



# IDFPR

## Illinois Department of Financial and Professional Regulation

Division of Professional Regulation

[idfpr.illinois.gov](http://idfpr.illinois.gov)

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### Social Equity Criteria Lottery Frequently Asked Questions

The Department has received a number of questions regarding the upcoming Social Equity Criteria Lottery. While the Department cannot answer individualized or highly specific questions, it has compiled those questions which have been frequently asked. Please note the below answers are provided pursuant the administrative rules, and do not constitute legal advice. Information about additional assistance from Technical Assistance Providers is available [here](#).

#### Table of Contents

1. Basic Information and General Process.....	2
2. Criteria A .....	2
3. Criteria B .....	3
4. Definitions .....	3
5. Principal Officer Limitations; Excluded Offenses; Fingerprints.....	5

## 1. Basic Information and General Process

### **Q: When can I apply?**

A: The application window is open from Monday, January 30, 2023, until 5:00PM Central Time on Monday, March 10, 2023.

### **Q: Where do I apply?**

A: The application can be found at <https://online-dfpr.micropact.com/>. After creating a profile, you will be able to apply.

### **Q: What drop-down do I select on the portal to apply?**

A: The application for the Social Equity Criteria Lottery is labeled “Conditional Adult Use Dispensing Organization.”

### **Q: Can I change my application once submitted?**

A: No.

### **Q: Can I withdraw my application once submitted?**

A: Yes, you may withdraw your application, but the Department will only accept withdrawals from the person who was previously identified as submitting the application. The \$250 application fee is non-refundable. A Request for Withdrawal Form will be available at <https://idfpr.illinois.gov/profs/adultusecan.asp> soon, along with further instructions.

### **Q: Has the Department provided other information that I should review before I apply?**

A: The Social Equity Criteria guide is available [here](#). The acceptable documents guide is available [here](#). The interactive map for Criteria A is available [here](#). Other information about the application, the application process, and the application criteria guidelines is available at <https://idfpr.illinois.gov/profs/adultusecan.asp>.

## 2. Criteria A

### **Q: How do I determine if my address qualifies in a Criteria A census tract?**

A: The Department has provided an interactive map for Social Equity Criteria A, which is available [here](#). If chosen as a top participant, the applicant group will need to prove it’s 51% owners satisfy the criteria via documentation such as those identified in the acceptable documents guide, available [here](#).

### **Q: Do I have to be currently living in a census tract that has a poverty rate of at least 20% to qualify under Criteria A (i)?**

A: No, you do not have to be currently living in a census tract meeting that criterion, so long as you lived in a census tract for at least 5 of the preceding 10 years. [Section 1290.410\(e\)\(6\)\(A\)\(i\)](#). The interactive map for Social Equity Criteria A is available [here](#).

**Q: What is the relevant 10-year time frame for address qualification? For purposes of qualifying under Criteria A, does residency during 2023 count for one of the years of residency?**

A: Only those months you have actually lived in a census tract by the time the lottery is held can count towards the criteria, so some months from 2023 may count towards the criteria. Criteria A(i) is satisfied if the applicant lived in a census tract for at least 5 of the preceding 10 years. [Section 1290.410\(e\)\(6\)\(A\)\(i\)](#).

**Q: If I moved during the previous 10 years, can I qualify using multiple addresses?**

A: Yes. An individual can prove eligibility with multiple addresses in multiple census tracts for 5 of the past 10 years, so long as each census tract is eligible under one of Criteria A's options. In other words, an individual is not required to have lived at the same address for all 5 years, but if there are multiple addresses, each must qualify in the appropriate census tract.

**Q: Can an applicant group use multiple individuals to satisfy 51% ownership pursuant to Criteria A and Criteria B?**

A: Yes. Note that each individual, though, will need to independently satisfy the relevant criteria for the relevant time periods in order to be eligible. For more information, please see page 1 and 2 of the Department's Acceptable Documents Guide, available [here](#).

### 3. Criteria B

**Q: Does a conviction for driving under the influence of cannabis qualify under Criteria B(i)?**

A: No. Criteria B(i) requires an arrest, conviction, or delinquent adjudication for: (1) possession of not more than 500 grams of cannabis; (2) manufacture, delivery, or possession with intent to deliver, or manufacture of cannabis up to 30 grams; or (3) a substantially similar offense, of Illinois, federal or other state law. See [Section 1291.410\(e\)\(6\)\(B\)\(i\)](#). A conviction for driving under the influence of cannabis alone does not satisfy the Criteria B requirement.

### 4. Definitions

#### a. Firearm Injury

**Q: What does "firearm injury" mean?**

A: "Firearm injury" is defined in the administrative rules as *a gunshot wound or penetrating injury from a weapon that uses a powder charge to fire a projectile. Weapons that use a power charge include handguns, rifles, and shotguns. Injuries from air- and gas-powered guns, BB guns, and pellet guns are not considered firearm injuries as these types of guns do not use a powder charge to fire a projectile.* [Section 1291.10](#). For example, an individual who was robbed or physically assaulted by an individual with a gun, but was

not physically struck by a bullet would not qualify because they did not experience a gunshot wound or penetrating injury.

**Q: How can I prove a “firearm injury”?**

A: Pursuant to the administrative rules, in order to prove up a firearm injury, the applicant is required to submit a police report or medical record. See [Section 1291.410\(e\)\(6\)\(B\)\(iii\)](#).

**Q: Does a firearm injury suffered during military service qualify?**

A: Yes.

**b. Member of an Impacted Family**

**Q: Who qualifies as a “family member” under Criteria B(i)? Could a sibling or a cousin qualify, for example?**

A: “Member of an impacted family” or “impacted family member” is defined in the administrative rules as *“an individual who has a parent, legal guardian, child, spouse, or dependent, or was a dependent of an individual who, prior to June 25, 2019, was arrested or convicted of, or adjudicated delinquent for any offense that is eligible for expungement under the Act. [Section 1291.10](#).”*

Having a sibling or a cousin, for example, who has a qualifying arrest or conviction does not make a person a “member of an impacted family” under this definition unless the sibling or cousin was a legal guardian, dependent or the person was a dependent of their sibling or cousin.

**Q: How do I prove I am a member of an impacted family?**

A: To prove that an individual is a member of an impacted family, that individual must submit an attestation that the individual was a member of an impacted family as well as documentation that the family member had an eligible arrest or conviction, or was a victim of a firearm injury, as applicable.

**c. Victim of firearm injury**

**Q: Who qualifies as a victim of a firearm injury?**

A: The administrative rules define a “victim” as follows:

- a person injured as a result of a firearm injury perpetrated or attempted against them;
- the spouse, parent, or child of a person killed or injured as a result of a firearm injury perpetrated or attempted against the person, or anyone living in the household of a person killed or injured in a relationship that is substantially similar to that of a parent, spouse, or child;
- a person injured while attempting to assist a person against whom a firearm injury is being perpetrated or attempted, if that attempt of assistance would be expected of a reasonable person under the circumstances;

- a person injured while assisting a law enforcement official apprehend a person who has perpetrated a firearm injury or prevent the perpetration of any such crime if that assistance was in response to the express request of the law enforcement official; or
- a person who personally witnessed a firearm injury.

**Note:** The rule also mandates that the victim must not be the offender in the criminal act and must not have provoked or incited the crime.

## 5. **Principal Officer Limitations; Excluded Offenses; Fingerprints**

### **Q: Can I apply for more than one application in this lottery process?**

**A:** No. “All individuals and entities that meet the definition of a principal officer are required to provide their Social Security Number or Individual Taxpayer Identification Number in the online application. Once a SSN or ITIN has been included in a completed application, no other application containing the same number will be accepted, regardless of how much ownership interest the individual or entity has in the applicant.

### **Q: Can I or my applicant group apply in multiple BLS Regions?**

**A:** No. “*Applicants are prohibited from applying in more than one BLS region and are limited to one application in that BLS region. If an applicant submits more than one application, the applicant forfeits all applications from entry into the lottery and is prohibited from being a top participant.*” [Section 1291.405\(b\)](#).

### **Q: I’m a Principal Officer on existing conditional and/or adult use licenses. Can I still apply?**

**A:** Yes, so long as you remain under the statutory limit. The CRTA mandates that no principal officer or entity shall hold any legal, equitable, ownership, or beneficial interest, directly or indirectly, of more than 10 dispensing organizations. See [410 ILCS 705/15-36\(c\) and \(d\)](#); see also [Section 1291.420\(n\)](#).

### **Q: Can people with criminal backgrounds apply and be awarded a conditional license?**

**A:** Yes. There are no statutory disqualifying convictions or excluded offenses for adult use cannabis Principal Officers, employees, or agents.

### **Q: Can a person under the age of 21 apply?**

**A:** No. The CRTA requires that all Principal Officers and Agents associated with a dispensing organization be at least 21 years of age. See [410 ILCS 705/15-25\(d\)\(14\)](#); see also [410 ILCS 705/1-10](#).

### **Q: Do Principal Officers have to submit fingerprint applications as part of the application for this lottery?**

**A:** Principal Officers will be required to submit fingerprint background check documentation only if their applicant group is drawn in this new lottery as a top participant

and are thus eligible for conditional and eventual full Adult Use licensure. [410 ILCS 705/5-20\(a\)](#). The Department will provide further instructions to top participants selected in the lottery.

**6. Residency**

**Q: Do I have to be an Illinois resident to apply or be awarded a conditional license? Do I have to have ever been an Illinois resident to apply or be awarded a conditional license?**

**A:** No. An individual does not have to currently reside in Illinois or ever have resided in Illinois in order to apply or be awarded a conditional license. An entity does not have to be incorporated in Illinois to apply or be awarded a conditional license.

**Q: Do only Illinois criminal offenses count for Criteria B or it can it be a crime from a different state?**

**A:** Non-Illinois criminal offenses may qualify for Criteria B so long as it is a “*substantially similar offense, of Illinois, federal or other state law.*” See [Section 1291.410\(e\)\(6\)\(B\)\(i\)](#)