**Section 1300.400 License Application**

a) An Infuser License shall be obtained for each facility prior to commencement of any production activities. The license shall, along with any other certificate, business license, or other authorization required to conduct production activities, be posted in a conspicuous place within the facility.

b) The Department will accept applications for Infuser Licenses beginning February 14, 2020. The Department application period shall close on March 16, 2020. An application will be considered submitted on the date in which it was received, if received on or before 5 p.m. Central Time. If received after 5 p.m. Central Time, the application will be considered received on the next business day.

1) Submissions shall be received electronically.

2) Submissions received after the close of the application period shall be returned to the applicant.

3) Notification of the availability of applications will be posted on the Department's website at www.agr.state.il.us/.

c) The license application shall be submitted on the forms provided by the Department. The forms will include instructions for their completion and submission. The application will reflect the information required of applicants by the Act and this Part and will include requests for information, plans, maps, and other materials in support of the application needed by the Department to make its determination on the license request. The instructions on the application will reflect the total maximum number of points that can be awarded for each required criteria, measure, and bonus point category listed in Section 1300.407. The instructions/application will also identify the total minimum number of points necessary from the required criteria and measures to be eligible for consideration of the bonus point categories. All applications will be reviewed and points awarded based upon the same point system in a fair and unbiased manner. *If the Department receives an application with missing information, the Department will issue a deficiency notice to the applicant. The applicant shall have 10 calendar days from the date of the deficiency notice to resubmit the incomplete information. Applications that are still incomplete after this opportunity to cure will not be scored and will be* returned to the applicant*.* [410 ILCS 705/35-10(c)] Once submitted, the required fee will not be returned. Upon receipt of an application deemed to be complete, the Department will engage in no further communication with the applicant until after the selection process is completed.

d) An applicant applying for an Infuser License shall submit the following:

1) *The nonrefundable application fee of $5,000*, unless the applicant is eligible for a fee waiver pursuant to Section 7-20 of the Act;

2) *The legal name of the infuser;*

3) *The proposed physical address of the infuser*;

4) *The name, address, social security number, and date of birth of each principal officer and board member of the infuser; each principal officer and board member shall be at least 21 years of age;*

5) *The details of any administrative or judicial proceeding in which any of the principal officers or board members of the infuser:*

A) *Pled guilty, were convicted, fined, or had a registration or license suspended or revoked; or*

B) *Managed or served on the board of a business or non-profit organization that pled guilty, was convicted, fined, or had a registration or license suspended or revoked;*

6) *Proposed operating bylaws that include procedures for the oversight of the infuser, including the development and implementation of a plant monitoring system, accurate recordkeeping, staffing plan, and security plan that are in accordance with* this Part*. A physical inventory of all cannabis shall be performed by the infuser on a weekly basis;*

7) *Verification from* ISP *that all background checks of the prospective principal officers, board members, and agents of the infuser have been conducted.* If ISP has not completed the background check, then the applicant shall provide verification that the background check request has been submitted to ISP;

8) *A copy of the current local zoning ordinance and verification that the proposed infuser is in compliance with the local zoning rules and distance limitations established by the local jurisdiction;*

9) *Proposed employment practices, in which the applicant must demonstrate a plan of action to inform, hire, and educate minorities, women, veterans, and persons with disabilities, engage in fair labor practices, and provide worker protections;*

10) *Whether an applicant can demonstrate experience in, or business practices that promote, economic empowerment in Disproportionately Impacted Areas;*

11) *Experience in infusing products with cannabis concentrate;*

12) *A description of the enclosed, locked facility where cannabis will be infused, packaged, or otherwise prepared for distribution to a dispensing organization or other infuser;*

13) *Processing, inventory, and packaging plans;*

14) *A description of the applicant's experience with operating a commercial kitchen or laboratory preparing products for human consumption;*

15) *A list of any academic degrees, certifications, or relevant experience of all prospective principal officers, board members, and agents of the related business;*

16) *The identity of every person having a financial or voting interest of 5% or greater in the infuser operation with respect to which the license is sought, whether a trust, corporation, partnership, limited liability company, or sole proprietorship, including the name and address of each person;* [410 ILCS 705/35-15]

17) If a sole proprietorship, the name, residence and date of birth of the owner;

18) If a partnership, the names and addresses of all partners, both general and limited, and any partnership or joint venture documents:

A) For a domestic limited partnership, a copy of the Certificate of Limited Partnership, and a Certificate of Good Standing from SOS dated within the last 60 days;

B) For a foreign limited partnership, a certificate of Good Standing from the state of formation, a copy of the Certificate of Authority from SOS, and a Certificate of Good Standing from SOS dated within the last 60 days;

19) If a limited liability partnership, the names and addresses of all partners, and any partnership or joint venture documents:

A) For a domestic limited liability partnership, a copy of the Certificate of Limited Liability Partnership, and a Certificate of Good Standing from SOS dated within the last 60 days;

B) For a foreign limited liability partnership, a certificate of Good Standing from the state of formation, a copy of the Certificate of Authority from the SOS, and a Certificate of Good Standing from SOS dated within the last 60 days;

20) If a corporation based in Illinois, a copy of the Articles of Incorporation and a copy of the Certificate of Good Standing issued by SOS or obtained from the SOS website within the last 60 days. If the corporation is a foreign corporation, a copy of the Articles of Incorporation, a copy of the Certificate of Good Standing from the state or country in which the corporation is domiciled, a copy of the Certificate of Authority from SOS and a Certificate of Good Standing from SOS dated within the last 60 days. If using an assumed name (d/b/a), a copy of the assumed name registration issued by SOS. Additionally, applicants shall include the names and addresses of all stockholders and directors of the corporation;

21) If a limited liability company:

A) For a domestic limited liability company, a copy of the Articles of Organization, a copy of the Certificate of Good Standing issued by SOS or obtained from the SOS website within the last 60 days, and a listing of the members of the limited liability company and his, her, or its contact information;

B) For a foreign limited liability company, a copy of the Articles of Organization and a Certificate of Good Standing from the state of organization, a copy of the Application for Admission to Transact Business in Illinois, along with a Certificate of Good Standing issued by SOS, all dated within the last 60 days;

22) If another type of business entity, the same or similar information as required for a limited liability company;

23) A description of the property ownership of the proposed location:

A) If the property is not owned but is currently leased by the applicant, the applicant shall provide: a copy of the lease; confirmation of land ownership; identification of any mortgagees and/or lienholders; a written statement from the property owner and/or landlord, certifying consent that the applicant may operate an infuser on the premises through the term of the lease; and, if applicable, verification of notification by the property owner to any and all mortgagees and/or perfected lienholders that the property is to be used as an infuser at least through the term of financing, and consent thereto by any mortgagees and/or perfected lienholders.

B) If the property is not owned or currently leased by the applicant, the applicant shall provide: a written statement from the property owner and/or landlord certifying consent that the applicant will lease or purchase the property for the purpose of operating an infuser until the end of the lease term; and, if applicable, verification of notification by the property owner to any and all mortgagees and/or perfected lienholders that the property is to be used as an infuser at least through the effective date of the effective agreement, and consent thereto by any mortgagees and/or perfected lienholders.

C) If the property is owned by the applicant, the applicant shall provide: confirmation of land ownership; identification of any and all mortgagees and/or perfected lienholders; and, if applicable, verification of notification to any and all mortgagees and/or perfected lienholders that the property is to be used as an infuser at least through the term of the financing agreement, and consent thereto by any mortgagees and/or perfected lienholders;

24) Documentation acceptable to the Department that the individual or entity filing the application has at least $20,000 in liquid assets. Documentation acceptable to the Department includes a signed statement from an Illinois licensed CPA attesting to proof of the required amount of liquid assets under the control of an owner or the entity applying. The statement must be dated within 30 calendar days before the date the application was submitted;

25) Documentation acceptable to the Department that the individual or entity filing the application will be able to obtain insurance sufficient to indemnify and hold harmless the State and its officers and employees as required by law;

26) All relevant financial information as set forth in Section 1300.405;

27) The name of any agent-in-charge for each work shift;

28) If any principal officers or board members are currently, or have previously been, licensed or authorized in another state or jurisdiction to produce or otherwise deal in the distribution of cannabis in any form, the following:

A) A copy of each licensing/authorizing document verifying licensure in that state or jurisdiction;

B) A statement granting permission to contact the regulatory agency that granted the license to confirm the information contained in the application; and

C) If the license/authorization or application was ever denied, suspended, revoked or otherwise sanctioned, a copy of documentation so indicating, or a statement that the applicant was licensed and was never sanctioned;

29) *A plan describing how the infuser will address each of the following:*

A) *Energy needs, including estimates of monthly electricity and gas usage, to what extent it will procure energy from a local utility or from on-site generation, and if it has or will adopt a sustainable energy use and energy conservation policy;*

B) *Water needs, including estimated water draw, and if it has or will adopt a sustainable water use and water conservation policy;*

C) *Waste management, including if it has or will adopt a waste reduction policy;*

D) *A recycling plan:*

i) *A commitment that any recyclable waste generated by the infuser shall be recycled per applicable State and local laws, ordinances, and rules; and*

ii) *A commitment to comply with local waste provisions. An infuser commits to remain in compliance with applicable State and federal environmental requirements, including, but not limited to, storing, securing, and managing all recyclables and waste, including organic waste composed of or containing finished cannabis and cannabis products, in accordance with applicable State and local laws, ordinances, and rules*; [410 ILCS 705/30-10]

30) For a Social Equity Applicant:

A) If applicable, the Social Equity Applicant's status as an "Illinois resident" as evidenced by incorporation documents, or, if applying as an individual, at least 2 of the following:

i) a signed lease agreement that includes the applicant's name;

ii) a property deed that includes the applicant's name;

iii) school records;

iv) voter registration card;

v) an Illinois driver's license, ID card, or a Person with a Disability ID card;

vi) a paycheck stub;

vii) a utility bill; or

viii) any other proof of residency or other information necessary to establish residence.

B) A person must have been domiciled in this State for a period of 30 days and shall provide evidence of one of the following:

i) The person or persons owning and controlling at least 51% of the proposed license have lived in a Disproportionately Impacted Area for 5 of the preceding 10 years as demonstrated by, but not limited to, tax filings, voter registrations, leases, mortgages, paycheck stubs, utility bills, insurance forms, or school records that include the qualifying principal officers' names on them;

ii) The person or persons owning and controlling at least 51% of the proposed license have been arrested for, convicted of, or adjudicated delinquent for any offense made eligible for expungement by the Act. If the arrest, conviction, or adjudication has been sealed or expunged, provide records of that action;

iii) The person or persons owning and controlling at least 51% of the proposed license have had a parent, legal guardian, child, spouse or dependent, or was a dependent of an individual who, prior to June 25, 2019, was arrested for, convicted of, or adjudicated delinquent for any offense made eligible for expungement by the Act. If the arrest, conviction or adjudication has been sealed or expunged, the applicant shall provide records of that action. The applicant must also provide evidence of the relationship between the applicant's principal officer or officers and the person who was arrested for, convicted of, or adjudicated delinquent for any offense made eligible for expungement by the Act; or

iv) The applicant employs 10 or more full-time employees, and that 51% or more of those employees currently reside in a Disproportionately Impacted Area; have been arrested for, convicted of, or adjudicated delinquent for any offense that is eligible for expungement under the Act; or are members of an "impacted family" as that term is defined in the Act. The applicant must provide evidence as described in this subsection (d)(29)(B)(iv) for each employee. The applicant shall also provide evidence the employees were engaging in full time work as of the date the application was submitted. If the employee information, or employment status of employees, changes before licenses are awarded, the applicant has a duty to notify the Department of the change in employee information or status; and

31) All of the applicant's principal officers expressly agree to be subject to service of process in Illinois and to maintain a current Illinois address on file with the Department.

32) If the Department offers bonus points for community engagement, and the applicant desires to obtain those points, the applicant must submit its plan for community engagement.

e) The applicant shall sign a notarized statement certifying that:

1) The infuser shall register with DOR if the applicant is granted a license;

2) The application is complete and accurate; and

3) The applicant has actual notice that, notwithstanding any State law:

A) Cannabis is a prohibited Schedule I controlled substance under federal law;

B) Participation in the program is licensed only to the extent provided by the strict requirements of the Act and this Part;

C) Any activity not sanctioned by the Act or this Part may be a violation of State law;

D) Growing, distributing or possessing cannabis in any capacity, except through a federally-approved research program, is a violation of federal law;

E) Use of cannabis may affect an individual's ability to receive federal or State licensure in other areas;

F) Use of cannabis, in tandem with other conduct, may be a violation of State or federal law;

G) Participation in the program does not authorize any person to violate federal law or State law and, other than as set out in Article 45 of the Act, does not provide any immunity from or affirmative defense to arrest or prosecution under federal law or State law; and

H) Applicants shall indemnify and hold harmless the State of Illinois for any and all civil or criminal penalties resulting from participation in the program.