

Application for Medical Marijuana Grower License

.01 Application for a Medical Marijuana Grower License.

- A. Application to operate as a Medical Marijuana Grower at a specific location shall be made on a form provided by the Commission.
- B. An application for a license to be a Medical Marijuana Grower at a specific location shall include:
  - (1) A business plan including an organizational chart;
  - (2) Identification of applicant's medical marijuana grower agents and major investors at the time of application;
  - (3) Details of the applicant's experience, knowledge, and training in the cultivation and processing of medical marijuana;
  - (4) A security plan;
  - (5) An integrated plan for quality control;
  - (6) A plan for inventorying, safekeeping and tracking medical marijuana from seed to sale as well as for waste plant material;
  - (7) A description of the physical structure;
  - (8) Evidence of legal control of the proposed location;
  - (9) Documentation and source of capitalization;
  - (10) If the applicant is a corporation, a copy of the articles of incorporation and authorization to do business in Maryland;
  - (11) A record of tax payments in all jurisdictions in which an applicant has operated as a business for the 5 years prior to the filing of the application; and
  - (12) Any other relevant information to be determined by the Commission.
- C. The application shall be accompanied by the application fee.
- D. No party to an application shall have an interest in a license or pending application.

.02 Criminal Background Investigation.

An applicant shall provide to the Director the Central Repository sets of legible fingerprints and the place and date of birth for every medical marijuana grower agent, and a request that the individual's state and national criminal history record be forwarded to the Department of Health and Mental Hygiene for appropriate action.

.03 Application Review.

- A. The burden of proving an applicant's qualifications rests on the applicant.
- B. The Commission may deny an application that contains a misstatement, omission, misrepresentation, or untruth.
- C. An application shall be complete in every material detail.

- D. The Commission may request any additional information the Commission determines is necessary to process and fully investigate an application.
- E. The applicant shall provide additional information by the close of business of the seventh business day after the request has been received by the applicant.
- F. If the applicant does not provide the requested information within seven business days, the Commission may consider the application to be suspended.
- G. An application is not complete until the Commission receives:
  - (1) The results of the background check required in Regulation .02 of this Chapter; and
  - (2) Any required attachment or supplemental information.
- H. The Commission shall review completed applications for a medical marijuana grower license and rank them using an impartial and numerically scored competitive bidding process developed by the Commission based on the following criteria:
  - (1) Racial, ethnic, and geographic diversity;
  - (2) Status as a Minority Business Enterprise, as defined in State Finance and Procurement Article, §14-301, Annotated Code of Maryland;
  - (3) Status as a veteran or military spouse, as defined in Health Occupations Article, §1-701, Annotated Code of Maryland;
  - (4) Adequacy of safety and security procedures for the growing facility;
  - (5) The criminal history of all medical marijuana grower agents;
  - (6) The type of medical marijuana strain designated to be grown and the strain's cannabidiol content;
  - (7) The capacity of the applicant to prepare medical marijuana in a range of routes of administration;
  - (8) Whether the grower will be located in an agricultural zone;
  - (9) The number of dispensaries likely to be served by the applicant in a means as safe, secure, and efficient as possible;
  - (10) Maryland residency and payment of income taxes in Maryland;
  - (11) Experience, knowledge and training in controlled marijuana cultivation and processing;
  - (12) Adequacy of the business plan and financial plan;
  - (13) Whether the proposed facility is appropriately located, including compliance with all zoning and planning requirements; and
  - (14) Any other criteria deemed relevant by the Commission.

.04 Pre-Approval of License Application.

- A. The Commission may issue a pre-approval of a license to grow medical marijuana to an applicant following, review, evaluation, and ranking of the application on a determination that the applicant is:
  - (1) Of good moral character;
  - (2) Competent to carry out medical marijuana growing operations; and
  - (3) Able to comply with the Commission's regulations.
- B. To determine if the applicant is of good moral character and competent to grow and process medical marijuana, the Commission shall:
  - (1) Review and evaluate the contents of an application;
  - (2) Review the results of the criminal background investigations carried out for all medical marijuana grower agents; and
  - (3) Solicit any other information that it deems necessary to make such determination.
- C. Prior to June 1, 2016, in accordance with Health General Article, §13-3309(a)(2), Annotated Code of Maryland, the Commission shall issue no more than 15 licenses to grow medical marijuana.
- D. If there are more qualified applications than the number of licenses the Commission will issue and there is a numerical tie for the last license to be issued the license will be determined by public lottery.
- E. Within 10 business days of its decision, the Commission shall notify applicants who have been pre-approved for a license.

.05 Issuance of License.

The Commission may issue a license for a facility to grow medical marijuana on a determination that:

- A. The application is accurate and complete;
- B. All inspections are passed; and
- C. The license fee has been paid.

.06 Non-transferability of License.

No license issued pursuant to this chapter shall be assignable or transferable.

.07 Change of Location.

- A. A licensee may apply to change the location of its operation.
- B. The application shall be made on the form provided by the Commission and accompanied by the specified fee.

- C. A licensee may not begin cultivation of medical marijuana until all inspections have been passed.

.08 Renewal of License.

- A. A licensed medical marijuana grower is eligible to apply to renew a license every two years.
- B. The Commission shall renew the license of a licensed grower that qualifies for renewal.
- C. 90 days prior to the expiration of a medical marijuana grower license, the Commission shall notify the grower of the:
  - (1) Date on which the license expires;
  - (2) Process and fee required to renew the license; and
  - (3) Consequences of a failure to renew the license.
- D. A licensed grower who fails to renew a license by the date specified by the Commission shall be required to cease operation of the facility, and shall not provide medical marijuana to any entity until the license is reinstated.
- E. A license may be reinstated upon payment of the specified fee and submission of an application approved by the Commission.
- F. To renew a license, a licensed grower shall submit:
  - (1) The renewal application as provided by the Commission;
  - (2) A criminal history background check for every medical marijuana grower agent;
  - (3) To full inspection of the operation;
  - (4) Payment of the specified fee; and
  - (5) Any other information required by the Commission.