



Ohio Medical Marijuana Control Program



The State Board of Pharmacy reviewed and considered the questions submitted during the second of two Question and Answer Periods. Responses to the submitted questions are provided below. In certain circumstances, questions are summarized in order to provide relevant responses to a broader range of Applicants. Responses are provided below for all questions that were still under consideration when responses to the first Question and Answer Period were made available. The Board is providing this guidance to assist Applicants with the completion of an application for a dispensary license. These answers do not constitute legal advice, which should be sought from a licensed legal professional.

Second Round Question and Answer Responses

ID	Question	Response
258	What is considered a professionally prepared survey?	A professionally prepared survey is one prepared by an individual who is licensed by the State of Ohio Engineers and Surveyors Board.
259	In question C2.2 the prompt states that the applicant should "provide a professionally prepared survey" to demonstrate that they do not violate the restrictions on prohibited facilities. We have hired a surveyor who says it will take up to month to finish the certified survey. In the event that he does not complete the project in time will our application be disqualified given that we did everything in our power to comply with the requirements of the law?	A professionally prepared survey is only required when no relevant zoning restrictions have been enacted. This would include, for instance, zoning for business as opposed to residential purposes. If a professionally prepared survey is required, it will need to be submitted during the application submission period.
260	Must \$100 be submitted for each package size of each strain sold? For example, must \$300 be submitted if the dispensary wishes to sell the strain Blue Dream in the package sizes 1 gram, 3.5 grams, and 1 ounce; or would \$100 be submitted since each package size contains Blue Dream?	Pursuant to rule 3796:8-2-05 , product identifiers will be assigned to medical marijuana produced by licensed cultivators and processors. Dispensaries are not authorized to produce medical marijuana.
261	Can products be displayed? If so, what are the limitations?	Refer to chapter 3796:6-3 of the Administrative Code.
262	Is question A-6.7 asking for a PAKE's current business-related compensation paid by the applicant, or a PAKE's anticipated compensation should the applicant be awarded a license?	Please provide the PAKE's anticipated compensation if an applicant is awarded a license.
263	Please clarify: Is only one narrative to be submitted per applicant, or does each PAKE submit a narrative?	The combined experience of the Prospective Associated Key Employees' should be described in a single 1,500-word narrative.
264	Answer to the first round of Q&A #146 states: "Products are required to be returned if they do not comply with relevant labeling and packaging rules. Product recalls may also merit the return products to a cultivator or processor." This appears to contradict rule 3796:6-3-21(C): "(C) Any recalled medical marijuana or medical marijuana product returned to the dispensary because of the recall must be destroyed by the dispensary, in a manner consistent with rule 3796:6-3-14 of the Administrative Code." Can you please clarify?	In the event that a recall causes a significant amount medical marijuana to be returned to a dispensary, the dispensary would be authorized to coordinate the return of the medical marijuana to a licensed cultivator/processor for destruction.



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ID	Question	Response
265	Is it possible for the location of a dispensary to be shared with a retail facility that owns a liquor license i.e. a bar/restaurant that meets the 500-ft. requirement, or is it possible to convert a site which currently holds a liquor license into a dispensary if it meets all other requirements?	Please refer to paragraph (E) of rule 3796:6-3-22 regarding authorized sale of products at a dispensary.
266	Will the PMP clearinghouse be used for marijuana dispensaries to report and monitor dispensing of product?	Yes.
267	Can an applicant file an application for a dispensary permit location in the city that has passed a medical marijuana moratorium? Does the moratorium preclude any potential dispensary in the city?	The applicant must submit evidence that it is in compliance with any local ordinances, rules, or regulations adopted by the locality in which the Applicant's property is located, which are in effect at the time of the application.
268	Can a single owner applicant apply for dispensary license different locations in different districts?	Yes.
269	Is there any prohibition against having a Dispensary located in an independent pharmacy (other than the need to comply with the Distance from Public Spaces requirements)?	Please refer to paragraph (E) of rule 3796:6-3-22 regarding authorized sale of products at a dispensary.
270	At which point dispensary with active license will be allowed to change its location? What would be the process and restrictions?	After a certificate of operation has been issued, a dispensary may request to relocate in accordance with rule 3796:6-2-13 .
271	When may a dispensary with active license will be able to change its ownership? What would be the process and restrictions?	Only a dispensary that has engaged in medical marijuana dispensing under a certificate of operation for a continuous twelve-month period is eligible to apply for a change of ownership. A dispensary may request a change in ownership in accordance with rule 3796:6-2-12 .
272	Has the Board of Pharmacy developed an approved vendor list for providing a dispensary's (or cultivator's) surveillance system? If so, where can we access this list?	Such a list does not exist at this time.
273	Must applicants submit wet signatures or is docu-sign/electronic signature acceptable?	Electronic signatures are not acceptable. When signatures are required, applicants must print and sign the form with an original, wet-ink signature. Scan and attach a copy of the signed form, in PDF format.
274	"If an individual has submitted fingerprints to BCI&I for an Ohio background check within the past twelve months of the date of application submission, an updated copy of the individual's background check may be requested by submitting this form to BCI&I." On the form referenced in the quote above, it asks for a name and address to send the results of the background check. Is this just the Board of Pharmacy's address? Is there a particular person to whom we should have the results sent?	State of Ohio Board of Pharmacy, ATTN: MMCP, 77 S. High Street, 17th Floor, Columbus, Ohio 43215



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ID	Question	Response
275	Must the spouse of an owner be registered as a PAKE if owner's interest is held as Tenants by the Entireties?	Yes, they should be included.
276	Assume Company A applies for a dispensary license and is owned, in part, by Company B. May Company B modify its own ownership structure by adding new shareholders (or buying out its current shareholders) during either (a) the period when dispensary applications are being reviewed; (b) during the provisional license period, if one is awarded; and/or (c) during the first 12 months of operation? Assume that Company B's ownership of Company A would not change, but only Company B's ownership would.	If an individual is required to hold a license as an Associated Key Employee, then rule 3796:6-2-12 applies. Only a dispensary that has engaged in medical marijuana dispensing under a certificate of operation for a continuous twelve-month period is eligible to apply for a change of ownership. A dispensary may request a change in ownership in accordance with rule 3796:6-2-12 .
277	Will the online application allow for multiple selections (for example Owner, Board Member and Person Exercising Substantial Control) in these fields and if Other is selected will a description field be available?	That information should be provided in in response to Question B-3.6.
278	Can both a husband and wife separately submit dispensary applications? Can each submit 5 applications and then hold 5 separate licenses (each husband and wife)?	No, not if they both exercise substantial control over more than 5 dispensaries.
279	In response to Question 167 during the first Q&A period, the Board advised that an individual's personal bank account statement is sufficient to satisfy liquidity requirements and question C-5.5 of the dispensary application, as long as the bank statement is accompanied by a "written pledge" from the individual. Is any writing sufficient to meet the "pledge" requirement, as long as the individual unconditionally commits to make the funds available to the applicant upon the award of a provisional license pursuant to the terms provided in the pledge or commitment?	The pledge must include language specifying the unconditional terms of the pledge the pledge amount, and the pledge is signed by the individual providing the liquid capital. The individual providing the liquid capital should be included as a Prospective Associated Key Employee.
280	Will an individual providing personal bank account statements meet the requirements of C-5.5 by attaching any of the following documents: (a) a loan commitment or conditional loan agreement, whereby the funds would be loaned to the applicant upon the award of a provisional license application pursuant to the terms provided in the pledge or commitment; (b) a subscription or other investment agreement whereby the investor would provide the funds to the applicant in return for equity granted to the investor; or (c) a signed affidavit from the investor committing to making those funds available to the applicant if a provisional license is awarded?	No. Any commitment to an Applicant intended to satisfy the liquid capital requirements set forth in rule 3796:6-2-02 must be unconditional.



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ID	Question	Response
281	Can a local authority alter the Zoning Form by adding new language? The City where our property is located has altered the form to added an asterisk to the zoning section of the form, and additional language on the form to describe how far along the applicant is with respect to the City's own dispensary application. The cultivation application instructions indicated that any altered form or page in the application would result in the application being disqualified. Does the same rule apply to the dispensary application?	Yes.
282	We are planning on submitting applications for 2 sites. One site that we are considering is within 500 feet of a closed church. There are also bars within 500 feet of that closed church. Is a non-operational church a prohibited facility pursuant to ORC 5119.01?	Please refer to Ohio Revised Code section 3796.30(C) for a list of prohibited facilities and their definitions.
283	Regarding the response to question 8 in the first-round Q&A: OAC § 3796:6-2-13 allows for a change in location and does not have language prohibiting a provisional licensee from requesting such a change. What is the justification for stating that a provisional license is exclusive to the location identified in the application?	Please refer to paragraph (K) of rule 3796:6-2-04 .
284	What does the required information in ORC 3796:6-3-15 (C)(3) mean? Is it referring to a prohibition on patients attempting to extract from plant material themselves?	Yes, applicants awarded a provisional license must provide patients with educational materials regarding prohibition against and dangers associated with medical marijuana extractions.
285	For FBI fingerprinting, can you confirm that we will need to use fingerprint form/card #FD-258? Also, on the fingerprint card, what do we put in the REASON fingerprinted section? The Ohio code 3796.12? Thank you in advance for your help.	For questions related to the background check process, please see BCI&I's frequently asked questions, or call BCI at 877-224-0043.
286	Does a patient have to return unused medical marijuana to the dispensary from where it was purchased? Or may they go to any licensed medical marijuana dispensary?	No. The medical marijuana must be returned, however, in a container provided in accordance with paragraph (G) of rule 3796:7-2-05 and logged into the state inventory tracking system.
287	Will dispensaries be required to print coupons and account for as cash? Or can they use a function of their dispensary POS software, to indicate the coupon on the invoice?	Paper coupons are not required. Dispensaries will be required to provide evidence that coupons were only redeemed by patients registered with an indigent or veteran status.
288	What happens if two people, unbeknownst to them, both propose the same location (identical street address) and they both are awarded a provisional license. Who gets to keep the location? Can the applicant not selected, obtain another location that is satisfactory to the board?	If both are Viable Applicants, the applicant with the highest score will receive the license. Applicants will not be afforded another opportunity to submit new locations.
289	Does Catholic Social Services part of 500-ft. restriction?	Please refer to Ohio Revised Code section 3796.30(C) for a list of prohibited facilities and their definitions.



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ID	Question	Response
290	Question C-3.1 requests a “comprehensive set of activities necessary for start-up” and question C3.2 requests to “describe how applicants proposed the business operation will comply with statutory and regulatory requirements”. Is a complete financial plan for the 1st year of operation and pre-opening expenses required for the for the application? If so, where in the application does the board want to see a complete financial plan?	See Question C-5.5.
291	Question E-1.2: 3796:6-3-19 provides requirements for foundational training for all employees and requirements for license renewal. What are the requirements for becoming a licensed dispensary employee?	Refer to rules 3796:6-2-07 through 3796:6-2-09.
292	Question E-4.2, Proposed hours of operation. Will this be a fillable box or can an attachment be uploaded?	Responses to Question E-4.2 will be provided in a fillable box.
293	When will dispensary applications be viewable by the public from a freedom of information perspective?	Pursuant to Ohio Revised Code section 149.43(B)(1) records will be provided within a reasonable amount of time.
294	“An Ohio LLC Member held a senior role at a company that was previously named in administrative proceedings in another medical marijuana state (that were then resolved through consent agreements). The Member was not named in those proceedings. Is she, by virtue of the prior role, deemed to have been “disciplined by” another licensing body (Sec. B-3.12), or “the subject of” an administrative action or investigation or disciplinary action, or deemed to have had an “administrative action taken against” her relating to her profession or occupation (Sec. B-3.13 to B-3.20)?”	If there is any doubt about whether a criminal, civil, or administrative action should be reported, individuals should err on the side of caution and disclose the information. If the Board reviews the information and determines it does not apply, it will not be considered as a factor against the Applicant. The Board would rather have the Applicant disclose the information than to discover it as a potential falsification in the Application.
295	The Tax Authorization Form only discusses Ohio taxes. Are any non-Ohio, Federal or foreign-equivalent tax returns or summaries required to be submitted? Do Prospective Associated Key Employees need to submit information about taxes in other U.S. states or foreign countries?	No. Non-Ohio, Federal and foreign-equivalent tax returns or summaries are not required to be submitted with the Application.
296	For Section C-2.2, what kind of evidence is required and what kind of survey? Is it an ALTA survey acceptable?	Different types of maps, surveys or satellite images may be included, so long as the documents are legible, and clearly demonstrate compliance with the rule.



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ID	Question	Response
297	If the model application requires a narrative response, but the webinar indicates that an attachment is 'optional', which controls? Can you have a narrative and the attachment?	Where the Model Application requires a narrative response, such a response must be provided in the fillable box. If the question also allows for an optional attachment, then additional images or diagrams may be included in the PDF attachment. If an Applicant chooses to respond to such questions with an optional attachment, the diagram or image should be referenced in the narrative response. Additional language responding to questions will not be considered, unless otherwise indicated in the application.
298	What kind of evidence is preferred under C-1.1? Does the Board of Pharmacy prefer to see the lease or purchase agreement or is an abstract or affidavit sufficient?	Applicants may provide evidence of the Applicant's clear legal title or option to purchase the proposed site and facility, a fully-executed copy of the Applicant's unexpired lease for the proposed site and facility and a written statement from the property owner that the Applicant may operate a medical marijuana organization on the proposed site for, at a minimum, the term of the initial provisional license, or other evidence that shows that the Applicant has a location to operate its medical marijuana organization.
299	What information does the Board of Pharmacy want for B-3.7? Is it only a yes checked box and an address and name? Or do you want additional licenses and information similar to the cultivation application?	The name and address of the entity must be provided in response to Questions B-3.7 and B-3.8.
300	What type of evidence does the applicant need to provide to the board if the applicant already owns the property for the proposed dispensary facility?	An Applicant that owns the property for a proposed dispensary must provide evidence of the Applicant's clear legal title to the property.
301	Are individuals with no substantial control, are not board members and have less 10% interest in the Applicant, but still have an indirect financial interest in the Applicant considered to be PAKEs?	All Prospective Associated Key Employees (PAKE) must be included when submitting the application. "Prospective Associated Key Employees" include any and all natural persons who are owners, officers, board members of a dispensary Applicant; persons who have a financial interest in a dispensary Applicant; and/or persons who exercise substantial control over a dispensary Applicant. Exercising control includes the power to influence management and operational decision-making. For purposes of this application an individual is a "prospective associated key employee" irrespective of that individual's ownership interest.
302	Can a dispensary sell hemp products?	No.
303	Section 3796:6-3-22(F) prohibits coupons except "coupons intended to benefit patients registered as indigent or as a veteran." How does the Board of Pharmacy define veterans and indigents?	Please refer to paragraph (I) of rule 3796:7-1-01 .



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ID	Question	Response
304	Does every PAKE identified in Section A-6 need to fill out a PAKE license application if they don't fall under the PAKE definition, but are considered to have a financial interest in the applicant and therefore need to be disclosed on the application?	All Prospective Associated Key Employees (PAKE) must be included when submitting the application. "Prospective Associated Key Employees" include any and all natural persons who are owners, officers, board members of a dispensary Applicant; persons who have a financial interest in a dispensary Applicant; and/or persons who exercise substantial control over a dispensary Applicant. Exercising control includes the power to influence management and operational decision-making. For purposes of this application an individual is a "prospective associated key employee" irrespective of that individual's ownership interest.
305	Are we allowed to include word tables (i.e. a table showing training hours/topics for various employees) as part of a 5000-character narrative response? Or is only "pure" narrative allowed?	The large fillable boxes are text only. Please refer to the updated Instructions for new character limits.
306	Who is considered an owner if the Applicant is an LLC and the Applicant LLC is a single member entity LLC?	Please refer to rule 3796:6-2-03 .
307	Unless the instructions provide differently, are all narrative sections limited to 5000 characters or to 5000 words?	Character limitations will be provided for narrative sections. Please refer to the updated Instructions for new character limits.
308	For all other parts of Sections D and E-1 and E-2, are the "Optional Attachments" opportunities to attach longer written plans, i.e. Company's written Security Plan, Inventory Management Plan, etc., like asked for in applications from other states? Are they an opportunity to attach relevant SOPs?	If a question allows for an optional attachment, then additional images or diagrams may be included in the PDF attachment. If an Applicant chooses to respond to such questions with an optional attachment, the diagram or image should be referenced in the narrative response. Additional language responding to questions will not be considered, unless otherwise indicated in the application.
309	Other than the 10 MB file size limitation for application attachments, are applicants permitted to and capable of (during the online submission process) including as many attachments as it believes is necessary to demonstrate to the Board that it possesses the fitness to operate an Ohio dispensary?	If a question allows for an optional attachment, then additional images or diagrams may be included in the single PDF attachment. If an Applicant chooses to respond to such questions with an optional attachment, the diagram or image should be referenced in the narrative response. Additional language responding to questions will not be considered, unless otherwise indicated in the application.
310	Under Section C-6 "Business History and Experience," is the application seeking work history in general or work history in the medical marijuana industry? Also, will the online application form allow for the inclusion of more than an individual's most recent job position?	Responses to Questions C-6 may relate to the most relevant business experience of the Applicant's Prospective Associated Key Employees within the past 5 years.



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ID	Question	Response
311	With respect to the liquid assets requirement of C-5.5, is the contractual right to call capital within 30 days of such request acceptable as evidence of the ability to obtain liquid assets or are Applicant's financial institution statements the only way to meet the liquid assets requirement in C-5.5?	Acceptable documentation includes either of the following dated not earlier than September 1, 2017: (1) An account statement from the relevant financial institution showing the name, account number, date, amount, type of deposit (e.g. savings account, money market account); or (2) Documentation on letterhead from the relevant financial institution showing the name, account number, date, amount, type of deposit (e.g. savings account, money market account).
312	With respect to the liquid assets requirement of C-5.5, if an applicant is submitting applications for multiple locations, can the same source of \$250,000 (total) be used for each application or does the applicant have to show a different source of \$250,000 per each application (resulting in evidence of \$250,000 x number of locations)?	The Applicant must have adequate liquid assets to cover all expenses and costs of the first year of operation for all licenses the Applicant is willing to accept, but no less than \$250,000, per dispensary location.
313	If a building is 1000 sq. ft. away from a church but still in the same parcel is it still a suitable location or would it not be acceptable because of the 500-ft. rule from parcel to parcel?	Please refer to rule 3796:5-5-01 of the Administrative Code for the requisite distance between a medical marijuana dispensary and a prohibited facility.
314	In the scoring framework, for "relevant examples" - does this relate to operational experience for the Applicant and PAKEs in other regulated states? Or does it relate to general best practices/procedures to be implemented in Ohio? Thanks.	"Relevant examples," refers to a fact or set of facts that illustrate why an Applicant's described approach has been chosen or suggested. This can include both examples of previous operational experience, and best practices as applicable.
315	In response to FAQ Round One ID#103, will the words "TRADE SECRET" or "SECURITY AND INFRASTRUCTURE" count against the character limit? Will the Department instead consider having a "check box" to assert confidentiality claims for each substantive response as opposed to requiring these words within the text box itself (so those wishing to protect information are not at a disadvantage)?	Yes. After further review, the Board is increasing allowable character limits. Please review the updated Application Instructions for new character limits.
316	In responding to B-3.7 and B-3.8, will applicants have the ability to enter multiple names/addresses?	Yes.



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ID	Question	Response
317	<p>In the previous FAQ, the Board provided the following clarification regarding application evaluation: "After evaluation is complete, all Viable Applicants will be ranked and awarded provisional licenses by district based on highest score. To ensure maximum dispensary coverage across the State, the Board will consider geography and patient access when awarding provisional licenses to Applicants that submit more than 5 Viable Applications." Does this mean that should an applicant receive winning scores in all 6 districts, the Board will select which five of the six districts the applicant will be placed? Is it possible that an applicant who submits 6 winning applications will be placed in a district they did not originally apply? Are the only factors the Department are using to determine where the 5 of the 6 winning licenses will be sited is geography and patient access or are there additional considerations that will be made?</p>	<p>No Applicant will be awarded a provisional license in a district in which the Applicant did not apply. The Board will consider geography and patient access when awarding provisional licenses to Applicants that submit more than 5 Viable Applications.</p>
318	<p>Regarding the rural districts, is there any added benefit to an applicant applying in those districts versus the more urban/heavily populated districts? In other words, will additional scoring considerations be made for locating in a rural district? What is the Board's plan if viable applications are not submitted in the rural districts? Will you consider moving high scoring but not winning groups to those districts (e.g., take the 6th highest scorer from District SE3 and move to a rural district lacking a winning applicant)?</p>	<p>No additional scoring consideration will be given to Applicants applying in rural districts. No Applicant will be awarded a provisional license in a district in which the Applicant did not apply.</p>
319	<p>For Question C-2.3, after review of section 3796.30, if the location area map depicting a 500' setback includes a location that appears to be a "prohibited facility" within the 500' distance to the property line of the parcel containing the Dispensary facility, what information can be provided / attached to clarify that it does not meet the definition of a "prohibited facility". It is understood that attachments containing additional text will not be considered, is that applicable for all attachments to question C-2.3?</p>	<p>As per section VI.B. of the Application Instructions, the contents of an attachment must be clearly labeled and may contain brief descriptive captions.</p>
320	<p>Is it the Board's expectation that every dispensary will have a licensed medical professional on site?</p>	<p>There is no requirement that a licensed medical professional be on-site at a dispensary. For additional staffing requirements please see chapter 3796:6-3 of the Administrative Code.</p>



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ID	Question	Response
321	Rule 3796:6-3-23 (Dispensary Access). Section (B)(1) provides "[i]n addition to authorized dispensary employees, and processor employees, the following may be granted access to a dispensary so long as presence is maintained in the dispensary visitor log and obtain a visitor identification badge from the dispensary prior to entering the dispensary: (1) One individual accompanying each patient or caregiver who shall remain in the waiting area. Such visitor shall remain under supervision of a dispensary employee while on dispensary premises." If the security guard has a view of the waiting area, will that be acceptable "supervision" by a dispensary employee?	A dispensary employee must be in the same area of the dispensary as the individual who is under supervision.
322	Are PAKEs, Dispensary Associated Key Employees, Dispensary Key Employees, and/or Dispensary Support Employee that does not hold a medical license, or other professional license issued by the Board of Pharmacy authorized to submit reports to OARRS?	Yes. Dispensary employees are required to submit reports to Ohio Automated Rx Reporting System (OARRS) within 5 minutes of each dispensation of medical marijuana.
323	Will the applicant have an opportunity to remedy an application submission during the submission window?	Applicants will have the opportunity to remedy an Application prior to payment. Once the application fee payment has been made for a particular location, the Application for that location can no longer be modified.
324	Section C-1 requires applicants to provide "[e]vidence of the Applicant's clear legal title or option to purchase the proposed site and facility" and in C-1.1(b) "[i]nclude a written statement from the property owner that the Applicant may operate a medical marijuana organization on the proposed site". In other jurisdictions, multiple groups were permitted to submit applications for the same location. That is, landlords/owners executed LOIs and/or leases with more than one Applicant. All LOIs and/or leases were contingent upon being awarded a license for that specific location. The regulatory body would score all applicants for the site and the applicant with the highest score would effectively "win" the license at that location. Will the Board allow this?	Yes. An option to lease contingent upon the award of provisional license does satisfy the "other evidence" requirement so long as the landlord signs a notarized statement attesting to the contingent agreement.
325	In the event of a webscript / server error, how can an applicant alternately submit an application?	Applications will only be accepted online.
326	If an LOI is all that is necessary to demonstrate control of a property, and no merit points are awarded for this response, will the board favor Leases over LOIs?	Both leases and letters of intent are acceptable.



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327	What should applicants do if they encounter errors or difficulties (e.g. javascript errors) during the submission process? What proof will be sufficient that the applicant attempted to resolve the problem? Will the Board have point of contact for technical problems during the submission window?	The Board will be providing online Application FAQs before the online Application is available. Technical support contact information will be provided should technical issues arise during the submission period.
328	What information should be included in a table of organization and control?	The Table of Organization and Control must include all persons identified as Prospective Associated Key Employees, irrespective of ownership or financial interest.
329	What is the relevant time period for business history? Do you want just the most recent role someone was in, or their entire history?	Responses to Questions C-6.4 through C-6.8 may relate to the most relevant business experience within the past 5 years.
330	For question C-4.1, what are you looking for when you say "Table of Organization and Control"? (If you google that term with quotes there are no results.) Are you just looking for a normal Organization Chart, or something more/else?	The Table of Organization and Control must include all persons identified as Prospective Associated Key Employees, irrespective of ownership or financial interest.
331	OAC 3796:6-3-01(N) says that "[n]o medical marijuana requiring refrigeration or hot-holding or considered potentially hazardous food shall be possessed or sold by a dispensary." Is this just a shelf-stable reference? Can we put things in a fridge as a best practice? Can we have items that read "refrigerate after opening"?	Refrigerators may be used for storage of medical marijuana. Medical marijuana that requires refrigeration is prohibited.
332	What is the difference between the "inventory tracking system" and the "inventory control system?" Both are used in regulations but only "tracking" is formally defined in OAC 3796:1-1-01. "Inventory management process" is also used in D-6.8 of the application. How do the ITS and ICS fit into the IMP?	Please refer to rule 3796:6-3-20 and paragraph (A)(20) of rule 3796:1-1-01 .
333	D-6.8 asks that the inventory management process include "a process that provides for the recall of medical marijuana and the management of medical marijuana product returns from the proposed dispensary to the originating cultivator and/or processor" but OAC 3796:6-3-21(C) says, "Any recalled medical marijuana or medical marijuana product returned to the dispensary because of the recall must be destroyed by the dispensary," making a complete response noncompliant. How should we respond?	In the event that a recall causes a significant amount medical marijuana to be returned to a dispensary, the dispensary would be authorized to coordinate the return of the medical marijuana to a licensed cultivator/processor for destruction.
334	Is an esplanade considered a park? Such as an esplanade located between two streets that contains sitting benches and/or statues, monuments, or fountains.	Please refer to Ohio Revised Code section 3796.30(C) for a list of prohibited facilities and their definitions.



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ID	Question	Response
335	Are advisory board members considered to be Prospective Associated Key Employees? They are not employed by the company, they do not control the business, they would only advise the management team of their opinions on how the business is being operated. They would then provide recommendations to the management team as to what is being done correctly/incorrectly and how their business could be improved.	Yes, they should be included as Prospective Associated Key Employees.
336	How would the situation be handled if a zoning jurisdiction provides approval by executing the Notice of Proper Zoning Form and at a later date the jurisdiction enacts a Moratorium or Ban on the dispensing of Medical Marijuana?	Please refer to paragraph (D) of rule 3796:6-2-01 .
337	Is a management company considered a “persons who exercise substantial control over a dispensary Applicant” and therefore, an “Associated Key Employee?”	Yes, individuals associated with the management company should be included as Prospective Associated Key Employees.
338	OAC 3796:6-3-20(F) states “A dispensary shall notify the state board of pharmacy in writing of any returned or abandoned medical marijuana.” Is an email sufficient notice? Also, how does this relate to OAC 3796:6-3-14(B) which states “at least seven days prior to rendering medical marijuana unusable and disposing of it, the dispensary shall notify the state board of pharmacy?” Will the Board of Pharmacy accept notice of both in the same letter?	The Board will provide acceptable methods for providing notification during the provisional licensing period. These should be provided as separate notices to the Board.
339	Q1 3796:6-3-22 Prohibitions. (A) No dispensary employee may share office space with, compensate, receive compensation from, or refer patients to a physician holding a certificate to recommend issued by the state medical board under section 4731.30 of the Revised Code Can the Board please clarify what it means to "share" office space. Does this prohibit leasing or subleasing from a physician that currently holds, or may hold in the future, a certification to recommend medical marijuana?	This does not prohibit leasing or subleasing from an owner that is a physician so long as the physician is not authorized to access the licensed dispensary premises without direct supervision from a dispensary employee. A dispensary shall not allow a physician holding a certificate to recommend to conduct a physical examination of a patient or any follow up care for purposes of diagnosing or treating a qualifying medical condition at the dispensary.
340	3796:6-3-22 Prohibitions. (E) No dispensary shall sell anything other than authorized medical marijuana, medical marijuana products, medical marijuana devices, and advertising materials authorized pursuant to rule 3796:6-3-24 of the Administrative Code. For Section D10.1 of the application, does this regulation mean that if a dispensary wishes to provide other counseling or wellness services that they must be provided free of charge?	No. Dispensaries may sell items or provide services that are not prohibited under division 3796:6 of the Administrative Code and that are approved under rule 3796:6-3-24 of the Administrative Code.



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ID	Question	Response
341	What is the requirement for the appropriate personal protective equipment for employees?	Each dispensary must determine what protective equipment is appropriate for the various aspects of its operations.
342	Section F-1.1 says to fill out and attach the "Trade Secret Form" to question F-1.1, however the form's header is identified as Section F-2.1. Can you please provide some clarity on which section the attachment should be included in?	An updated Application Instructions document and Trade Secret Form will be issued.
343	From the rules section - "The contents of the attachment must be clearly labeled". Does this mean each attachment must have headers on each page?	Headers on each page would be acceptable.
344	Does the final application have to be submitted as individual PDF files, or can it be one compiled PDF file (in instructions it says that there can be no file over 10 mb)?	Attachments to the online Application will only be accepted for specific questions, with one uploaded file per question that offers a mandatory or optional attachment.
345	What happens if one of the disqualifying facilities opens up within 500 ft of our dispensary location after our application is submitted? Will this disqualify our location?	Refer to rule 3796:5-5-01 of the Administrative Code for details regarding the establishment of a prohibited facility after a medical marijuana entity has been issued a provisional license.
346	What if our application includes a building that meets all of the requirements and is zoned commercial retail but we have not yet received the special use permit?	An updated Zoning Form will be issued to address this concern.
347	Lastly, can the funds be split between multiple accounts or must they be in one?	Funds may be split into multiple accounts.
348	Does the Department have any requirements regarding the employee to patient ratio?	The Board does not have requirements regarding the employee to patient ratio, however this information should be provided in response to Question E-3.1.
349	Regarding compliance with Section 3796:6-3-10, will the state's inventory tracking system integrate with the OARRS or is the expectation that the dispensary's internal inventory tracking system integrate with OARRS to submit the required reporting?	The dispensary's internal inventory control system will be responsible for generating American Society for Automation in Pharmacy (ASAP) files in order to submit that information to the Prescription Monitoring Program Clearinghouse so that it is available in the Ohio Automated Rx Reporting System (OARRS).
350	On any question with a mandatory attachment, can additional optional items be included with the mandatory portion?	Additional optional items can be included on the PDF attachment, however, additional language responding to questions will not be considered, unless otherwise indicated in the Application.
351	Will applicants that qualify under the Economically Disadvantaged Business, and score high enough to be considered without the EDB designation, be given to option to obtain a license without the EDB classification?	If an Applicant applies as an Economically Disadvantaged Group, and that Applicant is awarded a license under any circumstances, that licensee will be considered an Economically Disadvantaged Group.



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352	In addition to the Tax Authorization Form submitted for A-6.25, what other state or federal supporting tax documentation will be required for a shareholder, key employee, and or any person with 10% interest or more? Will a shareholder, key employee, and or any person with 10% or more interest be required to provide copies of federal taxes? If so, for what time periods and which forms?	No additional documentation beyond that requested in the Application is required.
353	If an applicant submitted 10 applications, because there are no restrictions on how many applications an Applicant can submit, and no more than 5 licenses will be awarded to one owner under Ohio law, and the Applicant is willing to accept 5 licenses, then would the minimum adequate liquid assets for that Applicant's 10 applications be \$1,250,000.00?	The Applicant must have adequate liquid assets to cover all expenses and costs of the first year of operation for each Application the Applicant submits, but no less than \$250,000, per dispensary location.
354	How should an applicant for dispensary license and its local municipality respond to the question of whether the use of the property is in accord with local zoning if the municipality requires a special use permit that will not be granted by the time of application? Is it true the Pharmacy Board will revise the application to account for his scenario?	An updated Zoning Form will be issued to address this concern.
355	If there are more than one C-5.1 Type of Capital and or C-5.2 Source of Capital, should the applicant provide an attachment? Please explain how to enter multiple types and sources related to C-5.	Applicants will be able to add responses to the Capital Requirements questions in C-5 to allow for multiple types of capital, sources of capital, financial institutions and accounts.
356	Can an applicant receive a loan from an individual that is not a shareholder, owner or officer? If so how does the loan have to be documented? What information does the person providing the loan have to provide?	Yes, so long as the individual providing the loan signs an agreement specifying the unconditional terms of the loan and the loan amount. The individual providing the loan should be included as a Prospective Associated Key Employee.
357	Is a shareholder considered an owner related to OAC 3796:6-2-02 (B)(4)(b)? "If the applicant is relying on money from an owner, officer or board member, evidence that the person has unconditionally committed such money to the use of the applicant in the event that a dispensary license is awarded to the applicant;"	Such a shareholder should be included as a Prospective Associated Key Employee.
358	Is the Zoning Approval Form a requirement, or does it just factor into the overall scoring of the section? I.e. If applicant's plans comply with zoning with no local moratorium, would a lack of a signed form result in a disqualification?	Yes, the Zoning Approval Form is required for all Dispensary Applications.



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ID	Question	Response
359	If the that applied for a cultivator's license is the same entity applying for a dispensary license, should the answer to B-3.7 and B-3.8 still be "yes". The questions ask about ownership/involvement with "another medical marijuana entity". If the dispensary applicant is the same entity that applied for cultivator license then it is not "another medical marijuana entity".	Applicants that applied for a cultivator license in Ohio should respond "Yes" to Questions B-3.7 and B-3.8.
360	Can a person be considered a shareholder pending a dispensary license being awarded and can that person pledge money to the applicant pending the dispensary license being awarded?	Yes, so long as the individual is included as a Prospective Associated Key Employee. Note that only a dispensary that has engaged in medical marijuana dispensing under a certificate of operation for a continuous twelve-month period is eligible to apply for a change of ownership.
361	Can a member of the business be an LLC, if so do we have to complete PAKE information, provide BCI & FBI information, and other required documents for each of that LLC's members?	Yes, a member of a business may be an LLC if questions relevant to Prospective Associated Key Employees are completed for each of that LLC's members.
362	What are Ohio's regulations regarding the archival period for surveillance storage?	Refer to paragraph (E)(6) of rule 3796:6-3-16 .
363	Question D 5.5 refers to "Applicant's internal inventory system including integration with the state inventory tracking system and for reporting to OARRS using the current ASAP format." What method of integration will be provided for OARRS and will we need to be registered?	"ASAP" is the American Society for Automation in Pharmacy. Successful applicants must register with ASAP in order to automate Ohio Automated Rx Reporting System (OARRS) reporting.
364	Question D 5.1 makes reference to being willing to join the ASAP program. Is the ASAP program part of OARRS? OARRS requires a DEA number which is likely unobtainable for anyone involved with the marijuana industry. How will the Control program institute this?	Annual registration with the American Society for Automation in Pharmacy (ASAP) is required in order to automate reporting to the Ohio Automated Rx Reporting System (OARRS) with five minutes of a dispensation. Refer to rule 3796:6-3-10 for more information on information that must be reported to OARRS.
365	Does a corporation with money deposited in its account have to provide the source(s) for each deposit and provide respective bank sources for each deposit? Or does the applicant just have to provide its bank information and the amount.	If requisite liquid capital is maintained in a financial institution, Applicants are required to provide documentation from that financial institution, such bank account statement, so long as the statement is dated not earlier than September 1, 2017.
366	If an applicant applies for and is willing to accept 5 Dispensary licenses, but the applicant only has 2 key employees listed on their applications, will the applicant be allowed to add key employees in order to be in compliance with this rule?	Yes, Key Employees may be identified after submitting a Dispensary Application. Only Prospective Associated Key Employees are required to be identified at the time that an Application is submitted.
367	Will the Control Program require that all flower bud (plant material) products be prepackaged and sealed prior to arrival at the dispensary or will the you allow the sale of loose bud on-site packaged prior to sale?	Refer to paragraph (F) of rule 3796:6-3-01 .



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ID	Question	Response
368	What is the Boards position if a property owner has granted multiple notarized Letters of Intent to lease or sell his or her structure or land, to separate applicants? If the same property is listed on multiple applications from separate entities will this cause disqualification?	If both are Viable Applicants, the Applicant with the highest score will receive the license. This will not result in disqualification.
369	Can a medical dispensary can be contained with the same building structure that has also houses other medial businesses?	Please refer to Ohio Revised Code section 3796.30(C) for a list of prohibited facilities and their definitions.
370	Can a medical dispensary rent space from medical professionals?	Please refer to Ohio Revised Code section 3796.30(C) for a list of prohibited facilities and their definitions.
371	Section B-3.7 states "Has the individual served, or are they currently serving as an owner, officer, or board member of another medical marijuana entity in Ohio or elsewhere in the Unites States?" Section B-3.8 states "Has this individual had ownership or financial interest, or do they currently have ownership or financial interest of another medical marijuana entity in Ohio or the United States?" If the Prospective Key Employee has ownership, financial interest, or serve as an owner, officer, or board member in another medical marijuana entity doing business in Canada, or other country outside the US, does the individual need to identify the entity name and address?	Information related to the Prospective Associated Key Employee's interest in a foreign medical marijuana entity may be provided, but is not required.
372	Per section B-3.9 of the application, please confirm that any criminal offenses fully expunged from a potential applicant's criminal record, and therefore treated as if it never occurred, would not fall under the provision related to a case that has been sealed.	Applicants should review paragraph (A)(15) of rule 3796:1-1-01 and question B-3.9 with a licensed legal professional.
373	Per section 3796:6-3-24, would large signage, pre-existing and affixed to the dispensary land in full compliance with the local zoning ordinances be prohibited from displaying the dispensary name?	Please refer to rule 3796:6-3-24 .
374	Will patients be permitted to be accompanied in the dispensary area by non-patient, minor children?	Please refer to paragraph (l) of rule 3796:6-3-01 .
375	If proof of funding can come in the form of a commitment to lend with a fixed interest rate from a non-institutional, private lender per 3796:6-2-02(B)(4), who would be the appropriate human being to be included as a Prospective Associated Key Employee in the Application i.e. would the manager and/or signatory of the private lender be acceptable?	If the private entity is a licensed financial institution, then no individual from the licensed financial institution would need to be included as a Prospective Associated Key Employee on exclusively on the basis of serving as a lender.
376	Per OAC 3796:6-3-07, does offsite storage need to be approved before an application's submission, or can it be presumed that the company will find a board-approved solution after being awarded a provisional license?	The Board will begin issuing approvals for specific operational elements during the provisional licensing period.



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ID	Question	Response
377	For question C-6, including specifically C-6.9, is the requested information limited to only cannabis experience?	Responses to Questions C-6 may relate to the most relevant business experience within the past 5 years.
378	For the evidence of adequate liquid assets in C-5.5, would common, unrestricted stock that can be liquidated within 30 days qualify?	Stock is not an acceptable source of liquidity.
379	What would the pharmacy board deem acceptable evidence of a written pledge? Would a signed and notarized letter from the investor suffice or are the relevant portions of operating documents or subscription agreements required?	Yes, an investor's bank account statement may be provided as appropriate evidence so long as the statement is dated not earlier than September 1, 2017. A written pledge from the investor should accompany the bank statement. Please note that the investor should be listed in the Application as a Prospective Associated Key Employee regardless of the ownership interest.
380	The definition of "church" under Ohio Revised Code Section 1710.01 ("a fellowship of believers, congregation, society, corporation, convention, or association that is formed primarily or exclusively for religious purposes and that is not formed for the private profit of any person") is broad. Please confirm that it cannot be deemed to apply to a house owned by a church or group of church members that is used for housing, including for housing a pastor or a group of nuns, if such house is not "church property" as defined under 1701.10.	The definition of "Church Property" under paragraph (C) of section 1710.01 of the Revised Code will apply.
381	Will you please identify which application questions are permitted optional attachments?	This information is provided in the webinar which is accessible without registration or log on credentials. Please click here to view the webinar.
382	What constitutes acceptable proof of fund sourcing and after what period of time are those funds seasoned (i.e. if an Applicant has had \$250,000 in the bank is it sufficient to provide bank statements for the last 3 consecutive months to demonstrate its continuous possession)?	Acceptable documentation includes either of the following dated not earlier than September 1, 2017: (1) An account statement from the relevant financial institution showing the name, account number, date, amount, type of deposit (e.g. savings account, money market account); or (2) Documentation on letterhead from the relevant financial institution showing the name, account number, date, amount, type of deposit (e.g. savings account, money market account).
383	Is it correct that, unlike the cultivation application, a 51% female owned Applicant will not be shown any preference?	Applicants required to receive preference are described in section 3796.10 of the Revised Code .
384	Is there an effort to help a group like ours be able to get 2 dispensaries?	Please review the conditions set forth in section 3796.10 of the Revised Code governing the issuance of dispensary licenses.
385	If a property is next to a library administration office does that constitutes as a library under the arc? The physical library is over 1000ft away.	Please refer to Ohio Revised Code section 3796.30(C) for a list of prohibited facilities and their definitions.
386	If a property is on the same parcel but has different addresses and over 1000ft away from each other. Is this property acceptable?	No prohibited facilities or community addiction services providers maybe located within a 500-foot radius of the external boundaries of the parcel on which the dispensary is situated.



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ID	Question	Response
387	In measuring the distance of a proposed Dispensary to a parcel of real estate having situated on it a school, do we measure from the proposed dispensary building to the school lot line or from the dispensary real estate lot line to the school real estate lot line?	No prohibited facilities or community addiction services providers maybe located within a 500-foot radius of the external boundaries of the parcel on which the dispensary is situated.