



**MEMORANDUM**

**Date:** July 26, 2024

**Subject:** Guidance re Applicants Seeking Clarification of Identified Deficiencies

**Relevant authority:** 915 KAR 1:010E, Section 3(7)

**Prepared by:** Sam Flynn, Executive Director *SRF*  
Kentucky Office of Medical Cannabis

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**The purpose of this memorandum is to provide guidance to applicants who receive written notice of deficiencies to correct in their applications.**

Under 915 KAR 1:010, Section 3(7), “[i]f the cabinet determines an application is not complete, the cabinet shall provide written notice to the applicant of the identified deficiencies in the application. The applicant shall have ten (10) calendar days from the date of the deficiency notification to cure the identified deficiencies and provide any missing information or documentation to the cabinet in the manner prescribed by the cabinet. If the applicant fails to cure any deficiency within ten (10) calendar days from the date of the deficiency notification, the cabinet shall reject the application as incomplete.”

**I. Return of Identified Deficiencies Process**

When an application is returned for correction, the portal automatically sends an email to the address provided by the applicant notifying the applicant that: (1) the application has been returned for correction; (2) the reasons the application has been returned; and (3) the applicant must log into the portal to make the necessary corrections and resubmit their application after making those corrections.

**Again, an applicant has ten (10) calendar days from the date of this emailed deficiency notice to correct the identified deficiencies and resubmit the application with the necessary corrections.** Any uncured deficiencies remaining following resubmission of the application will result in denial of that application as incomplete.

Upon receipt of the deficiency notice via email, applicants are strongly encouraged to carefully review each item noted as deficient and the reason why it was marked deficient. Examples of how noted deficiencies will appear in the notice are shown below:

- Documentation of Sufficient Capital: Incorrect; Review and resubmit correct documentation. (Account Not in Applicant's Name). 915 KAR 001:010E, Section 3(5)(q).
- Notarized Signature Page: Incomplete; Submit all required documentation. (Notarized Signature Required). 915 KAR 001:010E, Section 3(5)(u).

## II. Process If Applicant Has Questions Regarding Identified Deficiencies

If an applicant has questions regarding the deficiencies noted in their application, the following process must be followed:

1. Within three (3) calendar days of the receipt of the deficiency email, make a **full, complete, and exhaustive list** of your questions regarding the deficiencies noted in your application and submit them via email to Office of Medical Cannabis (OMC) Director of Licensure and Access, Nick Therrell at [nick.therrell@ky.gov](mailto:nick.therrell@ky.gov).

Include in the subject line of the email:

- (1) Your Application Reference Number; and
- (2) "Return for Correction Inquiry."

**Example:** Application Number 1099, Return for Correction Inquiry

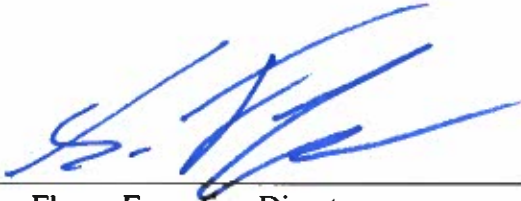
Due to the anticipated volume of application activity that will occur in August and September 2024, **the OMC will not be able to engage in multiple email exchanges with each applicant, and thus it is critical that the applicant submit the complete list of questions in a single email.**

- a. Again, in order to ensure the OMC has time to respond to an applicant's questions prior to the close of the cure period, applicants are strongly encouraged to submit a complete list of their questions within three (3) calendar days of the receipt of the deficiency email. If an applicant delays submitting questions until closer to the resubmission deadline, the OMC may not have sufficient time to respond prior to the deadline. **The deadline established by administrative regulation will not be extended pending responses from the OMC.**
  - b. Due to potential volume, the OMC cannot and does not guarantee that it will be able to respond to all deficiency inquiries, and the lack of a response by OMC does not relieve or extend the time period for an applicant to cure the deficiencies. The applicant is still responsible for curing identified deficiencies within 10 calendar days of the date of the emailed deficiency notice.
2. For the OMC, submitted questions will be answered in the order received and as quickly as possible. Responses will be limited to the questions seeking clarification

of identified deficiencies within the application. **The OMC will not provide legal or business advice or respond to hypotheticals.**

Finally, as of the date of this notice, applicants who are currently in their cure period and have already resubmitted their applications in response to a deficiency notification will have an opportunity to ask questions in the manner provided above and resubmit their applications by the existing deadline.

ISSUED BY:



Sam Flynn, Executive Director  
Office of Medical Cannabis  
Cabinet for Health and Family Services

Date:

