



Ohio Medical Marijuana Control Program



The State Board of Pharmacy reviewed and considered the questions submitted during the first 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. Some questions remain under consideration and will be answered with responses from the second Q & A Period, which will begin on October 16, 2017 and conclude on October 20, 2017. 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.

First Round Question and Answer Responses

ID	Question	Response
1	If an individual was arrested for a disqualifying offense and has since had that record sealed, does that offense constitute a disqualifying offense for purposes of applying for a dispensary license?	Applicants should review O.A.C. 3796:1-1-01(A)(15) with their legal professional.
2	How will the distance between a proposed dispensary and a prohibited facility or community addiction services provider be measured?	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.
3	Where can I find information necessary to apply for a dispensary license?	Applicants advised to review and understand all relevant legal authority. Details are available at medicalmarijuana.ohio.gov .
4	When must fingerprints be submitted for a criminal background check?	For an application to be complete, an Applicant must submit fingerprints to the Ohio Bureau of Criminal Identification and Investigation (BCI&I) for a BCI&I and Federal Bureau of Investigation (FBI) criminal records check. For detailed instructions, please see section VI.E of the application instructions.
5	How can I access the Informational Webinar? Do I need login credentials or to otherwise register?	The webinar is online at medicalmarijuana.ohio.gov/dispensaries . The webinar is accessible without registration or log on credentials. Please click here to view the webinar.
6	Which day should I put for the first day of business on my tax ID and vendor license?	Consult with a legal professional regarding the appropriate manner in which to complete business start-up documentation.
7	Every business requirement needs different specifications on the business plan. How detailed does the business plan have to be, do you have an example you can share?	The State Board of Pharmacy will not share an example of a business plan. The business plan should provide sufficient information regarding the Site and Facility Plan, Business Startup Plan, Description of Duties and Roles, Capital Requirements, and the Business History and Experience.
8	Can a dispensary location be changed if a provisional license is issued and the terms of the property can't be resolved? Assuming that it remains and re-locates in the same dispensing district.	A provisional license issued under this rule is exclusive to the entity and location identified in the application and is non-transferrable.



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ID	Question	Response
9	Should legal counsel be considered a prospective associated key employee, as having the power to influence management and operational decision-making?	"Dispensary associated key employee" means an owner or prospective owner, officer or board member or prospective board member of the entity seeking a dispensary license. Any person who exercises control over the proposed dispensary should be included as well. See also http://codes.ohio.gov/oac/3796:6-2-03 .
10	When must the \$5,000 application fee and the \$70,000 certificate of operation fee be paid?	The non-fundable \$5,000 application fee is due when the application is submitted. After receiving notice of a satisfactory final inspection during the provisional licensing period, the dispensary shall remit to the State Board of Pharmacy, the \$70,000 fee for a two-year certificate of operation.
11	Question A-3.10 asks if the applicant has conducted business in any jurisdiction other than Ohio. In this instance does 'the applicant' refer to the business entity or the individuals comprising the business? For example, if one owner of the applying business entity owns multiple businesses in another state, should each of those businesses be listed below? If so, will the application allow for multiple entries?	For question A-3.10, please provide business information for the Applicant, not the individuals associated with the business.
12	Do questions A-6 and B-3 need to be completed by each individual mentioned in the application, such as board members without ownership interest or dispensary management without ownership interest? Or only by owners of the business?	Unless otherwise indicated questions in Sections A-6 and B-3 must be completed by all Prospective Associated Key Employees, irrespective of the individual's ownership interest.
13	Could the Board of Pharmacy clarify the intent of question B-2.4 by providing examples of what would constitute a 'yes' response?	Applicants should review O.A.C. 3796:1-1-01(A)(15) with their legal professional.
14	For question B-1.2, if the applicant is submitting multiple applications, do they need have separate surety bonds for each application?	After receiving notice of a provisional license award but before final inspection, a surety bond will need to be established for each dispensary location.
15	In question C-6.9, is each owner allotted 1500 words to describe their experience? Alternatively, should the applicant describe the owners' combined experience in a single 1500 word narrative?	The owners' combined experience should be described in a single 1,500 word narrative.
16	Can the Board of Pharmacy clarify the meaning of OARRS and the ASAP method and direct applicants to further information regarding these topics?	OARRS is the Ohio Automated Rx Reporting System (OARRS)--Ohio's prescription monitoring program. ASAP is the American Society for Automation in Pharmacy. Successful applicants must register with ASAP in order to automate OARRS reporting. (3796:6-3-08; 3796:6-3-10)



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17	Is the 5000 character limitation placed on a Section in its entirety, or is it as to each individual Subsection where a written answer is requested? Does the 5000 character limitation include the spaces between words and paragraph breaks?	Responses within an individual large fillable box are limited to 5,000 characters, including spaces, unless otherwise noted. The response field will not accept more than 5,000 characters.
18	Would stating the owners are Ohio natives be considered identifying information that is not allowed to be included in the Operations Plan?	No, exclusively stating the owners are Ohio natives would not be considered identifying information.
19	After calling (877) 224-0043 we were directed to a BCI&I Forms Order Form PDF. On that form there are several types of forms which we can order. So, for each Prospective Key Employee, should we order one Ohio Criminal Fingerprint Card (Livescan) (Form #BCI-3-72) and one FBI Applicant Card (Form #FD-258)?	For questions related to the background check process, please see BCI&I's frequently asked questions, or call BCI at 877-224-0043.
20	Do we need to mail a \$22 check and a \$24 check with each individual's set of two fingerprint cards?	For questions related to the background check process, please see BCI&I's frequently asked questions , or call BCI at 877-224-0043.
21	According to 3796:6-2-03(B)(4), if the applicant is a LLC, then the members of the LLC are associated key employees. But what if the Applicant LLC has other LLCs or corporate entities as members? What if some of Applicant LLC's members own less than 10%--does that exempt them from being a prospective associated key employee?	If an LLC was created as a holding company, for example, each person who serves as an owner of that LLC must be listed in all questions asking for prospective associated key employees. The Board will then make a determination regarding whether individuals with less than a 10% ownership interest will be required to comply with the rules involving dispensary ownership.
22	Want to know where are the rules or laws to govern the type of entity that is legal to operate a dispensary and guidance for the accounting measure: Accrual vs Cash.	For more information, please visit http://www.medicalmarijuana.ohio.gov/dispensaries
23	Where could I find a current list of the cities that are banning or have a moratorium?	Local municipalities are not required to report zoning, including those related to medical marijuana entities, to the State Board of Pharmacy. Consequently, a list of cities that will allow dispensaries to operate is not a list maintained by Board. Contact your relevant zoning authority for more information.
24	Would a line of credit be considered liquid assets?	Yes. A line of credit is considered a liquid asset for purposes of a dispensary application.
25	Are there any restrictions on how many licenses you can apply for? Per district restriction?	There are no restrictions on how many applications an Applicant can submit. No more than 5 licenses will be awarded to one owner.
26	Are there residency restrictions? Is it required to be an Ohio state resident? Benefits to being a resident?	No. There is not a mandatory residency requirement unless applying as an Economically Disadvantaged Group.



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27	If an Applicant operates under one business name in other states, but has applied for a cultivator license in Ohio under a different business name, which name should be used in the dispensary application?	The Applicant should use the business name that will be used for the Ohio Dispensary License.
28	Does the Board of Pharmacy prefer any specific font, paragraph spacing, or text size for the application responses?	No, the board does not have a preference on font, paragraph spacing or text size, so long as responses are able to be easily read. Please note, however, that spaces count toward the character limits.
29	Are graphics, images, charts, tables, and graphs allowed to be included in our narrative responses? If so, how will they be factored into the character limit?	Narrative responses are text-only. Several questions include the option to attach an image or diagram. If an Applicant chooses to respond to such questions with an optional attachment, the diagram or image should be attached in PDF format and referenced in the narrative response.
30	Can applicants submit supplemental attachments, such as an employee manual or equipment specifications sheets in excess of the 5000 character limit?	Additional language responding to questions will not be considered, unless otherwise indicated in the application.
31	If an Applicant has submitted fingerprints for an Ohio background check within the past 12 months, is it necessary to submit another set of fingerprints for the Dispensary Application?	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 an updated background check request to BCI&I. See Section VI.E. of the Application Instructions for more information.
32	The instructions state that no more than 66% of available licenses in a dispensary district will be awarded to a single applicant. Does this mean that an Applicant cannot receive two licenses in a district with three available licenses?	Yes.
33	When will the Board release the names of Applicants who will be awarded provisional licenses?	The State Board of Pharmacy is committed to having an operational Program by September 2018. Provisional dispensary licenses will be awarded with sufficient time to meet this statutory deadline.
34	Do interior plans and specifications need to be architectural drawings and /or do the plans need to be stamped by the relevant local jurisdiction?	Architectural drawings with building codes are not required, however, site and facility plans should clearly set forth the design and layout of the proposed facility. It is not necessary for the plans to be stamped by the relevant jurisdiction.
35	Do the storage facilities needed in D-4.1 and D-4.3 need to be separate storage areas or can they be in the same area?	Yes, the storage facilities may be in the same area.
36	Would several accounts, which combined meet the requisite liquid capital amount, be acceptable?	Yes, this would meet the liquid asset requirement.
37	Will the Ohio Board of Pharmacy or other State of Ohio agency place a financial hold on the provided bank accounts (i.e. encumbering the funds during the OMMCP application period)?	No. The Board has no intention of placing any type of hold on the financial accounts of Applicants while applications are being evaluated.



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ID	Question	Response
38	Is the submission of fingerprints only required for individuals who actively participate in the business and have at least a ten percent ownership stake? As an example if we have board members who have no equity stake in the company are they required to submit finger prints?	Pursuant to section 3796.12 of the Revised Code and Rule 3796:6-2-07 of the Administrative Code, all Prospective Associated Key Employees, with at least a ten percent ownership interest in an Applicant, must submit fingerprints to the Ohio Bureau of Criminal Identification and Investigation (BCI&I) for a BCI&I and Federal Bureau of Investigation (FBI) criminal records check. Please note that the State Board of Pharmacy may require an owner or person who exercises substantial control over an Applicant to, but who has less than a ten percent ownership interest, to comply with statutory and regulatory ownership requirements.
39	When applying for a dispensary license, is location required when license application is submitted?	Yes, location is required when the license is submitted.
40	Can a licensed Ohio physician own and operate a medical marijuana dispensary if they do not have the authority to issue medical marijuana cards to patients? Can that owner/partner be employed by the dispensary to train/advise other employees on the dispensing of medical marijuana?	A physician with a certificate to recommend is prohibited from having an ownership interest in or a compensation agreement with an Applicant for a provisional dispensary license. Licensed professionals should consult with the relevant licensing body before engaging in medical marijuana-related activities.
41	Will question D-5.5 include an upload link to attach the requested sample product label?	Yes.
42	Is the Board going to specify which Patient Registry scanner applicants must use?	One patient registry scanner will be made available to each licensed dispensary. Additional scanners acquired by a dispensary must be approved by the Board to ensure compatibility with the Patient Registry.
43	Our building sits on two parcels that were never combined by the previous owners. Are we prohibited from applying with two parcels?	There is no prohibition against applying with two parcels so long as all relevant zoning requirements are met for each parcel.
44	If an applicant has already applied for a cultivation provisional license, but has not yet received a decision on its application, should it disclose the proposed address for the site in B-3.7.1 and B-3.8.1?	Yes, please provide the street address for submitted cultivator provisional license.
45	The application instructions list D-6.1 and D-6.2 as scored questions, but in the model application they are check boxes. Are D-6.8 and D-6.9 the actual scored questions in this section?	Yes. Updated instructions will be issued.
46	Should an applicant submit an identifying legend along with the non-identified responses? There is no legend form like there was for the cultivation application.	Responses should be crafted so that they can be understood without identifying information.
47	Is the list of non-identified responses provided in the revised application instructions exhaustive? (Section C-3, Question C-5.5, Operations Plan, Patient Care Plan)	Yes, the list of responses that should not include identifying information includes: Section C-3, Question C-5.5, Operations Plan (Section D), Patient Care Plan (Section E).



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ID	Question	Response
48	Are applicants required to have an Ohio Unemployment Compensation Account Number if they are not currently doing business in Ohio?	No, an Ohio Unemployment Compensation Account Number will need to be obtained during the provisional licensing period.
49	Should Applicants submit photos for Associated Key Employee licenses at the same time as the Dispensary Application?	Verification of identity must be submitted in response to Question A-6.24. Successful Applicants will also be asked to submit photographs of Associated Key Employees during the provisional licensing period.
50	Are Applicants limited, in their responses to C-6, to ONLY referencing the experience of Prospective Associated Key Employees, or may Applicants also reference the business history and experience of employees and consultants who may have been hired? And with respect to C-6.9, may the Applicant discuss the history of Prospective Associated Key Employees such as officers and board members who do NOT own an interest of ten percent or more in the Applicant?	As provided in the Application, responses to C-6 should be limited to the business history and experience of Prospective Associated Key Employees Responses to C-6.9 may include information related to Prospective Associated Key Employees with less than a 10% ownership interest.
51	Where should applicants using the BCI&I Request for Copy of Ohio Background Check form have their background check results sent? The form asks for a name and street address.	State of Ohio Board of Pharmacy, ATTN: MMMCP, 77 S. High Street, 17th Floor, Columbus, Ohio 43215
52	I understand that answers to questions are limited to 5,000 characters (unless otherwise indicated). This section, C-3.1, Business Start-up Plan, has six sub-sections: (1) security and surveillance, (2) employee qualifications and training, (3) storage of MMJ products, (4) inventory management, (5) record keeping, and (6) prevention of MMJ diversion. Is the entire section of C-3.1 limited to 5,000 characters, or is each of these sub-sections limited to 5,000 characters?	Responses within an individual large fillable box are limited to 5,000 characters, including spaces, unless otherwise noted. The response field will not accept more than 5,000 characters.
53	To what level of detail is the state requiring renovation plans and specifications needed to be developed? Does it need to be architectural drawings with building codes or can it be a schematic layout	Architectural drawings with building codes are not required, however, site and facility plans should clearly set forth the design and layout of the proposed facility.
54	Is there a specific form that should be attached to describe renovations or do we simply attach plans for the renovation? Are there any criteria we need to follow for the Renovation?	Applicants that will be renovating an existing space should attach plans for renovations in response to Question C-2.1b. All renovation plans should comply with chapter 3796 of the Revised Code and division 3796:6 of the Administrative Code.



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55	If a Prospective Associated Key Employee is an investor in a medical marijuana entity in another state, does that equate to “serving as an owner” within the meaning of question B-3.7 (or should that investment be answered just inside question B-3.8’s “financial interest” in another medical marijuana entity)?	If the Prospective Associated Key Employee is not considered an owner in the other jurisdiction, the individual should only respond in the affirmative to Question 3.8.
56	If the Applicant is an Ohio LLC, must each Member of the LLC answer questions directed to the “Applicant” in Sections A and B?	Each member should respond to all questions seeking information about individuals who are Prospective Associated Key Employees. “Applicant” refers to the business entity applying for a medical marijuana dispensary provisional license.
57	To comply with ORC Section 3796:6-2-02 and also Section C-5.5 of the Application, what is acceptable documentation from a financial institution to support / establish the \$250,000.00 minimum capital requirement?	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).
58	What is the definition of a “Prospective Associated Key Employee?”	“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.
59	Does the liquid capital requirement for expenses and costs in the first year assume an absence of revenue?	Yes. The liquid capital requirement assumes an absence of revenue.
60	In the event that an applicant that submits more than 5 successful applications, how will the board choose which 5 get awarded licenses?	By submitting more than five applications, an Applicant acknowledges that the Board, at its discretion, may award the Applicant’s provisional licenses in any of the dispensary districts in which it applied should the Applicant submit more than five Viable Applications. In determining where to award an Applicant’s licenses, the Board will consider geography and patient access to ensure maximum dispensary coverage across the state.
61	Related to zoning what is the technical definition of a dispensary? Does a Dispensary fall under permitted use as Medical Clinic or Office, Business or Professional use?	Refer to rule 3796:1-1-01(A)(13) of the Administrative Code for a definition of “dispensary.” Refer to the relevant local zoning authority for details related to permitted use of property.



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ID	Question	Response
62	If I understand correctly, the information provided in Section A relates strictly to the applying entity, which may own other entities, and therefore the entity name and business address within Section A do not necessarily correspond to the entity name and address of the proposed dispensary. The entity name and address of the proposed dispensary for each application are provided in Section C. Is my understanding here correct?	Yes.
63	If an entity will be applying for licenses in multiple districts, would the only information that differs between the multiple applications be that which is provided in Section C in relation to the physical address and building layout? In summary, does it make sense to submit the same application multiple times, with only Section C varying between them?	Questions A1-A4 are the only common questions that must be entered one time by each Applicant, regardless of the number applications the Applicant submits.
64	With respect to the liquid assets requirement of C-5.5, is the ability to convert assets to liquid assets within 30 days of such request still acceptable (OAC 3796:6-2-02(B)(4)(c)(i)) or does the applicant need to have at least \$250,000 sitting in a bank account? If the ability to convert still applies, would the applicant attach a redacted and unredacted copy of the provision in its governing documents demonstrating its ability to convert such assets to liquid assets within 30 days?	Yes, the ability to convert liquid assets within 30 days applies. A copy of the governing document illustrating the ability to convert assets into liquid assets within 30 days meets the requirement in Question C-5.5.
65	Is there a resource through the State that can help us determine if locations we are looking at are in legal guidelines when it comes to where their Dispensary building can be located?	Please refer to Ohio Revised Code section 3796.30(C) for a list of prohibited facilities and their definitions.
66	When can I apply for a provisional dispensary license?	On November 3, 2017, the State Board of Pharmacy will begin accepting medical marijuana dispensary applications at 8 a.m. ET. Applications and all related materials must be submitted electronically through a web-based application accessible at www.medicalmarijuana.ohio.gov/dispensaries . The Application submission period closes on November 17, 2017, at 2 p.m. ET.
67	When moving a dispensary license, are you able to move out of your quadrant, or only within your county?	A dispensary may relocate in the district where the dispensary is licensed.
68	Are additional tax documents required from Prospective Associated Key Employees who do not file taxes in Ohio and therefore will not have any tax records to release under the Tax Authorization form? Is any federal tax documentation required?	No additional documentation beyond that requested in the Application is required.



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ID	Question	Response
69	Please define "adverse events" for Section E-2.2.	In this context "adverse events" refers to those associated with the administration of medical marijuana.
70	Will the large fillable boxes for question responses in Sections C, D, and E be formattable with rich text enabled?	No. Large fillable boxes are plain-text only.
71	Where can I find a list of definitions of "Prohibited Facilities?"	Refer to section 3796.30(C) for a list of prohibited facilities and their definitions.
72	Are Applicants required to have a signed lease or location ownership of the dispensary location prior to submitting the application, or if it is acceptable to provide multiple locations that can be considered if the application is accepted.	Multiple proposed dispensary locations will not be acceptable. The specific location (including address) for the proposed dispensary will be required when submitting the application.
73	Is there a way to find out if the Ohio State Board of Pharmacy received a background check?	Applicants may contact BCI&I to check on the status of a background check.
74	The question says to attach verification of identity, but does not give a place on the Model Dispensary Application to do so. How do you submit the verification?	Applicants will be able to upload a PDF when the online application is available.
75	Can Fingerprints be submitted as an addendum after the application has been submitted?	All background check results must be received by the State Board of Pharmacy before dispensary provisional licenses are awarded; if they are not received prior to the award of provisional licenses, the application will be considered abandoned. The Board is not responsible for delays in receiving background checks or errors in submitting fingerprints. The Board recommends submitting fingerprints for BCI&I and FBI background checks as early as possible. For more detail regarding background checks refer to Section VI.E of the Application Instructions.
76	What steps is the Board taking to ensure private information like bank accounts and social security numbers are kept private since the application is public information?	The State Board of Pharmacy will redact information excluded from Ohio's Public Records Law before the applications are released.
77	Will the online application form allow for saving an in-process submission?	Applicants will be required to create a unique login and password to access the online application, so that the Applicant can update and save the application during the ten-day application submission period.
78	The Ohio Administrative Code 123:2-3-05 states that women shall be a minimum of 6.90% of contracts. Will women as owners be given any consideration in the evaluation?	The State Board of Pharmacy will award no less than 15% of licenses to Economically Disadvantaged Groups that meet the conditions set forth in section 3796.10 of the Revised Code.
79	Is a 'discount' a 'coupon'? 3796:6-3-22(f) says no coupons, but can we discount for groups?	Only patients who are registered with a veteran or indigent designation are intended to benefit from discounted product.
80	In 3796:6-3-19 says that a physician can certify training. Can that physician be licensed outside of Ohio?	The physician responsible for training content must be authorized to prescribe under division (I) of section 4729.01 of the Revised Code.



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ID	Question	Response
81	Will you consider supporting documentation, such as Standard Operating Manuals, etc?	Unless otherwise indicated in the application, additional language and supporting documentation responding to questions will not be considered.
82	May an Application be submitted prior to the finalization of investors?	All Prospective Associated Key Employees (PAKE) must be included when submitting the application.
83	Can we apply for two locations, hopefully near each other, and what are our limitations?	A single owner may be awarded no more than 5 provisional licenses. No more than 66% of available licenses in a dispensary district will be awarded to a single Applicant.
84	How should dispensaries handle cash in relation to their security plans since there no banking in Ohio yet? i.e., Does the Board envision that dispensaries will deal exclusively in cash transactions for the time being?	It is the Applicant's responsibility to develop appropriate security plans.
85	Will the same reviewers of the dispensary application review the entire application start to finish or only review specific sections leaving other sections of the same application to other reviewers?	The Evaluation Committee will be comprised of subject matter experts evaluating the sections in their respective subject fields.
86	In regards to edibles and the attractive to children rule, what type of candy is allowed? Please give us additional guidance.	Forms and form variations that are considered attractive to children are defined in rule 3796:8-2-03 of the Administrative Code.
87	What other services may be provided at a dispensary site?	Appropriate services that are not otherwise prohibited under division 3796:6 of the Administrative Code may be permitted. Licensed professional should consult with the relevant licensing body before engaging in medical marijuana-related activities.
88	For Question C-5.5, does the redacted version just need the identifying information redacted, or is a separately-submitted legend or key required similar to the cultivator license application?	Applicants will be required to submit both a redacted and unredacted copy of evidence from the financial institution. Only identifying information should be redacted from the redacted copy of the evidence submitted in response to Question C-5.5.
89	How will the dispensaries determine whether a patient is indigent?	Indigency status of a patient will be approved by the Board during the patient registration process.
90	Is Metrc the seed to sale inventory front-end system or only the system used to connect with the MMCP?	Metrc is the vendor selected by the state to operate the Inventory Tracking System defined under section 3796.07 of the Revised Code and 3796:1-1-01(A)(20) of the Administrative Code.
91	Will the dispensary reviewers have access to the cultivator applications?	The Dispensary Evaluation Committee will not be provided access to the cultivator applications.
92	What are considered to be medical marijuana devices?	Medical marijuana devices include items intended to assist in the administration of medical marijuana.



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ID	Question	Response
93	Is the "Operations Manual" as mentioned in the regulations the same thing as the Operations Plan in the application?	No. Applicants will be required to establish compliance with all relevant rules and regulations during the provisional licensing period, including the capacity to create and maintain an Operations Manual as provided in division 3796:6 of the Administrative Code.
94	Section E-3.1 requests building and construction plans that illustrate specific areas of the dispensary. However, the model application document shows that only a narrative response will be available for this question (no attachment). How should building and construction plans be included in this response?	Applicants will have the option of uploading a PDF containing diagrams and / or images in response to Question E-3.1.
95	The application instructions do not specify that identifying information must be removed from sections C-6.9 and C-4.1. May we include names, companies, and other identifying information in those sections?	Yes, identifying information may be included in responses to Questions C-4.1 and C-6.9.
96	May we include images in the narrative responses?	Images and diagrams should be attached in PDF format only in response to question where it is required or where the option is provided.
97	On the model application, section C-5 only provides enough room for information on one financial institution/account. Will the online application provide room to include multiple financial institutions/accounts?	Applicants will be able to provide information for multiple accounts and financial institutions.
98	Is a security floorplan required in the application?	Question D-2.2 requires that an Applicant submit a summary of security and surveillance equipment and measures in place at the proposed facility. An optional attachment will be available as a response to this question.
99	Can coupons be used for free or greater reduced medical marijuana for veterans or indigents	Free medical marijuana is prohibited under rule 3796:6-3-01 of the Administrative Code. Coupons may only be offered for the benefit of patients who are indigent or who are a veteran.
100	Please confirm that Diversity and Community plans are not required.	Diversity and Community Plans are not required as part of the Ohio Medical Marijuana Control Program Dispensary Application.
101	When the applicant, owners or prospective associated key employees need to provide a government issued identification, is a copy of another state's or foreign government's issued identification sufficient for non-Ohio residents?	State or other forms of government issued identification will suffice.
102	Is there any prohibition against a single dispensary buying exclusively from a single processor?	There is no prohibition against a single dispensary buying exclusively from a single processor.
103	Since the application will be submitted electronically, how should answers entered in the fillable boxes of the application, not an attachment, be marked "TRADE SECRET" or "SECURITY AND INFRASTRUCTURE?"	Mark the beginning of the response in a large fillable box with, "TRADE SECRET" or "SECURITY AND INFRASTRUCTURE" in all capital letters.



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104	What constitutes a trade secret?	Refer to section 1333.61(D) of the Revised Code for the definition of a trade secret.
105	Will tables or other formatting (bolding, bullets, etc.) be allowed in the fillable boxes of the application?	No. The large fillable boxes are text only.
106	How should the dispensary handle minor children who may accompany the patient or caregiver, e.g. patient, spouse, and child(ren) or just patient and child(ren)?	Each dispensary is responsible for developing a policy related to patient care.
107	In the scoring descriptions - what is meant by "relevant examples?"	Examples that would be relevant in supporting the Applicant's response to the question.
108	Ohio Administrative Code states that "a complete associated key employee application form" must be submitted with the dispensary license application, and can be found by visiting www.medicalmarijuana.ohio.gov . I cannot find this application anywhere on the site. Can you please direct me to the application, and confirm that this indeed must be submitted along with the Dispensary license application?	The following elements, incorporated into the Dispensary Application, meet this requirement: (1) Completion of Section A of the online Application; (2) The submission of fingerprints as instructed in Section VI.E of the Application Instructions; and (3) the submission of the Tax Authorization as instructed in Question A-6.25. Please note that additional documentation and remittal of the Associated Key Employee fee will be required during the provisional licensing period before an individual may be licensed as an Associated Key Employee.
109	In the Ohio Administrative Code 3796:6-2-02 section (6)(a) it asks that "each owner, officer, and board member of the proposed dispensary provide a signed and notarized attestation that he or she has not been convicted of a disqualifying offense and that the information provided to support the application to operate the dispensary is true and correct." Is there a form that you will provide the applicant owners/officers/board members, or is it the Applicant's responsibility to draft a document?	Questions in Section B-3 of the Application must be answered for each Prospective Associated Key Employee. The responses in Section B-3, together with the Attestation and Release Authorization Form, will satisfy the requirement set forth in rule 3796:6-2-02(6)(a) of the Administrative Code.
110	The Ohio Administrative Code 3796:6-2-02 section (6)(a) looks very much like the Attestation and Release Authorization form and form instructions from the Dispensary Application Model F-2.1; however, the form and application model instructs the Applicant to select a single individual to sign. Can you please clarify whether or not the Attestation and Release Authorization Form is a separate form and not related to 3796:6-2-02 (6)(a), and if it is related/the same, whether a single individual must sign, or as the code instructions, all owners, officers, and board members.	Questions in Section B-3 of the Application must be answered for each Prospective Associated Key Employee. The responses in Section B-3, together with the Attestation and Release Authorization Form, will satisfy the requirement set forth in rule 3796:6-2-02(6)(a) of the Administrative Code.



Ohio Medical Marijuana Control Program



ID	Question	Response
111	In the Dispensary Application Model Section C-6.4 to C-6.8 will the online application allow the Applicant to enter in multiple businesses and previous role information, or should the Applicant choose the most recent or most relevant business history information?	Responses to Questions C-6.4 to 6.8 may relate to the most relevant business experience within the past 5 years.
112	In the Ohio Administrative Code 3796:6-2-02 (2)(j) it instructs the Applicant to provide "a signed, notarized statement from the owner of such real property that the owner will grant a leasehold interest to the applicant if a provisional license is issued." Is there a specific form available that the Applicant may use, or shall the Applicant draft a statement for the property owner and Applicant to sign and notarize?	Although no specific form is being provided in order to provide evidence that the Applicant has a property interest in the real estate where the proposed dispensary will be located, Applicants will be required to provide one of the three options described in Question C-1.1.
113	Does "substantial control" include retained industry consultants?	Exercising control includes the power to influence management and operational decision-making.
114	B-3.7: Do we mark "yes" if a prospective key employee was an owner who submitted a cultivation application?	Yes.
115	What is the difference between questions C-3.1 and C-3.2?	Question C-3.1 requires Applicants to provide information related to the timeline. Question C-3.2 requires Applicants to summarize how the plan will comply with statutory and regulatory requirements.
116	Ohio has identified a deadline of September 8, 2018 for licensed dispensary to become operational. Would the State of Ohio extend the time frame if a licensed dispensary is in the process of getting local approvals but a decision on an application is pending?	September 8, 2018 is a statutory deadline that the Board has no authority to amend.
117	How many physicians will have opportunity to write prescriptions? What type of physicians will be able to write prescriptions?	Refer to chapter 4731-32 of the Administrative Code.
118	What is the tax structure for the dispensary itself? How is the consumer taxed on the medical marijuana products purchased?	That information is not available at this time.
119	Is there a State of Ohio enforced price control? Are the cultivators selling at a fixed price or it is determined by the market? Do the dispensaries have to sell at a fixed price or does the market determine the price?	The purchase price of medical marijuana will be market driven. Pursuant to rule 3796:6-3-15 of the Administrative Code, a dispensary shall make the price of medical marijuana publicly available.
120	Who assumes the liability of transport from the cultivators/processors to the dispensary; cultivators, processors, or dispensaries?	Pursuant to rule 3796:6-3-06 of the Administrative Code, a dispensary is prohibited from accepting a delivery of medical marijuana until it has been inspected for compliance with relevant packaging and labeling requirements.



Ohio Medical Marijuana Control Program



ID	Question	Response
121	Can a dispensary be located in the same building as a cultivator?	There is no prohibition against the co-location of a dispensary and cultivator. An entity must, however, comply with all relevant rules related to both cultivation facilities and to dispensaries.
122	In reference to OAC 3796:6-2-02(B)(10)(d) - do you want the actual education materials as an attachment? If so, won't that be considered identifiable material?	Any information provided in response to questions in Section E should have identifying information redacted. Attachments must be in PDF format and may contain images or diagrams. Additional text in an attachment responding to the question will not be considered.
123	Question C-5.5 - Do we need to show all financials which total to the amount of our anticipated first year operating costs we describe in response to C-3.1? Or does meeting the \$250,000 minimum suffice?	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.
124	Is the Applicant required to disclose information regarding expunged records under section B-3.9?	Applicants are required to report a record if it has been "sealed" as described in section 2925.23 of the Revised Code, or the equivalent thereof.
125	Are there any restrictions around visibility of the dispensary from the street? Do we need to restrict non-patients from being able to see inside the building in any way?	Refer to division 3796:6 of the Administrative Code for licensing and operational requirements related to dispensaries.
126	Will a notarized affidavit satisfy the evidentiary requirement in Question C-1.1c?	Yes.
127	Looking at the survey requirement in C-2.2: is the survey the Board has asked for one showing the boundaries proposed property where the facility is located? How should the survey be labeled to show there are no prohibited facilities or community addiction services providers within 500 feet? Are you taking the surveyors word for it?	Surveys submitted in response to Question C-2.2 must clearly illustrate that no prohibited facilities or community addiction services providers are located within a 500 foot radius of the external boundaries of the parcel on which the dispensary is situated. Representations made in the Application will be confirmed during the provisional licensing period.
128	Are there any specific personnel requirements (pharmacist or other personnel required to be on-site)?	There is no requirement that a pharmacist be on-site at a dispensary. For additional staffing requirements please see chapter 3796:6-3 of the Administrative Code.
129	Are there any limits to the hours of operation?	A dispensary must be open a minimum of 35 hours / week. Dispensaries may open no earlier than 7 a.m. and close no later than 9 p.m.
130	Outreach: Are there any guidelines/restrictions as it pertains to promotions or events?	Refer to division 3796:6 of the Administrative Code for licensing and operational requirements related to dispensaries.
131	Patient Privacy: Are there any guidelines/restrictions as it pertains to patient data collection and use beyond that of HIPAA?	Please refer to confidentiality provisions in Chapter 3796 of the Revised Code and Chapters 3796:6-3 and 3796:8-2 of the Administrative Code.



Ohio Medical Marijuana Control Program



ID	Question	Response
132	Do the Designated Representatives have to be identified as part of the Dispensary application process or just prior to receiving a Certificate to Operate for each Dispensary. When are the fees due for DRs?	While an Applicant is not prohibited from sharing specific plans related to its Designated Representative(s) in an Application, the Designated Representative is not required to be identified until the provisional licensing period. Fees for all Associated Key Employees and for any personnel who must be hired before a Certificate of Operation is issued will be due during the provisional licensing period.
133	In accordance with section C-5.5 of the application, the minimum liquid asset requirement is \$250,000. If an organization is submitting multiple applications for dispensaries, can the same \$250,000 be shown for each application, can the \$500,000 from Cultivation application be used, or does the organization need to show \$1,250,000 in liquid assets as proof of sustainability for 5 dispensaries?	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.
134	In instructions (p. 8) says that "in determining where to award an Applicant's licenses, the Board will consider geography and patient access to ensure maximum dispensary coverage across the state." How will the Board do this?	This instruction is in reference to Applicants with more than 5 successful Applications. The Board of Pharmacy will determine which 5 licenses are awarded to the successful Applicant in a manner that maximizes access to patients.
135	Will the Board of Pharmacy list or show the number of physicians that have received a certificate to recommend medical marijuana from the state medical board of Ohio, and if in fact a list does exist, where & when can the public access the number of names of Physicians that the state board has authorized to recommend treatment with medical marijuana?	No Certificates to Recommend have been issued by the State Medical Board. Such records would constitute records of the State Medical Board and not the State Board of Pharmacy.
136	Once a patient has received a diagnosis/confirmation of a qualifying condition from a certified recommending physician how will dispensaries be notified of the number or names of patients/caregivers eligible?	Dispensary employees will have access to the patient registry for purposes of verifying that an individual is authorized to purchase medical marijuana. Although the aggregate number of registered patients may be periodically published, to protect patient privacy, a comprehensive list of registered patients will not be available.
137	Would a drive -thru/drive up window disqualify or receive a negative scoring with regards to the facility planning for the on site infrastructure for a dispensary that would address security concerns or for any other reasoning?	Refer to chapter 3796:6-3 of the Administrative Code dispensary operational requirements and prohibitions.



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ID	Question	Response
138	Item C-5.5 requests an illustration that the Applicant has adequate liquid assets to cover all expenses and costs for the first year of operation as indicated in the dispensaries proposed Business Startup Plan. Is the illustration to include a detailed cost summary as outlined in 3796:6-2-02 or should it simply be an affirmation of liquidity?	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).
139	How will the applicable responses provided in item A-6.23, regarding the time Prospective Associated Key Employees who have maintained an Ohio residence, be factored in the scoring of an application?	Ohio residency is only a requirement for Applicants applying as Economically Disadvantaged Groups.
140	Do any other parts in Section C (the Business Plan) besides C-3 and C-5.5 need to be redacted/need to exclude identifying information?	No.
141	If during the application process, the Board concludes that an individual who is not an owner, officer or board member will exercise sufficient control to be considered a Associated Key Employee, will the Board notify the applicant and allow the applicant to supplement its application with fingerprints and identifying information for that individual?	Any individual with less than a 10% ownership interest in an Applicant, but who the Board determines must be licensed as an Associated Key Employee, will be notified of the Board's determination. Any additional information needed from the individual will be requested at that time.
142	Will improperly redacted trade secret information impact scoring?	No. Failure to properly redact, however, may cause delays in the evaluation of Applications and announcement of provisional license awards.
143	Can we have a public access area?	Refer to chapter 3796:6-3 of the Administrative Code.
144	What are the definitions of the limited access areas?	For purposes of the Dispensary Application, "limited access" is synonymous with "restricted access." Refer to rule 3796:6-1-01 of the Administrative Code for dispensary-specific definitions.
145	What are the product receiving requirements?	Refer to chapter 3796:6-3 of the Administrative Code.
146	When may a dispensary return products to a cultivator or processor?	Products are required to be returned if they do not comply with relevant labeling and packaging rules. Product recalls may also merit the return of products to a cultivator or processor.
147	What type of information is appropriate for an attachment? For example, for Section D-2 can we include security SOPs/narrative content	Attachments must be in PDF format and may contain images or diagrams. Additional text in an attachment responding to the question will not be considered.



Ohio Medical Marijuana Control Program



ID	Question	Response
148	Will access to major roadways be taken into account during the evaluation of applications?	Access to major roadways was one of the factors taken into account when the dispensary districts were developed. Proximity of a proposed location to major roadways will not be taken into account during evaluation.
149	How should an Applicant respond to Question D-10.1 if it only intends to dispense medical marijuana to patients and caregivers?	Because a response to Question D-10.1 is required, if an Applicant chooses not to provide any other services or products, then the Applicant should respond, "not applicable." Question D-10.1 is a scorable question and all scorable questions are equally weighted. Refer to Section VIII.C of the Application Instructions for more detail regarding the evaluation criteria. Appropriate services that are not otherwise prohibited under division 3796:6 of the Administrative Code may be permitted.
150	Does the designated representative for each proposed dispensary need to be a licensed medical professional?	A Designated Representative is not required to be a licensed medical professional.
151	Question/section C-2.2 what is acceptable evidence of "compliance with any local ordinances, rules, or regulations adopted by the locality"?	Citations to relevant local ordinances and copies of any required local registration, license or permit. If no relevant zoning restrictions have been enacted, provide a professionally prepared survey which demonstrates that the Applicant is not in violation of restrictions pertaining to prohibited facilities and is not located within 500 feet of a community addiction services provider as defined under section 5119.01 of the Revised Code.
152	Are pharmacists (that work at the dispensary) who are not owners, officers, directors, and who do not exert substantial control over the Applicant considered "Prospective Associated Key Employees"? If not, would pharmacists be considered "Associated Key Employees," "Key Employees," or neither?	Refer to rule 3796:6-1-01 of the Administrative Code for dispensary-specific definitions.
153	Can an applicant submit multiple applications with different ownership structures and financial interest allocations?	An Applicant may submit multiple applications with different ownership structures and financial interest allocations.
154	We have been informed that letters of support may be submitted. Where should an applicant submit letters of support?	Unless otherwise indicated attachments should only contain images or diagrams. Additional text in an attachment responding to the question will not be considered.
155	In the General Instructions under IV.A. & B. (second bullets), there will be "acknowledgements" that the State of Ohio does not assume liability for use or disclosure of unmarked/unclearly marked trade secrets or security and infrastructure information. Are these express or implied acknowledgments? There appears to be a "Trade Secrets Form" that serves as an express acknowledgement of non-liability, but there does not appear to be a similar form for Security and Infrastructure information in the application.	Refer to Question D-11.1.



Ohio Medical Marijuana Control Program



ID	Question	Response
156	<p>In Section D-6.9, the application states, "Please describe the Applicant's process, procedures and controls regarding a patient or caregiver's ability to return unused medical marijuana for the purpose of dispossession and destroying. Include, at a minimum, a description of: (1) How patients and caregivers will be charged for such returns; (2) How returns will be tracked; (3) How any returned medical marijuana will be secured at the facility; and (4) The maximum amount of time that returned medical marijuana will be stored at the facility." Can you please provide more specific requirements for satisfying this section of the application? If you are unable to provide specific guidance to support this section of the application, can you please direct us to portions of the Ohio Revised Code or Ohio Administrative Code that we may reference in order to determine the proper means of responding to your prompt?</p>	<p>Refer to rule 3796:6-3-14 of the Administrative Code.</p>
157	<p>In Section C-3.1, the application states "A business startup plan is required for all dispensary provisional license applications. The business startup plan must provide a comprehensive set of activities necessary for the startup of the facility within six months of receiving a provisional license. Provide a timeline describing the process, methods, or steps used to execute a compliant business startup plan that includes, at a minimum: (1) Security and surveillance; (2) Employee qualifications and training; (3) Storage of medical marijuana products; (4) Inventory management; (5) Recordkeeping; and (6) Prevention of medical marijuana diversion." Can you please provide more specific requirements for satisfying this language of the application? If you are unable to provide specific guidance to support this section of the application, can you please direct us to portions of the Ohio Revised Code or Ohio Administrative Code that we may reference in order to determine the proper means of responding to your prompt?</p>	<p>Refer to chapters 3796:6-2 and 3796:6-3 of the Administrative Code.</p>



Ohio Medical Marijuana Control Program



ID	Question	Response
158	Does the Applicant have to select its “Prospective Key Employees” before it submits its application? Does Section D-5.4 mandate that we identify a key employee for dispensary locations even though we don’t know whether and in which district the State Board of Pharmacy will award the Applicant a dispensary license?	Key Employees are not required to be identified at the time that a Dispensary Application is submitted.
159	According to a representative from BCI, the “Request for Copy of Ohio Background Check” form will only transmit Ohio BCI background checks from the last 12 months. Does this mean that a new FBI background check must be completed and submitted directly to the State Board of Pharmacy, even if the individual had an FBI check in the last 12 months?	For questions related to the background check process, please see BCI&I's frequently asked questions, or call BCI at 877-224-0043.
160	It is understood that the location area map provided must establish the facility is at least 500 feet from prohibited facility and from a community addiction services provider as defined under section 5119.01 of the revised code at the time of application; would a provisional license and/or final inspection and certificate of operation be impacted should a prohibited facility subsequently move to a location within the 500 feet limit?	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.
161	If Corporation A (Applicant) applies for a dispensary license, and the Applicant is owned in part by Corporation B, would the officers and/or board members of Corporation B, who do not have an equity interest in either Corporation A or B need to be identified as Prospective Associated Key Employees in the application?	If the officers and / or board members have the power to influence management and operational decision-making, they must be included. Note that Prospective Associated Key Employees are prohibited from having an ownership interest in more than 5 dispensaries. A failure to include all prospective associated key employees that results in a person having an ownership interest in more than 5 dispensaries may result in the revocation of a dispensary license.
162	I understand that Metrc does not have a “point of sale” component for sales made at dispensaries. Nevertheless, I understand that a number of commercially available point of sale programs are available that integrate with Metrc at the dispensary level. Will the Board of Pharmacy provide a list of approved point of sale systems to integrate with Metrc or is the decision as to which point of sale program to use left to the discretion of the licensed dispensaries?	A dispensary has discretion as to which point-of-sale system it will use so long as that system otherwise meets the requirements of chapter 3796:6-3 of the Administrative Code. See also Question D-5.1.



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ID	Question	Response
163	Does question B-3.8 require disclosure of an individual's ownership or financial interest in other entities concurrently submitting applications in Ohio for a provisional dispensary license?	Yes, an individual's ownership or financial interest in other entities concurrently submitting applications in Ohio should be included in responses to Question B-3.8.
164	Do current safe specifications exist?	Refer to chapter 3796:6-3 of the Administrative Code.
165	Regarding the required background checks, is any documentation required at the time of application submission to demonstrate that fingerprints have been submitted to the appropriate agency?	All background check results must be received by the State Board of Pharmacy before dispensary provisional licenses are awarded; if they are not received prior to the award of provisional licenses, the application will be considered abandoned. The Board is not responsible for delays in receiving background checks or errors in submitting fingerprints. The Board recommends submitting fingerprints for BCI&I and FBI background checks as early as possible.
166	Pursuant to OAC 3796:6-2-02(B)(2)(j), can "proof establishing that the applicant owns or controls through a leasehold interest in all real property where marijuana will be dispensed" be demonstrated by a signed letter of intent and/or an option to lease real property, and if so, is there any weighting given to the form an applicant uses to secure the interest in real property (i.e., letter of intent, option, lease, or notarized statement from the owner of such real property that the owner will grant a leasehold interest to the applicant if a provisional license is issued)?	Yes, a signed letter of intent and / or an option to lease real property would satisfy the request in C-1.1. Question C-1.1. is not a scorable question.
167	Pursuant to OAC 3796:6-2-02(B)(4)(c)(i), can an INVESTOR's bank account statements be used as documentation demonstrating that "the APPLICANT has adequate liquid assets to cover all expenses and costs of the first year of operation for all licenses the applicant is willing to accept" and if so, does the investor need to sign a written pledge that the funds will be committed to the applicant, and do the investor's bank statements constitute evidence of the source of the applicant's funds under OAC 3796:6-2-02(B)(4)(c)(ii)?	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.
168	Is an executed purchase agreement with a closing date after the application deadline acceptable as evidence of Applicant's control of a location to operate the dispensary?	Yes.



Ohio Medical Marijuana Control Program



ID	Question	Response
169	Does an option to lease contingent upon award of a provisional license satisfy the "other evidence" threshold; and does the landlord need to sign/notarize a statement for the same?	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.
170	Is a binding letter of intent to purchase or lease acceptable evidence of proof of Applicant's ability to operate a dispensary at a certain location?	Yes. A binding letter of intent to purchase or lease is acceptable evidence of proof of the Applicant's ability to operate a dispensary at a certain location so long as the document bears both the owner's signature and the signature of an individual with legal authority to sign on behalf of the Applicant.
171	If Applicant has a related entity holding its real estate assets, is evidence of that entity's affiliation with Applicant sufficient or would a lease between the related entity and Applicant also be required?	A lease between the related entity and the Applicant should be submitted.
172	Do questions pertaining to the "Applicant" refer to the entity applying, or to each individual who has an ownership interest (regardless of percentage) in Applicant's entity?	"Applicant" refers to the business entity applying for a medical marijuana dispensary provisional license.
173	Should drawings include video/surveillance details?	Drawings may include video / surveillance details where relevant. Applicants should take care to appropriately mark all documents and responses that contain security and infrastructure records.
174	While ALL Prospective Associated Key Employees (PAKEs) who are members of an advisory board must complete Questions A6, B3, and C6 of the application, is it correct that ONLY those PAKEs with 10% ownership or more must be fingerprinted and have FBI/BCI checks done?	Yes. Any individual with less than a 10% ownership interest in an Applicant, but who the Board determines must be licensed as an Associated Key Employee, will be notified of the Board's determination. Notified individuals will be required to submit background check information at that time.
175	Will the application have a save as draft function (i.e., can it be walked away from for a period of time and returned to hours or days later)?	Yes.
176	Will the Board penalize applicants for including narratives regarding individuals who will exercise substantial control, but who do not own ten percent of the applicant, for Question C-6.9? The instructions state that "for purposes of this application," such individuals should be included, but question C-6.9 itself expressly refers to individuals owning 10% or more.	An Applicant should include information that it determines is relevant to answering the question.
177	Must a single applicant applying for both a dispensary license and a processor license meet the requirements for adequate liquid assets for both operations (ie, no less than \$250,000.00 for the dispensary and no less than \$250,000.00 for the processing facility)?	Yes. 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 medical marijuana entity location.



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ID	Question	Response
178	Is the Board going to limit the number of dispensaries they will award to one applicant in a certain geographic area?	A single owner may be awarded no more than five provisional licenses. No more than 66% of available licenses in a dispensary district will be awarded to a single Applicant.
179	Will the Board look favorably or unfavorably on the idea of granting one applicant a large part of a market share in a single region (e.g. 3 of the 5 dispensaries in Franklin County being given to one applicant)?	A single owner may be awarded no more than five provisional licenses. No more than 66% of available licenses in a dispensary district will be awarded to a single Applicant.
180	If an entity submits more than five applications, will the Board allow applicants to list an order of preference from those multiple applications?	By submitting more than five applications, an Applicant acknowledges that the Board, at its discretion, may award the Applicant's provisional licenses in any of the dispensary districts in which it applied should the Applicant submit more than five Viable Applications. In determining where to award an Applicant's licenses, the Board will consider geography and patient access to ensure maximum dispensary coverage across the state. Applicants will not be allowed to list an order of preference.
181	Does the proof of financial assets sufficient to operate the dispensary need to be in the name of the Applicant or can it be in the name of a member (or a member of a member)?	Either is acceptable.
182	Will the Board of Pharmacy view vertical integration with cultivation and processing as a neutral attribute in considering the dispensary business and operational models?	Cultivation and Processing license awardees will not impact a dispensary Applicant.
183	If an applicant for dispensary license(s) has been notified before application submission of being awarded a license to cultivate in Ohio, is it considered identifiable information to reference this in the Business Startup Plan (C-3.1, C-3.2) and Operations Plan?	Any material that would reveal, or cause to reveal, the identity of the Applicant is considered identifying information.
184	Does "employ" in OAC 3796:6-2-04(E)(2) mean a paid employee of the business, or does it automatically include owners, even those who are not actively involved with, have control or influence over the operations of the business?	"Employ," refers to all Dispensary Employees, including Associated Key Employees.
185	OAC 3796:6-2-11 requires applicant to establish and maintain an escrow or surety bond in an Ohio financial institution; will the Board of Pharmacy publish a list of approved vendors? And if owners are submitting multiple applications for various dispensary locations, is one escrow account or surety bond adequate to cover all applications, or will a separate one be required for each application?	A list of approved vendors for an escrow or surety bond will not be published by the Board. Please note that after receiving notice of a provisional license award but before final inspection, a surety bond will need to be established for each provisional dispensary license before a certificate of operation is issued.



Ohio Medical Marijuana Control Program



ID	Question	Response
186	In the Instructions under Part VI(D), the Board specified 3 sections of the application which must omit personal identifying information (ie, Section B-3; Questions B-5.5; all sections of the Operations Plan; and all sections of the Patient Care Plan). However, Section B-3 specifically asks for identifying information (eg, name, role, position/title, etc. of each prospective employee, and Question B-5.5 does not exist. Could you please clarify the questions/sections that require redaction of personal identifying information.	Updated instructions have been published to correct this typo.
187	In the Instructions under Part VIII(B), the Board states that no more than 66% of available licenses in a dispensary district may be awarded to a single applicant. Notably, many dispensary districts are awarded a single license. Did the Board mean dispensary "region" as opposed to "district"?	Although several districts have only a single license to be awarded, many have more than one. It is understood then that no more than 66% of available licenses in districts with multiple licenses to be awarded will go to one Applicant.
188	Both Questions B-3.7 and B-3.8 appear to ask for the same information related to ownership in another medical marijuana entity (among other requests). Does the Board want ownership related information twice?	Question B-3.7 asks for officer, board member, and owner history. Question B-3.8 asks for information about individuals who have had a financial interest in other medical marijuana entities. While these may overlap, these questions discrete pieces of information.
189	For question C-4.1, what are you looking for when you say "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.
190	For question C-4.1, can we submit a narrative, attachment, or both? Instructions say it is one or the other, but C-4.1 calls for both in the example.	Question C-4.1 requires that a narrative as well as a diagram or image of a Table of Organization and Control. Both responses must include all Prospective Associated Key Employees listed in Question A-6.
191	What building codes should be followed for the Infrastructure Record?	Question D-11.1 refers to an express statement that must be made by Applicants in order to exempt related records from Ohio Public Records Law.
192	Could you further define what "[e]xercising control includes the power to influence management and operational decision-making," means and what process the state will use for making these determinations?	Any individual who exercises control over the proposed dispensary should be included as a Prospective Associated Key Employee. The Board will then make the fact-specific determination regarding whether individuals with less than a 10% ownership interest will be required to comply with the rules involving dispensary ownership.
193	How large must the team be for the app?	The Board has no opinion regarding the number of individuals responsible for submitting an application.



Ohio Medical Marijuana Control Program



ID	Question	Response
194	D-5.4, Says a dispensary key employee and one other must be present when a dispensary is open for sale. Does the applicant need to have general managers identified as part of this submission?	Only Prospective Associated Key Employees must be identified at the time that an application is submitted. The Board will require additional employees to be identified during the provisional licensing period.
195	D-9.2, What does "attendance logs" mean?	"Attendance logs" refers to documentation of who was present and when.
196	Can you define 'critical systems' better as used in the app/instructions?	Refer to section 149.433 of the Ohio Revised Code.
197	Section C-2.1 and Section E-3.1: These sections of the application request applicants to submit "plans and specifications" (C-2.1) and "building and construction plans with supporting details" (E-3.1). Is the intent here to submit two separate sets of plans related to the proposed site or is E-3 largely a repeat of C-2? Does the board have guidance on the types of documentation that should be submitted for each section (e.g., floor plan, site plan, elevation plans, renderings, mechanical plans, etc.). Also, is there a limit to the number of pages that can be submitted as the attachments for these sections?	Applicants are instructed to attach relevant images and / or diagrams where appropriate. Each attachment must be in PDF format and cannot exceed 10 megabytes.
198	Section D-5.3: This question references the use of "patient registry scanners." Is this a device specific to using the state's inventory tracking system or are you simply asking the number of card scanners stationed throughout the facility?	The Board is interested in learning how many scanners for scanning patient registry cards each licensed dispensary anticipates using.
199	Regarding Question B-3.20, if an individual was named in a lawsuit in their capacity as a Board of Director or C-level executive of a company, must this civil or administrative action be listed or does this question refer to actions against the individual directly where such action related to their profession or occupation, such as an action against a physician for malpractice?	Yes, this action should be listed in response to Question B-3.20.



Ohio Medical Marijuana Control Program



ID	Question	Response
200	3796:6-3-05(D)(1) states "A designated representative for a licensed dispensary shall be responsible for: (1) Oversight of the delivery and receipt of medical marijuana and medical marijuana products to a dispensary." But 3796:6-3-06(B) states "Before accepting a delivery of medical marijuana, a dispensary key employee must inspect and acknowledge that the delivery meets relevant packaging and labeling requirements." Must the one designated representative receive all deliveries or can any key employee do so?	A Key Employee must be physically present for all deliveries of medical marijuana.
201	Are Dispensary Key Employees the same as Prospective Associated Key Employees (PAKEs)?	No. Refer to rule 3796:6-1-01 of the Administrative Code.
202	Are there marketing guidelines	Refer to rule 3796:6-3-24 of the Administrative Code.
203	Due to the substantial difficulties that medical marijuana businesses have with maintaining accounts with financial institutions and securing bonds, will the state of Ohio waive any or all of the requirements of 3796:6-2-11 if the applicant provides sufficient evidence that it has set aside funds to secure its obligations? For example, may the applicant establish and maintain an escrow account in the amount of \$50,000 with a duly licensed financial institution in a U.S. jurisdiction outside of Ohio? May the applicant place \$50,000 in trust with a licensed Ohio attorney with instructions to pay the State of Ohio under such terms that are acceptable to the state?	No. The requirement is that the institution be an Ohio financial institution.
204	Regarding returns of medical marijuana to a dispensary for disposal and destruction. Will a dispensary be allowed and/or obligated to accept returns in the following examples? 1. The product was purchased at another Ohio licensed dispensary. 2. The product is no longer in its original packaging and cannot be identified. 2. The product is no longer in its original packaging and cannot be identified. 3. The person returning is not a registered patient/caregiver in Ohio. 4. The dispensary employee has reason to believe it is "black market" marijuana.	A dispensary may offer as a service to its patients and caregivers, the ability to return unused medical marijuana for purposes of destroying the medical marijuana so long as the return and destruction are tracked in the State Inventory Tracking System. Such services are not mandatory.



Ohio Medical Marijuana Control Program



ID	Question	Response
205	Could you better explain what you are looking for in C-3.2? Are you looking for how the dispensary's policies and procedures will comply with the statutory and regulatory requirements and for the continuance of operations in each of the 6 stated areas?	Responses should include a description of how the dispensary operation will comply with the statutory and regulatory requirements and for the continuance of operations in each of the 6 stated areas in Question C-3.2.
206	Per 3796:6-2-04(G)(2)(a), will provisional licenses be issued merely on the basis of numerical scoring or will additional factors relative to the Applicant's full identity be considered? Reason being, if two Applicants receive the two highest scores for a District but their sites happen to sit next door to one another, how will the state handle the geographical downside and negative effect on patient access?	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.
207	Per 3796:6-2-02(B)(4), can proof of funding come in the form of a commitment to lend from a non-institutional, private lender?	Yes. The private lender, however, should be included as a Prospective Associated Key Employee in the Application.
208	Also, will a convertibility clause in the financial instrument lending the funds be considered a financial interest.	If the repayment terms of the loans include a share of the dispensary's profits in lieu of a fixed interest rate, yes. If not, no.
209	For question D-4.1, returned medical marijuana is not listed. Is returned the same as recalled?	The list of items provided in Question D-4.1 includes items that may be returned.
210	For question C-5.5, should Applicants provide redacted or an unredacted copies of records from financial institutions?	Applicants should submit two separate attachments--one redacted copy and one unredacted copy.
211	For fillable box responses with lists in the prompt: Does completing only listed requirements net a score less than the total score of the section? Or is it possible to receive full points for only completing listed elements? (For example, the timeline.)	A response should provide sufficient information regarding the question to which it is responding.
212	How does the patient certification process work? Will it be more like the process Illinois has in place or more like the process New York has in place? Are product recommendations made by dispensary staff or is there a physician recommendation?	Refer to division 3796:7 of the Administrative Code for more information on the registration of patients and caregivers.
213	What is the state compliance system?	The State Inventory Tracking System (Seed-to-Sale) is Metrc. The State Prescription Monitoring Program is the Ohio Automated Rx Reporting System (OARRS).
214	Are there any additional dispensary labeling requirements?	Refer to rule 3796:6-3-09 of the Administrative Code.



Ohio Medical Marijuana Control Program



ID	Question	Response
215	If I want to do a complete build out, and it is not ready to open by September 8th 2018 is that ok?	If an applicant has been awarded a provisional license and has not commenced operation of such facility within one hundred eighty calendar days of being notified of the provisional license award, the board may, in its discretion, rescind such provisional license, unless the delay was caused by a force majeure.
216	I suppose this applies to any question which has both a 5000 character text box and optional attachments, but I'll use D-2.2 as an example. Say we wanted to provide a floorplan with video camera locations overlaid on it. I understand that the filename should be something like D-2.2_Camera Map.pdf. However, how should we cite to these supplemental attachments, if at all, in our character-limited summary?	References to attached documents may be made in the narrative response to a question.
217	Will the board be providing applicants with a specific form for property owners to sign granting permission for use as a medical marijuana organization, similarly to the cultivation application?	No. See Question C-1.1 of the Application for more information on appropriate documentation.
218	The instructions state that contacting the control program after Q&A period 2 closes could result in disqualification of applicants. Can you provide clarification as to what would constitute an outright dismissal if there was a direct phone call inquiry to the Ohio Control Program?	After the conclusion of the second Q&A period, any attempt on the part of the Applicant, the Applicant's agent(s), or any party representing the Applicant, to initiate any communication that is not solicited by the Board as part of the evaluation process or any attempt to communicate with any member of the State regarding the evaluation process may be grounds for disqualification of the Applicant.
219	Is the Board of pharmacy working in concert with the Department Of Commerce to help guide them when it comes down to the relevance or weight of dispensary's exact geographic locations to the overall equation of being awarded a dispensary license? So is dead middle of a district, which would be better for patient accessibility, weigh better the any where else in a district if all any locations are equivalent in other regards such as overall safety, parking etc.	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. Moreover, Access to major roadways was one of the factors taken into account when the dispensary districts were developed. Proximity of a proposed location to major roadways will not be taken into account during evaluation.
220	Out of state background checks may take up to eight weeks per instructions, how will that affect the application submission? Can those checks be submitted after application submission?	All background check results must be received by the State Board of Pharmacy before dispensary provisional licenses are awarded; if they are not received prior to the award of provisional licenses, the application will be considered abandoned. The Board is not responsible for delays in receiving background checks or errors in submitting fingerprints. The Board recommends submitting fingerprints for BC1&I and FBI background checks as early as possible.



Ohio Medical Marijuana Control Program



ID	Question	Response
221	Section C-5 of sample application refers to a financial plan. Are the requirements for a financial plan wholly stated in C-5.1 to C-5.5 of the application and OAC 3796:6-2-02(B)(4) and OAC 3796:6-2-02(B)(10)(a) ?	Questions in C-5 refers to capital requirements. It does not detail requirements for a financial plan.
222	For Question C-5.5 - Is there a character/page limit for the attachment, beyond the 10MB size limit?	No.
223	E-2.1, What constitutes a qualified (or unqualified) source of training materials?	Refer to rule 3796:6-3-19 of the Administrative Code.
224	Will our application get rejected if we don't think that someone has the power to influence management and operational decision-making but the state disagrees? Or, will you give us an opportunity to respond if that is the way the state decides?	A failure to include all prospective associated key employees could result in the revocation of a dispensary license. Applicants are advised to err on the side of caution and to include all persons who may be considered a Prospective Associated Key Employee.
225	Does the ACH have to clear or just be placed before EOD Nov. 17th in order for an application to be considered "submitted?"	The \$5,000 application fee is must be submitted not later than 2 p.m. on November 17, 2017. Failure of the ACH to clear may result in an Application being deemed abandoned.
226	Will a public restroom be required? Will it be allowed?	Refer to division 3796:6 of the Administrative Code for information on who may access dispensaries.
227	Is there a recommended size/dimensions of the vault?	No.
228	Could we get confirmation on the percentage of economically disadvantage dispensaries that will be approved and a definition of "economically disadvantaged"?	The State Board of Pharmacy will award no less than 15% of licenses to Economically Disadvantaged Groups that meet the conditions set forth in section 3796.10 of the Revised Code.
229	Optimally, how many key employees is the committee looking for? How many non-key employees?	The State Board of Pharmacy does not have an opinion on this subject so long as the Applicant can meet the staffing requirements set forth in division 3796:6 of the Administrative Code.
230	If an applicant has \$300,000 in liquid assets, what number on the point scale (6, 8, or 10) would that be considered?	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.
231	How will the dispensaries receive the product? Will it be delivered from the processors or will the dispensaries need to attain it in another fashion?	Only processors and cultivators with a processor-only designation are authorized to transport medical marijuana for commercial purposes.
232	Is it suggested to have 24 hour security at the dispensary? Should the security guard during business hours be armed?	It is the responsibility of each dispensary to develop its own security plan.
233	Section a-6.22 asks race if you are applying as economically disadvantaged, however, there is not a section for minorities that are not economically disadvantaged. How will the proper percentage of dispensaries go to minorities?	Please review the conditions set forth in section 3796.10 of the Revised Code.



Ohio Medical Marijuana Control Program



ID	Question	Response
234	What percentage of dispensary ownership does a minority need to be to be considered one of the minority owned dispensaries.	At least fifty-one per cent of the business, including corporate stock if a corporation, must be owned by persons who belong to one or more of the groups set forth in division 3796.10(C) of the Revised Code, and those owners must have control over the management and day-to-day operations of the business and an interest in the capital, assets, and profits and losses of the business proportionate to their percentage of ownership.
235	I didn't see in the application where any additional points would be given to someone who is a resident of Ohio, is that considered irrelevant?	There is not a mandatory residency requirement unless applying as an Economically Disadvantaged Group.
236	What is the optimal square footage the committee is looking for a dispensary? Is there a minimum or maximum?	There is no minimum or maximum square footage established for a dispensary.
237	All four of my grandparents and both parents were born in Lebanon which is located in Asia. For the application purposes, is someone who is 100% Lebanese considered Asian?	Please review the conditions set forth in section 3796.10 of the Revised Code and rule 3796:6-2-04 of the Administrative Code.
238	Can a licensed pharmacist who owns his own pharmacy also be an employee of a dispensary?	A pharmacist who engages in lawful conduct under Ohio's Medical Marijuana Control Program will not be subject to discipline by the Board.
239	How many consultation areas are required? Do the consultation areas need to be secured and private?	There is no requirement that a dispensary have a designated consultation area.
240	For persons who need to provide tax documentation and have global interests, if any tax documentation is not in English, is it necessary for us to provide a certified translation?	Yes.
241	Is there a cost associated with the use of a credit card to pay the application fee?	Yes. A 3% transaction fee will be charged if a credit card is used to pay the Application fee.
242	The size restrictions for each individual question is specified as 10MB. For sections A-6.1-A-6.24, which will need to be completed by every person with equity interest or significant control over daily operations, should applicants be submitting each individual's information (uploaded passport, etc.) as separate files (for example A-6.13_Contributions-JaneDoe.pdf, A-6.13_Contributions-BobJones.pdf), or would the department prefer we submit all of them together (for example A-6.13_Contributions.pdf), and have all team members contributions of money/expertise submitted as a large file? This question also applies to B-3.1 - B-3.22.	Applicants will have the ability to attach each individual's information as separate files.



Ohio Medical Marijuana Control Program



ID	Question	Response
243	Is the key employee able to carry a weapon if they have their CCW? Are the other employees allowed to carry a weapon if they have their CCW?	Rules promulgated by the State Board of Pharmacy under chapter 3796 of the Revised Code do not prohibit employees from carrying a weapon if they have a CCW. Applicants should consult with a legal professional for more information regarding carrying weapons at a dispensary.
244	Is there going to be a closed loop system for funds that come in and out of the dispensary? Will this be available by September 2018?	Closed loop systems are being evaluated and it is uncertain whether they will be required.
245	Would funds in a Canadian financial institution satisfy the requirements for \$250,000 minimum, or does it have to be a US bank?	This question is under consideration and a response will be provided in the second round of Questions and Answers.
246	Do funds in a bank headquartered outside of the US but with at least one branch in the US qualify for the \$250,000 liquid asset requirement in question C-5.5?	This question is under consideration and a response will be provided in the second round of Questions and Answers.
247	C-2.2 provides: ...If no relevant zoning restrictions have been enacted, provide a professionally prepared survey which demonstrates that the Applicant is not in violation of restrictions pertaining to prohibited facilities and is not located within 500 feet of a community addiction services provider as defined under section 5119.01 of the Revised Code. What is a "relevant zoning restriction"? Is it any zoning regulation addressing medical marijuana dispensaries? Does the regulation need to specify the 500 feet requirements as established in Ohio Admin. Code 3796:5-5-01? Does a use variance constitute a relevant zoning restriction? I'm unsure when the survey is required versus when the zoning form is sufficient.	This question is under consideration and a response will be provided in the second round of Questions and Answers.
248	What is considered a professionally prepared survey, if in Columbus and no restrictions are in place? Wouldn't a location area map provide proof of the 500 feet requirement from a prohibited facility?	This question is under consideration and a response will be provided in the second round of Questions and Answers.
249	If a property is in the process of being appropriately rezoned at the time of application, is this considered to be "planned in accordance with all local zoning laws"?	This question is under consideration and a response will be provided in the second round of Questions and Answers.
250	Looking at the permit requirement in C-2.2: do you want copies of any relevant permit applications or is the applicant supposed to apply for building permits prior to submitting the application and provide the approved permits?	This question is under consideration and a response will be provided in the second round of Questions and Answers.



Ohio Medical Marijuana Control Program



ID	Question	Response
251	Beyond the Notice of Proper Zoning Form provided by the board, will additional evidence be required at the time of application to indicate that that the specific municipality will allow the use of the location for a medical dispensary operation?	This question is under consideration and a response will be provided in the second round of Questions and Answers.
252	If no formal registration, license or permit is required or available from a municipality, what form of evidence may be submitted and is sufficient to confirm that an Applicant is in compliance with local ordinances, rules or regulations adopted by the locality where the Applicant's property is located, as required in response to question C-2.2?	This question is under consideration and a response will be provided in the second round of Questions and Answers.
253	If a holding company wants to apply for licenses for five wholly-owned subsidiaries with identical ownership structures, would the holding company be allowed to form the subsidiaries if and when they obtain their licenses instead of at the time of the applications?	This question is under consideration and a response will be provided in the second round of Questions and Answers.
254	Does "no relevant zoning restrictions" and subsequent requirement for a survey relate to a lack of marijuana specific rules or does it refer to a general lack of zoning rules in the planned location?	This question is under consideration and a response will be provided in the second round of Questions and Answers.
255	Regarding Question C-2.2, what must an applicant provide in the case of a locality where a local ordinance, rule or regulation is pending finalization/approval? Must the applicant still provide a professionally prepared survey? Please provide some examples of what type of "evidence" the applicant may submit to prove compliance with any such local ordinances, rules or regulations.	This question is under consideration and a response will be provided in the second round of Questions and Answers.
256	Per 3796:6-2-02(B)(4)(c)(i), is it possible for an applicant to submit multiple applications knowing it is only "willing to accept" just one provisional license?	This question is under consideration and a response will be provided in the second round of Questions and Answers.
257	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?	This question is under consideration and a response will be provided in the second round of Questions and Answers.