

Guidance Letter #12 (Licensure Renewal)

Cultivation, Infused Product Manufacturing, and Dispensary licenses and Testing and Transportation certifications are valid for three (3) years from the date the license or certification is issued. Licensed and certified facilities will collectively be referred to as licensees. Per rule, in order to be renewed, the facility must submit a renewal application within the online registry system. Renewal applications will be accepted as early as 250 days prior to the licensee's expiration date but no later than 150 days prior to the licensee's expiration date. To assist licensees in updating information that has changed since the previous application, the Department requires all licensees to complete and upload a License Renewal Questionnaire as part of the renewal application.

Throughout the three year licensure period, the Department has communicated expectations for this renewal period, such as the expectation conveyed in 19 CSR 30-95.040(1)(F), which says a license or certification may be revoked if the Department determines at renewal that the facility has not made a reasonable effort to follow-through on plans, assurances, or projections offered in its initial application. The Department has also established checkpoints for the licensee to demonstrate a reasonable effort toward fulfilling these key aspects of its proposed operations. These communications and checkpoints included the initial review of each licensee's compliance with minimum standards, Guidance Document 5 and 11 related to material deviation, the commencement inspection process, review of a variance for extension of the operational deadline, and annual site visits.

While the checkpoints have served to confirm and remind licensees of the expectations at several points throughout the life of the license, it is now time for each licensee to complete a comprehensive assessment of its operations and its efforts to fulfill application commitments. The renewal questionnaire will include the same evaluation criteria questions as at original application. The licensee will need to review its plans, assurances, and projections offered in answers to 19 CSR 30-95.025(4) evaluation criteria questions at original application, as modified by applicable approved change requests, in order to complete the questionnaire. An explanation of reasonable efforts to follow-through on these commitments should include all actions the Licensee believes are relevant to its ability to do so. The plans, assurances, or projections the Licensee will address may include commitments such as canopy space for cultivators, product types for manufacturers, patient delivery for dispensaries, community partnerships, job creation, tax revenues generation, etc. The Department will not assist licensees with determining what efforts may or may not be deemed reasonable.

It is important to note that this is an obligation applicable to each license. If the licensee made a reasonable effort to fulfill the plans, assurances and projections offered in its response, it will acknowledge this effort by checking the box, "Licensee made a reasonable effort." If the licensee made a change, the licensee should check the box "Licensee's plan, assurances, and projections changed" and provide reasons for the change and an explanation of reasonable efforts in the provided column. Also, if the change made required a material deviation, the licensee should indicate the approved date of the change. Please note, not all changes to the licensee's plans, assurances or projections required a material deviation. The licensee should consult Guidance Document 5 (before commencement) and Guidance Document 11 (post commencement) for information on what is appropriate for a material deviation change request.

The license renewal questionnaire also offers the licensee an opportunity to indicate any proposed changes it desires to make in the next three year period. If there is no anticipated change, the licensee

should indicate none. If there is a proposed change, that change should be clearly necessitated by the arguments made regarding the licensee's reasonable efforts. Licensees who have not yet commenced operations at time of renewal period should not propose changes for the upcoming renewal period as they have not yet demonstrated reasonable efforts to fulfill their existing plans, assurances, and projections from the initial application period.

If the licensee is approved for renewal, the proposed changes will be the new standard of plans, assurances, and projections the licensee must make a reasonable effort to achieve and against which they will be evaluated upon the next renewal, with one caveat: any proposed changes that would normally require preapproval via a change request will still be subject to that requirement. In other words, a renewal application does not take the place of a change request when a change request would normally be required per rule.

Licensees should follow the instructions on the questionnaire, including the word limit requirements for arguments about reasonable efforts. Additional documentation should not be submitted with the questionnaire. If in review the Department has concerns about what the licensee has provided, it may solicit additional supporting documentation or argument as addendum to the questionnaire. Failure to respond to such a request may result in the renewal application being denied.

Please remember a renewal application is in fact an application. Per 19 CSR 30-95.040(1)(F), if a facility provides false or misleading information in an application, its application may be denied or, if the information is later discovered to have been false or misleading, its license or certification may be revoked.

Instructions on how to complete the renewal process along with the questionnaire may be found on the Department's website.