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PURPOSE

The purpose of this policy is to define and establish the guidelines for measuring facility distance between a medical cannabis dispensary facility and a public, private or parochial school or daycare.

DEFINITIONS

- Daycare – Supervision of and care for children that is provided during the day by a person or organization. For the purpose of this document, daycare is used in terms of a childcare facility.
- Dispensary – A person who applies for or holds a permit issued by the bureau to dispense medical cannabis. The term does not include health care medical cannabis organization as defined by W.Va. Code §16A-13-1 *et. seq.*
- Facility – A structure and other appurtenances or improvements where a dispensary dispenses medical cannabis.
- West Virginia Office of Medical Cannabis – The governing body within the State of West Virginia responsible for regulating the cultivation, processing and dispensing of medical cannabis.
- Medical Cannabis – Cannabis that is certified for medical use as set forth in the Medical Cannabis Act.
- Parochial School – Private K-12 educational institution maintained by a religious body.
- Property – something owned or possessed; a piece of real estate.
- Property line – the boundary line between two pieces of property.
- Site – The total area contained within the property line boundaries in which a facility is operated by a dispensary.
- School – An institution for the teaching of children. For the purpose of this document ‘school’ is intended to reference K-12 educational institutions only.

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RESPONSIBILITIES

- West Virginia Office of Medical Cannabis – Is the governing body responsible for the oversight and regulation of the cultivation, processing and distribution of medical cannabis in accordance with Chapter 16A of West Virginia Code.
- Dispensary Applicant – Is responsible for providing all information and documentation requested or required during the application process. The applicant is responsible for any fees or charges associated with the processes and/or processing.


POLICY: DETERMINING FRONT DOOR TO PROPERTY LINE MEASUREMENT

Section 1: Overview

In accordance with 64 CSR 112 subsection 6.2.a., a dispensary may not be located within 1,000 feet of the property line of a public, private or parochial school, or a daycare center.

A. Administration

1. The calibration of measuring wheels or other measuring devices approved by the Bureau for the measurement of distance shall be performed as follows:
 - a. Measuring wheels will be checked for accuracy against a one hundred (100) foot or greater tape measure;
 - b. Any deviation in a measuring wheel measurement from that of the 100 foot tape must be noted; and
 - c. OMC personnel shall be instructed to factor in any deviations when measuring.
2. Supervisory personnel shall resolve any disputes concerning distance measurements and front door determinations. If a Supervisor is unable to make a determination, the Office Director should be informed.


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B. Front Door Determination

1. OMC personnel will use the following criteria to determine the location of a dispensary front door:
 - a. Whether the door is facing a street, highway, or public alley;
 - b. The name, address, and/or operating hours of the dispensary are displayed upon or near the door;
 - c. The building is accessible by the public through the door during operating hours (The public must have the benefit of ingress and egress through the door); and
 - d. The door provides ingress and egress to the common area of the dispensary.
2. If a determination of a front door cannot be made by OMC personnel, he or she shall contact an OMC supervisor for guidance.

C. Measurement of Distance from a School

1. OMC personnel will use the following criteria when conducting a front door to property line distance measurement:
 - a. Measure distance from the center of the front door of the dispensary, along the edge of a street or the center of a sidewalk in a path that a pedestrian may legally traverse.
 - Examples:
 1. The use of a cross walk at a stop light.
 2. The use of an established walkway.
 3. If there is no cross walk in a rural area, the measurement must be taken along the highway at 90% angles.
 4. Only horizontal planes will be measured.
 - b. OMC personnel will measure from the outer most door on any dispensary with two sets of entrance doors.
 - c. OMC personnel will measure all 90° angles and necessary turns made while traveling between the two locations.
2. OMC personnel will ensure that measuring devices are in proper working order by checking the calibration of the device quarterly.

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3. OMC personnel will contact his/her Supervisor if a clear determination of a measurement cannot be made.
4. OMC personnel will verify whether a minimum distance of one thousand (1000) feet is measured from the front door of the dispensary to the closest property line to any school or daycare.

APPLICABLE REFERENCES

- WEST VIRGINIA CODE CHAPTER 16A, MEDICAL CANNABIS ACT
- Title 64 of the West Virginia Code of State Rules, Series 112, 6.2a

Policy Name: Operational Boundaries for Dispensaries


Doc. Number: OMC – 008 – 2020

Effective Date: February 5, 2020

Previous Revisions Date: N/A

Latest Revision Date: N/A

Reviewed and Authorized by:



Jason R. Frame, Director
Office of Medical Cannabis

Date Signed:

2-5-20