WEST VIRGINIA CODE: §16A-6-3

§16A-6-3. Granting of permit

(a) The bureau may grant or deny a permit to a grower, processor, or dispensary. In making a decision under this subsection, the bureau shall determine that:

(1) The applicant will maintain effective control of and prevent diversion of medical cannabis.

(2) The applicant will comply with all applicable laws of this state.

(3) The applicant is ready, willing, and able to properly carry on the activity for which a permit is sought.

(4) The applicant possesses the ability to obtain in an expeditious manner sufficient land, buildings, and equipment to properly grow, process, or dispense medical cannabis.

(5) It is in the public interest to grant the permit.

(6) The applicant, including the financial backer or principal, is of good moral character and has the financial fitness necessary to operate.

(7) The applicant is able to implement and maintain security, tracking, recordkeeping, and surveillance systems relating to the acquisition, possession, growth, manufacture, sale, delivery, transportation, distribution, or the dispensing of medical cannabis as required by the bureau: *Provided*, That the bureau may require that a medical cannabis organization maintain motion activated video surveillance at a dispensary, grower or processor facility and that a medical cannabis organization retain the recordings therefrom onsite or offsite for a period not to exceed 180 days, unless otherwise required for investigative or litigation purposes.

(8) The applicant satisfies any other conditions as determined by the bureau.

(b) *Nontransferability*. — A permit issued under this chapter shall be nontransferable.

(c) *Privilege*. — The issuance or renewal of a permit shall be a revocable privilege.

(d) *Dispensary location*. — The bureau shall consider the following when issuing a dispensary permit:

(1) Geographic location;

(2) Regional population;

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(3) The number of patients suffering from serious medical conditions;

(4) The types of serious medical conditions;

(5) Access to public transportation;

(6) Approval by local health departments;

(7) Whether the county has disallowed the location of a grower, processor, or dispensary; and

(8) Any other factor the bureau deems relevant.

(e) *Application procedure*. — The bureau shall establish a procedure for the fair and objective evaluation of all applications for all medical cannabis organization permits. The evaluations shall score each applicant numerically according to standards set forth in this chapter.

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