

(2) TO BE ELIGIBLE FOR THE TAX CREDIT DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, THE QUALIFIED INVESTOR SHALL BE:

(I) FOR A COMPANY, DULY ORGANIZED AND IN GOOD STANDING IN THE JURISDICTION UNDER THE LAWS UNDER WHICH IT IS ORGANIZED;

(II) FOR A COMPANY, IN GOOD STANDING AND AUTHORIZED OR REGISTERED TO DO BUSINESS IN THE STATE;

(III) CURRENT IN THE PAYMENT OF ALL TAX OBLIGATIONS TO THE STATE OR ANY UNIT OR SUBDIVISION OF THE STATE; AND

(IV) NOT IN DEFAULT UNDER THE TERMS OF ANY CONTRACT WITH, INDEBTEDNESS TO, OR GRANT FROM THE STATE OR ANY UNIT OR SUBDIVISION OF THE STATE.

(3) TO BE ELIGIBLE FOR THE TAX CREDIT DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, THE QUALIFIED INVESTOR MAY NOT:

(+) AFTER MAKING THE PROPOSED INVESTMENT, OWN OR CONTROL MORE THAN 25% OF THE EQUITY INTERESTS IN THE QUALIFIED MARYLAND BIOTECHNOLOGY COMPANY IN WHICH THE INVESTMENT IS TO BE MADE; OR,

(H) ~~BEFORE MAKING THE PROPOSED INVESTMENT, BE:~~

~~1. A FOUNDER, A PRINCIPAL, AN OFFICER, OR A MEMBER OF OR A GENERAL PARTNER IN THE QUALIFIED MARYLAND BIOTECHNOLOGY COMPANY; OR~~

~~2. A PARENT, A SPOUSE, OR A CHILD OF ANY PERSON DESCRIBED IN ITEM 1 OF THIS ITEM.~~

(c) (1) At least 30 days prior to making an investment in a qualified Maryland biotechnology company for which a qualified investor [or qualified Maryland venture capital firm] would be eligible for an initial tax credit certificate under subsection (b) of this section, the qualified investor [or qualified Maryland venture capital firm] shall submit an application to the Department.

(2) THE APPLICATION SHALL EVIDENCE THAT THE QUALIFIED MARYLAND BIOTECHNOLOGY COMPANY IS: