



## **Medical Marijuana Rules**

### **September 2020 Board Meeting**

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3796:6-3-01      **Dispensary operations generally.**

- (A) A dispensary awarded a certificate of operation under this division shall:
- (1) Operate in accordance with the representations made in its application; and
  - (2) Comply with Chapter 3796. of the Revised Code and this division.
- (B) Only a dispensary with an active certificate of operation from the state board of pharmacy may authorize and engage in medical marijuana dispensary operations.
- (C) A dispensary shall not dispense marijuana from, obtain marijuana from, or transfer marijuana to, a location outside of the state of Ohio.
- (D) A dispensary shall not obtain, cultivate, deliver, transfer, transport, sell or dispense marijuana except:
- (1) It may acquire marijuana from a processor or cultivator holding a plant-only processor designation;
  - (2) It may sell expired plant material to a processor licensed by the department of commerce, if all original tamper-resistant seals from the original cultivator's container remain intact;
  - (3) Dispensary employees may dispense and sell marijuana only to a patient or caregiver, in a dispensary department, in accordance with Chapter 3796. of the Revised Code and this division; and
  - (4) It may initiate a transfer of inventory over the course of discontinuing business pursuant to rule 3796:6-2-14 of the Administrative Code.
- (E) No person at a dispensary shall provide free medical marijuana samples or engage in compounding as defined under ~~rule 4729-16-01 of the Administrative~~[section 4729.01 of the Revised](#) Code.
- (F) A dispensary shall sell medical marijuana only in the original, sealed containers or packaging as delivered by the processor or cultivator holding a plant-only processor designation.
- (G) Upon a patient or caregiver's request, a dispensary may provide the patient or caregiver to whom medical marijuana has been dispensed by the dispensary, with a container that is intended to be used for the transport of medical marijuana aliquots.
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Such a container shall:

(1) Meet the requirements in paragraph (A) of rule 3796:8-1-01 of the Administrative Code ~~except;~~

~~(a) Upon written request from a patient or caregiver a container that is not child resistant may be furnished in accordance with requirements of this paragraph;~~

~~(b) All written requests must be maintained by the dispensary as part of the patient's official record; and~~

~~(c) Accompanying documentation must include the form and method of administration for which the container was furnished, the date it was furnished, and the name and signature of the dispensary employee furnishing the container.~~

(2) Have an affixed label containing:

(a) The product name, form, dose, product identifier, [product identification number](#), and quantity for which the container was provided;

(b) The date and quantity dispensed, including the net weight measured in ounces and grams or by volume, as appropriate;

(c) The name and registry number of the patient and, if applicable, the name of his or her designated caregiver;

(d) The name, address and license number of the dispensary;

(e) A warning that states: "This product may cause impairment and may be habit-forming;"

(f) The statement: "This product may be unlawful outside of the State of Ohio;"

(g) If the product is in a form other than plant material, the following must be included:

(i) The date on which the product was manufactured and the name and license number of the processor that manufactured the product;

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- (ii) A list of all ingredients and all major food allergens as identified in 21 USC 343; and
  - (iii) A warning that states: “Caution: When eaten or swallowed, the effects and impairment caused by this drug may be delayed.”
- (3) All labels printed for the purposes of this paragraph shall be printed as a duplicate, auditable label in the dispensary’s internal inventory control system.
- (4) A record of all containers provided to a patient or caregiver pursuant to this paragraph shall be kept for at least three years. This record shall include at least the following:
  - (a) The product name, form, dose, product identifier, and quantity for which the container was provided;
  - (b) Positive identification of the employee responsible for providing the container; and
  - (c) Signature of the patient or caregiver who received the container and the date on which the container was received.
- (H) A dispensary shall place all products sold to the qualifying patient or caregiver in an opaque package that shall not indicate the contents of the package, the originating facility or in any other way cause another person to believe that the package may contain marijuana.
- (I) A dispensary shall not permit any person to enter the dispensary department unless:
  - (1) Such person is a licensed dispensary employee whose responsibilities necessitate access to the dispensary department;
  - (2) Such person is a registered patient or caregiver whose active registration is verified before entry into the dispensary department. Patients and caregivers shall not be permitted behind the service counter or in other restricted access areas; or
  - (3) Such person’s responsibilities otherwise necessitate access to the dispensary department and then only for as long as necessity requires. Persons

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necessitating access may include authorized agents from the state board of pharmacy and local, state, or federal law enforcement authorities. All others who necessitate access shall be under direct personal supervision while on licensed dispensary premises.

(J) All dispensary employees shall at all times while on dispensary premises, wear above the waist, ~~the an~~ employee identification card ~~issued by the state board of pharmacy~~ printed by the dispensary at which they are employed. The card shall clearly identify the employee to the public and contain, at a minimum:

(1) ~~An image of the~~ Each employee identification card shall clearly identify the employee to the public and contain, at a minimum, the following features and information;:

(a) A clear photo of the image of the employee's face measuring two inches by two inches, taken not more than ninety days prior to the issuance to the employee;

(b) The date on which the identification card was issued to the employee;

(c) The employee's current name;

(d) The medical marijuana employee license number;

(e) Security features to prevent unauthorized duplication of the employee's identification card; and

(f) The name of the dispensary. ~~(2)~~

~~The date on which the license expires; (3)~~

~~The employee's current name; and (4)~~

~~The name of the dispensary.~~

(2) Identification cards shall expire four years from the date of issuance. The dispensary's designated representative shall be responsible for collecting and destroying all expired cards and cards from employees who are no longer employed by the dispensary.

(3) A dispensary employee shall be issued a separate identification card for each dispensary employing that individual.

(4) Dispensaries may only print an employee identification card for an employee that holds an active license issued pursuant to Chapter 3796. of the Revised

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[Code and the rules adopted thereunder.](#)

(K) A dispensary shall maintain a list of all third-party vendors. The third-party vendor list shall be provided to the state board of pharmacy upon request.

~~(L) A dispensary shall establish, maintain and comply with written policies and procedures as submitted in an operations and management practices plan, approved by the state board of pharmacy, for the safe handling, security, inventory and distribution of medical marijuana. Such policies and procedures shall include methods for identifying, recording and reporting diversion, theft or loss, for correcting errors and inaccuracies in inventories and any other required policy set forth in Chapter 3796. of the Revised Code and this division.~~

~~(M)~~(L) A dispensary designated representative shall review dispensary organization policies and procedures at least once every twelve months from the issue date of the certificate of operation and update as needed or as requested by the state board of pharmacy. The time and date of such reviews shall be documented at the completion of each review.

~~(N)~~(M) No medical marijuana requiring refrigeration or hot-holding or considered potentially hazardous food shall be possessed or sold by a dispensary.

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## Hours of operation.

- (A) A dispensary shall: conspicuously post the hours of operation of the dispensary at all public entrances to the dispensary and on the dispensary's website homepage if one is maintained by the dispensary.
- ~~(1) Conspicuously post the hours of operation of the dispensary at all public entrances to the dispensary; and~~
- ~~(2) Clearly state the hours of operation of the dispensary in all advertising for the dispensary.~~
- (B) A dispensary shall not sell, serve, or dispense medical marijuana at any time other than between the hours of seven am ~~ESTET~~ and nine pm ~~ESTET~~.
- (1) Changes in the dispensary hours of operation shall be submitted to and approved by the board prior to hours of operation being modified.
- (2) Requests for modification of hours of operation shall be submitted on a form determined by the board no less than seven days prior to the requested modification of hours of operation go into effect.
- (3) The dispensary must maintain approved hours for no less than ~~forty-five~~ thirty days before submitting a request to change hours, unless approved due to unusual circumstances as determined by the board.
- (C) A dispensary shall be open for qualifying patients and caregivers to purchase medical marijuana for a minimum of thirty-five hours a week, except as otherwise authorized by the state board of pharmacy.
- (D) A dispensary that closes during its normal hours of operation shall implement procedures to notify qualifying patients and caregivers of when the dispensary will resume normal hours of operation. Such procedures may include, but are not limited to, telephone system messages and conspicuously posted signs. If the dispensary is, or will be, closed during its normal business hours for longer than two days, the dispensary shall immediately notify the state board of pharmacy.
- (E) A dispensary location must have at least two employees physically present at the dispensary location during all hours that the dispensary is open. At least one of those employees shall be a dispensary key employee.

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## Review of dispensing errors.

(A) A dispensary designated representative shall notify all dispensary employees that the discovery or reporting of a dispensing error shall be relayed immediately to a dispensary designated representative.

(B) The dispensary designated representative shall report an error in dispensing to the state board of pharmacy, in a manner determined by the board, within ~~twenty-four~~ forty-eight hours of learning of such error.

~~(B)~~(C) A dispensary designated representative shall ensure that a quality assurance review for each dispensing error is completed and that such review is commenced as soon as is reasonably possible, but no later than two business days from the date the dispensing error is discovered.

~~(C)~~(D) A dispensary shall create a record of every quality assurance review. This record must contain, but is not limited to, the following:

- (1) The date or dates of the quality assurance review;
- (2) The pertinent data and other information relating to the dispensing error reviewed;
- (3) Documentation of contact with the qualifying patient, caregiver where applicable, and the recommending physician;
- (4) The findings and determinations generated by the quality assurance review; and
- (5) Recommended changes to dispensary policy, procedure, systems or processes if any.



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## Record keeping requirements.

- (A) Dispensary records may be maintained [either manually and/or](#) electronically and [shall be available for inspection by the state board of pharmacy in a readily retrievable manner](#) upon request. The dispensary shall develop recordkeeping policies and procedures consistent with this division.
- (B) Any dispensary that uses an electronic system for the storage and retrieval of patient information or other medical marijuana records; shall use a system that:
- (1) Guarantees the confidentiality of the information contained within;
  - (2) Can be accessed by the state board of pharmacy in accordance with this division;
  - (3) Can provide safeguards against erasures and unauthorized changes in data after the information has been entered and verified by the dispensary;
  - (4) Contains a true audit trail that indicates and dates any edits or deletions to a patient record; and
  - (5) Is capable of being reconstructed or retrieved within three business days, in the event of a computer malfunction or accident resulting in the destruction of the database.
- (C) Each dispensary shall keep a record of all medical marijuana received, dispensed, sold, destroyed, or used. The acts of dispensing and destroying of a controlled substance must be documented with the positive identification of the responsible individual. These records may be kept electronically if the method is approved by the state board of pharmacy and the records are backed-up each business day.
- (D) Any dispensary intending to maintain records at a location other than the licensed dispensary premises must first send a written request to the state board of pharmacy. The request shall contain the dispensary name and license number of the requestor and the name and address of the alternate location. The state board of pharmacy will send written notification to the dispensary documenting the approval or denial of the request. A copy of the ~~board's~~[state board of pharmacy's](#) approval shall be maintained with the medical marijuana records located on the licensed dispensary premises. Any alternate location shall be secured and accessible only to authorized dispensary employees.
- (E) Documentation maintained and organized by a dispensary in the normal course of business must [be available for inspection by the state board of pharmacy and](#)

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include, but is not limited to:

- (1) Background checks for employees conducted by the dispensary, if applicable;
- (2) Operating procedures;
- (3) Inventory records;
- (4) Audit records;
- (5) Staffing plan;
- (6) Business records that include:
  - (a) Assets and liabilities;
  - (b) Third party vendor list;
  - (c) Monetary transactions;
  - (d) Written or electronic accounts that shall include bank statements, journals, ledgers, and supporting documents, agreements, checks, invoices ~~and~~, vouchers; and
  - (e) Any other financial accounts reasonably related to dispensary operations.
- (7) Surveillance records (not including video camera recordings);
- (8) Attendance logs;
- (9) Employee training records;
- (10) Quality assurance review logs;
- (11) Records relating to the purchase or return, dispensing, distribution, destruction, and sale of medical marijuana; and
- ~~(11)~~(12) All other records required under Chapter 3796. of the Revised Code and this division.

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- (F) ~~All records relating to the purchase or return, dispensing, distribution, destruction, and sale of medical marijuana shall be maintained under appropriate supervision and control to restrict unauthorized access~~All records listed in paragraph (E) of this rule shall be maintained for at least three years under appropriate supervision to ensure confidentiality and be made readily available for release in accordance with rule 3796:6-3-18 of the Administrative Code.

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## Employee training requirements.

(A) A dispensary designated representative shall establish and oversee a dispensary employee training program.

(B) Each dispensary shall maintain evidence of all training provided for every dispensary employee in its files. Such records are subject to inspection and audit by the state board of pharmacy. Acceptable forms of evidence are:

(1) Transcripts;

(2) Certificates of completion; or

(3) Other form of documentation which includes:

(a) The participant's name;

(b) Course title;

(c) Course content;

(d) Date(s) of training;

(e) Provider's name(s); and

(f) Signature of the course instructor.

(C) All dispensary employees shall receive foundational training regarding the dispensing of medical marijuana before dispensing any medical marijuana. All dispensary employees with access to confidential patient information and/or the patient registry shall receive foundational training pursuant to subsection (5) even if not dispensing medical marijuana. Training received in accordance with this paragraph does not qualify as continuing education described in paragraphs (D) and (E) of this rule. Mandatory training for dispensary employees before the employee may begin dispensing medical marijuana includes:

(1) Relevant training on the drug database established pursuant to section 4729.75 of the Revised Code;

(2) Relevant training on the inventory tracking system established pursuant to section 3796.07 of the Revised Code;

(3) Responsible use training, which shall include specific instruction on:

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- (a) Use of the toll-free telephone line established pursuant to section 3796.17 of the Revised Code; and
  - (b) Learning to recognize signs of medicine abuse or adverse events in the medical use of marijuana by a patient.
- (4) The proper use of security measures and controls that have been adopted by the dispensary for the prevention of diversion, theft or loss of medical marijuana;
  - (5) Confidentiality requirements of a dispensary;
  - (6) Instruction on the different forms, methods of administration, and strains of medical marijuana;
  - (7) Instruction on qualifying conditions for medical marijuana patients;
  - (8) Authorized uses of medical marijuana in the treatment of qualifying conditions;
  - (9) Instruction regarding regulatory inspection preparedness and law enforcement interaction;
  - (10) Awareness of the legal requirements for maintaining status as a licensed dispensary employee, [including but not limited to the duty to report information to the board](#); and
  - (11) Other topics as specified by the state board of pharmacy.
- (D) Dispensary employees [who dispense medical marijuana](#) shall receive a minimum of sixteen hours of continuing education, on topics described in paragraph (E) of this rule, for each two-year licensing period. Continuing education hours shall not be carried over from one licensing period to another. A dispensary employee who is licensed within six months of a dispensary employee biennial renewal cycle shall be exempt from continuing education requirements.
  - (E) The designated representative shall be responsible for ensuring that each dispensary key and support employee [who dispenses medical marijuana](#) receives continuing education on the following subjects during each biennial licensing period:
    - (1) Guidelines for providing information to patients and caregivers related to the risks associated with medical marijuana, including possible drug interactions;

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- (2) Guidelines for providing support to patients related to the patients' symptoms;
  - (3) Recognizing signs and symptoms of substance abuse;
  - (4) Guidelines for refusing to provide medical marijuana to an individual who appears to be impaired or abusing medical marijuana;
  - (5) The safe handling of medical marijuana, including an overview of common industry hazards, current health and safety standards, and dispensary best practices;
  - (6) Legal updates training pertaining to the Ohio medical marijuana control program; and
  - (7) Other topics as specified by the state board of pharmacy.
- (F) Before any training in paragraphs (C) and (E) of this rule may be provided to dispensary employees for credit, a designated representative shall submit, in a manner determined by the board, all of the following items to the state board of pharmacy and obtain approval:
- (1) Names and qualifications of the persons responsible for training content;
  - ~~(2) The primary objective of the training and how it is intended to improve the participants' competency as dispensary employees;~~
  - ~~(3) The number of intended trainings for the next twelve-month period and the number of participants for each training;~~
  - ~~(4) Any brochures describing the activity;~~
  - ~~(5) The method or manner of presenting materials;~~
  - ~~(6)~~(2) The agenda with a detailed time schedule;
  - ~~(7)~~(3) A set of training materials, ~~if requested~~; and
  - ~~(8)~~(4) Any other items requested by the state board of pharmacy.
- (G) Before training may be provided to dispensary employees for credit under paragraphs (C)(3)(b), (C)(7), and (E)(1) to (E)(4) of this rule, a designated representative shall

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submit, in a manner determined by the board, all of the following to the state board of pharmacy:

- (1) A signed attestation by the person responsible for training content that the person or persons responsible for the content of the educational materials is a pharmacist licensed under Chapter 4729. of the Revised Code, or any of the following professionals authorized to prescribe under division (I) of section 4729.01 of the Revised Code:
    - (a) A clinical nurse specialist or certified nurse practitioner;
    - (b) A physician; or
    - (c) A physician assistant;
  - (2) The professional license number of the person or persons identified in paragraph (G)(1) of this rule; and
  - (3) That the person or persons approve of the content.
- (H) All training materials submitted for approval ~~pursuant to~~ under paragraph (F) of this rule shall be submitted a minimum of sixty days prior to the date of presentation of the intended training. Any representation that the training has been approved for dispensary employee credit is prohibited until such approval is received by the designated representative who submitted the application for approval.
- (I) Training approved for credit by the state board of pharmacy pursuant to paragraphs (F) and (G) of this rule, shall be valid for dispensary employee continuing education credit for remainder of the two-year licensing period in which the continuing education credit will be offered. Training material is valid for two years from the date of approval. Approved training shall be available to any licensed dispensary employee.
- (J) Before or at the time of training, each participant shall be provided with course materials in the form of written, electronic, or other format that are of such quality and quantity to indicate that adequate time has been devoted to their preparation and that they will be of value to participants. Any presentation materials, electronic or otherwise, shall be subject to the same criteria as other materials.
- (K) Training credit shall not be awarded for breaks or opening or closing remarks. Only time of actual instruction shall count toward a credit hour. Partial hours shall be

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rounded to the nearest one-quarter of an hour and should be expressed in decimals.

- (L) The state board of pharmacy, upon receipt of evidence that any approved training program or training provider is not conforming to the requirements developed pursuant to this rule, may revoke or otherwise limit the scope of the board's prior approval.
- (M) An attendee at an out-of-state training may seek post-program approval if such approval is sought within sixty days after the program is presented. An application for out-of-state training shall be made on a completed form, developed in accordance with section 3796.04 of the Revised Code.
- (N) A designated representative shall, in cooperation with the individual or individuals described in paragraph (O) of this rule, provide oversight for the development and dissemination of:
- (1) Educational materials for patients and caregivers in accordance with paragraphs (C)(6) and (C)(7) of rule 3796:6-3-15 of the Administrative Code;
  - (2) A system for a patient or caregiver to document the patient's symptoms related to a qualifying condition that includes:
    - (a) A ~~log-book~~logbook, maintained by the patient and/or caregiver, in which the patient or the caregiver may track the use and effects of medical marijuana;
    - (b) A rating scale for symptoms associated with a qualifying condition;
    - (c) Guidelines for the patient's self-assessment, or if applicable, assessment of the patient by the caregiver; and
    - (d) Guidelines for reporting usage and symptoms to the recommending physician and any other treating physicians.
  - (3) Policies and procedures for refusing to provide medical marijuana to an individual who appears to be impaired or abusing medical marijuana.
- (O) A designated representative shall maintain all of the following records regarding the educational materials outlined in paragraph (N) of this rule:



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- (1) A signed attestation by the person or persons responsible for content described in paragraph (N) of this rule is a pharmacist licensed under Chapter 4729. of the Revised Code, or any of the following professionals authorized to prescribe under division (I) of section 4729.01 of the Revised Code:
  - (a) A clinical nurse specialist or certified nurse practitioner;
  - (b) A physician; or
  - (c) A physician assistant;
- (2) The professional license number of the person or persons identified in paragraph (O)(1) of this rule; and
- (3) That the person or persons approve of the content.

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## **Medical marijuana dispensary internal inventory control system.**

- (A) A dispensary designated representative shall have primary oversight of the dispensary's medical marijuana inventory control system. The inventory control system shall be real-time, web-based, backed-up at least daily and accessible by the state board of pharmacy immediately upon request.
- (B) A dispensary's inventory control system shall allow for tracking so that the oldest stock of medical marijuana is distributed first. A dispensary may deviate from this requirement, if such deviation is temporary and appropriate.
- (C) A dispensary shall establish and implement an inventory control system for its medical marijuana that documents an exact accounting of:
  - (1) Each transaction and each day's beginning inventory, acquisitions, sales, disposal and ending inventory.
  - (2) Acquisitions of medical marijuana from a licensed processor or cultivator holding a plant-only processor designation, including:
    - (a) A description of the products including the quantity, strain, variety and batch number of each product received;
    - (b) For each product, the finished form, number of units or volume of each finished form in each container, the number of commercial containers of each finished form;
    - (c) The name and license number of each of the processors and cultivators providing the medical marijuana;
    - (d) The name and license number of the licensed processor and cultivator agents delivering the medical marijuana;
    - (e) The name and license number of the licensed dispensary employee receiving the medical marijuana;
    - (f) The date of acquisition; and
    - (g) Any other information deemed appropriate by the state board of pharmacy.

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- (3) Records of the sale or dispensing of medical marijuana and denials of such sales, which shall contain:
  - (a) A description of the products including the quantity, strain, variety and batch number of each product dispensed;
  - (b) The name and license number of the licensed dispensary employee selling, dispensing, or denying the sale or dispensing of the medical marijuana;
  - (c) The date of dispensing; and
  - (d) The name and registration number of the patient and, if applicable, the caregiver.
- (4) The disposal of medical marijuana, including:
  - (a) A description of the products, including quantity, strain, variety, batch number and cause for the medical marijuana being destroyed;
  - (b) The name and license number of the dispensary employee destroying the medical marijuana or medical marijuana product;
  - (c) The name and license number of the dispensary key employee verifying the destruction of the medical marijuana or medical marijuana product;
  - (d) The method of disposal and the name, address and telephone number of the disposal company; and
  - (e) The date of disposal.
- (D) The designated representative shall conduct and document an audit of the dispensary's daily inventory according to generally accepted accounting principles at least once weekly.
  - (1) If the audit identifies a reduction in the amount of medical marijuana in the dispensary's inventory not due to documented causes, the dispensary shall determine where the loss occurred and immediately take and document corrective action. The dispensary shall immediately inform the state board of pharmacy of the loss by telephone and provide written notice of the loss and

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the corrective action taken within two business days after first discovery.

- (2) If the reduction in the amount of medical marijuana in the inventory is due to criminal activity or suspected criminal activity, the dispensary shall immediately make a report identifying the circumstances surrounding reduction to the state board of pharmacy and law enforcement with jurisdiction where the suspected criminal acts occurred.
- (3) If the audit identifies an increase in the amount of medical marijuana in the dispensary's inventory not due to documented causes, the dispensary shall determine where the increase occurred and take and document corrective action.

(4) ~~The~~ Every medical marijuana dispensary shall ~~submit~~ complete or cause to be completed quarterly financial ~~audit~~ statements ~~in a format and medium approved by the state board of pharmacy. Quarterly audits may include, but are not limited to, an income statement, balance sheet and weekly medical marijuana inventory, including marijuana acquisition, wholesale cost and sales, prepared in accordance with~~ prepared by a certified public accountant prepared under generally accepted accounting principles (GAAP) that includes, at a minimum, an income statement, balance sheet, and cash flow statement. ~~Annually, the~~ Following the end of every fiscal year, a medical marijuana dispensary or the parent company for multiple dispensaries shall submit cause an audit ~~including the same information, compiled and~~ to be prepared and certified by ~~an~~ a licensed independent auditor ~~or by a licensed independent auditor or an independent certified public accountant as accurate based on the information provided~~ or certified public accountant. Both such quarterly and annual submissions shall be in a format and medium approved by the state board of pharmacy under generally accepted auditing standards (GAAS). Upon notice, the Board may require the dispensary to have an audit conducted by a licensed independent auditor under generally accepted auditing standards (GAAS) at the dispensary's cost. The scope of the audit may include, but need not be limited to, financial transactions and inventory control measures.

(E) A dispensary shall:

- (1) Maintain the documentation required of this rule in a secure, locked location for three years from the date on the document. These records may be kept electronically if the method is approved by the state board of pharmacy and the records are backed-up each business day;
- (2) Provide any documentation required to be maintained in this rule to the state board of pharmacy for review upon request; and

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(3) If maintaining a bank account, retain for a period of three years a record of each deposit or withdrawal from the account.

(F) A dispensary shall not accept returns of medical marijuana, unless the return is

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pursuant to a program offered under paragraph (D) of rule 3796:6-3-14 of the Administrative Code, a recall, or the consequence of an error in dispensing. If medical marijuana is abandoned at the dispensary, it shall be accounted for and destroyed. All returned or abandoned medical marijuana shall be destroyed in compliance with rule 3796:6-3-14 of the Administrative Code. A dispensary shall notify the state board of pharmacy in writing of any returned or abandoned medical marijuana.

~~(G)~~—All records of each day's beginning inventory, acquisitions, sales, disposal and ending inventory shall be kept for a period of three years at the place where the medical marijuana and medical marijuana products are located. Any dispensary intending to maintain such records at a location other than this place must first send a written request to the state board of pharmacy. The request shall contain the dispensary name and license number and the name and address of the alternate location. The state board of pharmacy will send written notification to the dispensary documenting the approval or denial of the request. A copy of the state board of pharmacy's approval shall be maintained with the other records of medical marijuana. Any such alternate location shall be secured and accessible only to authorized dispensary employees.

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## Dispensary access.

(A) Except as provided under this division, no person, except a dispensary employee, or a cultivator or processor employee who is delivering medical marijuana, shall be allowed in the dispensary department without an active qualifying patient or caregiver registration issued by the state board of pharmacy. One individual may also accompany a registered patient or caregiver into the dispensary; however, that individual must remain in the waiting area.

(B) In addition to authorized dispensary employees, cultivator employees, and processor employees, the following may be granted access to a dispensary so long as presence is maintained in the dispensary visitor log and ~~obtain~~ is provided by a dispensary employee, prior to entering the dispensary:

~~(1) One individual accompanying each patient or caregiver who shall remain in the waiting area. Such visitors shall remain under supervision of a dispensary employee while on dispensary premises;~~

~~(2)~~(1) Third party service personnel, such as technicians, utility workers, and employee representatives, may access portions of the premises that do not contain medical marijuana without prior written notice, provided that such visitors are entered in the visitor log, are identified on the third party vendor list maintained in compliance with rule 3796: 6-3-17 E(6)(b) of the Administrative Code, and are accompanied at all times by a dispensary employee. Such visitors may only enter non-restricted areas, such as employee break rooms or restrooms, and may not have access to areas containing medical marijuana without ~~prior approval or in the event of an emergency in accordance with paragraph (C) of this rule~~ continuous supervision by a dispensary employee; and

~~(3)~~(2) Local, state or federal law enforcement, emergency service personnel, or government officials ~~if necessary to perform~~ in the performance of their civil or administrative governmental duties.

(C) Upon prior written request, on a form approved and provided by the board, the state board of pharmacy may authorize persons who are otherwise prohibited from being on dispensary premises, temporary access to a dispensary.

(1) Such access shall only be permitted as follows:

(a) Credentialed members of the media may access dispensaries only during non-operating hours. A credentialed member of the media is an individual who operates or is employed by a media organization and whose primary professional employment is through the media organization that has issued the individual's credentials. The media organization must have a record of substantial and original news coverage. The request shall be made a minimum of seven days prior to

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the requested date of access.

(b) Physicians with a Certificate to Recommend (CTR) and government officials and their staff may access dispensaries for educational and policy making purposes. The request shall be made a minimum of seventy-two hours prior to the requested date of access.

~~(1)~~(2) All persons not expressly permitted to be on the premises of a dispensary under this rule, but who have been authorized, in writing, to enter the dispensary by the state board of pharmacy, shall obtain a visitor identification badge from the dispensary, prior to entering the dispensary.

~~(2)~~(3) A dispensary employee shall escort and supervise such visitors at all times that the visitor is on the dispensary premises. ~~Visitors shall visibly display the visitor identification badge at all times that the visitor is on dispensary premises and shall return the visitor identification badge to a dispensary employee upon exiting the dispensary.~~

(4) Visitors shall visibly display the visitor identification badge at all times that the visitor is on dispensary premises and shall return the visitor identification badge to a dispensary employee upon exiting the dispensary.

~~(3)~~(5) All visitors shall log in and out. The dispensary shall maintain the visitor log, which shall include the date, time, and purpose of the visit ~~and~~, which shall be available to the state board of pharmacy upon request.

(6) No photographs or recordings in any form shall be made of restricted dispensary areas.

(7) No photographs or recordings that identify patients or caregivers shall be made absent a consent form signed by the identified patient or caregiver.

~~(4)~~(8) If an emergency requires the presence of a visitor and makes it impracticable for the dispensary to obtain a waiver pursuant to this section, the dispensary shall provide written notice to the state board of pharmacy as soon as practicable after the onset of the emergency. Such notice shall include the name and company affiliation of the visitor, the purpose of the visit, and the date and time of the visit. The dispensary shall monitor and maintain a log of such ~~visit~~visits.

~~(D) No medical marijuana shall be sold, dispensed, or distributed to a patient or caregiver via a delivery service or any other manner outside of a dispensary, except that a caregiver may deliver medical marijuana to the caregiver's qualified patient.~~