**Section 1290.200 Dispensing Organization Agent-in-Charge**

a) Every dispensing organization shall designate, at a minimum, one agent-in-charge for each registered dispensary. The designated agent-in-charge must hold a dispensing organization agent identification card. Maintaining an agent-in-charge is a continuing requirement for the registration, except as provided in subsection (g).

b) The agent-in-charge shall be a principal officer or a full-time agent of the dispensing organization and shall manage the dispensary. Managing the dispensary includes, but is not limited to, responsibility for opening and closing the dispensary, delivery acceptance, oversight of sales and dispensary agents, recordkeeping, inventory, dispensary agent training, and compliance with the Act and this Part. Participation in affairs also includes the responsibility for maintaining all files subject to inspection by the Division at the dispensary.

c) The agent-in-charge is responsible for promptly notifying the Division of any change of information required to be reported to the Division.

d) In determining whether an agent-in-charge manages the dispensary, the Division may consider the responsibilities identified in this Section, the number of dispensary agents under the supervision of the agent-in-charge, and the employment relationship between the agent-in-charge and the dispensing organization, including the existence of a contract for employment and any other relevant fact or circumstance.

e) The agent-in-charge is responsible for notifying the Division of a change in the employment status of all dispensing organization agents within five business days after the change, including notice to the Division if the termination of an agent was for diversion of product or theft of currency.

f) In the event of the separation of an agent-in-charge due to death, incapacity, termination or any other reason and if the dispensary does not have an active agent-in-charge, the dispensing organization shall immediately contact the Division and request a temporary certificate of authority allowing the continuing operation. The request shall include the name of an interim agent-in-charge until a replacement is identified, or shall include the name of the replacement. The Division shall issue the temporary certificate of authority promptly after it approves the request. If a dispensing organization fails to promptly request a temporary certificate of authority after the separation of the agent-in-charge, its registration shall cease until the Division approves the temporary certificate of authority or registers a new agent-in-charge. No temporary certificate of authority shall be valid for more than 90 days. The succeeding agent-in-charge shall register with the Division in compliance with this Part. Once the permanent succeeding agent-in-charge is registered with the Division, the temporary certificate of authority is void. No temporary certificate of authority shall be issued for the separation of an agent-in-charge due to disciplinary action by the Division related to his or her conduct on behalf of the dispensing organization.

g) The dispensing organization agent-in-charge registration shall expire annually on the date it was issued. The agent-in-charge's registration shall be renewed annually. The Division shall review the dispensary's compliance history when determining whether to grant the request to renew.

h) Upon termination of an agent-in-charge's employment, the dispensing organization shall immediately reclaim the dispensary agent identification card. The dispensing organization shall promptly return the identification card to the Division.

i) The Division may deny an application for, or renewal of, or revoke an agent-in-charge identification card, or discipline an agent-in-charge, for any of the following reasons:

1. Submission of misleading, incorrect, false or fraudulent information in the application or renewal application;
2. Violation of the requirements of the Act or this Part;
3. Fraudulent use of the agent-in-charge identification card;
4. Selling, distributing, transferring in any manner, or giving medical cannabis to any unauthorized person;

5) Tampering with, falsifying, altering, modifying or duplicating an agent-in-charge identification card;

6) Tampering with, falsifying, altering or modifying the surveillance video footage, point of sale system, Illinois Cannabis Tracking System, or the State verification system;

7) Tampering with, falsifying, altering or modifying patient, provisional patient, designated caregiver or OAPP participant applications;

8) Failure to notify the Division immediately upon discovery that the agent-in-charge identification card has been lost, stolen or destroyed;

9) Failure to notify the Division within five business days after a change in the information provided in the application for an agent-in-charge identification card;

10) Conviction of an excluded offense or any incident listed in Section 1290.200 or 1290.510 following the issuance of an agent-in-charge identification card;

11) Overdispensing; or

12) For any unethical, dishonorable and unprofessional conduct.

(Source: Amended at 43 Ill. Reg. 6593, effective May 20, 2019)