MINNESOTA
OFFICE OF CANNABIS MANAGEMENT

Request for Disqualifying Offense Variance Instructions

A cannabis license holder or an applicant whose disqualification is permanent under Minnesota Rules, part 9810.1001, subpart 3 may seek to have a nonpermanent disqualification if the license holder or applicant provides evidence to the office demonstrating that a permanent disqualification does not serve the public interest.

This guide explains how petitions requesting a second chance (variance of disqualification) to participate in Minnesota's cannabis industry will be reviewed. Petitions will be assessed on whether approving a variance serves the public interest (meaning it benefits the overall well-being of the community by improving safety, fairness, economic growth, and trust) and whether granting the variance might cause public harm or present potential risks or dangers to community safety, health, or overall welfare.

Definitions of key terms

- **Disqualification:** Being prohibited from obtaining a cannabis license or employment due to certain criminal or regulatory violations.
- **Mitigating factors:** Circumstances that explain or lessen the seriousness of an offense, such as youthfulness, hardship, or addiction.
- **Notarized:** A document or letter officially witnessed by a notary public, verifying the identity and signature of the person who signs it.
- **Petition:** A formal written request submitted by an individual seeking a variance.
- **Public harm:** Any risk or danger posed to the safety, health, or well-being of the community.
- **Public interest:** Decisions made to benefit the community, including enhancing safety, economic growth, fairness, and overall well-being.
- **Rehabilitation:** Actions taken to improve oneself after committing an offense, such as completing education, counseling, or maintaining stable employment.
- **Rules:** Detailed requirements or standards created by a government agency to clarify how laws (statutes) will be applied.
- **Statute:** A written law passed by the Minnesota Legislature.
- **Variance:** A request for an exception to a rule or requirement, allowing an individual previously disqualified from obtaining a cannabis license or employment to be reconsidered based on new or additional information.
- **Variance petition:** A variance petition is a formal request submitted through the Office of Cannabis Management's online Disqualifying Offense Variance form to explain why a disqualifying offense should not bar an applicant from licensure. It must include all required information and supporting documentation, and it must be submitted within 30 business days of receiving the Disqualifying Background Check Results email.

To submit a petition for variance of disqualification:

1. **Gather and provide complete documentation:** Gather all required documents clearly addressing each factor listed below.
2. **Obtain notarizations:** All letters of support or recommendation must be notarized.
3. **Expect verification:** If actively participating in probation, supervised release, chemical dependency treatment, or similar programs, a notarized letter from the current provider must be included with contact information. The committee reserves the right to verify all submitted documents.
4. **Submit your request:** Submit the complete petition and supporting documentation using the **Request for Disqualifying Offense Variance form**. Paper applications and documents will not be accepted. Incomplete petitions will be denied. Disqualifying offense variance requests via this process must be received within 30 business days of receiving your disqualifying background check results email.

Important: *You must submit all additional documentation you wish to be reviewed with this request at the same time through the required application form. Your request is considered complete at the time of submission of the application. Unless OCM asks you to submit additional information, any additional documentation you submit after the initial request form will not be reviewed.*

How petitions will be reviewed

Petitions will be reviewed based on the entire story presented, not just one event. No single factor guarantees approval or denial, but some factors are particularly significant, especially those related to public safety and interest.

Minnesota Rules, part 9810.1001, subpart 4(B) require complete documentation addressing each factor below.

OCM will review your request in the order it was received, and we expect to provide a decision to you within 30 days of receiving your complete request.

Variance petition requirements

Submitting a variance petition is a voluntary process. Petitioners are encouraged, but not required, to provide detailed narratives and supporting documentation for each of the following factors as outlined by Minnesota Rules, part 9810.1001, subpart 4(B). However, failure to provide sufficient evidence or thorough explanations may result in your petition being considered incomplete and could lead to denial.

1. **Time elapsed since applicant's conviction or release**

   Your narrative should clearly specify whether a minimum of five years has passed since either your conviction date or the date you were released from incarceration, whichever date is most recent.

   Providing official court records, such as certified court dockets, judgments of conviction, or documentation showing release dates, can substantiate your claim.

2. **Nature and seriousness of the offense**

   Clearly outline in your narrative the exact offense committed, specifying its legal classification (felony or misdemeanor), and provide comprehensive details about sentencing outcomes, including terms of incarceration, probation, or other penalties imposed. Clearly explain why this offense is relevant to public safety or regulatory responsibilities within the cannabis industry.

   Supporting documents, like certified sentencing orders or verified criminal history reports, are strongly recommended.

3. **Specific circumstances of the offense**

   Provide a thorough explanation of the unique circumstances that led to the offense, highlighting any mitigating factors such as coercion, duress, addiction, or personal hardships you were experiencing at the time.

   Submitting a sworn personal statement or notarized letters from individuals who have direct knowledge of the situation can strengthen your petition.

4. **Age at the time of the offense**

   Your narrative should explicitly state your age at the time of the offense and discuss relevant developmental or life circumstances that might have impacted your decision-making or behavior at that stage.

   It is helpful to include supporting documentation like a government-issued ID or birth certificate.

5. **Evidence of applicant's rehabilitation**

   In your narrative, comprehensively detail all rehabilitation efforts you have undertaken since the offense.

   This may include descriptions of good conduct while incarcerated or within your community, successful completion of counseling or psychiatric treatments, any academic or vocational programs completed, and your participation in correctional work-release initiatives. Certificates of completion, treatment discharge summaries, academic or vocational transcripts, and notarized letters from professionals involved in your rehabilitation process (such as probation officers, employers, or mentors) can significantly support your claims.

6. **Isolated incident**

   Clearly articulate in your narrative why your offense should be viewed as an isolated incident rather than part of a repeated pattern of behavior.

   Providing evidence, such as background check records showing no subsequent offenses or notarized letters from community members or employers confirming your consistent good conduct, can enhance your petition.

7. **Applicant's role and responsibility in cannabis business**

   Your narrative must thoroughly describe the specific cannabis-related position you currently hold or aim to hold.

   Provide details about your primary responsibilities, the extent of your decision-making authority, and your accountability in the role. Support your description by including official job descriptions or notarized letters from current or prospective employers verifying your duties and trustworthiness.

8. **Community benefit**

   Clearly explain how granting your variance petition would positively impact the community. Highlight tangible benefits such as job creation, economic development, mentorship programs, community reintegration efforts, or improvements in industry diversity and public trust.

   Supporting evidence may include notarized letters of community support, records detailing planned employment or economic investments, documentation of volunteer or mentorship activities, and impact statements from local organizations or community leaders.

Additional consideration

While providing supporting evidence is voluntary, all recommendation and support letters submitted must be notarized. If you are currently on probation, supervised release, or in treatment, it is strongly recommended to include a notarized letter from your supervising officer or treatment provider, along with their contact information for verification purposes.