



Ohio Department of Commerce Medical Marijuana Control Program

MMCP Testing Lab Provisional License Application FAQs	
Questions	Answers
What does "awarding provisional licenses on a rolling basis" mean? Previously when the application opened in 2017 it was closed in two weeks. Since there is not a limit on the number of labs that the State will license does that mean the application period will remain open through October as the website states?	Applications will be reviewed as they are submitted. However, this does not mean the first application submitted will necessarily be the first provisional license announced. Application review times can vary depending on many different factors. Once the application portal becomes available, the application period will be open for approximately two months.
How many new testing labs will the Department license in this round?	The Ohio Administrative Code does not place a limit on the number of testing laboratory licenses that the Department may issue.
When will the Department announce the provisional license awardees?	Provisional licenses will be announced on a rolling basis. This means once the review of an application is completed, the decision will be announced.
Are Public universities or public/private collaborative efforts permitted as applicants?	Yes.
What is expected timing for application review and decision notification after submission?	Due to several review variables, including background check requirements, the MMCP cannot set a timeline.
Form C: Is the Owners and Officers Roster able to be considered as a Trade Secret	The MMCP cannot make a pre-determination on what is or isn't a trade secret. In general, applications for testing laboratory licenses are subject to disclosure pursuant to the Ohio Revised Code sections covering public records and trade secrets. Applicants should familiarize themselves with these rules prior to submitting their application.
Form L: This applies only to jurisdictions that Owners and Officers were subject to <i>personal</i> taxation over the last five years and whether they were compliant, correct	Ohio Admin. Code 3796:4-1-02(B)(5)(e) requires a "record of tax payments in the form of tax summary pages for individuals and businesses at the state and federal level in this state and in all jurisdictions in which an applicant has operated as a business and for every person with a financial interest of one per cent or greater in the applicant for the five years before the filing of the application, unless the department determines that documentation should be submitted for all individuals and entities." On form L, the MMCP requires individuals to identify



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	compliance with all tax jurisdictions the applicant and/or the owners/officers have done business.
What criteria will be used to evaluate the business model particularly the demonstration of likelihood of success and sufficient business ability?	Please refer to the “Review Process and Evaluation Criteria” document found here . The business model will be evaluated according to the criteria established in the document.
Section 3, Question 7: Can applicants list multiple pieces of equipment and/or Method for an individual Test/Category? If the applicant is awarded a provisional license, can the entity adapt it's equipment selection and/or methodology to reflect improvements in technology/knowledge between provisional and operational licensing?	Yes. The applicant can list multiple pieces of equipment and/or methods for an individual test or category. The applicant can also adapt its equipment and methodology to reflect improvements in technology. Please keep in mind the Ohio Admin. Code provides testing method requirements and provisional licensees will be required to adhere to the regulations.
Can a lab facility be leased on a large multi-tenant/multi-acre site, where a processor already exists (albeit with completely separate access control/owners/operators, etc.)?	The rules do not prohibit a testing laboratory from being located on the same parcel as a processor. However, the applicant should review Ohio Admin. Code rules that regulate facility security, ownership prohibitions, and financial interests. For example, individuals who have an investment interest in a cultivator or processor are prohibited from also having a financial interest in a licensed testing laboratory.
How long after a successful application does the applicant have to become fully equipped and operational?	Ohio Admin. Code 3796:4-1-06(B) requires provisional licenses to meet “all of the specifications in the application and passed all applicable inspections under rule 3796:4-3-01 of the Administrative Code within six months of written or electronic notification of the applicant's selection.”
Does the Dept keep a list of locations with moratoriums/bans?	No. The applicant must complete attestations in the application identifying they are compliant with all local regulations.
Can an out-of-state licensed CPA be used to certify the applicant meets the liquidation requirements?	Yes. Please see the updated application language on Form B.
To submit the application, we have not secured a lease or purchased equipment as this is a significant expense without any	Ohio Admin. Code 3796:4-01-02(B)(2)(i) requires applicants to own property, execute a lease, or secure the ability to purchase or lease



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<p>assurance of the issuance of the license. Is this a problem as securing a lease and the 1.5m in equipment would cause undue hardship if we were unable to be granted the license.</p>	<p>the property. Additionally, the applicant must demonstrate its compliance with Ohio Admin. Code 3796:4-1-02(B)(2)(j) and 3796:4-1-03(A)(3) which prohibits the facility from being located within 500 feet of a “school, church, public library, public playground, or public park.” Generally, it is unlikely an applicant can amend its location after being awarded a provisional license.</p> <p>The applicant does not have to purchase equipment prior to receiving a provisional license. However, a provisional license must demonstrate compliance with Ohio Admin. Code and adhere to application specifications in order to receive a certificate of operation. This means equipment must be available for inspection in order to receive a certificate of operation.</p>
<p>Do all owners need to complete the owners and officers form (and other related forms) if a company wholly owns the subsidiary testing lab applicant (which will be the company that responds to the application)?</p>	<p>Yes. Please refer to the financial interest definition in Ohio Admin Code 3796:1-01-01(18).</p>