**Section 1291.90 Disciplinary and Non-Disciplinary Actions and Petitions for Rehearing or Reconsideration Pursuant to Section 55-50 of the Act**

a) Disciplinary Action Initiated by the Department

1) The Department may initiate a disciplinary action against a dispensing organization or any cannabis business establishment license under its jurisdiction, including any license issued pursuant to Sections 1291.15, 1291.20, 1291.25, or 1291.30, for any violation of the Act or a rule adopted in accordance with the Act, including Sections 1291.60 and 1291.70.

2) For the purposes of this subsection (a), a "disciplinary action" includes but is not limited to: a complaint filed by the Department, an intent to deny a license, and a refusal to renew a license. Disciplinary actions may or may not include the imposition of a monetary fine. All disciplinary actions taken by the Department are a matter of public record.

3) If a license issued pursuant to Sections 1291.15, 1291.20, 1291.25, or 1291.30, or any other cannabis business establishment regulated by the Department has any disciplinary action initiated against it by the Department, proceedings for that disciplinary action and administrative hearings shall adhere to 68 Ill. Adm. Code 1110 and the Administrative Review Law [735 ILCS 5/Art. III].

4) Notice for any disciplinary action taken shall comply with the provisions of 68 Ill. Adm. Code 1110.20.

5) At any time after the successful completion of a minimum term of indefinite probation or suspension issued by the Department, including those licenses issued pursuant to Sections 1291.15, 1291.20, 1291.25, or 1291.30, the licensee may file a petition for restoration in accordance with 68 Ill. Adm. Code 1130.30.

6) *If the Department suspends, permanently revokes, or otherwise disciplines the Early Approval Adult Use Dispensing Organization License of a dispensing organization that also holds a medical cannabis dispensing organization license issued under the Compassionate Use of Medical Cannabis Program Act, the Department may consider the suspension, permanent revocation, or other discipline of the medical cannabis dispensing organization license.* (Section 15-15(o) of the Act)

b) Non-Disciplinary Orders and Non-Disciplinary Actions

1) In lieu of or in addition to any disciplinary action initiated by the Department, the Department may, in its discretion, negotiate the terms of and enter into any non-disciplinary orders with a licensee. Non-disciplinary orders are non-public.

2) In lieu of or in addition to any disciplinary action initiated by the Department, *the Department may*, in its discretion, *issue* a *non-disciplinary* action, including a citation, *for minor violations* of the Act or this Part. *Any such citation issued by the Department may be accompanied by a fee. The fee shall not exceed $20,000 per violation. The citation shall be issued to the licensee and shall contain the licensee's name and address, the licensee's license number, a brief factual statement, the Sections of the law allegedly violated, and the fee, if any, imposed. The citation must clearly state that the licensee may choose, in lieu of accepting the citation, to request a hearing*, and that a hearing is requested, the Department may withdraw the citation and instead file a complaint.  *If the licensee does not dispute the matter in the citation with the Department within 30 days after the citation is served, then the citation shall become final and not subject to appeal.* (Section 15-140 of the Act)

c) Petitions for Rehearing or Reconsideration Pursuant to Section 55-50 of the Act

1) Within 20 business days after notification of any order or decision by the Department regarding a dispensing organization's license or a conditional license, a dispensing organization or conditional licensee may file with the Department a Petition for Rehearing or Reconsideration of the order or decision. This subsection does not apply to any recommendations made by an Administrative Law Judge under 68 Ill. Adm. Code 1110, which are not orders or decisions.

2) Petitions shall include a brief summary of the facts and legal arguments and shall not exceed five pages unless for good cause shown.

3) Upon receipt of a petition, the Department shall notify the petitioner of the briefing schedule, which shall be as follows, unless otherwise extended:

A) Petitioner has seven calendar days to file a brief or memorandum in support of its petition. Briefs or memorandums must not exceed 10 pages, except for good cause shown. This page limitation does not include any exhibits which may accompany the brief or memorandum.

B) The Department has seven calendar days to file its response. Responses must not exceed 10 pages, except for good cause shown. This page limitation does not include any exhibits which may accompany the brief or memorandum.

C) After the Department files its response, the dispensing organization has seven calendar days to file any reply. Replies must not exceed 10 pages, except for good cause shown.

D) The Department may extend the briefing schedule of subsections (c)(3)(A) through (c)(3)(C) for an additional 30 calendar days upon good cause shown and prior written notice to the petitioner.

4) After the petitioner files its reply or if its response goes unanswered after 10 calendar days, the Director shall issue a final order. This final order is a final administrative decision under Section 55-55 of the Act.

5) If the Department fails to act on the petition within 30 calendar days, or the date the time for rendering a decision was extended for good cause shown, the original order or decision of the Department is a final administrative decision under Section 55-55 of the Act. (See Section 55-50 of the Act.)

(Source: Added at 48 Ill. Reg. 13377, effective August 20, 2024)