlled substance to a minor; or selling, offering to sell, furnishing offering to furnish, administering, or giving any controlled substance to a minor (NYS PL 221.50).

- **I'm not a justice involved individual. Does this mean I won't be able to get a license to operate a cannabis business in NYS?**

No—these licenses are just the first step in building New York State's cannabis industry. There are additional adult-use license types outlined in New York State Cannabis Law for which the Board will be posting regulations in the coming weeks and months. This includes additional adult-use retail dispensary licenses that will not require a justice involved individual who owned a qualifying business.