



Rules for Stakeholder Feedback

In accordance with Chapter 119. of the Revised Code, the State of Ohio Board Pharmacy proposes amendments to the following rules:

- 3796:6-1-01 – Definitions.
- 3796:6-2-03 – Medical marijuana dispensary ownership and ownership requirements. (New Rule; Rescind Previous Rule)
- 3796:6-2-11 – Medical marijuana dispensary – license bond.
- 3796:6-2-12 – Change in dispensary ownership, business, or tradename. (New Rule; Rescind Previous Rule)
- 3796:6-3-04 – Procedures when dispensary is closed.
- 3796:6-3-07 – Security, control, and storage of medical marijuana at a dispensary. (No Change)
- 3796:6-3-09 – Labeling and accompanying material requirements for medical marijuana sold at a dispensary.
- 3796:6-3-10 – Dispensary reporting into the prescription monitoring program. (No Change)
- 3796:6-4-01 – Enforcement generally. (No Change)
- 3796:6-4-04 – Revocation, suspension and termination of a medical marijuana dispensary certificate of operation or employee license.
- 3796:6-4-08 – Restoration of license from discipline.
- 3796:7-1-01 – Definitions.
- 3796:7-2-05 – Patient and caregiver registry – generally.
- 3796:7-2-06 – Voluntary relinquishment of a medical marijuana registration.
- 3796:7-3-01 – Medical marijuana patient and caregiver fee structure.
- 3796:8-2-01 – Authorized medical marijuana forms and methods of administration. (No Change)

Comments on the proposed rules will be accepted until close of business on **8/18/22**.

Please send all comments to the following email address:

RuleComments@pharmacy.ohio.gov.



3796:6-1-01 **Definitions.**

- (A) “Abandoned application” means an application for a **provisional** dispensary ~~provisional~~ license where the applicant fails to complete all application requirements within five calendar days after being notified by the state board of pharmacy, subject to the factors that would otherwise remove the applicant from consideration under Chapter 3796. of the Revised Code or this division. An applicant forfeits all fees associated with an abandoned application. The state board of pharmacy shall not be required to act on any abandoned application and the application may be destroyed by the board staff. If the application is abandoned, the applicant shall be required to reapply for licensure in accordance with Chapter 3796. of the Revised Code and this division, in effect at the time of reapplication.
- (B) “Business day” means any day other than Saturday, Sunday or a holiday recognized by the state of Ohio on which the state board of pharmacy is not open for business.
- (C) “Designated representative” means the dispensary key employee responsible for acting in compliance with rule 3796:6-3-05 of the Administrative Code.
- (D) “Dispensary department” means a building, room or other area under the control of a dispensary and upon the licensed premises with access limited to patients, caregivers, dispensary employees or service professionals conducting business with the dispensary and who are escorted and supervised by a dispensary employee, and other persons authorized by Chapter 3796.05 of the Revised Code and this division.
- (E) “Dispensary district” or “district” means a geographic region, established by the state board of pharmacy, in accordance with division (B)(3) of section 3796.05 of the Revised Code.
- (F) “Dispensary employee” means ~~an~~ any ~~or all~~ of the following:
- (1) “Dispensary associated key employee” means any of the following:
- (A) An owner with a financial interest of ten percent or more in a dispensary entity or holding company of the dispensary entity or ~~prospective owner~~, an officer, ~~or~~ board member, director, trustee, partner, or an equivalent fiduciary of a dispensary entity or holding company of the dispensary entity;
- (B) A prospective owner with a financial interest of ten percent or more in a dispensary entity or holding company of the dispensary entity included in an application to obtain a dispensary license, or an officer, board member, director, trustee, partner, or an equivalent fiduciary of the ~~entity seeking a dispensary license~~ dispensary entity or holding company of the dispensary entity included in an application to obtain a dispensary license; or
- (C) Any other individual the board determines to have the power

to exercise control over the management, operations, or policies of a dispensary or the entity included in an application to obtain a dispensary license.

- (2) “Dispensary key employee” means any **person** ~~administrator or other person~~ responsible for the **management of the** daily operations of a licensed dispensary.
- (3) “Dispensary support employee” means any **employee person employed by a dispensary that is not a dispensary associated key employee or dispensary key employee who works within a dispensary but who does not have authority to make operational decisions.**

(G) “Opioid Treatment Program” or “OTP” means a facility that is licensed as a terminal distributor of dangerous drugs in accordance with 4729.54 of the Revised Code and holds, or is in the process of applying for, a valid certification from the substance abuse and mental health services administration of the United States department of health and human services pursuant to 42 CFR 8.11 (3/19/2001). An OTP does not include an office-based opioid treatment clinic as defined in chapter 4729:5-18 of the Administrative Code.

(G) **(H)** “Place on probation” means to take action against a license ~~suspending some or all of the sanctions imposed by the state board of pharmacy against that license. The terms of the probation shall state the period of time covered by the probation and may include other conditions as determined by the state board of pharmacy for a period of time determined by the board, which imposes conditions or other requirements, or suspends or otherwise restricts some or all of the activities in which the licensee may engage.~~

(H) **(I)** “Positive identification” means a method of identifying an individual who receives, dispenses, or destroys medical marijuana. A method may not rely solely on the use of a private personal identifier such as a password, but must also include a secure means of identification such as the following:

- (1) A manual signature on a hard copy record;
- (2) A magnetic card reader;
- (3) A barcode reader;
- (4) A biometric method;
- (5) A proximity badge reader;
- (6) A state board of pharmacy-approved system of randomly generated personal questions;
- (7) A printout of every transaction that is verified and manually signed within a

reasonable period, ~~but no more than forty eight hours, by the by the responsible individual by the individual who performed the action requiring positive identification.~~ The printout must be maintained for three years and made available on request to those individuals authorized by law to review such records; or

- (8) Other effective methods for identifying individuals that have been approved by the state board of pharmacy. A method relying on a magnetic card reader, a bar code reader, a proximity badge reader, or randomly generated questions for identification must also include a private personal identifier, such as a password, for entry into a secure mechanical or electronic system.
- (I) ~~(J)~~ (J) “Refuse to grant or renew” means to deny original or continued licensure for a period of at least ~~twelve~~ twenty-four months. After ~~twelve~~ twenty-four months or such period of time as the individual board order may require, an employee or dispensary, or a facility that desires to attain such status by licensure, and whose license the state board of pharmacy has refused to grant or renew, may make application to the board for issuance of a new license in accordance with Chapter 3796. of the Revised Code and this division. ~~An individual who desires to attain employee status by licensure, whose license the state board of pharmacy has refused to grant or renew must meet any requirements established by the board.~~ A person that seeks to attain such status by licensure, whose license the state board of pharmacy has refused to grant or renew, must meet all requirements established by the board in rule and as may be set forth in the person's board order.
- (J) ~~(K)~~ (K) “Restricted access area” means a building, room or other contiguous area under control of a dispensary and upon the licensed premises with access limited to only dispensary employees, where medical marijuana inventory, all records related to the dispensing of medical marijuana and all other items that require the personal supervision of a dispensary key employee are maintained behind a physical barrier with suitable locks and an electronic barrier to detect entry during any time when a dispensary key employee is not present.
- (K) ~~(L)~~ (L) “Revoke” means to take action against a license rendering such license void and such license may not be reissued. "Revoke" is an action that is permanent against the license and licensee.

- (L) **(M)** “Suspend” means to take action against a license rendering such license without force and effect for a period of time as determined by the state board of pharmacy. **The board may require that an individual whose license or registration has been suspended may not be employed by or work in a facility licensed by the state board of pharmacy to possess or distribute dangerous drugs during such period of suspension.**

3796:6-2-03 **Medical marijuana dispensary ownership and ownership requirements.**

- (A) In accordance with rule 3796:6-1-01(F) of the Administrative Code, an owner with a financial interest of ten percent or more in a dispensary entity or holding company of the dispensary entity shall be a dispensary associated key employee and shall be licensed in accordance with this division.**
- (B) Pursuant to rule 3796:6-2-04(C)(1)(b) of the Administrative Code, no owner, as defined in this rule, may be issued more than five dispensary certificates of operation and/or provisional dispensary licenses at any time.**
- (C) Pursuant to rule 3796:6-2-04(C)(1)(c) of the Administrative Code, no owner, as defined in this rule, may be issued more than sixty-six per cent of the total number of dispensary certificates of operation and/or provisional dispensary licenses in a multi-license district.**
- (D) Any change of dispensary ownership shall comply with rule 3796:6-2-12 of the Administrative Code**

Medical marijuana dispensary – license bond.

- (A) ~~For the purposes of this rule, a~~ **A dispensary shall secure a bond is as a requirement condition** for the issuance of a ~~dispensary license provisional dispensary license and certificate of operation, the maintenance of a certificate, or reactivation of a license.~~ The bond shall ~~be used to~~ guarantee that the dispensary complies with state tax requirements and conducts the dispensary operations in accordance with Chapter 3796. of the Revised Code and this division.
- (B) ~~Evidence of financial responsibility shall be provided by one of the following~~ **A dispensary shall comply with paragraph (A) of this rule in one of the following ways:**
- (1) ~~Establishing and maintaining an escrow or surety account in an Ohio financial institution in the amount of fifty thousand dollars, with escrow terms, approved by the state board of pharmacy, that~~ **it the funds** shall be payable to the treasurer, state of Ohio, in the event of circumstances provided in paragraph (A) of this rule. A financial institution may not ~~return money release any funds pursuant to this rule in an escrow or surety account to the dispensing organization that established the account or a representative of the organization unless the organization or representative presents a statement issued by the state board of pharmacy indicating that the account may be released~~ **unless approved in writing by the state board of pharmacy.**
 - (2) ~~Providing Obtain~~ a surety bond in the amount of fifty thousand dollars, naming the ~~dispensing organization~~ **dispensary** as principal of the bond, with terms, approved by the state board of pharmacy, that the bond defaults to the state board of pharmacy in the event of circumstances outlined in paragraph (A) of this rule. ~~Bond terms include~~ **The bond shall comply with all of the following:**
 - (a) The bond must be written by a surety company authorized and licensed through the state of Ohio;
 - (b) The business name and registration number on the bond must correspond exactly with the business name and registration number in the state board of pharmacy's records;
 - (c) The bond must be written on a form approved by the state board of pharmacy;
 - (d) A copy of the bond must be received by the state board of pharmacy within ninety days after the **state board of pharmacy issues an applicant a effective date of the** provisional **dispensary** license;
 - (e) The state board of pharmacy shall receive written notice within thirty calendar days of when a dispensary knows a bond will be canceled. If a bond is canceled and the licensee fails to file a new bond with the state board of pharmacy in the required amount on or before the effective date of cancellation, the **license provisional dispensary license or certificate of operation** may be revoked. The total and aggregate

liability of the surety on the bond is limited to the amount specified by the bond.

- (3) The provisions of this rule shall be operative at all times during which a bond, escrow account, or surety account are available in the market place.

Change in dispensary ownership, business, or tradename

- (A) A dispensary that has received a certificate of operation and operated for a continuous twelve-month period is eligible to apply for a change of ownership.
- (B) All new dispensary associated key employees shall be included in a change of ownership application and be licensed in accordance with this division.
- (C) Any dispensary seeking a change of ownership, business, or tradename shall submit to the state board of pharmacy an application, on a form determined by the board, and remit the fee set forth in rule 3796:6-5-01(B)(1) of the Administrative Code.
- (D) A change of ownership includes, but is not limited to, any of the following:
- (1) Another person or entity than what was disclosed to the board in an application to obtain a dispensary license pursuant to this division acquires a financial interest of ten percent or more in the dispensary entity or holding company of the dispensary entity;
 - (2) A disposition of all, or substantially all, of a dispensary's assets to another person or entity than what was disclosed to the board in an application to obtain a dispensary license pursuant to this division;
 - (3) Any business reorganization or restructuring, including but not limited to, mergers and consolidation, acquisitions, divestitures, recapitalization, identity changes, or reorganizations that occur because of bankruptcy proceedings, resulting in the formation of a new entity required to obtain a new EIN or a change of control of the dispensary; or
 - (4) A dispensary is controlled by or under common control with another person or entity than what was disclosed to the board in an application to obtain a dispensary license pursuant to this division.
- (E) A dispensary seeking to change the dispensary entity name or tradename, that does not require the dispensary entity to obtain a new EIN, shall submit to the state board of pharmacy an application, on a form determined by the board, and remit a name change fee of five hundred dollars. The dispensary shall not operate under the new name until an amended certificate of operation has been issued by the board.
- (F) For purposes of this rule, "financial interest" means any actual or future right to ownership, investment, or compensation arrangement with another person, either directly or indirectly, through business, investment, spouse, parent, or child, in a dispensary. Financial interest does not include ownership of investment securities in a publicly-held corporation that is traded on a national securities exchange or over-the-counter market in the United States, provided the investment securities held by the person and the person's spouse, parent, or child, in the aggregate, do not exceed ten per cent ownership in the dispensary entity or holding company of the dispensary entity.

- (G) For purposes of this rule, the term “control, controlled by, or under common control with” means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a dispensary, whether through ownership of voting securities, by contract, or otherwise.
- (H) In evaluating an application submitted pursuant to this rule, the state board of pharmacy may consider as evidence and may deny an application, if:
- (1) Ownership will be transferred from a licensee whose license has been revoked or disciplined by the state board of pharmacy or any other professional licensing agency to the spouse or other family member; or
 - (2) Ownership will be transferred from a licensee whose license has been revoked or disciplined by the state board of pharmacy or any other professional licensing agency to another who employs the licensee or who allows the licensee to remain associated with the dispensary.
- (I) Any change of ownership, business, or tradename set forth in this rule without prior approval of the state board of pharmacy is prohibited.

Procedures when dispensary is closed.

- (A) During times when a dispensary is closed, it shall be securely locked and equipped with an alarm system approved by the state board of pharmacy. Such alarm shall be activated and operated separately from any other alarm system at the dispensary and shall be able to immediately detect entrance to the dispensary at times when it is closed.
- (1) Keys and access codes to the alarm system shall be controlled in such a manner so as to prevent access to the dispensary by anyone other than authorized dispensary key employees.
 - (2) Only a dispensary key employee shall have the authority to deactivate the alarm system.
- (B) During times when a dispensary is closed, it shall have an operating surveillance system in accordance with rule 3796:6-3-16 of the Administrative Code.
- (1) The surveillance system shall ~~either~~ collect and store video surveillance on a twenty-four-hour basis; or
 - (2) ~~It~~ **The surveillance system** shall live-stream on a twenty-four-hour basis and be capable of activation when ~~the~~ motion is detected and when the dispensary's security system detects an intrusion. All motion detection delay systems shall carry a filter time of no less than six seconds.
- (C) A dispensary shall store medical marijuana in an approved safe or approved vault within a restricted access area.
- (D) A dispensary shall not sell medical marijuana when the dispensary is closed.
- (E) A ~~designated representative~~ **dispensary associated key employee or dispensary key employee** shall notify the state board of pharmacy immediately upon discovery of any unauthorized access ~~at~~ to the dispensary.

Security, control, and storage of medical marijuana at a dispensary.

- (A) Pursuant rule 3796:6-3-05 of the Administrative Code, a designated representative shall provide supervision and control of medical marijuana and medical marijuana products and adequate safeguards to ensure that such items are dispensed in accordance with Chapter 3796. of the Revised Code and this division, by the following procedures:
- (1) A licensed dispensary key employee shall provide personal supervision of the medical marijuana and medical marijuana products, order forms, all records relating to the dispensing of medical marijuana and medical marijuana products, unless the state board of pharmacy has issued written approval to a dispensary allowing for the storage of records off-site.
 - (2) Whenever personal supervision of medical marijuana and medical marijuana products is not provided by a licensed dispensary key employee, physical or electronic security of such items must be provided according to the following requirements:
 - (a) The dispensary department, restricted access areas and stock of medical marijuana must each be secured by a physical barrier with suitable locks and an electronic barrier to detect entry at a time when licensed dispensary employees are not present. The physical barrier shall be constructed from floor to ceiling to separate the public entry area from the dispensary department. Such a barrier, before being put into use, must be approved by the state board of pharmacy.
 - (b) A restricted access area within the dispensary department must contain all medical marijuana, and if maintained on the licensed premises, all records relating to the dispensing of medical marijuana, and any other items required to be under personal supervision of a licensed dispensary employee.
 - (c) A dispensary maintaining records at a location other than the premises licensed by the state board of pharmacy or via a computerized recordkeeping system shall maintain an executed agreement with the company possessing or storing the records authorizing an agent of the state board of pharmacy access to the records maintained in accordance with this rule within three business days, excluding weekends and holidays. The dispensary is obligated to ensure the board receives the records in the timeframe specified in this rule.
 - (d) No item, product, record, or equipment that must be accessible to anyone other than a licensed dispensary employee may be stored in restricted access areas.

(e) No medical marijuana may be sold or otherwise dispensed at any time the dispensary department is closed.

- (3) Areas designated for the dispensing and storage of medical marijuana shall meet the security requirements in rule 3796:6-3-16 of the Administrative Code. No person may be within the physical confines of the area designated for dispensing or storage of medical marijuana unless under the personal supervision of a licensed dispensary employee.
- (B) A dispensary shall store inventory on the licensed premises. All inventory stored on the licensed premises must be secured in restricted access areas and tracked in the inventory tracking system.
- (C) A dispensary shall maintain adequate lighting, ventilation, temperature, humidity control, and equipment. Required equipment includes, but is not limited to, adequate personal protective equipment for employees.
- (D) Containers storing expired, damaged, deteriorated, misbranded, adulterated or opened medical marijuana shall be separated from other medical marijuana until they are destroyed in accordance with the dispensary's destruction policy. Expired, damaged, deteriorated, misbranded, or adulterated medical marijuana shall not be stored at the licensed dispensary for more than one week.
- (E) The dispensary shall be maintained in a clean and orderly condition. It shall be free from infestation by insects, rodents, birds, or pests.
- (F) Medical marijuana shall be stored at appropriate temperatures and under appropriate conditions to help ensure that its identity, strength, quality and purity are not adversely affected.

3796:6-3-09 **Labeling and accompanying material requirements for medical marijuana sold at a dispensary ~~and accompanying materials~~.**

- (A) A dispensary shall ensure that the following information is clearly provided on the outside of each container or package containing medical marijuana, prior to sale:
- (1) The business or trade name and the license number of the cultivator that cultivated the marijuana;
 - (2) The product identifier;
 - (3) The date and quantity dispensed, including the net weight measured in ounces and grams or by volume, as appropriate;
 - (4) The name and registry number of the patient and, if applicable, the name of ~~his or her designated~~ **the patient's** caregiver;
 - (5) The name, address and license number of the dispensary;
 - (6) The cannabinoid profile, ~~and~~ concentration levels and terpenoid profile as determined by the testing laboratory;
 - (7) A warning that states: "This product may cause impairment and may be habit-forming;"
 - (8) The statement: "This product may be unlawful outside of the State of Ohio;"
 - (9) The date on which the marijuana was harvested;
 - (10) If the product is in a form other than plant material, the following **information** must **also** be included:
 - (a) The date on which the product was manufactured and the name and license number of the processor that manufactured the product;
 - (b) A list of all ingredients and all major food allergens as identified in 21 USC § 343;
 - (c) A warning that states: "Caution: When eaten or swallowed, the effects and impairment caused by this drug may be delayed;" and
 - (d) If a marijuana extract was added to the product, a disclosure of the type of extraction process and any solvent, gas or other chemical used in the extraction process or any other compound added to the extract.
- (B) The requirements set forth under paragraph (A) of this rule may be partially satisfied if required information is included on the cultivator or processor-created package **or label**. A dispensary shall include on its affixed label, any required information that is also

included on the cultivator or processor-created package **or label** if that information is obscured, in whole or in part, by the affixed **dispensary** label.

- (C) A dispensary must provide with all medical marijuana dispensed, accompanying material that discloses any pesticide applied to the marijuana plants and growing medium during production and process and that contains the following warnings:
- (1) “Warning: This product may cause impairment and may be habit-forming. Smoking medical marijuana is not permitted in the State of Ohio.”
 - (2) “There may be health risks associated with consumption of this product.”
 - (3) “**This product should** not be used by women who are pregnant or breastfeeding.”
 - (4) “For use only by the **person patient** named on the label of the dispensed product. Keep out of reach of children.”
 - (5) “Marijuana can impair concentration, coordination and judgment. Do not operate a vehicle or machinery under the influence of this drug.”
 - (6) The toll-free telephone line established by the state board of pharmacy in accordance with section 3796.17 of the Revised Code
 - (7) The text used on all accompanying material must be printed in at least twelve-point font and may not be in italics.
- (D) A dispensary shall include the following printed statement on the receipt or in the bag or other similar packaging in which dispensed medical marijuana is transferred from the dispensary to a patient or caregiver: “If you have a concern that an error may have occurred in the dispensing of your medical marijuana, you may contact the State of Ohio Board of Pharmacy, using the contact information found at **www.medicalmarijuana.ohio.gov**.” Such language shall be in a size and font that is easily readable by patients **or caregivers**.

Dispensary reporting into the prescription monitoring program.

- (A) A dispensary shall transmit electronically to the state board of pharmacy, in a format suitable to the board, the information set forth below within five minutes of the dispensing of any and all medical marijuana:
- (1) State license number, which shall be populated by a number provided by the board;
 - (2) Dispensary name;
 - (3) Dispensary address;
 - (4) Dispensary telephone number;
 - (5) Patient full name;
 - (6) Patient registry identification number;
 - (7) Patient residential address;
 - (8) Patient telephone number;
 - (9) Patient date of birth;
 - (10) Patient gender;
 - (11) Recommending physician's full name (first name and last name);
 - (12) Drug enforcement administration physician identification number;
 - (13) Date recommendation was issued by the recommending physician;
 - (14) Indication whether the recommendation is new or a refill;
 - (15) Number of the refill being dispensed;
 - (16) Date order filled, which shall be the date medical marijuana is dispensed;
 - (17) Order number, which shall be the serial number assigned to each medical marijuana product dispensed to a patient;
 - (18) Quantity;
 - (19) Days' supply;
 - (20) Product identifier, which shall be assigned by the board;

- (21) Date order written, which shall be the date the written recommendation was issued;
 - (22) Payment code for either cash or third-party provider; and
 - (23) Drug name, which shall be the brand name of the medical marijuana.
- (B) If a dispensary has no drug dispensing information required to be submitted to the board of pharmacy over any twenty-four-hour period, it must submit a “zero report.”
- (C) The dispensing report or the “zero report” shall be consecutive and inclusive from the last date and time that information was submitted and shall be reported no later than thirty-six hours after the last time reported on a previous report.
- (D) Any dispensary whose normal business hours are not seven days per week shall electronically indicate its normal business hours to the board and a “zero report” will be automatically submitted on the dispensary’s behalf on non-business days.
- (E) If a dispensary ceases to possess medical marijuana for dispensing, the designated representative shall notify the board of pharmacy electronically or in writing. The board shall be notified if the dispensary resumes dispensing.
- (F) All dispensing information required to be submitted to the board of pharmacy pursuant to paragraph (A) of this rule, must be transmitted in the format specified by the American Society for Automation in Pharmacy (“ASAP”), for prescription monitoring systems.
- (G) If a dispensary cannot electronically transmit the required information pursuant to paragraph (A), they must immediately contact the board of pharmacy to determine a mutually acceptable method of reporting. The dispensary must document in writing to the board of pharmacy the reasons for their inability to submit the required information.
- (H) A dispensary shall transmit the information required pursuant to this section in such a manner as to ensure the confidentiality of the information in compliance with all federal and state laws, including the federal Health Insurance Portability and Accountability Act of 1996, Public Law 104-191.
- (I) All medical marijuana dispensing information submitted to the drug database pursuant to this rule must be reported in an accurate and timely manner.
- (J) If the omission of dispensing information is discovered, the corrected information must be submitted to the board of pharmacy during the next reporting period after the discovery.

- (K) If the omission of data or erroneous data is the result of a computer programming error, the dispensary must notify the board of pharmacy immediately by telephone and submit written documentation. The documentation shall fully describe the error and propose a date for submitting the corrected dispensing information. The board will review the written documentation to assure compliance with paragraph (A) of this rule.

- (L) Except as noted in paragraph (E) of this rule, all data must be submitted or corrected electronically unless prior permission for an alternate method is approved by the board of pharmacy.

3796:6-4-01

Enforcement generally.

Pursuant to section 3796.15 of the Revised Code, the state board of pharmacy shall regulate activities and enforce compliance with activities as they relate to the dispensing of medical marijuana and medical marijuana products to registered patients and designated caregivers. The state board of pharmacy shall investigate all activities related to Chapters 2925., 3715., 3719., and 3796. of the Revised Code as they relate to dispensing operations.

Revocation, suspension and termination of a medical marijuana dispensary certificate of operation or employee license.

- (A) The state board of pharmacy, after notice and hearing in accordance with Chapter 119. of the Revised Code, may impose any one or more of the following sanctions on a dispensary or a dispensary employee if the board finds evidence of any of the conduct set forth in rule 3796:6-4-03 of the Administrative Code:
- (1) Revoke, suspend, restrict, limit, or refuse to grant or renew a license, including a dispensary certificate of operation;
 - (2) Reprimand or place the license holder on probation;
 - (3) Impose a monetary penalty, not to exceed fifty thousand dollars, for each **finding occurrence, or forfeiture. Each day a violation continues shall constitute a separate occurrence.**
- (B) Any licensee whose license is revoked, ~~or~~ suspended, ~~or refused~~, shall return ~~his or her~~ **their employee** identification card to ~~their employer for destruction offices of the state board of pharmacy~~ within ten business days of receipt of notice of such action.
- (C) If, the board has reasonable cause to believe that a dispensary employee is physically or mentally impaired, the board may require the employee to submit to a physical or mental examination, or both. **The dispensary employee waives all objections to the admissibility of testimony or examination reports that constitute privileged communications. The expense of the examination is the responsibility of the individual required to be examined.**

Failure to submit to a physical or mental examination ordered by the board, unless the failure is due to circumstances beyond the individual's control, constitutes an admission of the allegations and a suspension order shall be entered without the taking of testimony or presentation of evidence. Any subsequent adjudication hearing under Chapter 119. of the Revised Code concerning failure to submit to an examination is limited to consideration of whether the failure was beyond the individual's control.

If, based on the results of an examination ordered under this division, the board determines that the individual's ability to continue employment at a dispensary is impaired, the board shall suspend the individual's license or deny the individual's application and shall require the individual, as a condition for an initial, continued, reinstated, or renewed license to continue employment, to submit to a physical or mental examination and treatment.

An order of suspension issued under this division shall not be subject to suspension by a court during pendency of any appeal filed under section 119.12 of the Revised Code.

3796:6-4-08

Restoration of license from discipline.

At any time after the successful completion of a term of probation or suspension of a license, the state board of pharmacy may reinstate the license to active status, if all conditions ~~precedent~~ are demonstrated and are determined by the board to be met.

3796:7-1-01 **Definitions.**

- (A) “Administer” or “administration” means the direct introduction of medical marijuana into the body of a human, whether inhalation, ingestion, or any other means.
- (B) “Business day” means any day other than Saturday, Sunday or a holiday recognized by the state of Ohio on which the state board of pharmacy is not open for business.
- (C) “Terminal illness” means a qualifying condition for which a prospective patient has received a diagnosis for a life expectancy of six months or less ~~if the illness runs its normal course.~~
- (D) “Refuse to grant or renew” means to deny original or continued registration for a period of at least twelve months. After twelve months or such period of time as the individual board order may require, a patient or caregiver or an individual who desires to attain such status by registration, and whose registration the state board of pharmacy has refused to grant or renew, may make application to the board for issuance of a new registration in accordance with Chapter 3796. of the Revised Code and this division. An individual who desires to attain patient or caregiver status by registration and whose registration the state board of pharmacy has refused to grant or renew must meet any requirements established by the board.
- (E) “Registry identification card” collectively refers to cards issued by the state board of pharmacy as evidence that an individual is registered as a patient or caregiver.
- (F) “Revoke” means to take action against a registration rendering such registration void and such registration may not be reissued. "Revoke" is an action that is permanent against the registration and registrant.
- (G) “Stale registration” means a submission to register as a patient or caregiver where the submitter fails to complete all submission requirements within ninety calendar days of the initiation of a registration by a physician, and after being notified by the state board of pharmacy, subject to the factors that would otherwise remove the submitter from consideration under Chapter 3796. of the Revised Code or this division. An individual forfeits all fees associated with a stale registration submission. The state board of pharmacy shall not be required to act on any stale registration and the registration may be destroyed by the board staff. If the registration is stale, the submitter shall be required to reapply for registration in accordance with Chapter 3796. of the Revised Code and this division, in effect at the time of resubmission.
- (H) “Suspend” means to take action against a registration rendering such registration without force and effect for a period of time as determined by the state board of pharmacy.

- (I) “Veteran” means any person who has completed service in the armed forces, including the national guard of any state, or a reserve component of the armed forces, who has been discharged under honorable conditions from the armed forces or who has been transferred to the reserve with evidence of satisfactory service.

- (A) Patient and caregiver registrations are non-transferrable.
- (B) Patients and caregivers shall not engage in the cultivation of medical marijuana or the manufacture of medical marijuana extract, unless authorized pursuant to rule 3796:5-2-01 of the Administrative Code and such cultivating or manufacturing is performed in compliance with rules promulgated by the department pursuant to section 3796.03 of the Revised Code.
- (C) No patient or caregiver shall accept free samples of medical marijuana.
- (D) Patients and caregivers shall purchase medical marijuana only from a medical marijuana dispensary with an active certificate of operation issued by the state board of pharmacy, or where authorized pursuant to a reciprocity agreement established pursuant to section 3796.16 of the Revised Code.
- (E) Patients and caregivers shall store medical marijuana in a secure location so as to prevent theft, loss, or access by persons not authorized under this division.
- (F) Patients and caregivers shall carry their registry identification **card** with them whenever they are in possession of medical marijuana. No more than a ninety day supply of medical marijuana may be possessed by or on behalf of a single patient at any time.
- (G) Medical marijuana shall be maintained in on one of the following containers at all times until administered to or by a patient:
 - (1) The original dispensing package with an unaltered dispensary label in accordance with rule 3796:6-3-09 of the Administrative Code; or
 - (2) The container provided by a dispensary in accordance with paragraph (G) of rule 3796:6-3-01 of the Administrative Code.
- (H) Medical marijuana shall not be possessed or administered on federal property or in federal buildings.
- (I) Medical marijuana shall not be possessed or administered at any public or private place where medical marijuana is prohibited.
- (J) No patient shall operate a vehicle, streetcar, trackless trolley, watercraft, or aircraft under the influence of medical marijuana.
- (K) A caregiver shall not receive payment or other compensation for services provided as a caregiver other than reimbursement for reasonable expenses incurred in the provision of services as a caregiver. In the case of an employee of a hospice provider, nursing facility, or medical facility, or a visiting nurse, personal care attendant, or home health aide serving as a caregiver, the individual shall not receive payment or compensation above or beyond his or her regular wages.

- (L) ~~The state board of pharmacy shall notify patients and caregivers upon the expiration of the patient's or caregiver's registration.~~ Patients and caregivers shall dispose of all medical marijuana within seven calendar days of the expiration of their registration. Acceptable methods for the ~~dispossession~~ disposal of medical marijuana shall be available at www.medicalmarijuana.ohio.gov.
- (M) If a patient's registration is suspended or revoked, or if a patient's registration lapses, the patient or caregiver shall dispose of all medical marijuana dispensed for the benefit of that patient within seven calendar days of the expiration of their registration. Acceptable methods for the ~~dispossession~~ disposal of medical marijuana shall be available at www.medicalmarijuana.ohio.gov.
- (N) A patient with a designated caregiver shall not serve as a caregiver to another patient registered pursuant to this division.

- (A) ~~At any time, a~~ A patient or caregiver may voluntarily relinquish their patient or caregiver medical marijuana registration by notifying the state board of pharmacy in writing.
- (B) A patient or caregiver shall, within fourteen calendar days of learning from a recommending physician that the patient no longer has a diagnosis of a qualifying condition:
- (1) Notify the state board of pharmacy, in writing, of the patient's voluntary registration relinquishment; ~~or.~~
 - (2) ~~If the patient seeks to maintain an active patient registration, request in writing, a hearing in accordance with Chapter 119. of the Revised Code, seeking authorization to maintain an active patient registration.~~
- (C) Medical marijuana shall not be purchased or otherwise obtained without an active recommendation from a recommending physician. A patient who maintains an active registration in accordance with Chapter 3796. of the Revised Code and this division, but whose recommendation has been suspended or expired, shall be authorized only to possess and administer medical marijuana lawfully obtained pursuant to Chapter 3796. of the Revised Code and this division.
- ~~(D) If the voluntary relinquishment of a medical marijuana patient registration, or a decision by the board to inactivate a patient registration, will cause a caregiver to no longer have a patient associated with the caregiver's registration, the caregiver shall:~~
- (1) ~~Notify the state board of pharmacy, in writing, of the patient's caregiver's voluntary registration relinquishment; or~~
 - (2) ~~If the caregiver seeks to maintain active caregiver registration, request in writing, a hearing in accordance with Chapter 119. of the Revised Code, seeking authorization to maintain an active caregiver registration.~~
- (E) A caregiver shall not purchase medical marijuana without an associated patient who has an active registration. A caregiver who maintains an active registration in accordance with Chapter 3796. of the Revised Code and this division, shall be authorized only to possess medical marijuana and administer medical marijuana lawfully obtained pursuant to this division to the patient for whom the medical marijuana was purchased.

(A) The non-refundable fees shall be paid to the state board of pharmacy:

- (1) The annual fee for a patient registration is fifty dollars. One application fee must be submitted with each application.
- (2) The annual fee for a caregiver registration is twenty-five dollars. One application fee must be submitted with each application.

(B) The state board of pharmacy may reduce registration fees to fifty per cent of the full registration price for a prospective patient who qualifies for indigent or veteran status, and any prospective caregiver for such a patient. To qualify the patient must be a patient who is:

~~(1) **Indigent. To qualify for indigency status, the patient must meet the criteria for indigency as determined by the board. Enrolled in the federal “Social Security Disability Income” (SSDI) or the “Supplemental Security Income” (SSI) disability programs. To qualify for a reduced registration fee due to enrollment in either SSDI or SSI programs, the prospective patient shall submit to the state board of pharmacy a copy of a letter or other documentation from the United States social security administration demonstrating the:**~~

~~**(a) Identity of the patient; and**~~

~~**(b) Amount of monthly SSDI and SSI benefits to be received by the prospective patient during the current year of the registration submission.**~~

(2) A veteran. To qualify for a reduced registration fee due to veteran status, the prospective patient shall submit to the state board of pharmacy a copy of any of the following documents. All acceptable proof documents, except veterans' identification card, must show the veteran status as honorable, general, general under honorable conditions, or discharged or released under conditions other than dishonorable.

(a) Department of defense identification card (active, retired, temporary disability retirement list (TDRL));

(b) DD214, DD215, or national guard bureau (NGB) military discharge certificate indicating disposition of discharge;

(c) Report of separation from the national archives national personnel records center in St. Louis, Missouri; or

(d) Veterans identification card from the department of veterans' affairs.

Authorized medical marijuana forms and methods of administration.

- (A) Pursuant to section 3796.06 of the Revised Code approved medical marijuana products include the following forms and routes of administration:
- (1) Oil, tincture, capsule, or edible form for oral administration;
 - (2) Metered oil or solid preparation for vaporization;
 - (3) Patches for transdermal administration or lotions, creams, or ointments for topical administration; and
 - (4) Plant material for administration with the use of vaporizing devices.
- (B) The following limitations apply to vaporizing devices used to administer medical marijuana:
- (1) No vaporizing device, the design of which places medical marijuana in direct contact with the device's heating element, may be used to vaporize the resin contained within, or an extract of, medical marijuana;
 - (2) Vaporizing devices shall not be capable of being heated to temperatures at which medical marijuana plant material will burn.