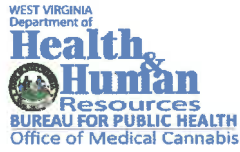
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PURPOSE

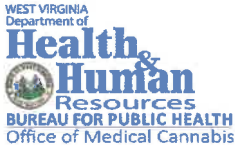
The purpose of this document is to outline the process that the West Virginia Department of Health and Human Resources (DHHR), Bureau for Public Health (BPH), Office of Medical Cannabis (OMC), will utilize when reviewing the permit applications received from medical cannabis organizations, to ensure that objective and fair consideration is given to each applicant.

LEGAL FRAMEWORK

The West Virginia Medical Cannabis Act, chapter 16A of the West Virginia Code, provides in article 6 (Medical Cannabis Organizations), section 3 (Granting of Permit) that BPH establish a procedure for the fair and objective evaluation of all applications for all medical cannabis organization permits and that the evaluation of each application is scored numerically according to standards set forth in the Act.

DEFINITIONS


- Act - The West Virginia Medical Cannabis Act. (W. Va. Code §16A-1-1 *et seq.*)
- Applicant - A natural person, corporation, foundation, organization, business trust, estate, limited liability company, licensed corporation, trust, partnership, limited liability partnership, association, or other form of legal business entity who wishes to submit or submits an application to BPH for a permit to operate as a grower/processor or dispensary, or both, under the Act and Legislative Rules.
- Authorized OMC Staff – Staff who have been appropriately trained, screened and approved by the West Virginia State Police Criminal Identification Bureau to access Criminal History Record Information.
- Bureau - West Virginia Bureau for Public Health within the West Virginia Department of Health and Human Resources.
- Change in ownership - The addition or removal of a principal, operator, or financial backer, or a change in control of a medical cannabis organization after the Bureau approves an initial permit application or a permit renewal application. Medical cannabis permits are not transferrable.
- Employee - An individual who is with or without remuneration, to perform work for an applicant or permittee.

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- Financial backer - An investor, mortgagee, bondholder, note holder, or other source of equity, capital, or other assets other than a financial institution.
- Operator - An individual who directly oversees or manages the day-to-day business functions for an applicant or permittee and has the ability to direct employee activities onsite and offsite or within a facility for which a permit is sought or has been issued under this policy.
- Principal - An officer, director, or person who directly or beneficially owns securities of an applicant or permittee, or a person who has a controlling interest in an applicant or permittee, or who has the ability to elect the majority of the board of directors of an applicant or permittee, or otherwise control an applicant or permittee, other than a financial institution.

RESPONSIBILITIES

- Applicant – Is responsible for providing all required information and documentation and is responsible for any associated application/permit fees.
- OMC Administrative Staff – Is responsible for ensuring that all applicable sections of a medical cannabis organization permit application are complete and that no additional information is needed prior to moving the application into the scoring review stage of the review process.
- Scoring Review Team – Is responsible for reviewing, scoring, and recommending medical cannabis organization permit applications to the Awards Team. The Scoring Review Team will give consideration to all of the information identified as relevant in chapter 16A, article 6 of the West Virginia Code as well as relevant provisions of 64 CSR 109.
 - ❖ For medical cannabis dispensaries, additional consideration will be given for: geographical location; population; the number of patients suffering from serious medical conditions; the types of serious medical conditions; and access to public transportation.
- Awards Team – Is responsible for reviewing the recommendations of the Scoring Review Team and awarding medical cannabis organization permits.
- OMC – is responsible for issuing the permits for medical cannabis organizations.

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1. Process Overview



2. Applications

- a. Applications are completed and submitted through an online portal established and monitored by the Bureau.
- b. Applications are required to be submitted within the 60-day timeframe established by the Bureau.
- c. Applicant shall complete the web-based application, select the appropriate permit type, and provide all required information and documentation.
- d. If an applicant needs to update or change an application already submitted during the open application timeframe, the primary contact listed on the application must notify OMC by fax, mail, or email as listed on the OMC website as soon as possible.
- e. No application may be altered or updated to include additional information after the open application timeframe has closed, unless otherwise noted within this review process.

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- f. The applicant is responsible for remitting permit fees to OMC upon submission of the application.
- g. If the required fees have not been received within two weeks from the time the open application timeframe closes, the application will be denied.

3. Completeness Review

- a. The completeness review will not occur until after the initial timeframe to accept applications has closed and the application and permit fees have been received.
- b. OMC Administrative staff members will review the application submissions for completeness to ensure all required information has been submitted and is valid (e.g. curricula vitae (CV) or resumés and business entity documentation have been submitted, the business has properly registered with the West Virginia Secretary of State, tax clearance documents are compliant, capital requirements have been met, etc.).
- c. Additional information — Prior to scoring, if the Bureau is not satisfied that the application as submitted is complete, the Bureau shall notify the applicant in writing of the factors for which further documentation is required. Within 30 days of the receipt of the notification, the applicant may submit the requested material to the Bureau in accordance with W. Va. Code §16A-6-5(b).
- d. Failure to submit the requested information within 30 days of notification will result in an incompleteness determination and permit denial.
- e. Applications received after the initial open application timeframe will not be accepted for review.

4. Notification of Advancement and Next Steps

Once a permit application has been determined to be complete and is eligible to be moved forward in the review process, an OMC administrative staff member will notify the primary contact by email and by certified mail that in order to move the application forward, the individuals identified within the permit application are now required to submit fingerprint information for their criminal history record information (CHRI) check.

5. Review of Criminal History

- a. Authorized OMC Staff members will review individual CHRI according to the OMC Criminal Background Check Policy.
- b. Any member of a medical cannabis organization that is ineligible to participate in a medical cannabis organization according to the OMC Criminal Background Check Policy will be notified by certified mail.
- c. If an application is submitted with a person who is ineligible to participate in a medical cannabis organization, the applicant will be notified that an individual is ineligible, and



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may, within 15 days, submit a substitute or remove the ineligible person(s) from the organization. OMC is not permitted to disclose the identity of any ineligible individual to an applicant.

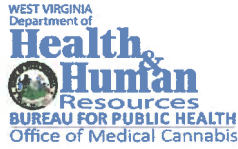
1. Upon their substitution, new individuals have 30 days to initiate their criminal history records check.
 2. Ownership percentages must still equal 100%.
- d. As noted in the OMC Criminal Background Check Policy, if an individual seeking to hold any position in or to be affiliated with a medical cannabis dispensary is prohibited from participation by his or her criminal history as enumerated in W. Va. Code §16A-6-12, such individual may seek a waiver at the time of application from the Bureau or within 15 days of receipt of notice of his or her ineligibility. The allowance of the waiver, including any additional restrictions or conditions as part of the waiver, shall be at the sole discretion of the Bureau.
- e. Any person seeking a waiver in accordance with W. Va. Code §16A-6-12(b) shall set forth in writing the justification for the waiver at the time the application is submitted or within 15 days of receipt of notice of his or her ineligibility. The waiver request may be submitted to OMC either by fax, mail, or email at the number or address listed on the OMC website.

6. County Approvals

- a. OMC administrative staff members will request approval of the location of a medical cannabis business from the local board of health in the jurisdiction where the proposed facility is to be located. Proposed facility locations that receive a disapproval from the local board of health will result in a denial of the application.
- b. OMC administrative staff members will request verification from the local government where the facility is proposed to verify whether medical cannabis organizations have been disallowed within that jurisdiction. Disallowance by the county or municipality will result in a denial of the application.

7. Application Scoring by Scoring Review Team

- a. The Scoring Review Team will be comprised of a group of three to five individuals selected from agency personnel as well as individuals outside the agency.
 1. Each member of the Scoring Review Team will be required to verify his or her impartiality and sign a conflict of interest certification for each application he or she participates in reviewing.
 2. If a conflict of interest is discovered, the individual with the conflict must immediately stop where he or she is in the review process, notify OMC Director or the assigned Deputy Commissioner of the conflict, and request that an



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alternate reviewer be assigned to participate in the collaborative scoring review of that application.

- b. The Scoring Review Team may review applications independently and will then meet to arrive at a collaborative score for each application.
- c. Grower applications will be assessed first, Processor applications next, and Dispensary applications last.
- d. Categories considered for scoring by the Scoring Review Team include:
 - 1. Description of Duties
 - 2. Organizational Experience
 - 3. Proposed Plan of Operation:
 - A. Security
 - B. Employee Qualifications and Training
 - C. Transportation of Medical Cannabis
 - D. Storage of Medical Cannabis
 - E. Labeling of Medical Cannabis
 - F. Inventory Management
 - G. (Growers) Nutrient Practices
 - H. (Growers/Processors) Quality Control and Testing of Medical Cannabis for Potential Contamination
 - I. Record Keeping
 - J. Preventing Unlawful Diversion of Medical Cannabis
 - K. (Growers) Policies and Procedures for Cultivation of Medical Cannabis
 - L. (Processors) Policies and Procedures for Processing of Medical Cannabis
 - M. Waste Management Plans
 - 4. Timetable Outlining the Steps to Become Operational
 - 5. Sample Product Label
- e. Each scored category has its own set of objective information or objective questions related to the content in the specified category, based on the Act and program expectations.
- f. The following scoring matrix example will serve as the basis for scoring by the Scoring Review Team.



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Descriptive Statement	Rating	Score
Applicant fully addresses all aspects of the criterion, convincingly demonstrates that it will meet the Bureau's performance requirements and demonstrates no weaknesses.	Outstanding	5
Applicant fully addresses all aspects of the criterion, convincingly demonstrates an ability to meet the Bureau's requirements and demonstrates only a few minor weaknesses.	Good	4
Applicant addresses all aspects of the criterion and demonstrates the likelihood of meeting the Bureau's performance requirements. The application may contain significant weaknesses and/or a number of minor weaknesses.	Adequate	3
Applicant does not address all aspects of the criterion, nor is evidence presented indicating the likelihood of successfully meeting the Bureau's requirements. Significant weaknesses are demonstrated and clearly outweigh any strengths presented.	Poor	2
Applicant does not address all aspects of the criterion and the information presented indicates a strong likelihood of failure to meet the Bureau's requirements.	Unacceptable	1

- g. Each categorized scorecard will have a justification section; the Scoring Review Team is to provide a rationale for the score given to an applicant in each specified category.
- h. The Scoring Review Team will make permit award recommendations to the Awards Team based on application scores and other factors enumerated W. Va. Code §16A-6-3.
- i. An application that has received a total cumulative score below the adequate range will result in a denial of the application.

8. Permit Awards

The Awards Team will be comprised of a group of individuals that will include members from outside the Department of Health and Human Resources. Upon evaluation of permit application by the Scoring Review Team, cumulative scores and recommendations for each category of permit type will be presented to the Awards Team, which will review the permit recommendations of the Scoring Review Team and award permits accordingly.

9. Permit Issuance

OMC will issue medical cannabis organization permits in accordance with the permit awards made by the Awards Team.

10. Tied Scores

If necessary, a random and impartial tiebreaker, defined by the Bureau, will be used to break a scoring tie.



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11. Denied Applications

Permit applications that have been denied will receive notification of the denial sent to the email address provided on the application.

12. Administrative Review

Applicants who have been denied a permit, if aggrieved, may utilize the process outlined by 64 CSR 1, Rules of Procedure for Contested Case Hearings and Declaratory Rulings, for a review of the agency decision.

Reviewed and Authorized by:

Catherine C. Slemp, MD, MPH
Commissioner and State Health Officer

Date Signed: