



Ohio Department of Commerce Medical Marijuana Control Program

Testing Lab Provisional License Application Review Process and Evaluation Criteria

The Ohio Medical Marijuana Control Program (MMCP) will be permitting entities to apply for testing laboratory provisional licenses the week of August 3rd, 2020. Applications will be accepted via e-Licensing and the application period will be closed on October 2, 2020¹. Today, the MMCP issued the application to allow potential applicants to review and prepare applications for submission.

The goal of the “Review Process and Evaluation Criteria” document is to provide applicants with the key substantive attributes of the application in order to further prepare for submission. The evaluation criteria could be subject to change before the application is available via e-Licensing.

This document provides details on how the MMCP will review and evaluate the applications. Testing laboratories are not competitive and therefore, there is no limit to the number of testing laboratory licenses that may be awarded.

A. Application Overview

The application consists of three sections. Each section requests information that is mandatory for an application to be considered complete and eligible for review.

- **Section One:** This section requests information and attestations from the business applicant. The information in this section is required to be completed in order to receive a provisional license.
- **Section Two:** This section includes multiple forms that are required to be completed by every owner, partner, officer, director, shareholder, member, or other person who may significantly influence and/or control the activities of the licensee. These forms must be completed by every required individual in order to receive a provisional license.
- **Section Three:** This section requests applicants to provide information regarding its business plan, financial plan, security plan, and operational plan. This section will be scored based on the completion of attestations and submission of the required information.

The MMCP will only review and score applications that:

- Are submitted during the designated submission period via eLicensing with the application fee;
- Fully respond to all required portions of this application;
- Meet the minimum statutory qualifications under Ohio Revised Code section 3796.10; and
- Contain all required information and signatures.

¹ Dates may be subject to change.



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The MMCP reserves the right to request clarifications, modifications, or amendments to an application. Please note an application may be denied for noncompliance with any provision in Ohio Admin. Code Chapter 3796.

B. Evaluation Criteria

All application question responses will be evaluated. Sections One and Two include mandatory information and if this information is not provided, it will be considered incomplete. Therefore, an applicant may not be eligible to receive a provisional license if Sections One and Two are not complete.

Section Three consists of both pass / fail questions as well as scorable questions. Pass / fail questions are those for which information needs to be submitted to achieve the mandatory requirements as articulated in statute and rule. These include responses that are attestation check boxes and other short form answers. Failure to answer such questions, may lead to the application being deemed incomplete. Section Three is divided into four sections: Business Plan; Operations Plan; Security Plan; and Financial Plan. The evaluation criteria for these four sections are below. **A qualifying Score will total between 180-200 points.**

- **Business Plan:** Total points that can be awarded for this section is **36 points**, but the applicant must complete the individual questions and attestations identified as mandatory for a provisional license. An applicant will be qualified if they are awarded at least **30 points**.
 - **Question One:** Applicants will receive 6 points for submitting the required forms. Each form is required to be completed to receive a provisional license. **Each form is mandatory.**
 - **Question Two:** Applicant must demonstrate experience in at least one of the listed criteria in order to be awarded a provisional license. **Identifying experience in one category is 6 points. This is mandatory.** A minimal score of “6 Points” is required. Applicant could receive 1 point for identifying experience in additional categories but will not pass if the applicant has not achieved 6 points.
 - **Question Three:** This question is not scored and meets O.A.C. 3796:4-1-03(B)(1)(c) requirements.
 - **Question Four:** **Applicant receives 6 points for submitting a proposed business model. This is mandatory.** Applicant must receive a minimal score of “6 Points” for submitting a business model to receive a provisional license. Additional points may be awarded for years of additional experience owning a business. However an application will not be qualified if the applicant has not submitted a business model. Up to 3 additional points may be awarded for years of experience owning a business, 1 point per each level of experience.
 - **Question Five:** Applicant receives “6 Points” for completing the attestation. **This is mandatory.**
 - **Question Six:** Applicant receives “6 Points” for completing the attestation. **This is mandatory.**



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- **Operations Plan:** Total points that can be awarded for this section is **65 Points**, but the applicant must complete the individual questions and attestations identified as mandatory for a provisional license. An applicant will be qualified if they are awarded at least **58 points**.
 - Questions One: Applicant will receive **8 points** for completing the question and its attestation. **This is mandatory.**
 - Question Two: Applicant will receive **8 points** for completing the question and its attestations. **This is mandatory**
 - Question Three: Applicant will receive **8 points** for completing the question and its attestations. **This is mandatory**
 - Question Four: Applicant will receive **8 points** for completing the question and its attestations. **This is mandatory**
 - Question Five: Applicant will receive **8 points** for completing the question and its attestations. **This is mandatory**
 - Questions Six: Applicant will receive **8 points** for completing the question and its attestation. **The applicant must complete each question in order to receive a provisional license.** An additional 4 points could be awarded if the applicant details the name of the scientific director.
 - Question Seven: Applicants are required to identify both the equipment and method for each testing category. **This section is pass/fail and mandatory.** If any of the 8 mandatory testing category sections is blank, the applicant will not be awarded points for this question. Applicant will receive **10 points** for completing this section. Testing categories one thru eight are required to be completed in order to receive a provisional license. O.A.C. 4-2-04.
 - An additional 3 points could be awarded for specifying the equipment and method for an additional analytical test in the category identified as “Other.”

- **Security Plan:** Total points that can be awarded for this section is **52 points**, but the applicant must complete the individual questions and attestations identified as mandatory for a provisional license. An applicant must achieve all **52 points** in order to be qualified for a provisional license.
 - Questions One through Seven: Applicant will receive **1 point** for completing the question and its attestation. The applicant must complete the question in order to receive a provisional license. **This is mandatory.**
 - Question Two: Applicant will receive **1 point** for completing the question and its attestation. The applicant must complete the question in order to receive a provisional license. **This is mandatory.**



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- Question Three: Applicant will receive **1 point** for completing the question and its attestation. The applicant must complete the question in order to receive a provisional license. **This is mandatory.**
- Question Four: Applicant will receive **1 point** for completing the question and its attestation. The applicant must complete the question in order to receive a provisional license. **This is mandatory.**
- Question Five: Applicant will receive **1 point** for completing the question and its attestation. The applicant must complete the question in order to receive a provisional license. **This is mandatory.**
- Question Six: Applicant will receive **1 point** for completing the question and its attestation. The applicant must complete the question in order to receive a provisional license. **This is mandatory.**
- Question Seven: Applicant will receive **1 point** for completing the question and its attestation. The applicant must complete the question in order to receive a provisional license. **This is mandatory.**
- Question Eight: Applicant is required to upload a plot plan. A plot plan is a scaled drawing of the internal and external layout of the facility. This section is broken up into 15 items that must appear on the plot plan and is graded as pass/fail. Applicant will receive **45 points (representing 3 points per individual item)** total for identifying all the items listed on the checklist. **If any item is not identified, the applicant will not receive any points for this section and will not be eligible to receive a provisional license.**
- **Financial Plan:** Total points that can be awarded for this section is **47 Points**, but the applicant must complete the individual questions and attestations identified as mandatory for a provisional license. An applicant will be qualified if they are awarded at least **40 points**.
 - Question One: Applicants will receive **8 points** for submitting the required forms. **Each form is mandatory and required to be completed to receive a provisional license.**
 - Question Two: Applicant receives **8 Points** for completing the attestation. **Completion of the attestations are mandatory to receive a provisional license.**
 - Question Three: Applicant receives **8 Points** for completing the attestation. **Completion of the attestations are mandatory to receive a provisional license.**
 - Question Four: Applicant receives **8 Points** for completing the attestation. **Completion of the attestations are mandatory to receive a provisional license.**
 - Question Five: The applicant must upload a document that provides an “operating expense breakdown” in order to receive a provisional license. Applicant will receive **8 points** for the “operating expense breakdown.” O.A.C. 3796:4-1-03(B)(4)(b)/3796:4-1-02(B)(5)(b). **Applicant must upload the “operating expense breakdown” to receive a provisional license. This is mandatory.**



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- A total of 7 additional points could be awarded if the operating expense breakdown contains details of the criteria below. This is in addition to the 8 points awarded for uploading the mandatory “operating expense breakdown.”
 - Multi-year cost projections (1 Points)
 - Costs for construction (1 Points)
 - Costs for lab equipment (1 Points)
 - Employee salaries and benefits (1 Points)
 - Costs associated with IT/Software/Hardware (1 Points)
 - Lease or mortgage payments (1 Points)
 - Other costs not specifically named above (1 Points)