



Department
of Commerce



NOTE: Questions pertaining to the BCI&I and FBI criminal records check procedure will be addressed in a separate document to be released by the Department. Questions pertaining to tax documentation that have not previously been answered will be addressed in a separate document to be released by the Department. Both documents will be available at <http://medicalmarijuana.ohio.gov/cultivation>.

During the second of two Medical Marijuana Cultivator Application Q&A periods hosted by the Department of Commerce, the Department received more than 150 questions regarding the application process. Answers are provided in this document, with redundancies omitted.

- Per the procedure outlined in the previously posted webinar, three questions were accepted from each individual who submitted an email to the department during the submission period.
- Several questions were submitted during the second Q&A period that were asked and answered during the first Q&A period. Those questions are not answered in this document. Please refer to <http://medicalmarijuana.ohio.gov/cultivation> to view the “MMCP Cultivator Application Q&A Session 1 Answers” document.
- Additionally, many questions were asked that were outside of the scope of this Q&A, which is intended only to answer questions pertaining to the application forms, process, and information necessary to formulate the required submission materials. Questions outside of this scope, including those that pertain to operational and technical regulations, are not answered in this document. All cultivator rules, effective as of May 6, 2017, are available for review at <http://codes.ohio.gov/oac>.

The Department is providing this guidance to assist applicants with the completion of an application for a cultivation license. This does not constitute legal advice, which should be sought from a licensed attorney.



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Released May 26, 2017:

ID	Question	Response
1	<p>In the response to questions about the 10 Disadvantaged Groups Application Form and elsewhere on the applications overall, the indication was that there was no Ohio residency requirement and that residency would "be considered as part of the overall score of the section." (#161) Questions #165 and # 174 indicate there will be no point deduction for out of state applicants. On the 10 form itself, however, each section requires certification that the business is owned and controlled by Ohio-based individuals. Does this mean that woman-owned, minority-owned or disadvantaged businesses not owned by Ohio residents can not indicate themselves as such? Where should we otherwise note women and minority ownership, or will that information not be considered relevant for out of state applicants?</p>	<p>The language in O.A.C. 3796:2-1-03(C)(4)(a) states that economically disadvantaged group verification for the purpose of O.R.C. 3796.09 (C) is limited to Ohio residents. However, licensure in general is not limited to Ohio residents. Verification that an applicant is a member of an economically disadvantaged group is part of Section 1 of the application, which will not receive a numerical score. An applicant may indicate women or minority ownership in other places of the application as it supports their application in the narrative.</p>
2	<p>Will the department accept multiple applications for the same proposed location from separate applying entities for the same license type?</p>	<p>There is nothing in O.R.C./O.A.C. 3796 that expressly prohibits separate entities from applying for a cultivation license at the same proposed geographic location, regardless of the license type (i.e. industrial park, jurisdiction, etc.). However, if more than one applicant applies at an identical address, and both score high enough for an award, the higher scoring applicant will be awarded the provisional license at that facility.</p>
3	<p>Does the notary have to be registered as a Notary with the State of Ohio or can the notary hold registration as a notary public in another state? In other words, is it acceptable for a notary public registered in the State of Florida to notarize the application materials.</p>	<p>The notary may be properly registered in any state.</p>
4	<p>Do advisory board members have to have background checks?</p>	<p>Yes. Please refer to O.R.C. 3796.12.</p>



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5	<p>If persons are out of state and have to submit finger print cards will there be additional time to turn these around and add it to our application after it has been submitted.</p>	<p>Fingerprints must be submitted to the WebCheck vendor prior to application. Results must be received by the Department from the vendor prior to issuance of a provisional license. The Department recommends submitting fingerprints as soon as possible to allow for adequate turnaround time.</p>
6	<p>The Department has stated that the page limitations identified in the application forms are hard limits and no appendices or other documents will be considered if they exceed the page limits, but standard operating procedures under 2B, Part V will necessarily exceed the 30-page limit allowed. Does the Department simply want to see an index or table of contents for applicant’s SOP’s? If the Department would like to see more than an index of an applicant’s SOP’s, how does the Department suggest they be presented in light of the page limit for 2B?</p>	<p>A summary of SOPs and the manner in which they will be implemented should be included in the narrative answer. Inclusion of the entire SOP document is not necessary or desired.</p>
7	<p>Do background checks need to be included as part of the application, or should they be separately sent to The Department of Commerce by The WebCheck service? if they are separately sent, how Do we confirm they have been received?</p>	<p>Please refer to the ‘WebCheck Information for Cultivator Applicants’ document, available at http://medicalmarijuana.ohio.gov/cultivation.</p>
8	<p>What is the state zoning code for Medical Marijuana Cultivation? How are we to receive proper zoning approval, when Franklin County does not even know what we are asking for?</p>	<p>There is no statewide zoning code for medical marijuana cultivation. The Department is aware of the length of time involved in securing zoning approval. At the time of application, the applicant need only certify that the proposed jurisdiction has no moratorium or other ban on medical marijuana cultivation. Zoning approval in any form, up to and including a full zoning permit, may be presented with the application if it is available.</p>



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9	<p>Will points be deducted for not having the proper zoning form 1G signed? If so, can someone explain to Franklin County that we are not trying to get a permit at this time, we just need to know if cultivation will be allowed at a specific location?</p>	<p>At the time of application, the applicant need only certify that the proposed jurisdiction has no moratorium or other ban on medical marijuana cultivation. Zoning approval forms are in Section 1 of the application, which will not receive a numerical score. Therefore, no points will be deducted. Determinations on zoning permits and cultivation locations must be made by individual jurisdictions. There is nothing in statute that prohibits a local jurisdiction from placing restrictions on the location or permissibility of most medical marijuana businesses.</p>
10	<p>Pertaining to: Application Assistance Form. If assistance is provided by a company (not an individual), should the responsible party signing the form also fill in the first name last name, and address section in order to clearly identify who is the responsible party signing on behalf of the company?</p>	<p>This is at the discretion of the applicant. It is preferred, but not required.</p>
11	<p>Can you tell me specifically how the areas included in the permitted square footage is calculated for a cultivator’s license? Are separate areas in the building not used for growing included in the calculation? Also, if multi-level growing is utilized, will the square footage of each level be used in the area calculation, or just the square feet of the building?</p>	<p>Please refer to O.A.C. 3796:1-1-01(A)(28). Only the square footage of the areas defined as “marijuana cultivation area” will be calculated. With regard to multi-level growing, the rules do not expressly prohibit stacked or tiered grow tables. However, O.A.C. 3796:2-2-07(D) prohibits a cultivator from producing or maintaining medical marijuana in excess of the quantity required based on patient population and consumption. An applicant’s score could be negatively impacted if the proposed layout would jeopardize the quality and consistency of the medical marijuana or is designed in such a manner as to promote production in violation of O.A.C. 3796:2-2-07(D).</p>
12	<p>Can you provide a specific description of what must be included on the tax summary sheet in the application? If actual pages from company tax returns must be submitted, can information specific to shareholders in those companies that are not in any way affiliated with the cultivator’s application be redacted in order to protect their privacy?</p>	<p>Please refer to "Tax Documentation Information for Cultivator Applicants" document, available at http://medicalmarijuana.ohio.gov/cultivation.</p>



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13	Is it permitted for a licensed cultivator to occupy space in a multi-tenant building if appropriate security measures are taken?	Yes, subject to the "prohibited facility" restrictions set forth in O.R.C. 3796.30.
14	Has the state developed guidelines for zoning and building "Use Group" for a grow facility?	No.
15	Is the only definition of "government property" the definition outlined O.R.C. 3796.30(C)? There are several entities that are looking at purchasing land from a municipality that would be in a city owned industrial park for instance and thus surrounded by "government property" but not property that is outlined in O.R.C. 3796.30(C)	"Prohibited facility" does not include all government property. The definition includes only the facilities listed in O.R.C. 3796.30(C).
16	The instructions indicate that one copy of applicant's application must be submitted on standard paper. Furthermore, "binders, tabs and other types of packaging are not required and must be kept to a minimum." Question: Originally, I was going to place my application in a 3-ring notebook, but now I am not sure. Is there any preferred method that the State prefers?	A three-ring binder is acceptable for the paper copy of the application. However, decorative packaging and presentation-style materials or binding are not.
17	I am still not clear on what is needed for Form 1D. If I check the "Surety Bond" box and then check "Level 1's box. Question: If I check "Surety Bond" box, must I fill in the box that states "Surety Insurance Company Name?" I haven't found a company in Ohio that can help me with this, may I use an out-of state insurance company as long as they are licensed and authorized under Title XXXIX in Ohio?	Please refer to O.A.C. 3796:2-1-05. A cultivator must provide evidence of financial responsibility prior to the issuance of a certificate of operation. Any information available at the time of application should be included on the appropriate form. The surety bond must be written by an insurance company formed, licensed or eligible, and authorized or approved to write such insurance in the state of Ohio under Title XXXIX of the Revised Code, regardless of location.
18	Is the next line "Printed Name," is that the name of the CPA company, or name of the individual CPA, the name of the individual at the surety bond company, or name of the person applying who contacted the surety bond company? if I choose to do an "Escrow Account?" then their company name is next? The "if applicable" is confusing.	This is for the printed name of the person providing the signature on the form.



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19	Regarding fingerprints, does the State require each owner to provide a FBI background check? Is the FBI report required with the application, or post application? How current does the background check need to be? Example, I have a FBI check required by another state dated late 2016. Will that work for the Ohio application? Can you clarify, if required can you provide the required background forms.	Please refer to the ‘WebCheck Information for Cultivator Applicants’ document, available at http://medicalmarijuana.ohio.gov/cultivation .
20	Regarding floorplans. We’re applying for a level 1 license. We have a facility design completed now for the 25,000SF. If the State allows in the future, we would apply for an expansion above the 25,000sf limit. Should we provide expansion designs now for space above the 25,000 SF limit?	Plans for future expansion may be submitted at the discretion of the applicant. However, such plans remain subject to the page limits in the applicable plans.
21	Does the state determine the price per pound of medical marijuana when sold to a dispensary?	No.
22	3796:2-2-07 D. What is meant by shall not produce medical marijuana in excess of the quantity required for normal, efficient operation based on patient population and consumption reported in the inventory tracking system. How will this be determined?	Cultivators are prohibited from producing or maintaining (i.e. “stockpiling”) more medical marijuana than is necessary to supply the patient population of Ohio. Violations of O.A.C. 3796:2-2-07 (D) will be determined using data generated by the inventory tracking system regarding patient population and consumption.
23	What is the latest date that a provisional license will be issued, considering that (a) the regulations require a provisional licensee to obtain a certificate of operation within nine months of issuance of a provisional license and that (b) the program is supposed to roll out Jan 2019?	That information is not available at this time. However, the Department is committed to meeting all statutory deadlines outlined in O.R.C. 3796.
24	Should the Department take longer than anticipated to issue a provisional license, and the applicant subsequently fall out of contract/escrow on the identified property, will this be grounds for denial? Will the Department permit an applicant, in such a case, to submit an amended application reflecting a new location?	The application will be evaluated with the presumption of any license being awarded at the location proposed by the applicant. A provisional license cannot be awarded to an applicant unless the proposed location identified in the application is under the control of the applicant at the time of issuance (whether by ownership or lease). Expiration of a contract will not be grounds for the filing of an amended application.



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25	<p>If a consulting firm or management company will be contracted to provide operational oversight, which individuals, if any, should submit to background checks? Which, if any, should be included on forms 1I and 1K? What if the contracted entity does not provide management services for day-to-day operations, but only serves as a consultant without management authority?</p>	<p>Any individual participating in the management of the business must be listed on Form 1I (if the individual is not an owner, their ownership may be listed as "0%"). For additional information regarding the use of consultants, please refer to the "MMCP Cultivator Application Q&A Session 1 Answers" document, available at http://medicalmarijuana.ohio.gov/cultivation</p>
26	<p>What is the minimum line spacing applicants may use in their narrative responses?</p>	<p>Single-spaced is the minimum.</p>
27	<p>If a building plan is folded into 8.5x11", will it count as more than one page?</p>	<p>No.</p>
28	<p>Could you please clarify whether an applicant needs to have the required \$500,000 in liquid assets in its own account ("proof of the required amount of liquid assets under the control of an owner or the entity applying, if such a statement is available at the time of application.") or in an account of one of the entity's financially interested parties ("Documentation acceptable to the department that the individual or entity filing the application has at least five hundred thousand dollars in liquid assets for a level I cultivator provisional license ... which are unencumbered and can be converted within thirty days after a request to liquidate such assets")?</p>	<p>Either case is acceptable.</p>



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29	<p>For purposes of the Application Assistance Form, which of the following set of consultants or professional service providers would be required to fill out the form:</p> <ul style="list-style-type: none"> a. Lawyer (general application and submission assistance) b. Industry Consultant (general application assistance and technical writing) c. Security firm (help write security section, provide surveillance strategy) c. Industry Design/Construction Consultant (Help with space layout, drawings, designing mechanical systems, etc.) d. Architect (building interior drawings, site plan, security drawings) e. Accountant (review financial plan, help prepare financial documents, provide opinion) f. Insurance broker (procure insurance/insurance quotes, procure surety bond/surety bond quotes) 	<p>An Application Assistance Form should be completed for any individuals or entities proving assistance or direction in the formulation of an application, regardless of professional title.</p>
30	<p>1L – Business in Other Jurisdiction Forms –</p> <p>A. The Application itself states: “Provide information regarding all other medical marijuana licenses, permits, or registrations ever held, current or expired, by the Applicant in any other U.S. jurisdiction (Attach copies of this form to list any additional entities).”</p> <p>What is meant by applicant here? The business itself? The owners and officers listed on Form 1I? Or anyone at all associated with the business (i.e., owner, investor, future employee?)</p> <p>If the only medical marijuana licenses held in other jurisdictions are by future employees who do not currently have an equity stake in the Company or current industry application assistance consultants, who are being hired for a one-time cash fee, do we need to list the medical marijuana licenses, current or expired, for any of these people/entities, i.e., for employees? For one-time, cash-fee consultants?</p>	<p>Please refer to "MMCP Cultivator Application Q&A Session 1 Answers," available at http://medicalmarijuana.ohio.gov/cultivation</p>



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31	<p>Regarding the “Business in Other Jurisdictions Form,” Are also supposed to list any Ohio business licenses, permits or registrations held by the Company itself, including those for non-marijuana businesses? By anyone listed on Form II? By any other specific group affiliated with the Company? Do we have to list licenses to operate non-marijuana businesses in other states?</p>	<p>Licensed medical marijuana business operated by any individuals listed on Form II must be listed, regardless of location, on Form 1L.</p>
32	<p>Instructions say: “The purpose of this section is to seek information on the applicant’s experience in any type of business environment, establish the business model for the proposed cultivation facility, and demonstrate the ability to operate the proposed facility, which includes steps taken with the local authorities. Applicant will provide this information in a NON-IDENTIFYING narrative.”</p> <p>The application says “Experience, which includes generic, non-specific information on business licenses held by any person affiliated with the applicant.” 3796;2-1-03(B)(1)(C).</p> <p>Does this mean that we have to weave mention of all licenses listed on form 1L into this experience narrative? Or is this a more general section where we present the business experience that qualifies us for this license as we see fit?</p>	<p>Any information the applicant deems appropriate regarding business experience may be included in the narrative, subject to the identification restrictions set forth in the application instructions. The Department does not require that every business listed in Section 1 be mentioned in the narrative in Section 2.</p>
33	<p>Will there be an appeals process if an application is denied? If denied, will applicants receive any feedback from the board outlining why an application was denied?</p>	<p>Licensure decisions made by the Department are done so in accordance with O.R.C. 3796.14. No feedback will be given on any application by the Department.</p>
34	<p>If awarded a cultivation license, must initial propagation begin with a seed, or may it begin with a cutting or clone?</p>	<p>Initial propagation method is at the discretion of the cultivator.</p>
35	<p>Is there an anticipated patient count / canopy expansion schedule for the MMCP? This information is necessary for accurately forecasting a production schedule based in uninterrupted supply.</p>	<p>That information is not available at this time. Any expansion decisions will be made by continually monitoring program metrics, including but not limited to patient card enrollment.</p>



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36	Concerning formatting of the application sections, is it permissible to have text contained within charts or diagrams that is below the 12 pt font requirement?	Please refer to the "MMCP Cultivator Application Q&A Session 1 Answers" document, available at http://medicalmarijuana.ohio.gov/cultivation
37	Can you rack in the bloom room?	Please refer to "MMCP Cultivator Application Q&A Session 1 Answers," available at http://medicalmarijuana.ohio.gov/cultivation
38	Can you put a graining for a second floor?	Any areas designated for marijuana cultivation will be subject to the square footage restrictions set forth in O.A.C. 3796, regardless of the number of floors proposed.
39	Looking for a list of NE cities that have either said yes, no or undecided on the medical marijuana.	This information has been changing frequently as individual jurisdictions determine whether or not they will allow medical marijuana businesses to operate. Therefore, the Department is not able to maintain such a list. Please consult local authorities in the area that the applicant is proposing to determine whether or not a moratorium or ban is in place prior to submission of an application.
40	Pertaining to the identifier legend: The examples using the naming structure of "Entity A" "Entity B". Is this the expected naming structure? Do the non-identifiers need to be specifically called "Entity X"? Or would other descriptors such as "Business A" suffice? Do the non-identifiers need to all be the same so if we use "Business A" then all subjects identified on the legend would follow the naming structure of "Business A" - "Business Z"?	"Entity" is an example. Any generic, non-identifying alias may be used.
41	On form 1E what does "legal description" of a property mean? Is this a commonly used term that our legal counsel should be familiar with?	Legal description may include the type of property, zoning designation, etc.



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42	If multiple figures assist on the application, should applicant include a separate “application assistance” form for each assisting figure?	Yes.
43	Does the cultivator pre-package the product for patients?	Please refer to "MMCP Cultivator Application Q&A Session 1 Answers," available at http://medicalmarijuana.ohio.gov/cultivation
44	Can cultivation space be broken into multiple areas as long as it meets max requirement?	Please refer to "MMCP Cultivator Application Q&A Session 1 Answers," available at http://medicalmarijuana.ohio.gov/cultivation
45	Do corridors in cultivation count toward final growing space allotment?	Please refer to O.A.C. 3796:1-1-01(A)(28) and "MMCP Cultivator Application Q&A Session 1 Answers," available at http://medicalmarijuana.ohio.gov/cultivation
46	Where are cultivators to send material for testing?	Testing laboratories licensed under O.R.C. 3796.
47	The members of the economically disadvantaged groups must be identified in Form 1I along with their percentage of ownership. – How? Do we add an asterisk in 1I? Do we name the group?	This information may be denoted on Form 1I with the individual’s name.
48	If we have an executed lease agreement in place should we include a copy in Section 1 of the application after Form 1E?	No. If necessary, the Department will request the documents pursuant to O.A.C. 3796:2-1-03(B)(6).
49	If an entity performing application assistance has ongoing participation (revenue sharing) in the cultivator for 5 years after operations begin but not an ownership stake in the applicant, do we only fill out the application assistance information section of the Filing Packet Notarized Cover Sheet (declaring the revenue sharing) or do we also need to list the individual owners of the company performing application assistance on the 1I Owners and Officers Roster Form and, if so, how to we show a 5 year revenue sharing agreement as a % of the total?	All individuals and entities with a financial interest as defined in O.A.C. 3796:1-1-01 are to be listed on form 1I, in addition to those participating in the management of the business. Revenue share may be listed on Form 1I for those individuals associated with the external entity, and the applicant may include a notation of their choosing to differentiate owners from those with revenue share.



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50	Is 12-point font required on building drawings or can we use a smaller font?	Please refer to "MMCP Cultivator Application Q&A Session 1 Answers," available at http://medicalmarijuana.ohio.gov/cultivation
51	I have an ownership interest or other economic interest in a winery or distillery, does that preclude or limit my ability to invest in or serve as a director or manager of a cultivator?	No
52	The first round of questions (#76) says digital files should be labeled "Cultivator Application Section 1" and "Cultivator Application Section 2". By "Cultivator", do you mean the applicant's name, or simply the word "Cultivator"?	The digital file names can be modified to include the business name, if so desired. The file names will be changed prior to the application review, in order to maintain the anonymity of the applicant.
53	Should Section 1 and Section 2 of the printed application submission be stapled together or separately?	Either is acceptable.
54	Are we only required to certify that we have a principal place of business in Ohio on form 10 or is additional documentation required?	Certification is required on the form. The Department may request additional documentation, or it may be included with form 10.
55	Is it the laboratory or the cultivator that will transport product from the cultivation facility to the laboratory testing facility? In the State's ideal vision, how does this process work?	Laboratory staff will be responsible for procurement and transportation of samples from a cultivator.
56	The state in which we hold a MMJ license has privacy laws that prevent the release or confirmation of principal officers or Board members. In such a case, will a copy of the articles of organization or a copy of the actual certificate issued by the State regulator be sufficient to attach to 1L? Tax return summary pages need to be submitted for personal and business returns or is personal sufficient?	Any individual associated with ownership or management of the applicant must consent to have their identity released to the Department as part of the application process. Business entities with ownership must submit all members of the entity who will have a financial interest in the applicant by extension. Please refer to the 'Tax Documentation Information for Cultivator Applicants' document, available at http://medicalmarijuana.ohio.gov/cultivation ."



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57	Would a subcontracted technical writer be considered separate “application assistance”, and required to complete Section 1 “Application Assistance” (page 2), or would the entity directly offering “application assistance”, and contracting this technical writer, be the only one required to complete Section 1 “Application Assistance”?	Both the individual and the entity should complete page 2 of Section 1.
58	Is a \$/lb compensation agreement with an outside contractor to work under the supervision of an internal director considered fee-for-service compensation?	No.
59	If a cultivator is using a \$/lb compensation agreement with an outside contractor to work under the supervision of an internal director, would the MMCP consider this contractor to be able to “significantly influence or control the activities” of that cultivator?	Yes, and additionally, this compensation arrangement constitutes a financial interest as defined in O.A.C. 3796:1-1-01(A), and is subject to the ownership and control restrictions of O.A.C. 3796:2-1-04(D).
60	Is an “outside consultant” with a one-time fee-for-service relationship required to submit licenses from other jurisdictions if they will not be part of the company?	No.
61	If an “outside consultant” to the application were considered “associated with the applicant”, where would an outside consultant go in an org chart if it is a one-time fee-for-service relationship?	If the arrangement is a one-time, fee-for-service agreement, the consultant would not be considered to be part of the organization, and would not be included in the organizational chart.
62	If an “outside consultant” to the application with a one-time fee-for-service agreement is not mentioned (by Identifier or otherwise) in any part of Section 2, are they required to submit copies of licenses from other jurisdictions given that this is not referenced and they will not be part of the ongoing entity?	No.



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63	If an entity or individual is offering “application assistance” as an “outside consultant” to one or more applicants, would this preclude the entity or individual from working with a licensed cultivator at a later date, either if the entity or individual offered “application assistance” to the now licensed cultivator or if they did not?	No, subject to the ownership and control restrictions set forth in O.A.C. 3796:2-1-04(D).
64	It is clear that an entity or individual is offering “application assistance” as an “outside consultant” to one or more applicants, like any individual or entity, may not “significantly influence or control the activities of more than one cultivator”. Could an “outside consultant” that offered “application assistance” to one or more applicants at a later date “significantly influence or control the activities” of one licensed cultivator, whether or not the licensed cultivator received “application assistance” from the entity or individual as an “outside consultant”?	Yes, provided that the individual or entity in question does not have a financial interest or significantly influence or control the activities of more than one cultivator pursuant to the ownership and control restrictions set forth in O.A.C. 3796:2-1-04(D).
65	Can the financial section include proposals and/or quotes from suppliers/contractors? If so, do these also have to be in the standardized 12-point font with 3/4 margins?	Yes, these documents should be included. Yes, they must conform to the format requirements for the application at large. Additionally, these documents will count toward applicable page limits.
66	Does a landlord fall under someone who holds 'equity interest' in a cultivation business, as there will be ongoing payments? If so, does this limit a landlord from leasing buildings to multiple applicants?	No, provided that payments to a landlord are not based on the profits of the cultivator, and do not result in an ownership interest.
67	Should we list the actual medical marijuana strain types (ex. Bubba Kush, Blue Dream) and their medical benefits or simply list strain 1, strain 2 and their benefits?	Applicants should list strains with a generic alias (e.g. Strain 1, Strain 2, etc.).
68	ORC 3796:2-2-01 states the Department will maintain an approved list of permitted pesticides, fertilizers, chemical and plant growth regulators. Is the list the regulations refer to the same as the Approved Pesticide list that has already been posted on the Department website?	Yes. Further bulletins will be released as they are completed with regard to chemicals not already listed on the Approved Pesticide List.



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69	<p>What is the Department’s position on dry organic soil amendments (nutrients or fertilizers), such as kelp, alfalfa, worm castings, bat and seabird guano, etc. that are not included on the list? Are they permitted to be used in Ohio? The list does not include many fertilizers/nutrients commonly used in organic/biodynamic agriculture.</p>	<p>A list of approved chemicals beyond what is contained on the pesticide list already issued by the Department is currently under development, and will be released immediately upon completion.</p>
70	<p>There is currently no moratorium on medical marijuana in our very small rural township. If a level 2 cultivation license is obtained, and then township decides to lay a moratorium down in the future, what happens?</p>	<p>The Department will address this issue, should it arise.</p>
71	<p>Form 1G Notice of Proper Zoning Form - Due to the incredible competition for level 2 cultivation license... Can applicant not include any identifying information on this form (simply indicate that someone in the township is making application for medical marijuana cultivation license)? That way if applicant does not receive medical marijuana cultivation license their reputation will be spared any negative impact. Again, this is a very small rural township in Ohio.</p>	<p>All information in Section 1 of the applicant must reveal the identity of the applicant. Conversely, all information presented in Section 2 of the application must NOT reveal the identity of the applicant.</p>
72	<p>Can we specify the name of the research institute we are planning on working with in regard to the use medical marijuana?</p>	<p>No information that identifies the applicant or any entity affiliated with the applicant may be included in Section 2 of the application. A generic term or alias must be used in place of the proper name, and can be included on the Entity Identifier Legend.</p>
73	<p>Does the application need to include ALL forms and schedules submitted to the IRS with a 1040 submittal or ONLY the Form 1040?</p>	<p>Please refer to "Tax Documentation Information for Cultivator Applicants" document, available at http://medicalmarijuana.ohio.gov/cultivation.</p>
74	<p>Does application assistance provided by employees of one of the owners’ operating businesses require disclosure on form “Filing Packet Notarized Cover Sheet – Application Assistance” if they may become future employees of the applicant should a license be awarded?</p>	<p>Yes, if those individuals are not currently members of the applying entity.</p>



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75	The City in which we are locating will require site plan approval for our use. Please confirm that we will not lose points if we do not have site plan approval for our building.	Zoning information is submitted in Section 1 of the application, which will not receive a numerical score.
76	Is there a way in which a City can pass a resolution in support of an application and that resolution can be included in materials submitted with a cultivator application?	No. If a local government is going to permit a cultivator to operate, a zoning permit will be sufficient documentation. Documents not expressly required in the application instructions will not be reviewed.
77	From the answers to the initial Q&A it appears that we can discuss the fact that our ultimate goal is to be vertically integrated. What is the best part of the application to discuss this?	This would be appropriate in the Business Plan, Operations Plan, and/or Financial Plan, if the applicant elects to discuss it. Plans for vertical integration are not required, and will not necessarily warrant a higher score.
78	If we are delayed in opening due to delays in testing laboratories opening or other things beyond our control, what penalty will be incurred?	That information is not available at this time.
79	If an owner of the applicant is found to have been convicted or pled guilty to an offense that qualifies as a disqualifying offense as described in Chapter 3796 of the Ohio Administrative Code (3796:2-1-03(A)(2)(a)) will the applicant have an opportunity to re-submit the application without the owner or will the application be denied.	Please refer to the ‘WebCheck Information for Cultivator Applicants’ document, available at http://medicalmarijuana.ohio.gov/cultivation .
80	If an applicant has engaged independent contractor legal counsel on a fee for service basis (hourly or retainer, without any “financial interest” as defined under the rules) to provide guidance and counsel with respect to the completion on an application, must that representation be disclosed on Part 1 of the application under: “Application Assistance Information”.	If the contractor’s services are specific to the marijuana industry, yes. If the services are general legal counsel, no.



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81	Should independent contractor legal counsel be identified as “any other individual associated with the cultivation process” for purposes of form 11 and the organizational chart if the legal counsel has been engaged to provide legal services on a fee for service basis (hourly or retainer, without any “financial interest” as defined under the rules).	No.
82	If an appointment to submit an application is made and subsequently cancelled by the applicant, can the applicant still walk-in with the application on the last two days of the acceptance period?	Yes.
83	How stringent will the rules be for a Tier 2 license to grow only cannabis that is OVER 23.1 to 35% THC content? And a Tier 1 can never go over 23% THC? What if a Tier 2 produces cannabis under 23.1% THC? Does it have to be destroyed? And vice versa.	Tier 1 and Tier 2 are categories proposed by the Board of Pharmacy to classify plant material. Level I and Level II are categories established by the Department of Commerce to classify cultivators. There is no restriction on which type of cultivator can grow which type of product.
84	Can a Management company apply/be associated on one license with an applicant AND consult only on application writing for other applicants?	Please refer to "MMCP Cultivator Application Q&A Session 1 Answers," available at http://medicalmarijuana.ohio.gov/cultivation
85	If an operator is paid an ongoing flat fee to operate an applicant’s facility (if awarded a permit), is the operator considered to have a financial interest in the company?	Please refer to “Cultivator Application Instructions,” pages 5 and 6, available at http://medicalmarijuana.ohio.gov/cultivation
86	Are page numbers and section titles (ex. 2A Business Plan – Page 3) allowed within the ¾ inch margin?	Yes, but not required.
87	Will an IRS transcript be acceptable documentation for the tax documentation required in the application?	Please refer to "Tax Documentation Information for Cultivator Applicants" document, available at http://medicalmarijuana.ohio.gov/cultivation .



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88	<p>If an applicant plans to build a cultivation facility in multiple phases (based on demand, grow conditions, etc.) and is awarded a provisional license, can the applicant obtain a certificate of operation prior to completing all phases, assuming that the applicant can provide an uninterrupted supply of medical marijuana and otherwise maintain compliance with other rules promulgated by the Department?</p>	<p>Yes, assuming that all occupancy permits are issued for the phases that the cultivator is proposing to operate, and a licensing inspection conducted by the Department is passed. Any phases beyond established square footage limits in O.A.C. 3796 must be approved by the Department under O.A.C 3796:2-1-09.</p>
89	<p>Will the Department require those individuals with a greater than 1% financial interest to disclose tax information for unrelated businesses? Or will the Department only require them to submit personal tax returns?</p>	<p>Please refer to "Tax Documentation Information for Cultivator Applicants" document, available at http://medicalmarijuana.ohio.gov/cultivation.</p>
90	<p>Will the Department permit cultivators holding plant-only processor licenses to sell plant material to dispensaries packaged in bulk amounts, such that the dispensaries could repack the materials in amounts appropriate for patient purchase?</p>	<p>No. Dispensaries will not be authorized to package plant material.</p>
91	<p>Section IV of the Cultivator Application Instructions states that during Round 1, applications will be assessed to determine whether they meet the mandatory qualification criteria set forth in rule 3796:2-1-03 of the Administrative Code; however, OAC 3796:2-1-03 does not include the information requested by forms 1L and 1M (Business in Other Jurisdictions) as a requirement to receive consideration. Will applicants who do not hold a medical marijuana license in another jurisdiction receive a "Fail" grade for Form 1L or 1M?</p>	<p>No. A medical marijuana business license in another jurisdiction is not mandatory. However, if the applicant has a medical marijuana license in another jurisdiction, it must be included in the application.</p>
92	<p>Where should an applicant assign identifiers to Advisory Board members whose names are included on Form 1J, but who are not listed on Form 1I because they do not hold a financial interest in the applying entity?</p>	<p>The members should be listed on Form 1I, with 0% ownership.</p>
93	<p>Will it be considered identifiable information if an applicant includes in Section 2 that the owners or Board Members are residents of Ohio?</p>	<p>Yes.</p>



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94	Is it required to submit the original “wet” copies of the forms in Section 1, or are photocopies acceptable?	Photocopies are acceptable, given that the forms are not altered in any manner.
95	Can a physician serve on Applicant’s medical advisory board as long as the physician is not an investor and will not have any actual or future right to ownership, investment or compensation arrangement, but in his/her capacity as an advisor have some input on the cultivator’s activities?	Physicians are only prohibited from participation in a cultivator if they have been certified or have applied for certification to recommend medical marijuana.
96	Will an unpaid advisor who is not an investor and will not have any actual or future right to ownership, investment or compensation arrangement, but in his/her capacity as an advisor have some input on the cultivator’s activities, be considered to have a “financial interest”?	No. However, that individual will be considered to have significant influence or control of a cultivator’s activities, and thus will be subject to the restrictions set forth in O.A.C. 3796:2-1-04(D)
97	<p>In Los Angeles, California, cultivators legally exist as non-profit entities organized as mutual benefit corporations, collective corporations, or cooperatives. Permits for cultivation are not expressly issued but instead are inferred via pass-through rights granted by licensed dispensaries. The non-profit or member of the non-profit becomes an "authorized patient cultivator" on behalf of a licensed dispensary. Should an Ohio applicant that is a officer/member of an aforementioned California non-profit submit the non-profit organization's articles of incorporation as an attachment to form 1M?</p>	Yes.
98	Should the applicant attach the non-profit organization's local business license to form 1M?	Yes.
99	Should the applicant submit proof they have been granted pass-through rights, as an authorized cultivator, by a licensed dispensary?	Yes.



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100	How should applicants label the required CD-R/DVD-R (not the file names but the actual disc)?	The CD/DVD may be labeled with the name of the applicant
101	It appears the request for a "plot plan" really describes a floor plan document as opposed to a site plan showing the property lines of the proposed location. Does the Department require a site plan in addition to the proposed floor plan?	Plot plan and facility plans/specifications should be included. The former as evidence of 500' compliance, and the latter as part of the appropriate plan.
102	If a publicly traded company has an ownership interest in the cultivator applicant entity, who has to be listed in Form 1I as an owner (i.e. shareholders, directors, officers of the publicly traded company)?	Please refer to O.A.C. 3796:1-1-01(A)(18). If ownership of the investment securities constitutes 1% or greater ownership in the applicant, the investor should be listed on Form 1I.
103	As stated in the FAQs previously released, "Information regarding businesses in any industry is required under OAC 3796:2-1-02..." Exactly which section in the application, if any, should contain this information? It does not appear that any Form in Section 1 specifically requests this information.	Forms 1L and 1M address this matter. In Section 2, information on other businesses may be presented in a non-identifying format in any plan that addresses business experience.
104	Will the Department accept an identical, yet redacted copy of the application (in digital form on the CD-R/DVD-R) for purposes of the Department responding to public records requests?	No. The Department has existing protocols for responding to public records requests.
105	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.



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106	<p>The 75% owner ("Owner") of the Applicant is a limited liability company that has approximately 50 owners--none of whom have any voting rights or management role.</p> <p>The Owner is managed by an entity that has three owners who have exclusive management rights.</p> <p>The Applicant plans to provide financial information and background checks on the three owners of the management company. Will that suffice?</p>	<p>Criminal records checks and financial information must be included for any individual with a 1% or greater direct or indirect financial interest in the applicant. In this example, a 10% owner of the "75% owner" of the applicant would, by extension, own 7.5% of the applicant – that is to say, each 1% of the "75% owner" would constitute an equivalent of 0.75% of the applicant.</p>
107	<p>As far as the Liquid Assets go, do they have to show in a bank account under the company name in the state of Ohio or is it sufficient to show in a bank account out of state as long as it is verified by Ohio CPA?</p>	<p>The bank does not need to be located in Ohio for the purposes of verifying liquid assets. The CPA must be licensed in Ohio.</p>
108	<p>In regard to the tax summaries (section 1N) in previous questions (#4,#130 and # 132) you have referred to "tax summary pages", however in question # 151 you refer to "tax summary pages are expected in the form provided by the IRS and state departments. Do you mean that actual federal and state tax forms (1040 & IT1040) and applicable schedules should be filed i.e. the actual forms filed with the applicable taxing agencies?</p>	<p>Please refer to "Tax Documentation Information for Cultivator Applicants" document, available at http://medicalmarijuana.ohio.gov/cultivation.</p>
109	<p>Will geographic location play any role in the initial scoring and if NO, which I presume is the case, will any tie breaking methodology take geographic location into account?</p>	<p>No, and no. Tie-breaking procedures are outlined in O.A.C. 3796:2-1-04.</p>
110	<p>Can a brother and a sister apply for applications separately, on separate parcels with completely different/independent financial interest and ownership structure?</p>	<p>Yes. Please refer to O.A.C. 3796:1-1-01(A)(18) and 3796:2-1-04(D) for applicable definitions and restrictions.</p>
111	<p>For Form 1N, does this requirement apply to all businesses for applicant owners of 1% or greater? Meaning if an applicant owner with 5% ownership in the applicant has multiple businesses across multiple states, then that applicant owner would need to provide tax summary pages for every business they own?</p>	<p>Yes.</p>



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112	Are bike paths considered parks under ORC 3796.30?	A bicycle path alone is not considered a park, unless it is within the boundaries of an area established or maintained as a park. Segments of a bicycle path located within the boundaries of a park will be considered a part of that park. Segments of a bicycle path outside of the boundaries of a park will not.
113	If an individual with a financial interest is found to have a disqualifying offense pursuant to a criminal background check performed by the state in association with the license application, will the entire application be automatically denied, or may it be amended to remove the disqualified individual?	Please refer to the ‘WebCheck Information for Cultivator Applicants’ document, available at http://medicalmarijuana.ohio.gov/cultivation .
114	Pursuant to ORC 3796.09(C), disadvantaged groups are to be issued no less than 15% of cultivator, processor, OR laboratory licenses; does this mean that each category (cultivator category, processor category, and laboratory category) will be issued 15% of the available licenses in each respective category, or does it mean that the aggregate number of the available licenses in all of these categories combined will be issued no less than 15% (i.e., could all 15% of the licenses set aside for disadvantaged groups be issued in processing alone)?	Please refer to "MMCP Cultivator Application Q&A Session 1 Answers," available at http://medicalmarijuana.ohio.gov/cultivation
115	If no appointment is scheduled to file a cultivator application, when may the application be filed to insure timely submission?	The application must be filed in the applicable time period announced by the Department. Appointments are available, but not mandatory. Appointments will not be scheduled during the last two days of each application period.
116	May the attorney representing a particular applicant deliver and file the cultivator application on behalf of the applicant?	Yes.



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117	Does rule 3796:2-1-08 mean that we need to notify and/or seek approval from the state if someone wants to convey or transfer the equity interest from a personal ownership in to a single member LLC after a preliminary license has been awarded? What about a single member LLC?	Ownership may only be transferred after a certificate of operation is issued, and must be approved by the Department.
118	If land owned by a municipality is given / donated to an applicant contingent upon cultivator license award by that applicant, is that land considered government owned property?	No.
119	We are having difficulty finding a bank in the State of Ohio that will work with the Medical Marijuana business. Are we required to have a bank account for the application process? If so, is there a list of Cannabis friendly banks in Ohio?	Yes, but the bank account can be in any state. No such list exists at this time.
120	There are some large corporations bragging that they already have licenses in Cincinnati, Columbus, and Cleveland. How could this be when applications aren't due yet, the process is supposed to be impartial, and they can't have a financial interest in more than one cultivation facility? How will Ohio ensure that this does not occur and everyone that applies, has a fair and equal chance of obtaining a license?	No licenses have been awarded at this time. No applications have been accepted, and no candidates have been selected. The Department has developed a fair and impartial system to score and rank applicants, and the licenses will be issued in accordance with that system and the requirements of O.R.C./O.A.C. 3796.
121	After the first year of operation, will Ohio require tax returns or check business to ensure that corporations don't have a financial interest in more than one company? Additionally, will Ohio validate company structure after Certificate of Operation has been issued to ensure compliance with Ohio rules and regulations?	Compliance with regulations will be monitored on an ongoing basis, both during the provisional license period and after a certificate of operation has been issued.
122	Is a third-party entity that provides on-going services deemed to have "significant influence" over an applicant or licensee if the services provided include overseeing part of the operations of the license holder but the third-party entity does not have any decision making authority and acts under the discretion and authority of the licensee?	Yes.



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123	May foreign citizens have an ownership interest or otherwise participate in the daily management of a cultivator?	There are no restrictions on citizenship in O.R.C./O.A.C. 3796.
124	Is it safe to assume the seed to sale tracking system will utilize RFID tags on the plants?	That information is not available at this time.
125	Will the department use the standards set forth by the United States Census Bureau when determining an individual's race or sex for purposes of the cultivator application?	That information is not available at this time.
126	What standards will be used to determine an individual's race and sex for purposes of the cultivator application?	That information is not available at this time.
127	According to the US Census Bureau, those whose heritage is from the subcontinent of India, are considered Asian; therefore, will Indians be considered as Asians for purposes of categorization in disadvantaged groups?	That information is not available at this time.
128	In the questions and answers provided thus far, optional sections have been said to be considered as "part of the overall score"; is that to mean that additional points could be added outside of the respective optional sections, thereby increasing the overall score in final review?	No. The maximum number of points remains the same, regardless of the inclusion of optional criteria.
129	Are there any licenses to be set aside for groups with a majority owned and controlled by women, similar to the 15% statutory requirement for disadvantaged groups?	There is no such requirement in statute.
130	Pursuant to form 1E (Property Owner Approval for Use Form) may the owner of the property to be sold or leased be redacted for purposes of public records requests?	No. Any subsequent public records requests will be redacted by the Department subject to existing protocols.



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131	Is an Ohio vendor's license included in 3796:2-1-03 (B) (1) (c)?	Yes.
132	Do members of the Board of Directors of an Applicant that do not have an equity interest in the Applicant have to submit tax summaries? If an individual on the Board of Directors, who does not have ownership in the Applicant, owns multiple businesses does that individual need to provide tax summaries for those businesses?	No.
133	If an individual that has a financial interest in the Applicant holds equity in an unrelated business in another jurisdiction must that individual provide tax summary documents for that business? What if the equity interest is held as stock in a publicly traded entity?	Yes, and no.
134	If an Applicant holds a permit for a business that is unrelated to medical marijuana, for example a building permit for a bakery, does that permit need to be listed on Form 1L?	No.
135	Which box should a property owner check on Form 1E for the following situation: An Applicant has a binding contract for an option to lease the proposed location with an individual who has an option to buy the property contingent on the Applicant being awarded a license. The first binding contract is contingent on the individual that has an option to buy the proposed location exercising his option to buy.	“The owner of the physical address of the proposed Medical Marijuana Cultivator gives permission to the individual or entity applying for a Medical Marijuana Cultivator Certificate of Operations to operate a Medical Marijuana Cultivator facility at the physical address.”



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136	<p>In the previous round of Q&A, the Department explicitly mentioned “success fees” in its list of compensation arrangements which would be “subject to the restrictions of O.A.C. 3796:2-1-04(D)” regarding agreements with consultants. Yet, the Department also specified that “if the success fee is a one-time payment, it is not considered a financial interest for purposes of O.A.C. 3796:2-1-04.” If a success fee is a one-time payment, but the consultant is also regularly paid on an hourly basis for work performed in preparation of the application (with no agreement in place regarding compensation after submission of the application), would that agreement constitute a “compensation arrangement” for the purposes of O.A.C. 3796:2-1-04(D)? What if that one-time success fee is paid in multiple payments?</p>	<p>No. However, any control of the activities of the cultivator by the consultant is still subject to the restrictions of O.A.C. 3796:2-1-04(D) upon issuance of a license.</p>
137	<p>If an officer is an employee of other medical marijuana businesses in other states, but does not hold an equity interest in those businesses, does that employee need to list those medical marijuana business licenses on Form 1L?</p>	<p>No.</p>
138	<p>Where on Form 1L does an Officer or Owner indicate their association with the particular medical marijuana business? In other words, how do you know which individual is associated with each license?</p>	<p>The form need not be completed for each individual, but for the applicant as a whole.</p>
139	<p>What type of business licenses should be included on Form 1L? For example, if an owner of an Applicant owns a liquor business in another state, should the liquor business license be listed on Form 1L?</p>	<p>Form 1L applies to medical marijuana businesses only.</p>
140	<p>If a proposed cultivating facility is located on an undeveloped lot with no street address how should it be identified on form 1A sections 9-10?</p>	<p>That situation may be noted on the form, and GIS information may be provided in lieu of a street address.</p>



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141	What standards or procedures are expected of an Ohio CPA to “certify” Form 1B (Liquid Assets Form) and Form 1D (Financial Responsibility Form)?	Such procedures are at the discretion of the certifying CPA who will sign the document.
142	Has the Department determined whether the financial responsibility instruments are available in Ohio?	That information is not available at this time.
143	Should proof of medical marijuana or commercial cannabis licenses in other state sanctioned markets be provided if they are presently in pending status?	Yes, documentation may be included with a notation of pending or provisional status.
144	Should a business and operations plan include planning and supporting documentation for the increased expansion of cultivation canopy pursuant to OAC 3796:2-1-09?	This information may be included, but is not mandatory.
145	If we are engaging an already existing company as our operations partner can we only list the entity or do we have to list every single owner, officer, board member of this company?	Every owner with a 1% or greater financial interest in the applicant must be listed, with their corresponding percentage of ownership, whether that interest is direct or indirect through the business entity.
146	In addition to the second check box on Form 1G, is there any other specific documentation being sought by 3796:2-1-02((B)(2)(k) to show compliance with Building, Fire, Safety statutes and local ordinances?	No. Certification by a zoning authority or local government is sufficient to complete Form 1G. The other certifications will be necessary prior to the issuance of a certificate of operation by the Department.
147	On Form 1B, if the money is currently in the majority shareholder's name, but the applicant for Cert of Op is an LLC, what name should be used in the first line for Name of the Individual or Entity Applying for the Certificate of Operation?	The name of the applicant, not the individual, should be listed, unless the entity is a sole-proprietorship.



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148	Form 1L states it requires "information regarding all other medical marijuana licenses, permits, or registrations ever held, current or expired," but question 77 from the first round of Q&A seems to indicate information is required for businesses in any industry. Please clarify: On Form 1L, should we list medical marijuana business only, or all businesses from any industry?	Form 1L pertains to medical marijuana businesses only. Other businesses may be included in a non-identifying manner in the "experience" segments of the other parts of the application.
149	Regarding Form 1N: Must an individual who has ownership interest in a publicly traded company that operates hundreds of subsidiaries across the United States submit tax summary pages for each subsidiary business?	No.
150	Pertaining to 3796:2-1-02(B)(3)(c): Ohio's MMCP has requested a list of medical marijuana varieties to be grown, including varieties with high cannabidiol content. Will the MMCP please define how/what Ohio defines as "High" cannabidiol content?	All proposed strains/varieties should be listed.
151	If an employee or someone performing services for the company is to receive a percentage of profit at a later date, they are considered to have a financial interest in the company, even if they have no ownership in the company? And if so, will the company have to report this on an ongoing basis to the department or just for tax purposes?	Yes. This information need not be reported to the Department on an ongoing basis, but must be retained in accordance with the record keeping requirements of O.A.C. 3796.
152	In response to Question 170, the Department indicated that a father and son could not own separate cultivators. That implies that a son automatically obtains a financial interest in a father's cultivator applicant. So, since OAC 3796:2-1-02(B)(6)(a) requires applicants to disclose all individuals having a financial interest in the applicant, does that mean an applicant must disclose all of the family members of each owner, even if the family members do not also have an ownership interest in the cultivator applicant?	"Financial interest" as defined in O.A.C. 3796:1-1-01(A)(18) includes "by spouse, parent, or child." In the case of the aforementioned familial relationships, only the individual with direct financial interest needs to be disclosed in the application. However, all financial interest is still subject to the restrictions set forth in O.A.C. 3796:2-1-04(D), violation of which may result in enforcement action by the department, up to and including denial, suspension, or revocation of a license.



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153	Do strain names constitute identifying information?	Yes. Strains may be reference generically as Strain 1, Strain 2, etc., with their characteristics described.
154	Similarly, to creating identifier legends for Applicant(s) and Entity names mentioned in Section II, should one also create a legend for other redacted identifying information? (specific states, software titles, similar geographical proper nouns; names of landmarks, specific agricultural species, rivers, natural formations) or is substitution of a generic acceptable (specific state = "state" or "other state/jurisdiction")	Generic substitutions are acceptable.
155	Is a time period or specific year or exact date of an event considered identifying information?	Only if said information could reveal the identity of the applicant.
156	How long does the \$500,000 need to stay in the bank? How and when can it be spent? Can we use it to pay for the balance of the License fee?	These funds can be used for business expenses if a provisional license is awarded.