

# Ohio Department of Commerce - Medical Marijuana

## BASE INVENTORY OF REGULATORY RESTRICTIONS

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RULE NUMBER	REGULATORY RESTRICTION	DESCRIPTION OF REGULATORY RESTRICTION	STATUTE UNDER WHICH THE REGULATORY RESTRICTION WAS ADOPTED	IS THE REGULATORY RESTRICTION EXPRESSLY OR SPECIFICALLY REQUIRED BY STATE OR FEDERAL LAW?	IS A LAW CHANGE REQUIRED IN ORDER TO REMOVE THE RESTRICTION?	CITATIONS
		<b>CHAPTER 3796:1 -- MEDICAL MARIJUANA</b>				<a href="http://codes.ohio.gov/oac/3796%3A1">http://codes.ohio.gov/oac/3796%3A1</a>
		<b>MEDICAL MARIJUANA - CHAPTER 3796:1-1 -- Definitions</b>				<a href="http://codes.ohio.gov/oac/3796%3A1">http://codes.ohio.gov/oac/3796%3A1</a>
		<b>3796:1-1-01 -- Definitions</b>				<a href="http://codes.ohio.gov/oac/3796%3A1-1">http://codes.ohio.gov/oac/3796%3A1-1</a>
3796:1-1-01	Shall	(A) For the purposes of administrative rules promulgated in accordance with Chapter 3796. of the Revised Code, the following definitions shall have the following meanings:	O.R.C. 3796.03	No.	No.	
3796:1-1-01	Shall	(5) "Bona fide physician-patient relationship" shall have the same meaning as used in the rule promulgated by the state medical board of Ohio under section 4731.301 of the Revised Code.	O.R.C. 3796.03	No.	No.	
3796:1-1-01	Shall	(c) Notwithstanding paragraph (A)(15)(a) or (A)(15)(b) of this rule, no misdemeanor offense, including misdemeanors of the first degree, related to marijuana possession, marijuana trafficking, illegal cultivation of marijuana, illegal use or possession of drug paraphernalia or marijuana drug paraphernalia, or other marijuana related crimes shall be considered a disqualifying offense.	O.R.C. 3796.03	No.	No.	
3796:1-1-01	Shall Not	(28) "Marijuana cultivation area" means the boundaries of the enclosed areas in which medical marijuana is cultivated during the vegetative stage and flowering stage of the cultivation process. For purposes of calculating the marijuana cultivation area square footage, enclosed areas used solely for the storage and maintenance of mother plants, clones, or seedlings shall not be included.	O.R.C. 3796.03	No.	No.	

3796:1-1-01	Shall	(32) "Medical marijuana product" means a product that contains cannabinoids that have been extracted from plant material or the resin therefrom by physical or chemical means and is intended for administration to a registered patient, including but not limited to oils, tinctures, edibles, patches, and other forms approved under division (A)(6) of section 3796.06 of the Revised Code. Medical marijuana products shall have a THC content of not more than seventy per cent.	O.R.C. 3796.03	No.	No.	
3796:1-1-01	Must	(43) "Provisional license" means a temporary license issued to a medical marijuana entity that establishes the conditions that must be met by the medical marijuana entity before the entity is issued a certificate of operation.	O.R.C. 3796.03	No.	No.	
		<b>CHAPTER 3796:2 -- CULTIVATORS</b>	<b>O.R.C. 3796.03</b>	<b>No.</b>	<b>No.</b>	<a href="http://codes.ohio.gov/oc/3796:2">http://codes.ohio.gov/oc/3796:2</a>
		<b>CULTIVATORS - CHAPTER 3796:2-1 CULTIVATORS LICENSING; CERTIFICATE OF OPERATION</b>				<a href="http://codes.ohio.gov/oc/3796:2-1">http://codes.ohio.gov/oc/3796:2-1</a>
		<b>3796:2-1-01 -- Number of Cultivator Provisional Licenses</b>				<a href="http://codes.ohio.gov/oc/3796:2-1-01v1">http://codes.ohio.gov/oc/3796:2-1-01v1</a>
		<b>none</b>				
		<b>3796:2-1-02 -- Cultivator Provisional License Application</b>				<a href="http://codes.ohio.gov/oc/3796:2-1-02v1">http://codes.ohio.gov/oc/3796:2-1-02v1</a>
3796:2-1-02	Shall	The department shall provide advance notice to the public indicating the commencement date and time period for accepting applications	O.R.C. 3796.03	No.	No.	
3796:2-1-02	Shall	The director shall have the right to amend the notice prior to the deadline for submitting an application.	O.R.C. 3796.03	No.	No.	
3796:2-1-02	Shall	The director shall publish such amended notice in the same manner as the original notice.	O.R.C. 3796.03	No.	No.	
3796:2-1-02	Shall	The director shall also have the right to cancel a notice of open application prior to the award of a cultivator provisional license.	O.R.C. 3796.03	No.	No.	
3796:2-1-02	Shall	The provisional license application shall be submitted in accordance with Chapter 3796. of the Revised Code and this chapter.	O.R.C. 3796.03	No.	No.	
3796:2-1-02	Shall	An applicant for a level I cultivator provisional license shall be prohibited from applying for a level II cultivator provisional license,	O.R.C. 3796.03	No.	No.	
3796:2-1-02	Shall	and an applicant for a level II cultivator provisional license shall be prohibited from applying for a level I cultivator provisional license.	O.R.C. 3796.03	No.	No.	
3796:2-1-02	Shall	An applicant for a level I or level II cultivator provisional license shall submit, in accordance with the application instructions, the following: (1) A non-refundable application fee as set forth in rule 3796:5-1-01 of the Administrative Code;	O.R.C. 3796.03	No.	No.	
3796:2-1-02	Shall	(2) A business plan, which, at a minimum, shall include: (a) The legal name of the applicant;	O.R.C. 3796.03	No.	No.	

3796:2-1-02	Shall	An organizational chart of the company, including name, address, and date of birth of each principal officer, board member and any other individual associated with the cultivator, provided that all those individuals shall be at least twenty-one years of age;	O.R.C. 3796.03	No.	No.	
3796:2-1-02	Shall	All persons subject to the criminal records checks shall submit both an Ohio bureau of criminal identification and investigation criminal records check and a federal bureau of criminal investigation criminal records check pursuant to division (B) of section 3796.12 of the Revised Code;	O.R.C. 3796.12.	Yes, State Law.	Yes.	
3796:2-1-02	Shall	An operations plan that establishes policies and procedures that the applicant will implement for the secure, safe, sustainable, and proper cultivation of medical marijuana, which, at a minimum, shall include:(a) Agricultural cultivation techniques;	O.R.C. 3796.03	No.	No.	
3796:2-1-02	Shall	A quality assurance plan that establishes policies and procedures for a safe, consistent supply of medical marijuana, which, at a minimum, shall include:(a) Intended use of pesticides, fertilizers, and other agricultural products or production control factors in the cultivation of medical marijuana;	O.R.C. 3796.03	No.	No.	
3796:2-1-02	Shall	A security plan that establishes policies and procedures to prevent theft, loss or diversion from a cultivator and protect facility personnel, which, at a minimum, shall include: (a) Record keeping policies and procedures that will ensure the facility complies with rule 3796:2-2-08 of the Administrative Code;	O.R.C. 3796.03	No.	No.	
3796:2-1-02	Shall	If the building is in existence at the time of the application, the applicant shall submit plans and specifications drawn to scale for the interior of the building.	O.R.C. 3796.03	No.	No.	
3796:2-1-02	Shall	If the building is not in existence at the time of application, the applicant shall submit a plot plan and a detailed drawing to scale of the interior and the architect's drawing of the building to be constructed.	O.R.C. 3796.03	No.	No.	
3796:2-1-02	Shall	A financial plan, which, at a minimum, shall include: (a) The identity and ownership interest of every person, association, partnership, other entity, or corporation having a financial interest, direct or indirect, in the cultivator with respect to which licensure is sought;	O.R.C. 3796.03	No.	No.	
3796:2-1-02	Shall	Documentation acceptable to the department shall include, as evidence of compliance, a signed statement from an Ohio licensed certified public accountant attesting to proof of the required amount of liquid assets under the control of an owner or the entity applying, if such a statement is available at the time of application.	O.R.C. 3796.03	No.	No.	

3796:2-1-02	Prohibit	An applicant for a level I cultivator provisional license shall be prohibited from applying for a level II cultivator provisional license, and an applicant for a level II cultivator provisional license shall be prohibited from applying for a level I cultivator provisional license.	O.R.C. 3796.03	No.	No.	
3796:2-1-02	Prohibit	An applicant for a level I cultivator provisional license shall be prohibited from applying for a level II cultivator provisional license,	O.R.C. 3796.03	No.	No.	
3796:2-1-02	Prohibit	and an applicant for a level II cultivator provisional license shall be prohibited from applying for a level I cultivator provisional license.	O.R.C. 3796.03	No.	No.	
3796:2-1-02	Must	The documentation must be dated within thirty calendar days before the date that the application was submitted.	O.R.C. 3796.03	No.	No.	
		<b>3796:2-1-03 -- Cultivator application review</b>				<a href="http://codes.ohio.gov/oac/3796:2-1-03v1">http://codes.ohio.gov/oac/3796:2-1-03v1</a>
3796:2-1-03	Shall	The department, an independent contractor selected by the department, or a combination of the two shall review the submitted applications as described in this chapter and the application instructions.	O.R.C. 3796.03	No.	No.	
3796:2-1-03	Shall	In order to receive consideration under paragraph (B) of this rule, an applicant shall: (1) Demonstrate sufficient liquid capital pursuant to rule 3796:2-1-02 of the Administrative Code and an ability to meet the financial responsibility requirements under rule 3796:2-1-05 of the Administrative Code;	O.R.C. 3796.03	No.	No.	
3796:2-1-03	Shall	Verify that the proposed facility is not located within five hundred feet of a prohibited facility, which shall be measured in accordance with rule 3796:5-5-01 of the Administrative Code;	O.R.C. 3796.03	No.	No.	
3796:2-1-03	Shall	he applicants shall be ranked using an impartial and numerical process taking into account the criteria identified in rule 3796:2-1-02 of the Administrative Code, as developed by the department, an independent contractor selected by the department, or a combination of the two.	O.R.C. 3796.03	No.	No.	
3796:2-1-03	Shall	A business plan, which, at a minimum, shall include: (a) A proposed business model demonstrating a likelihood of success, a sufficient business ability, and experience on the part of the applicant;	O.R.C. 3796.03	No.	No.	
3796:2-1-03	Shall	An organizational chart of the company, including name, address, and date of birth of each principal officer and board member of the cultivator, provided that all those individuals shall be at least twenty-one years of age;	O.R.C. 3796.03	No.	No.	
3796:2-1-03	Shall	If expired, applicant shall provide the grounds behind the expiration.	O.R.C. 3796.03	No.	No.	

3796:2-1-03	Shall	The information provided on business licenses shall include the type of license, the licensing agency, the date the license was obtained, and a summary of any negative actions taken against each license;	O.R.C. 3796.03	No.	No.	
3796:2-1-03	Shall	An operations plan, which shall include, but not be limited to, the following: (a) Documentation of cultivation methods and standards that will provide a steady, uninterrupted supply of medical marijuana;	O.R.C. 3796.03	No.	No.	
3796:2-1-03	Shall	A quality assurance plan, which shall include, but not be limited to, the following: (a) Intended use of pesticides, fertilizers, and other agricultural products or production control factors in the cultivation of medical marijuana;	O.R.C. 3796.03	No.	No.	
3796:2-1-03	Shall	A security plan, which shall include, but not be limited to, the following: (a) Policies and procedures to ensure a secure, safe facility to prevent theft, loss, or diversion and protect facility personnel;	O.R.C. 3796.03	No.	No.	
3796:2-1-03	Shall	A financial plan, which, at a minimum, shall include the following: (a) The identity and ownership interest of every person, association, partnership, other entity, or corporation having a financial interest, direct or indirect, in the cultivator with respect to which licensure is sought;	O.R.C. 3796.03	No.	No.	
3796:2-1-03	Shall	Documentation acceptable to the department shall include, as evidence of compliance, a signed statement from an Ohio licensed certified public accountant attesting to proof of the required amount of liquid assets under the control of an owner or the entity applying, if such a statement is available at the time of application.	O.R.C. 3796.03	No.	No.	
3796:2-1-03	Shall	The applicant shall have thirty calendar days from the date the applicant receives the department's request to provide the information. If the applicant fails to provide the requested information within thirty calendar days, it will result in an abandoned application	O.R.C. 3796.03	No.	No.	
3796:2-1-03	Shall Not	An abandoned application shall not receive further consideration.	O.R.C. 3796.03	No.	No.	
3796:2-1-03	Shall not	The department shall not be required to act on an abandoned application and the application may be destroyed by the department.	O.R.C. 3796.03	No.	No.	
3796:2-1-03	Must	The documentation must be dated within thirty calendar days before the date the application was submitted.	O.R.C. 3796.03	No.	No.	
3796:2-1-03	Must	The applicant must provide documentation establishing that its principal place of business is headquartered in Ohio. The applicant may also provide names, addresses, and verification of any persons associated with the applicant that have established residency in Ohio.	O.R.C. 3796.03	No.	No.	

3796:2-1-03	Must	The applicant must demonstrate an environmental plan of action to minimize the carbon footprint, energy usage, environmental impact, and resource needs for the production of medical marijuana.	O.R.C. 3796.03	No.	No.	
3796:2-1-03	Must	Employment practices, which the applicant must demonstrate a plan of action to inform, hire, and educate minorities, women, veterans, disabled persons, and Ohio residents;	O.R.C. 3796.03	No.	No.	
3796:2-1-03	Must	The applicant must demonstrate the following: (i) It is owned and controlled by a United States citizen who is a resident of this state and is a member of one of the economically disadvantaged groups set forth in division (C) of section 3796.09 of the Revised Code. As used in that section, "owned and controlled" means that at least fifty-one per cent of the business, including corporate stock if a corporation, is owned by persons who belong to one or more of the groups set forth in this rule, and that those owners have control over the management and day-to-day operations of the business and an interest in the capital, assets, and profits and losses of the business proportionate to their percentage of ownership;	O.R.C. 3796.03	No.	No.	
3796:2-1-03	Must	Research plan, which the applicant must provide the department with a detailed proposal to conduct or facilitate a scientific study or studies related to the medicinal use of marijuana.	O.R.C. 3796.03	No.	No.	
		<b>3796:2-1-04 -- Cultivator provisional license award</b>				<a href="http://codes.ohio.gov/oac/3796:2-1-04v1">http://codes.ohio.gov/oac/3796:2-1-04v1</a>
3796:2-1-04	Shall	A provisional license shall be issued to the level I and level II qualified applicants receiving at least the minimum required score in each category and the highest total score overall as compared to the other applicants.	O.R.C. 3796.03	No.	No.	
3796:2-1-04	Shall	the department shall select the applicant that received the highest score in the operations plan category.	O.R.C. 3796.03	No.	No.	
3796:2-1-04	Shall	In the event that the same applicants received the same score in the operations plan category, the department shall select the applicant that received the highest score in the security plan category.	O.R.C. 3796.03	No.	No.	
3796:2-1-04	Shall	If the department announces another application period, a qualified applicant that submitted an application during the previous application period, but was not issued a provisional license, may re-submit an application and the application fee under rule 3796:5-1-01 of the Administrative Code shall be waived.	O.R.C. 3796.03	No.	No.	
3796:2-1-04	Shall Not	No person shall hold or be granted more than one cultivator provisional license or cultivator certificate of operation at any time.	O.R.C. 3796.03	No.	No.	

3796:2-1-04	Shall Not	No person shall hold a financial interest in or be an owner, partner, officer, director, shareholder, member, or other person who may significantly influence or control the activities of more than one cultivator	O.R.C. 3796.03	No.	No.	
3796:2-1-04	Shall Not	No corporation, partnership, limited liability partnership, limited liability company, or other entity or subsidiary thereof shall hold a financial interest in or be an owner, principal officer, partner, shareholder, member, or other person who may significantly influence or control the activities of more than one cultivator.	O.R.C. 3796.03	No.	No.	
		<b>3796:2-1-05 -- Cultivator financial responsibility</b>				<a href="http://codes.ohio.gov/oac/3796:2-1-05v1">http://codes.ohio.gov/oac/3796:2-1-05v1</a>
3796:2-1-05	Shall	A provisional licensee shall provide evidence of financial responsibility before a certificate of operation can be issued, which may be payable to the department for any of the following reasons: (1) A cultivator fails to adhere to the security plan approved by the department or otherwise operates the facility in a manner that allows for or results in theft, loss, or diversion of medical marijuana; (2) A cultivator engages in activities prohibited under rule 3796:2-2-07 of the Administrative Code; or (3) A cultivator has its certification of operation fined, suspended or revoked resulting from activities prohibited under rule 3796:5-6-02 of the Administrative Code.	O.R.C. 3796.03	No.	No.	
3796:2-1-05	Shall	Evidence of financial responsibility shall be provided by the following: (1) Providing and maintaining at its own expense any insurance coverage and terms of insurance required and approved by the department, including, but not limited to, products liability and general liability, prior to the issuance of a certificate of operation, if such products are in existence at the time of issuance or the time of renewal for the certificate of operation;	O.R.C. 3796.03	No.	No.	
3796:2-1-05	Shall	Establishing and maintaining an escrow account in a chartered financial institution in Ohio in the amount of seven hundred fifty thousand dollars for level I cultivators and seventy-five thousand dollars for level II cultivators, with escrow terms, approved by the department, that it shall be payable to the department in the event of circumstances outlined in paragraph (A) of this rule.	O.R.C. 3796.03	No.	No.	
3796:2-1-05	Shall	If a bond is canceled and the cultivator fails to file a new bond with the department in the required amount on or before the effective date of cancellation, the cultivator's license shall be revoked.	O.R.C. 3796.03	No.	No.	

3796:2-1-05	Shall	The department shall permit a cultivator to reduce the escrow or surety bond by two hundred fifty thousand dollars for level I cultivators and twenty-five thousand dollars for level II cultivators upon the successful achievement of each of the following milestones, resulting in a potential elimination of the escrow account or surety bond	O.R.C. 3796.03	No.	No.	
3796:2-1-05	Shall	The required insurance policy and surety bond shall be written by an insurance company formed, licensed or eligible, and authorized or approved to write such insurance in the state of Ohio under Title XXXIX of the Revised Code.	O.R.C. 3796.03	No.	No.	
3796:2-1-05	Shall Not	The bond shall not be canceled by a surety on less than thirty days' notice in writing to the department.	O.R.C. 3796.03	No.	No.	
3796:2-1-05	Must	The business name and registration number on the bond must correspond exactly with the business name and registration number in the department's records.	O.R.C. 3796.03	No.	No.	
3796:2-1-05	Must	A copy of the bond must be received by the department before a certificate of operation is issued.	O.R.C. 3796.03	No.	No.	
3796:2-1-05	May not	A financial institution may not return money in an escrow or surety account to the cultivator that established the account or representative of the cultivator unless the cultivator or representative presents a statement issued by the department indicating that the account may be released;	O.R.C. 3796.03	No.	No.	
		<b>3796:2-1-06 -- Cultivator certificate of operation</b>				<a href="http://codes.ohio.gov/oac/3796:2-1-06v1">http://codes.ohio.gov/oac/3796:2-1-06v1</a>
3796:2-1-06	Shall	The information and plan submitted by a provisional licensee shall become mandatory conditions that must be met before a certificate of operation can be awarded.	O.R.C. 3796.03	No.	No.	
3796:2-1-06	Shall	A provisional licensee shall have nine months from the date they are notified of selection for a provisional license to obtain a certificate of operation.	O.R.C. 3796.03	No.	No.	
3796:2-1-06	Shall	A certificate of operation shall be issued once all applicable inspections are passed, a certificate of occupancy issued by the building department having jurisdiction for such use is obtained	O.R.C. 3796.03	No.	No.	
3796:2-1-06	Shall	The certificate of operation, along with a copy of the current certificate of occupancy for the facility and any other certificate, business license, or other authorization required to conduct production activities, shall be posted in a conspicuous place within the facility and made available to the department and all fire code and building officials upon request.	O.R.C. 3796.03	No.	No.	
3796:2-1-06	Shall Not	Cultivation activities shall not be agriculture for purposes of section 3781.061 of the Revised Code	O.R.C. 3796.03	No.	No.	

3796:2-1-06	Shall Not	The department shall not award a certificate of operation to a provisional licensee if the provisional licensee has not met all of the specifications in the application and passed all applicable inspections under rule 3796:2-3-01 of the Administrative Code within nine months of written or electronic notification of the applicant's selection for a provisional license.	O.R.C. 3796.03	No.	No.	
3796:2-1-06	Prohibit	A provisional licensee is prohibited from operating as a licensed cultivator and performing any cultivation or production activities until a certificate of operation is issued by the department.	O.R.C. 3796.03	No.	No.	
3796:2-1-06	Must	The information and plan submitted by a provisional licensee shall become mandatory conditions that must be met before a certificate of operation can be awarded.	O.R.C. 3796.03	No.	No.	
		<b>3796:2-1-07 -- Uninterrupted supply of medical marijuana</b>				<a href="http://codes.ohio.gov/oac/3796:2-1-07v1">http://codes.ohio.gov/oac/3796:2-1-07v1</a>
3796:2-1-07	Shall	A cultivator shall ensure that a consistent supply of medical marijuana is available to be sold to licensed processors and dispensaries. Evidence of a consistent supply may be shown by: (1) Not more than one hundred twenty days elapsing between harvests of at least fifteen pounds of medical marijuana;	O.R.C. 3796.03	No.	No.	
3796:2-1-07	Shall	If the director believes a cultivator has failed to meet the requirements of paragraph (A) of this rule, the director may issue a notice of insufficient business activity to a licensed cultivator. The notice shall include the factual basis for the director's belief, including any appropriate supporting documentation.	O.R.C. 3796.03	No.	No.	
3796:2-1-07	Shall	If a cultivator fails to respond to a notice issued, or the director determines the evidence provided is insufficient to establish one of the conditions in paragraph (A) of this rule, the director shall move to revoke the cultivator's certificate of operation pursuant to rule 3796:5-6-01 of the Administrative Code.	O.R.C. 3796.03	No.	No.	
3796:2-1-07	Shall	At any time prior to the issuance of a notice of insufficient business activity, a cultivator may petition the director to toll computation of the timeframes provided in paragraph (A) of this rule. Such a petition shall provide: (1) An explanation of the facts and circumstances that will not allow the cultivator to ensure a consistent supply of medical marijuana as required in paragraph (A) of this rule;	O.R.C. 3796.03	No.	No.	
3796:2-1-07	Shall	A director's order staying the requirement of paragraph (A) of this rule shall state the date upon which the stay is lifted using information provided by the cultivator in accordance with paragraph (E)(2) of this rule.	O.R.C. 3796.03	No.	No.	
		<b>3796:2-1-08 -- Cultivator transfer of ownership or location</b>				<a href="http://codes.ohio.gov/oac/3796:2-1-08v1">http://codes.ohio.gov/oac/3796:2-1-08v1</a>

3796:2-1-08	Shall	A certificate of operation shall be issued for the specific cultivator and location identified on the application, and is valid only for the owner, premises and name designated on the certificate of operation and the location for which it is issued.	O.R.C. 3796.03	No.	No.	
3796:2-1-08	Shall	Upon any request for a change in ownership, the cultivator shall: (a) Notify the department in writing of the proposed ownership change;	O.R.C. 3796.03	No.	No.	
3796:2-1-08	Shall	Upon a request for a change in location, a cultivator shall: (a) Notify the department in writing of the proposed location change;	O.R.C. 3796.03	No.	No.	
3796:2-1-08	Shall	A cultivator requesting a change in ownership or location shall submit the applicable fee under rule 3796:5-1-01 of the Administrative Code.	O.R.C. 3796.03	No.	No.	
3796:2-1-08	Shall	A cultivator receiving approval from the department for a change in location shall have ninety days from the date of approval, unless an extension is granted at the discretion of the department, to transfer inventory and begin operations at the new location.	O.R.C. 3796.03	No.	No.	
3796:2-1-08	Shall	Any medical marijuana remaining at the original location past the ninety-day transition period shall be destroyed in accordance with rule 3796:2-2-03 of the Administrative Code;	O.R.C. 3796.03	No.	No.	
3796:2-1-08	Shall	The cultivator shall notify the department in writing or by electronic transmission once the transfer of inventory is complete and production has begun at the new location.	O.R.C. 3796.03	No.	No.	
3796:2-1-08	Shall	Upon inspection and verification by the department that the new location is in compliance with Chapter 3796. of the Revised Code and the rules promulgated in accordance with Chapter 3796. of the Revised Code, the department shall issue a license modification reflecting the new location.	O.R.C. 3796.03	No.	No.	
3796:2-1-08	Shall	The modified license shall have the same expiration date as the previously issued license.	O.R.C. 3796.03	No.	No.	
3796:2-1-08	Shall Not	A proposed change in ownership or request for a change in location shall not be effective until approved in writing by the department.	O.R.C. 3796.03	No.	No.	
3796:2-1-08	Shall Not	The transition period shall not begin until the new location is ready to begin production and has passed an inspection by the department under rule 3796:2-3-01 of the Administrative Code;	O.R.C. 3796.03	No.	No.	

3796:2-1-08	Require	A certificate of operation may only be transferred or assigned if the department determines that the proposed ownership or location change complies with the rules promulgated in accordance with Chapter 3796. of the Revised Code, Chapter 3796. of the Revised Code, and the following: Require the cultivator to re-submit an application in accordance with rule 3796:2-1-02 of the Administrative Code if the transfer of ownership would result in a new controlling shareholder or shareholders outside of the current ownership structure approved by the department.	O.R.C. 3796.03	No.	No.	
		<b>3796:2-1-09 --Cultivator marijuana cultivation area expansion</b>				<a href="http://codes.ohio.gov/oac/3796:2-1-09v1">http://codes.ohio.gov/oac/3796:2-1-09v1</a>
3796:2-1-09	Shall	A cultivator seeking to expand its marijuana cultivation area shall submit an expansion plan,	O.R.C. 3796.03	No.	No.	
3796:2-1-09	Shall	which, at a minimum, shall include the following: (1) Include plans and specifications for the expansion or alteration in accordance with rule 3796:2-1-02 of the Administrative Code that demonstrate compliance with the requirements of the rules adopted by the board of building standards pursuant to Chapters 3781. and 3791. of the Revised Code and the rules adopted by the state fire marshal pursuant to sections 3737.82 and 3737.86 of the Revised Code;	O.R.C. 3796.03	No.	No.	
3796:2-1-09	Shall	Upon the department's receipt of a request for expansion, the department shall have a reasonable time to review and approve or deny a request for expansion	O.R.C. 3796.03	No.	No.	
3796:2-1-09	Shall Not	Beginning September 9, 2018, the director or the director's designee, at his or her discretion, may approve a marijuana cultivation area expansion of an existing cultivator's facility, such that the approval of a proposed initial expansion shall not result in a total marijuana cultivation area that exceeds fifty thousand square feet for level I cultivators and six thousand square feet for level II cultivators,	O.R.C. 3796.03	No.	No.	
3796:2-1-09	Shall Not	In the event the director or the director's designee approves both expansions of a facility's marijuana cultivation area, the marijuana cultivation area shall not exceed seventy-five thousand square feet for level I cultivators and nine thousand square feet for level II cultivators.	O.R.C. 3796.03	No.	No.	
3796:2-1-09	Shall Not	A cultivator shall not submit a request for expansion more than once during any twelve-month period.	O.R.C. 3796.03	No.	No.	
3796:2-1-09	Must	If approved, the cultivator will be bound to the terms in the request for expansion and must pass an inspection pursuant to rule 3796:2-3-01 of the Administrative Code prior to cultivating medical marijuana in the expanded marijuana cultivation area.	O.R.C. 3796.03	No.	No.	
		<b>3796:2-1-10 -- Cultivator certificate of operation renewal</b>				<a href="http://codes.ohio.gov/oac/3796:2-1-10v1">http://codes.ohio.gov/oac/3796:2-1-10v1</a>

3796:2-1-10	Shall	Every cultivator certificate of operation issued by the department under this chapter shall expire annually on the date it was issued.	O.R.C. 3796.03	No.	No.	
3796:2-1-10	Shall	A renewal application for a cultivator, accompanied by the proper renewal fee established under rule 3796:5-1-01 of the Administrative Code, shall be filed with the department at least thirty days prior to the expiration date of the certificate of operation.	O.R.C. 3796.03	No.	No.	
3796:2-1-10	Shall	The department shall grant a renewal application if the application is filed in a timely manner,	O.R.C. 3796.03	No.	No.	
3796:2-1-10	Shall	If a renewal application is not filed prior to the expiration date of the certificate of operation, the certificate of operation shall be suspended for a maximum of thirty days, at which point it will be deemed expired if the cultivator has not successfully renewed the certificate of operation under paragraph (B) of this rule.	O.R.C. 3796.03	No.	No.	
3796:2-1-10	Shall	the facility shall permanently cease its operations	O.R.C. 3796.03	No.	No.	
3796:2-1-10	Shall Not	Upon expiration of the certificate of operation, the cultivator shall not engage in any cultivation activities in furtherance of the business of growing medical marijuana.	O.R.C. 3796.03	No.	No.	
3796:2-1-10	Shall Not	The department shall not renew the certificate of operation and,	O.R.C. 3796.03	No.	No.	
		<b>3796:2-1-11 -- Winding down</b>				<a href="http://codes.ohio.gov/oac/3796:2-1-11v1">http://codes.ohio.gov/oac/3796:2-1-11v1</a>
3796:2-1-11	Shall	If a cultivator decides to voluntarily surrender or not renew its certificate of operation and permanently discontinue business operations, the cultivator shall provide written notice to the department at least ninety days prior to the effective date of the closure.	O.R.C. 3796.03	No.	No.	
3796:2-1-11	Shall	If the closure is the result of an eviction notice, the cultivator shall immediately notify the department of the eviction notice and the effective date of the notice.	O.R.C. 3796.03	No.	No.	
3796:2-1-11	Shall	This notice shall be provided prior to the cultivator taking any steps to wind down and discontinue business operations.	O.R.C. 3796.03	No.	No.	
3796:2-1-11	Shall	A cultivator that notifies the department of its intent to voluntarily surrender or not renew its certificate of operation under paragraph (A) of this rule shall submit, within sixty days of the effective date, a written plan of closure for approval by the department.	O.R.C. 3796.03	No.	No.	
3796:2-1-11	Shall	This plan shall include, at a minimum, the following: (1) The sale of medical marijuana inventory at market rate;	O.R.C. 3796.03	No.	No.	

3796:2-1-11	Shall	The director shall approve or deny a cultivator's plan of closure within thirty days of receipt. The director may request additional information if approval or denial of the plan cannot be determined based on the information provided.	O.R.C. 3796.03	No.	No.	
		<b>CULTIVATORS - CHAPTER 3796:2-2 CULTIVATOR OPERATIONS</b>				<a href="http://codes.ohio.gov/oac/3796%3A2-2">http://codes.ohio.gov/oac/3796%3A2-2</a>
		<b>3796:2-2-01 -- Cultivator operations and quality assurance plan</b>				<a href="http://codes.ohio.gov/oac/3796:2-2-01v1">http://codes.ohio.gov/oac/3796:2-2-01v1</a>
3796:2-2-01	Shall	A cultivator shall establish, maintain, and comply with the policies and procedures contained in the operations plan submitted by the cultivator as part of the application that was approved by the department	O.R.C. 3796.03	No.	No.	
3796:2-2-01	Shall	The operations plan shall include policies and procedures for the production, storage, inventory, and transportation of medical marijuana	O.R.C. 3796.03	No.	No.	
3796:2-2-01	Shall	At a minimum, a facility's operations plan shall accomplish	O.R.C. 3796.03	No.	No.	
3796:2-2-01	Shall	A cultivator shall submit, as part of the application process, and maintain a quality assurance and quality control plan for the cultivation of medical marijuana in its facility.	O.R.C. 3796.03	No.	No.	
3796:2-2-01	Shall	A cultivator shall submit any proposed changes to its plan to the department sixty days before the effective date of the proposed changes	O.R.C. 3796.03	No.	No.	
3796:2-2-01	Shall	The department shall have thirty days to review and approve or reject the proposed changes.	O.R.C. 3796.03	No.	No.	
3796:2-2-01	Shall	The department, with assistance from the Ohio department of agriculture, shall maintain an approved list of permitted pesticides, fertilizers, and other chemicals.	O.R.C. 3796.03	No.	No.	
3796:2-2-01	Shall	The department shall make this list with the label type, active ingredients, and concentration of the approved pesticides, fertilizers, and other chemicals available electronically	O.R.C. 3796.03	No.	No.	
3796:2-2-01	Shall	A cultivator that utilizes any approved pesticides, fertilizers, or other chemicals during the cultivation process shall meet the requirements contained in this rule.	O.R.C. 3796.03	No.	No.	
3796:2-2-01	Shall	No foliar application of approved pesticides, fertilizers, or other chemicals shall be made after the twenty-first day following the date that a plant is moved into the flowering stage of growth, unless otherwise permitted on the department's approved list.	O.R.C. 3796.03	No.	No.	
3796:2-2-01	Shall	All individuals applying pesticides, fertilizers, or other chemicals shall adhere to the use requirements of the label and	O.R.C. 3796.03	No.	No.	
3796:2-2-01	Shall	shall employ all applicable personal protective equipment	O.R.C. 3796.03	No.	No.	

3796:2-2-01	Shall	The cultivator shall comply with all posting requirements of the standard protection language stated on the label	O.R.C. 3796.03	No.	No.	
3796:2-2-01	Shall	A record of all pesticide, fertilizer, or other chemical applications shall be maintained by the cultivator for at least five years and	O.R.C. 3796.03	No.	No.	
3796:2-2-01	Shall	shall be made available to the department upon request	O.R.C. 3796.03	No.	No.	
3796:2-2-01	Shall	The application record shall include the following information: Date and time of application; Stage of cultivation process; ect..	O.R.C. 3796.03	No.	No.	
3796:2-2-01	Shall	Application site, which shall be identified by the location legend maintained by the cultivator; Name of the product being applied; ect...	O.R.C. 3796.03	No.	No.	
3796:2-2-01	Shall	Disposal of all unused pesticides, fertilizers, and other chemicals shall be performed in compliance with all state and federal laws and regulations	O.R.C. 3796.03	No.	No.	
3796:2-2-01	Shall	A cultivator shall maintain a facility in the following manner	O.R.C. 3796.03	No.	No.	
3796:2-2-01	Shall	A cultivator shall keep all floors and benches free of debris, dust, and any other potential contaminants,	O.R.C. 3796.03	No.	No.	
3796:2-2-01	Shall	A cultivator shall use chemicals, cleaning solutions, and other sanitizing agents approved for use around vegetables, fruit, or medicinal plants	O.R.C. 3796.03	No.	No.	
3796:2-2-01	Shall	shall store them in a manner that protects against contamination.	O.R.C. 3796.03	No.	No.	
3796:2-2-01	Shall	A cultivator shall keep its equipment in a clean, professional environment and maintain a cleaning and equipment maintenance log at the facility.	O.R.C. 3796.03	No.	No.	
3796:2-2-01	Shall	The cultivator shall have its scales, balances, or other weight and/or mass measuring devices routinely calibrated using "National Institute of Standards and Technology" (NIST)-traceable reference weights	O.R.C. 3796.03	No.	No.	
3796:2-2-01	Shall	The water supply shall be derived from a source that is a regulated water system or a private water supply and;	O.R.C. 3796.03	No.	No.	
3796:2-2-01	Shall	shall meet the needs of the cultivator	O.R.C. 3796.03	No.	No.	
3796:2-2-01	Shall	A private water supply shall be derived from a water source that is capable of providing a safe,	O.R.C. 3796.03	No.	No.	
3796:2-2-01	Shall	A cultivator shall implement policies and procedures related to receiving, inspecting, transporting, segregating, preparing, packaging, and storing medical marijuana in accordance with adequate sanitation principles.	O.R.C. 3796.03	No.	No.	
		<b>3796:2-2-02 -- Cultivator and plant-only processor packaging and labeling.</b>				<a href="http://codes.ohio.gov/oac/3796:2-2-02v1">http://codes.ohio.gov/oac/3796:2-2-02v1</a>
3796:2-2-02	Shall	A cultivator shall place plant material in a tamper-evident, light-resistant package approved by the department prior to distributing plant material to a processor	O.R.C. 3796.03	No.	No.	

3796:2-2-02	Shall	A cultivator shall place plant material in a tamper-evident, light-resistant package approved by the department prior to distributing plant material to a processor	O.R.C. 3796.03	No.	No.	
3796:2-2-02	Shall	Approved packaging shall maintain the integrity and stability of the plant material	O.R.C. 3796.03	No.	No.	
3796:2-2-02	Shall	(A)(2) A label shall be affixed to every package and state in legible English	O.R.C. 3796.03	No.	No.	
3796:2-2-02	Shall	(A)(1) A cultivator with a plant-only processor license distributing plant material to a dispensary shall place plant material in a child-proof, tamper-evident, light-resistant package approved by the department prior to distributing plant material to a dispensary	O.R.C. 3796.03	No.	No.	
3796:2-2-02	Shall	(B)(2) A label shall be affixed to every package and state in legible English	O.R.C. 3796.03	No.	No.	
3796:2-2-02	Shall	A cultivator with a plant-only processor license distributing plant material to a dispensary shall place plant material in a child-proof, tamper-evident, light-resistant package approved by the department prior to distributing plant material to a dispensary	O.R.C. 3796.03	No.	No.	
3796:2-2-02	Shall	(2) A label shall be affixed to every package and state in legible English	O.R.C. 3796.03	No.	No.	
3796:2-2-02	Shall	A free sample shall be packaged in a sample jar protected by a plastic or metal mesh screen to allow patients	O.R.C. 3796.03	No.	No.	
3796:2-2-02	Shall	The sample jar and the plant material within may not be sold to a patient or caregiver and shall be destroyed by the dispensary after use by the dispensary	O.R.C. 3796.03	No.	No.	
3796:2-2-02	Shall	The dispensary shall document the destruction of every free sample in accordance with the rules established pursuant to Chapter 3796. of the Revised Code.	O.R.C. 3796.03	No.	No.	
3796:2-2-02	Shall Not	(J) The expiration date, which shall not exceed one calendar year from the date of harvest;	O.R.C. 3796.03	No.	No.	
3796:2-2-02	Shall Not	(D) A label shall not contain Any false or misleading statement or design	O.R.C. 3796.03	No.	No.	
3796:2-2-02	Shall Not	(J) The expiration date, which shall not exceed one calendar year from the date of harvest	O.R.C. 3796.03	No.	No.	
3796:2-2-02	Prohibit	It is prohibited for anyone to knowingly or intentionally alter, obliterate, or otherwise destroy any container or label attached to an approved container	O.R.C. 3796.03	No.	No.	
3796:2-2-02	May Not	A sample jar may not contain more than three grams of a particular strain of plant material	O.R.C. 3796.03	No.	No.	
3796:2-2-02	May Not	The sample jar and the plant material within may not be sold to a patient or caregiver and shall be destroyed by the dispensary after use by the dispensary.	O.R.C. 3796.03	No.	No.	
		<b>3796:2-2-03 -- Cultivator waste disposal</b>				<a href="http://codes.ohio.gov/oac/3796:2-2-03v1">http://codes.ohio.gov/oac/3796:2-2-03v1</a>

3796:2-2-03	Shall	A cultivator shall dispose of undesired, excess, unauthorized, obsolete, adulterated, misbranded or deteriorated medical marijuana waste in accordance with the cultivator's disposal plan under the supervision of a type 1 employee, as defined in paragraph	O.R.C. 3796.03	No.	No.	
3796:2-2-03	Shall	The disposal procedures established by the cultivator and submitted as part of the application process shall be sufficient to render medical marijuana waste unusable.	O.R.C. 3796.03	No.	No.	
3796:2-2-03	Shall	Medical marijuana waste that is rendered unusable shall be discarded into a locked dumpster or other approved, locked container for removal from the facility by a waste removal company selected by the cultivator	O.R.C. 3796.03	No.	No.	
3796:2-2-03	Shall	Medical marijuana waste shall be rendered unusable by grinding and incorporating the medical marijuana waste with one or more of the non-consumable	O.R.C. 3796.03	No.	No.	
3796:2-2-03	Shall	The disposal of medical marijuana shall be performed by a type 1 employee in the designated destruction area identified in the cultivator's plans and specifications submitted to the department	O.R.C. 3796.03	No.	No.	
3796:2-2-03	Shall	The disposal shall be performed under video surveillance from the time the destruction begins to when it is placed in a locked dumpster or other approved, locked container and removed from the facility	O.R.C. 3796.03	No.	No.	
3796:2-2-03	Shall	The type 1 employee overseeing the disposal of medical marijuana shall maintain and make available in accordance with this chapter a separate record of every disposal indicating the date and time of disposal, ect...	O.R.C. 3796.03	No.	No.	
3796:2-2-03	Shall	The disposal of other waste from the cultivator that does not include medical marijuana, including hazardous waste and liquid waste, shall be performed in a manner consistent with federal and state law.	O.R.C. 3796.03	No.	No.	
		<b>3796:2-2-04 -- Cultivator inventory control and storage</b>				<a href="http://codes.ohio.gov/oac/3796:2-2-04v1">http://codes.ohio.gov/oac/3796:2-2-04v1</a>
3796:2-2-04	Shall	A cultivator shall track and submit into the inventory tracking system any information the department determines necessary for maintaining and tracking medical marijuana	O.R.C. 3796.03; O.R.C. 3796.07	Yes. State law.	Yes.	
3796:2-2-04	Shall	the cultivator shall securely attach a tag to the plant or the plant's container that includes The cultivator's name and license number; The registered name of the strain, ect..	O.R.C. 3796.03	No.	No.	

3796:2-2-04	Shall	Prior to commencing business, each cultivator shall Conduct an initial comprehensive inventory of all medical marijuana at the cultivator. If the cultivator commences business with no medical marijuana on hand, ect..	O.R.C. 3796.03	No.	No.	
3796:2-2-04	Shall	the cultivator shall record this fact as the initial inventory and any diversion, theft, or loss in a timely manner	O.R.C. 3796.03	No.	No.	
3796:2-2-04	Shall	Upon commencing business, each cultivator shall prepare a weekly inventory of medical marijuana at the facility	O.R.C. 3796.03	No.	No.	
3796:2-2-04	Shall	which shall include the date of the inventory; the amount of medical marijuana on hand.	O.R.C. 3796.03	No.	No.	
3796:2-2-04	Shall	which shall the total count of plants, whether in the flowering, vegetative, or clone phase of growth and organized by room in which the plants are being grown	O.R.C. 3796.03	No.	No.	
3796:2-2-04	Shall	The amount of medical marijuana sold since previous weekly inventory, which shall include the date of sale..	O.R.C. 3796.03	No.	No.	
3796:2-2-04	Shall	On an annual basis and as a condition for renewal of a cultivator license, a type 1 key employee shall conduct a physical, manual inventory of the medical marijuana on hand at the cultivator and compare the findings to an annual inventory report	O.R.C. 3796.03	No.	No.	
3796:2-2-04	Shall	If any discrepancies are discovered outside of loss standard to the industry due to moisture loss and handling, the type 1 key employee shall report such findings to the department in accordance with rule	O.R.C. 3796.03	No.	No.	
3796:2-2-04	Shall	All inventories, procedures and other documents required by this rule shall be maintained on the premises and made available to the department at all times	O.R.C. 3796.03	No.	No.	
3796:2-2-04	Shall	All inventories, procedures and other documents required by this rule shall be maintained on the premises and made available to the department at all times	O.R.C. 3796.03	No.	No.	
3796:2-2-04	Shall	nothing shall prohibit members of the department, a department's designee, law enforcement, or other federal, state, or local government officials from entering any area of a cultivator if necessary to perform their governmental duties.	O.R.C. 3796.03	No.	No.	
		<b>3796:2-2-05 -- Cultivator security</b>				<a href="http://codes.ohio.gov/oac/3796:2-2-05v1">http://codes.ohio.gov/oac/3796:2-2-05v1</a>
3796:2-2-05	Shall	The department shall determine the appropriate storage and security requirements for all cultivator facilities, and may require additional safeguards to ensure the security of medical marijuana	O.R.C. 3796.03	No.	No.	
3796:2-2-05	Shall	A cultivator shall comply with the security plan submitted as part of its cultivator provisional license application	O.R.C. 3796.03	No.	No.	

3796:2-2-05	Shall	At a minimum, the cultivator shall Install an adequate security alarm system around the perimeter of the facility to prevent and detect diversion, theft, or loss of medical marijuana utilizing commercial grade equipment	O.R.C. 3796.03	No.	No.	
3796:2-2-05	Shall	A cultivator shall limit access to surveillance areas to type 1 key employees that are essential to surveillance operations, law enforcement agencies, security system service employees, the department, and others when approved by the department	O.R.C. 3796.03	No.	No.	
3796:2-2-05	Shall	A cultivator shall make available to the department, upon request, a current list of type 1 key employees and contractors who have access to the surveillance rooms.	O.R.C. 3796.03	No.	No.	
3796:2-2-05	Shall	A cultivator shall keep all on-site surveillance rooms locked	O.R.C. 3796.03	No.	No.	
3796:2-2-05	Shall	The cultivator shall install a security alarm system and a video surveillance recording system under paragraph (A) of this rule	O.R.C. 3796.03	No.	No.	
3796:2-2-05	Shall	A security alarm system and video surveillance recording system shall, at a minimum, contain a system designed to detect motion and identify unauthorized access to the facility	O.R.C. 3796.03	No.	No.	
3796:2-2-05	Shall	Video cameras shall be directed at all approved safes, approved vaults, and any other area where medical marijuana is being cultivated, harvested, stored, or handled	O.R.C. 3796.03	No.	No.	
3796:2-2-05	Shall	The video surveillance recording system shall comply with the following minimum capabilities:	O.R.C. 3796.03	No.	No.	
3796:2-2-05	Shall	A display monitor with a minimum screen size of twelve inches shall be connected to the electronic recording security system at all times	O.R.C. 3796.03	No.	No.	
3796:2-2-05	Shall	The date and time shall be synchronized and set correctly	O.R.C. 3796.03	No.	No.	
3796:2-2-05	Shall	Cameras installed outdoors and in low-light interior areas shall be day/night cameras with a minimum resolution of 600 lines per inch (analog) or D1 (IP) and a minimum light factor requirement of 0.7 LUX	O.R.C. 3796.03	No.	No.	
3796:2-2-05	Shall	Cameras shall be calibrated and focused to maximize the quality of the recorded image	O.R.C. 3796.03	No.	No.	
3796:2-2-05	Shall	Exported video shall have the ability to be archived in a proprietary format that ensures authentication of the video and guarantees that no alteration of the recorded image has taken place	O.R.C. 3796.03	No.	No.	
3796:2-2-05	Shall	Exported video shall also have the ability to be saved in an industry standard file format that can be played on a standard computer operating system.	O.R.C. 3796.03	No.	No.	
3796:2-2-05	Shall	All recordings shall be erased or destroyed prior to disposal;	O.R.C. 3796.03	No.	No.	
3796:2-2-05	Shall	Security recordings shall provide an image resolution of at least D1	O.R.C. 3796.03	No.	No.	

3796:2-2-05	Shall	the image frame rate shall be at least thirty frames per second during alarm or motion based recording;	O.R.C. 3796.03	No.	No.	
3796:2-2-05	Shall	Twenty-four hour live feed with motion-activated recording capabilities from all video cameras, which the cultivation facility shall make available for immediate viewing by the department upon request	O.R.C. 3796.03	No.	No.	
3796:2-2-05	Shall	and shall retain the recordings for at least forty-five days.	O.R.C. 3796.03	No.	No.	
3796:2-2-05	Shall	the cultivator shall retain an unaltered copy of the recording until the investigation or proceeding is closed or the entity conducting the investigation or proceeding notifies the cultivator that it is not necessary to retain the recording	O.R.C. 3796.03	No.	No.	
3796:2-2-05	Shall	The failure notification system shall provide an alert to the cultivation facility within five minutes of the failure, either by telephone, email, or text message;	O.R.C. 3796.03	No.	No.	
3796:2-2-05	Shall	each cultivator shall have a back-up alarm system approved by the department	O.R.C. 3796.03	No.	No.	
3796:2-2-05	Shall	that shall detect unauthorized entry during times when no employees are present at the facility and	O.R.C. 3796.03	No.	No.	
3796:2-2-05	Shall	that shall be provided by a company supplying commercial grade equipment	O.R.C. 3796.03	No.	No.	
3796:2-2-05	Shall	A cultivator shall keep all security equipment in good-working order	O.R.C. 3796.03	No.	No.	
3796:2-2-05	Shall	the systems shall be inspected and all devices tested on an annual basis by a third party.	O.R.C. 3796.03	No.	No.	
3796:2-2-05	Shall Not	A cultivator shall not use such rooms for any other functions.	O.R.C. 3796.03	No.	No.	
3796:2-2-05	Shall Not	The date and time shall not significantly obscure the picture;	O.R.C. 3796.03	No.	No.	
3796:2-2-05	Shall Not	a back-up alarm system shall not be the same company supplying the primary security system	O.R.C. 3796.03	No.	No.	
3796:2-2-05	Require	The department may require additional safeguards to ensure the security of medical marijuana	O.R.C. 3796.03	No.	No.	
		<b>3796:2-2-06 -- Laboratory testing</b>				<a href="http://codes.ohio.gov/oac/3796:2-2-06v1">http://codes.ohio.gov/oac/3796:2-2-06v1</a>
3796:2-2-06	Shall	An employee of a licensed testing laboratory shall select a random sample of adequate weight from every batch of medical marijuana cultivated at the facility that is sufficient to perform the required tests, prior to packaging any plant material intended to be sold to a patient or caregiver through a dispensary licensed under Chapter 3796. of the Revised Code.	O.R.C. 3796.03	No.	No.	
3796:2-2-06	Shall	Every sample shall be tested by a licensed testing laboratory in accordance with testing standards established for testing laboratories in the rules promulgated	O.R.C. 3796.03	No.	No.	

3796:2-2-06	Shall	At a minimum, a testing laboratory shall test every sample for (1) Microbial contaminants; (2) Mycotoxins; (3) Moisture content; (4) Foreign matter contamination;	O.R.C. 3796.03	No.	No.	
3796:2-2-06	Shall	An employee of a licensed testing laboratory shall select a random sample of adequate weight from every batch of medical marijuana cultivated at the facility that is sufficient to perform the required tests, prior to packaging any plant material	O.R.C. 3796.03	No.	No.	
3796:2-2-06	Shall	that shall be used in the manufacture of medical marijuana products by a processor licensed under Chapter 3796.	O.R.C. 3796.03	No.	No.	
3796:2-2-06	Shall	Every sample shall be tested by a licensed testing laboratory in accordance with testing standards established for testing laboratories in the rules promulgated	O.R.C. 3796.03	No.	No.	
3796:2-2-06	Shall	At a minimum, a testing laboratory shall test every sample for (1) Pesticide and fertilizer residue; (2) Moisture content; (3) Foreign matter contamination;	O.R.C. 3796.03	No.	No.	
3796:2-2-06	Shall	A licensed testing laboratory shall submit to the cultivator an analysis of every sample of medical marijuana tested by the testing laboratory in accordance with the rules promulgated pursuant to Chapter 3796	O.R.C. 3796.03	No.	No.	
3796:2-2-06	Shall Not	A cultivator shall not sell or otherwise distribute medical marijuana unless the medical marijuana meets the standards set forth by the department and the package or label contains the analysis from a licensed testing laboratory.	O.R.C. 3796.03	No.	No.	
		<b>3796:2-2-07 -- Cultivator prohibited activities</b>				<a href="http://codes.ohio.gov/oac/3796:2-2-07v1">http://codes.ohio.gov/oac/3796:2-2-07v1</a>
3796:2-2-07	Shall Not	A cultivator shall not sell medical marijuana in any form to a patient or caregiver	O.R.C. 3796.03	No.	No.	
3796:2-2-07	Shall Not	A cultivator shall not permit the consumption of medical marijuana in any form on the premises.	O.R.C. 3796.03	No.	No.	
3796:2-2-07	Shall Not	A cultivator shall not grow a prohibited form of marijuana that is not registered and approved by the state of Ohio board of pharmacy pursuant to section 3796.061 of the Revised Code.	O.R.C. 3796.03	No.	No.	
3796:2-2-07	Shall Not	A cultivator shall not produce or maintain medical marijuana in excess of the quantity required for normal, efficient operation based on patient population and consumption reported in the inventory tracking system.	O.R.C. 3796.03	No.	No.	
3796:2-2-07	Shall Not	A cultivator shall not amend or otherwise change its approved operations plan, quality assurance plan, or cultivation or production techniques, unless written approval is obtained from the department.	O.R.C. 3796.03	No.	No.	

3796:2-2-07	Shall Not	A cultivator shall not change the use or occupancy of the facility unless the department is notified of and provides prior written approval of such changes.	O.R.C. 3796.03	No.	No.	
3796:2-2-07	Shall Not	a cultivator shall not sell plant material that exceeds thirty-five per cent THC content as defined in rule 3796:1-1-01 of the Administrative Code.	O.R.C. 3796.03	No.	No.	
3796:2-2-07	Shall Not	A licensed cultivator shall not directly or indirectly discriminate in price between different processor or dispensary facilities that are purchasing a like grade, strain, brand, quality, and quantity of medical marijuana.	O.R.C. 3796.03	No.	No.	
3796:2-2-07	Shall Not	Nothing herein shall prevent price differentials based on differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which the medical marijuana is sold or delivered.	O.R.C. 3796.03	No.	No.	
		<b>3796:2-2-08 -- Cultivator records and reporting requirements</b>				<a href="http://codes.ohio.gov/oac/3796:2-2-08v1">http://codes.ohio.gov/oac/3796:2-2-08v1</a>
3796:2-2-08	Shall	Each cultivator shall keep and maintain upon the licensed premises for a five-year period, unless otherwise stated in this chapter, true, complete, legible and current books and records	O.R.C. 3796.03	No.	No.	
3796:2-2-08	Shall	The following records shall be maintained:(1) Records relating to the disposal of medical marijuana, medical marijuana products, and waste in accordance with paragraph (E) of this rule and rule 3796:2-2-03 of the Administrative Code; (2) Records related to the sale of medical marijuana in accordance with paragraph (C) of rule 3796:2-2-04 of the Administrative Code;	O.R.C. 3796.03	No.	No.	
3796:2-2-08	Shall	Cultivation records, which, at a minimum, shall include Forms and types of medical marijuana maintained at the cultivator on a daily basis	O.R.C. 3796.03	No.	No.	
3796:2-2-08	Shall	A cultivator that elects to use an electronic system shall use a system that does (1) Guarantees the confidentiality of the information stored in the system; (2) Is capable of providing safeguards against erasures and unauthorized changes in data after the information has been entered and verified by the cultivator;	O.R.C. 3796.03	No.	No.	
3796:2-2-08	Shall	A cultivator shall maintain financial records	O.R.C. 3796.03	No.	No.	
3796:2-2-08	Shall	which shall include (1) Records that clearly reflect all financial transactions and the financial condition of the business, including contracts for services performed or received that relate to the cultivator; (2) Purchase invoices, bills of lading, manifests, sales records, copies of bills of sale, and any supporting documents, including the items and/or services purchased, from whom the items were purchased, and the date of purchase; (3) Bank statements and canceled checks for all accounts relating to the cultivator, if applicable;	O.R.C. 3796.03	No.	No.	
3796:2-2-08	Shall	A cultivator shall maintain employee records	O.R.C. 3796.03	No.	No.	

3796:2-2-08	Shall	which shall include (1) All records relating to the hiring of employees, including applications, documentation of verification of references, and any other related materials; (2) An employee log that includes the following information for every current and former employee:	O.R.C. 3796.03	No.	No.	
3796:2-2-08	Shall	Medical marijuana production and disposal records may be stored at the facility and shall include (1) The registered product name, strain and quantity of medical marijuana involved; (2) The date of production or removal from production; (3) The reason for removal from production, if applicable;	O.R.C. 3796.03	No.	No.	
3796:2-2-08	Shall	If the medical marijuana is destroyed, the cultivator shall maintain records in accordance with paragraph (D) of rule 3796:2-2-03 of the Administrative Code.	O.R.C. 3796.03	No.	No.	
3796:2-2-08	Shall Not	Any loss of electronically-maintained records shall not be considered a mitigating factor for violations of this rule	O.R.C. 3796.03	No.	No.	
3796:2-2-08	Must	All required records must be made available for inspection if requested by the department.	O.R.C. 3796.03	No.	No.	
		<b>CULTIVATORS - CHAPTER 3796:2-3 CULTIVATOR INSPECTIONS</b>				<a href="http://codes.ohio.gov/oac/3796%3A2-3">http://codes.ohio.gov/oac/3796%3A2-3</a>
		<b>3796: 2-3-01 -- Cultivator Inspections</b>				<a href="http://codes.ohio.gov/oac/3796:2-3-01v1">http://codes.ohio.gov/oac/3796:2-3-01v1</a>
3796:2-3-01	Shall	An inspector conducting an inspection pursuant to this rule shall be accompanied by a type 1 key employee during the inspection.	O.R.C. 3796.03	No.	No.	
3796:2-3-01	Shall	A pre-approval inspection that is required before the department issues a certificate of operation to a cultivator possessing a provisional license pursuant to rule 3796:2-1-06 of the Administrative Code shall occur at a mutually agreeable time	O.R.C. 3796.03	No.	No.	
3796:2-3-01	Shall	The department shall rely on the facility's application, Chapter 3796. of the Revised Code, and the rules promulgated in accordance with Chapter 3796.	O.R.C. 3796.03	No.	No.	
3796:2-3-01	Shall	The department shall re-inspect a cultivator upon the completion of the written plan of correction.	O.R.C. 3796.03	No.	No.	
3796:2-3-01	Shall	If the corrective measures meet the department's satisfaction, the department shall issue a certificate of operation. If the corrective measures do not meet the requirements of the written plan of correction, the department may take action in accordance with rule 3796:5-6-01 of the Administrative Code.	O.R.C. 3796.03	No.	No.	
3796:2-3-01	Shall	Following an inspection conducted pursuant to paragraph (D) of this rule, the department shall issue an inspection report that documents	O.R.C. 3796.03	No.	No.	

3796:2-3-01	Shall	Upon receipt of statement of deficiencies, the cultivator shall develop a plan of correction for each deficiency and submit the plan in writing to the department for approval within ten business days after receipt of the statement of deficiencies, unless a written extension is issued by the department.	O.R.C. 3796.03	No.	No.	
3796:2-3-01	Shall	The department shall re-inspect a cultivator upon the completion of the written plan of correction. If the corrective measures meet the department's satisfaction,	O.R.C. 3796.03	No.	No.	
3796:2-3-01	Shall	the department shall issue a certificate of operation. If the corrective measures do not meet the requirements of the written plan of correction, the department may take action in accordance with rule 3796:5-6-01 of the Administrative Code.	O.R.C. 3796.03	No.	No.	
3796:2-3-01	Shall	Following an inspection conducted pursuant to paragraph (D) of this rule, the department shall issue an inspection report that documents (1) The observations and findings of the inspections; (2) The outcome of the inspection; (3) Any suggestions for the cultivator to take into consideration	O.R.C. 3796.03	No.	No.	
3796:2-3-01	Shall	the cultivator shall develop a plan of correction for each deficiency and submit the plan in writing to the department for approval within ten business days after receipt of the statement of deficiencies, unless a written extension is issued by the department.	O.R.C. 3796.03	No.	No.	
3796:2-3-01	Shall	Upon acceptance of the written plan of correction, the cultivator shall sign the plan of correction, binding the cultivator to the terms agreed upon by the parties.	O.R.C. 3796.03	No.	No.	
3796:2-3-01	Shall	The department shall re-inspect a cultivator upon the completion of the written plan of correction. If the corrective measures meet the department's satisfaction,	O.R.C. 3796.03	No.	No.	
3796:2-3-01	Shall	the department shall indicate such on the inspection report and conclude the inspection	O.R.C. 3796.03	No.	No.	
3796:2-3-01	Must	A written statement listing the deficiencies identified during the inspection that must be remedied before a certificate of operation will be issued by the department.	O.R.C. 3796.03	No.	No.	
3796:2-3-01	Must	The plan of correction must include specific requirements for corrective action that will be performed within either thirty calendar days after the department's acceptance of the plan of correction or the remaining time period under paragraph (B) of rule 3796:2-1-06 of the Administrative Code, whichever is greater.	O.R.C. 3796.03	No.	No.	
3796:2-3-01	Must	the department may either direct the cultivator to resubmit a plan of correction or the department may develop a directed plan of correction with which the cultivator must comply.	O.R.C. 3796.03	No.	No.	

3796:2-3-01	Must	The plan of correction must include specific requirements for corrective action that will be performed within thirty calendar days of the department's acceptance of the plan	O.R.C. 3796.03	No.	No.	
3796:2-3-01	Must	the department may either direct the cultivator to resubmit a plan of correction or the department may develop a directed plan of correction with which the cultivator must comply.	O.R.C. 3796.03	No.	No.	
		<b>CHAPTER 3796:3 -- PROCESSORS</b>				<a href="http://codes.ohio.gov/oac/3796%3A3">http://codes.ohio.gov/oac/3796%3A3</a>
		<b>PROCESSORS - CHAPTER 3796:3-1 GENERALLY</b>				<a href="http://codes.ohio.gov/oac/3796%3A3-1">http://codes.ohio.gov/oac/3796%3A3-1</a>
		<b>3796:3-1-01 -- Number of processor provisional licenses</b>				<a href="http://codes.ohio.gov/oac/3796:3-1-01v1">http://codes.ohio.gov/oac/3796:3-1-01v1</a>
		<b>none</b>				
		<b>3796:3-1-02 -- Processor provisional license application</b>				<a href="http://codes.ohio.gov/oac/3796:3-1-02v1">http://codes.ohio.gov/oac/3796:3-1-02v1</a>
3796:3-1-02	Shall	The department shall provide advance notice to the public indicating the commencement date and time period for accepting applications	O.R.C. 3796.03	No.	No.	
3796:3-1-02	Shall	The director shall have the right to amend the notice prior to the deadline for submitting an application	O.R.C. 3796.03	No.	No.	
3796:3-1-02	Shall	The director shall publish such amended notice in the same manner as the original notice.	O.R.C. 3796.03	No.	No.	
3796:3-1-02	Shall	The director shall also have the right to cancel a notice of open application prior to the award of a processor provisional license.	O.R.C. 3796.03	No.	No.	
3796:3-1-02	Shall	The provisional license application shall be submitted in accordance with Chapter 3796. of the Revised Code and this chapter.	O.R.C. 3796.03	No.	No.	
3796:3-1-02	Shall	An applicant for a processor provisional license shall submit, in accordance with the application instructions,	O.R.C. 3796.03	No.	No.	
3796:3-1-02	Shall	A business plan, which, at a minimum, shall include The legal name of the applicant;	O.R.C. 3796.03	No.	No.	
3796:3-1-02	Shall	An organizational chart of the company, including name, address, and date of birth of each principal officer and board member of the processor, provided that all those individuals shall be at least twenty-one years of age;	O.R.C. 3796.03	No.	No.	
3796:3-1-02	Shall	All persons subject to the criminal records checks shall submit both an Ohio bureau of criminal identification and investigation criminal records check and a federal bureau of criminal investigation criminal records check pursuant to division (B) of section 3796.12 of the Revised Code;	O.R.C. 3796.12	Yes. State law.	Yes.	
3796:3-1-02	Shall	An operations plan that establishes policies and procedures that the applicant will implement for the safe, secure, sustainable, and proper processing of medical marijuana, which, at a minimum, shall include	O.R.C. 3796.03	No.	No.	

3796:3-1-02	Shall	Facility staffing and employment matters, which, at minimum, shall	O.R.C. 3796.03	No.	No.	
3796:3-1-02	Shall	A quality assurance plan that establishes policies and procedures for a safe, consistent supply of medical marijuana, which, at a minimum, shall include Intended use and sourcing of extraction equipment and associated solvents for the extraction of medical marijuana, or, in the case of non-solvent extraction, the intended physical methods and equipment;	O.R.C. 3796.03	No.	No.	
3796:3-1-02	Shall	A security plan that establishes policies and procedures to prevent theft, loss, or diversion from a processor and protect facility personnel, which, at a minimum, shall include Record keeping policies and procedures that will ensure the facility complies with rule 3796:3-2-08 of the Administrative Code;	O.R.C. 3796.03	No.	No.	
3796:3-1-02	Shall	If the building is in existence at the time of the application, the applicant shall submit plans and specifications drawn to scale for the interior of the building.	O.R.C. 3796.03	No.	No.	
3796:3-1-02	Shall	If the building is not in existence at the time of application, the applicant shall submit a plot plan and a detailed drawing to scale of the interior and the architect's drawing of the building to be constructed.	O.R.C. 3796.03	No.	No.	
3796:3-1-02	Shall	A financial plan, which, at a minimum, shall include	O.R.C. 3796.03	No.	No.	
3796:3-1-02	Shall	The identity and ownership interest of every person, association, partnership, other entity, or corporation having a financial interest, direct or indirect, in the processor with respect to which licensure is sought	O.R.C. 3796.03	No.	No.	
3796:3-1-02	Must	The documentation must be dated within thirty calendar days before the date the application was submitted. The following shall be considered sufficient liquid assets: (i) Two hundred fifty thousand dollars for a processor provisional license; or (ii) One hundred thousand dollars for a processor provisional license, if at the time of application, the applicant has previously been issued a cultivator provisional license or cultivator certificate of operation and the processor will be located in the cultivator's existing facility;	O.R.C. 3796.03	No.	No.	
		<b>3796:3-1-03 -- Processor application review</b>				<a href="http://codes.ohio.gov/oac/3796:3-1-03v1">http://codes.ohio.gov/oac/3796:3-1-03v1</a>
3796:3-1-03	Shall	The department, an independent contractor selected by the department, or a combination of the two shall review the submitted applications as described in this chapter and the application instructions. In order to receive consideration under paragraph (B) of this rule	O.R.C. 3796.03	No.	No.	

3796:3-1-03	Shall	an applicant shall: (1) Demonstrate sufficient liquid capital pursuant to rule 3796:3-1-02 of the Administrative Code and an ability to meet the financial responsibility requirements under rule 3796:3-1-05 of the Administrative Code;	O.R.C. 3796.03	No.	No.	
3796:3-1-03	Shall	Verify that the proposed facility is not located within five hundred feet from a prohibited facility, which shall be measured in accordance with rule 3796:5-5-01 of the Administrative Code;	O.R.C. 3796.03	No.	No.	
3796:3-1-03	Shall	Submit an application with the applicable fee under rule 3796:5-1-01 of the Administrative Code during the established application submission period established under paragraph (A) of rule 3796:3-1-02 of the Administrative Code. The application shall be submitted in accordance with the application instructions and forms issued by the department.	O.R.C. 3796.03	No.	No.	
3796:3-1-03	Shall	The applicants shall be ranked using an impartial and numerical process taking into account the criteria identified in rule 3796:3-1-02 of the Administrative Code, as developed by the department	O.R.C. 3796.03	No.	No.	
3796:3-1-03	Shall	A business plan, which, at a minimum, shall include: (a) A proposed business model demonstrating a likelihood of success, a sufficient business ability, and experience on the part of the applicant;	O.R.C. 3796.03	No.	No.	
3796:3-1-03	Shall	An organizational chart of the company, including name, address, and date of birth of each principal officer and board member of the processor, provided that all those individuals shall be at least twenty-one years of age;	O.R.C. 3796.03	No.	No.	
3796:3-1-03	Shall	If expired, applicant shall provide the grounds behind the expiration	O.R.C. 3796.03	No.	No.	
3796:3-1-03	Shall	An operations plan, which shall include but not be limited to: (a) Documentation of processing and extraction methods, techniques, and standards that will provide a steady, uninterrupted supply of medical marijuana;	O.R.C. 3796.03	No.	No.	
3796:3-1-03	Shall	Facility staffing and employment matters, which shall include, but not be limited to: (i) Employee training standards for the safe operation and maintenance of any and all equipment that will be used for processing medical marijuana;	O.R.C. 3796.03	No.	No.	
3796:3-1-03	Shall	A quality assurance plan, which shall include but not be limited to: (a) Intended use and sourcing of extraction equipment and associated solvents for the extraction of medical marijuana, or, in the case of non-solvent extraction, the intended methods and equipment,	O.R.C. 3796.03	No.	No.	
3796:3-1-03	Shall	A security plan, which shall include but not be limited to: (a) Policies and procedures to ensure a secure, safe facility to prevent theft, loss, or diversion and protect facility personnel;	O.R.C. 3796.03	No.	No.	

3796:3-1-03	Shall	A financial plan, which, at a minimum, shall include: (a) The identity and ownership interest of every person, association, partnership, other entity, or corporation having a financial interest, direct or indirect, in the processor with respect to which licensure is sought;	O.R.C. 3796.03	No.	No.	
3796:3-1-03	Shall	Documentation acceptable to the department shall include, as evidence of compliance, a signed statement from an Ohio licensed certified public accountant attesting to proof of the required amount of liquid assets under the control of an owner or the entity applying, if such a statement is available at the time of application.	O.R.C. 3796.03	No.	No.	
3796:3-1-03	Shall	The applicant shall have thirty calendar days from the date the applicant receives the department's request to provide the information	O.R.C. 3796.03	No.	No.	
3796:3-1-03	Shall Not	An abandoned application shall not receive further consideration.	O.R.C. 3796.03	No.	No.	
3796:3-1-03	Shall Not	The department shall not be required to act on an abandoned application and the application may be destroyed by the department. An abandoned application will not prevent an applicant from applying for a provisional license in the future if the department issues additional provisional licenses pursuant to paragraph (B) of rule 3796:3-1-01 of the Administrative Code.	O.R.C. 3796.03	No.	No.	
3796:3-1-03	Must	The documentation must be dated within thirty calendar days before the date the application was submitted.	O.R.C. 3796.03	No.	No.	
3796:3-1-03	Must	The applicant must provide documentation establishing that its principal place of business is headquartered in Ohio. The applicant may also provide the names, addresses, and verification of any persons associated with the applicant that have established residency in Ohio.	O.R.C. 3796.03	No.	No.	
3796:3-1-03	Must	The applicant must demonstrate an environmental plan of action to minimize the carbon footprint, energy usage, environmental impact, and resource needs for the processing and manufacture of medical marijuana.	O.R.C. 3796.03	No.	No.	
3796:3-1-03	Must	The applicant must describe any plans for the use of energy efficient lighting, use of alternative energy, the treatment of waste water and runoff, and scrubbing or treatment of exchanged air.	O.R.C. 3796.03	No.	No.	
3796:3-1-03	Must	Employment practices, in which the applicant must demonstrate a plan of action to inform, hire, and educate minorities, women, veterans, disabled persons, and Ohio residents;	O.R.C. 3796.03	No.	No.	
3796:3-1-03	Must	The applicant must demonstrate the following: (i) It is owned and controlled by a United States citizen who is a resident of this state and is a member of one of the economically disadvantaged groups set forth in division (C) of section 3796.09 of the Revised Code.	O.R.C. 3796.03	No.	No.	

3796:3-1-03	Must	Research plan, in which the applicant must provide the department with a detailed proposal to conduct or facilitate a scientific study or studies related to the medicinal use of marijuana.	O.R.C. 3796.03	No.	No.	
		<b>3796:3-1-04 -- Processor provisional license award</b>				<a href="http://codes.ohio.gov/oac/3796:3-1-04v1">http://codes.ohio.gov/oac/3796:3-1-04v1</a>
3796:3-1-04	Shall	A provisional license shall be issued to the qualified applicant receiving at least the minimum required score in each category and the highest total score overall as compared to the other applicants.	O.R.C. 3796.03	No.	No.	
3796:3-1-04	Shall	In the event that two or more qualified applicants for a processor provisional license receive the same total score, and awarding a provisional license to all tied applicants would violate paragraph (A) of rule 3796:3-1-01 of the Administrative Code, the department shall select the applicant that received the highest score in the operations plan category. In the event that the applicants received the same score in the operations plan category,	O.R.C. 3796.03	No.	No.	
3796:3-1-04	Shall	the department shall select the applicant that received the highest score in the security plan category. If a tie score still remains, the tied applicants will be interviewed by an unbiased panel selected by the department.	O.R.C. 3796.03	No.	No.	
3796:3-1-04	Shall	If the department announces another application period, a qualified applicant that submitted an application during the previous application period, but was not issued a provisional license, may re-submit an application and the application fee under rule 3796:5-1-01 of the Administrative Code shall be waived.	O.R.C. 3796.03	No.	No.	
3796:3-1-04	Shall Not	No person shall hold or be granted more than one processor provisional license or processor certificate of operation at any time.	O.R.C. 3796.03	No.	No.	
3796:3-1-04	Shall Not	No person shall hold a financial interest in or be an owner, partner, officer, director, shareholder, member, or other person who may significantly influence or control the activities of more than one processor. No corporation, partnership, limited liability partnership, limited liability company, or other entity or subsidiary	O.R.C. 3796.03	No.	No.	
3796:3-1-04	Shall Not	thereof shall hold a financial interest in or be an owner, principal officer, partner, shareholder, member, or other person who may significantly influence or control the activities of more than one processor.	O.R.C. 3796.03	No.	No.	
		<b>3796:3-1-05 -- Processor financial responsibility</b>				<a href="http://codes.ohio.gov/oac/3796:3-1-05v1">http://codes.ohio.gov/oac/3796:3-1-05v1</a>

3796:3-1-05	Shall	A provisional licensee shall provide evidence of financial responsibility before a certificate of operation can be issued, which may be payable to the department for any (1) A processor fails to adhere to the security plan approved by the department or otherwise operates the facility in a manner that allows for or results in theft, loss, or diversion of medical marijuana; (2) A processor engages in activities prohibited under rule 3796:3-2-07 of the Administrative Code; or	O.R.C. 3796.03	No.	No.	
3796:3-1-05	Shall	Evidence of financial responsibility shall be provided by	O.R.C. 3796.03	No.	No.	
3796:3-1-05	Shall	Establishing and maintaining an escrow account in a chartered financial institution in Ohio in the amount of two hundred fifty thousand dollars, with escrow terms, approved by the department, that it shall be payable to the department in the event of circumstances outlined in paragraph (A) of this rule	O.R.C. 3796.03	No.	No.	
3796:3-1-05	Shall	If a bond is canceled and the processor fails to file a new bond with the department in the required amount on or before the effective date of cancellation, the processor's license shall be revoked. The total and aggregate liability of the surety on the bond is limited to the amount specified on the bond.	O.R.C. 3796.03	No.	No.	
3796:3-1-05	Shall	The department shall permit a processor to reduce the escrow or surety bond by seventy-five thousand dollars upon the successful achievement of each of the following milestones, resulting in a potential elimination of the escrow account or surety bond: (a) A determination by the department that the processor remained fully operational without substantial interruption and was able to provide and maintain an uninterrupted supply of medical marijuana, in accordance with rule 3796:3-1-07 of the Administrative Code,	O.R.C. 3796.03	No.	No.	
3796:3-1-05	Shall	A processor that achieves three consecutive years of compliance, pursuant to this rule, shall have the escrow or surety bond requirement waived.	O.R.C. 3796.03	No.	No.	
3796:3-1-05	Shall	The required insurance policy and surety bond shall be written by an insurance company formed, licensed or eligible, and authorized or approved to write such insurance in the state of Ohio under Title XXXIX of the Revised Code.	O.R.C. 3796.03	No.	No.	
3796:3-1-05	Shall Not	The bond shall not be canceled by a surety on less than thirty days' notice in writing to the department.	O.R.C. 3796.03	No.	No.	
3796:3-1-05	Must	The business name and registration number on the bond must correspond exactly with the business name and registration number in the department's records.	O.R.C. 3796.03	No.	No.	
3796:3-1-05	Must	A copy of the bond must be received by the department before a certificate of operation is issued.	O.R.C. 3796.03	No.	No.	

3796:3-1-05	May Not	A financial institution may not return money in an escrow or surety account to the processor that established the account or a representative of the processor unless the processor or representative presents a statement issued by the department indicating that the account may be released;	O.R.C. 3796.03	No.	No.	
		<b>3796:3-1-06 -- Processor certificate of operation</b>				<a href="http://codes.ohio.gov/oac/3796:3-1-06v1">http://codes.ohio.gov/oac/3796:3-1-06v1</a>
3796:3-1-06	Shall	The information and plan submitted by a provisional licensee shall become mandatory conditions that must be met before a certificate of operation can be awarded.	O.R.C. 3796.03	No.	No.	
3796:3-1-06	Shall	A provisional licensee shall have six months from the date they are notified of selection for a provisional license to obtain a certificate of operation.	O.R.C. 3796.03	No.	No.	
3796:3-1-06	Shall	A certificate of operation shall be issued once all applicable inspections are passed, a certificate of occupancy issued by the building department having jurisdiction for such use is obtained, and the provisional licensee demonstrates that it conforms to the specifications of the application,	O.R.C. 3796.03	No.	No.	
3796:3-1-06	Shall	The certificate of operation, a copy of the current certificate of occupancy for the facility, and any other certificate, business license, or other authorization required to conduct production activities, shall be posted in a conspicuous place within the facility and made available to the department and all fire code officials upon request.	O.R.C. 3796.03	No.	No.	
3796:3-1-06	Shall Not	The department shall not award a certificate of operation to a provisional licensee if the provisional licensee has not met all of the specifications in the application and passed all applicable inspections under rule 3796:3-3-01 of the Administrative Code within six months of written or electronic notification of the applicant's selection for a provisional license.	O.R.C. 3796.03	No.	No.	
3796:3-1-06	Prohibit	A provisional licensee is prohibited from operating as a licensed processor and performing any processing or manufacturing activities until a certificate of operation is issued by the department.	O.R.C. 3796.03	No.	No.	
3796:3-1-06	Must	The information and plan submitted by a provisional licensee shall become mandatory conditions that must be met before a certificate of operation can be awarded.	O.R.C. 3796.03	No.	No.	
		<b>3796:3-1-07 -- Uninterrupted supply of medical marijuana</b>				<a href="http://codes.ohio.gov/oac/3796:3-1-07v1">http://codes.ohio.gov/oac/3796:3-1-07v1</a>

3796:3-1-07	Shall	A processor shall ensure that a consistent supply of medical marijuana is available to be sold to licensed dispensaries. Evidence of a consistent supply may be shown by: (1) Not more than thirty days elapsing between shipments totaling at least one lot of medical marijuana products, as defined in rule 3796:1-1-01 of the Administrative Code, to any licensed dispensaries	O.R.C. 3796.03	No.	No.	
3796:3-1-07	Shall	The notice shall include the factual basis for the director's belief, including any appropriate supporting documentation.	O.R.C. 3796.03	No.	No.	
3796:3-1-07	Shall	If a processor fails to respond to a notice issued, or the director determines the evidence provided is insufficient to establish one of the conditions in paragraph (A) of this rule, the director shall move to revoke the processor certificate of operation pursuant to rule 3796:5-6-01 of the Administrative Code.	O.R.C. 3796.03	No.	No.	
3796:3-1-07	Shall	At any time prior to the issuance of a notice of insufficient business activity, a processor may petition the director to toll computation of the timeframes provided in paragraph (A) of this rule. Such a petition shall provide (1) An explanation of the facts and circumstances that will not allow the processor to ensure a consistent supply of medical marijuana as required in paragraph (A) of this rule; and	O.R.C. 3796.03	No.	No.	
3796:3-1-07	Shall	A director's order staying the requirement of paragraph (A) of this rule shall state the date upon which the stay is lifted using information provided by the processor in accordance with paragraph (E)(2) of this rule.	O.R.C. 3796.03	No.	No.	
		<b>3796:3-1-08 -- Processor transfer of ownership or location</b>				<a href="http://codes.ohio.gov/oac/3796:3-1-08v1">http://codes.ohio.gov/oac/3796:3-1-08v1</a>
3796:3-1-08	Shall	A certificate of operation shall be issued for the specific processor and location identified on the application, and is valid only for the owner, premises, and name designated on the certificate of operation and the location for which it is issued.	O.R.C. 3796.03	No.	No.	
3796:3-1-08	Shall	Upon any request for a change in ownership, the processor shall (a) Notify the department in writing of the proposed ownership change	O.R.C. 3796.03	No.	No.	
3796:3-1-08	Shall	Upon a request for a change in location, a processor shall (a) Notify the department in writing of the proposed location change;	O.R.C. 3796.03	No.	No.	
3796:3-1-08	Shall	A processor requesting a change in ownership or location shall submit the applicable fee under rule 3796:5-1-01 of the Administrative Code.	O.R.C. 3796.03	No.	No.	
3796:3-1-08	Shall	The processor shall notify the department in writing or by electronic transmission once the transfer of inventory is complete and production has begun at the new location.	O.R.C. 3796.03	No.	No.	

3796:3-1-08	Shall	Upon inspection and verification by the department that the new location is in compliance with Chapter 3796. of the Revised Code and the rules promulgated in accordance with Chapter 3796. of the Revised Code, the department shall issue a license modification reflecting the new location.	O.R.C. 3796.03	No.	No.	
3796:3-1-08	Shall	The modified license shall have the same expiration date as the previously issued license.	O.R.C. 3796.03	No.	No.	
3796:3-1-08	Shall Not	A proposed change in ownership or request for a change in location shall not be effective until approved in writing by the department.	O.R.C. 3796.03	No.	No.	
3796:3-1-08	Shall Not	The transition period shall not begin until the new location is ready to begin production and has passed an inspection by the department under rule 3796:3-3-01 of the Administrative Code.	O.R.C. 3796.03	No.	No.	
		<b>3796:3-1-09 -- Processor certificate of operation renewal</b>				<a href="http://codes.ohio.gov/oac/3796:3-1-09v1">http://codes.ohio.gov/oac/3796:3-1-09v1</a>
3796:3-1-09	Shall	Every processor certificate of operation issued by the department under this chapter shall expire annually on the date it was issued.	O.R.C. 3796.03	No.	No.	
3796:3-1-09	Shall	A renewal application for a processor, accompanied by the proper renewal fee established under rule 3796:5-1-01 of the Administrative Code, shall be filed with the department at least thirty days prior to the expiration date of the certificate of operation.	O.R.C. 3796.03	No.	No.	
3796:3-1-09	Shall	The department shall grant a renewal application if the application is filed in a timely manner, the processor submits the corresponding renewal fee, the department confirms that nothing warrants the denial of the renewal under rule 3796:5-6-01 of the Administrative Code, and the processor passes a full inspection, unless a full inspection was passed within three months before the renewal date.	O.R.C. 3796.03	No.	No.	
3796:3-1-09	Shall	If a renewal application is not filed prior to the expiration date of the certificate of operation, the certificate of operation shall be suspended for a maximum of thirty days, at which point it will be deemed expired if the processor has not successfully renewed the certificate of operation under paragraph (B) of this rule.	O.R.C. 3796.03	No.	No.	
3796:3-1-09	Shall	the facility shall permanently cease its operations.	O.R.C. 3796.03	No.	No.	
3796:3-1-09	Shall Not	Upon expiration of the certificate of operation, the processor shall not engage in any processing activities in furtherance of the business of manufacturing medical marijuana products	O.R.C. 3796.03	No.	No.	
3796:3-1-09	Shall Not	The department shall not renew the certificate of operation	O.R.C. 3796.03	No.	No.	
		<b>3796:3-1-10 -- Winding down</b>				<a href="http://codes.ohio.gov/oac/3796:3-1-10v1">http://codes.ohio.gov/oac/3796:3-1-10v1</a>

3796:3-1-10	Shall	If a processor decides to voluntarily surrender or not renew its certificate of operation and permanently discontinue business operations, the processor shall provide written notice to the department at least ninety days prior to the effective date of the closure	O.R.C. 3796.03	No.	No.	
3796:3-1-10	Shall	If the closure is the result of an eviction, the processor shall immediately notify the department of the eviction notice and the effective date of the notice	O.R.C. 3796.03	No.	No.	
3796:3-1-10	Shall	This notice shall be provided prior to the processor taking any steps to discontinue business operations.	O.R.C. 3796.03	No.	No.	
3796:3-1-10	Shall	A processor that notifies the department of its intent to voluntarily surrender or not renew its certificate of operation under paragraph (A) of this rule shall submit, within sixty days of the effective date, a written plan of closure for approval by the department.	O.R.C. 3796.03	No.	No.	
3796:3-1-10	Shall	This plan shall include, at a minimum: (1) The sale of medical marijuana inventory at market rate; (2) The destruction of medical marijuana on hand at the facility on the effective date of the closure;	O.R.C. 3796.03	No.	No.	
3796:3-1-10	Shall	The removal or disposal of any solvents or other chemicals used in the manufacture of medical marijuana products, which shall be carried out in accordance with all applicable local, state, and federal laws;	O.R.C. 3796.03	No.	No.	
3796:3-1-10	Shall	The director shall approve or deny a processor's plan of closure within thirty days of receipt. The director may request additional information if approval or denial of the plan cannot be determined based on the information provided.	O.R.C. 3796.03	No.	No.	
		<b>PROCESSORS - CHAPTER 3796:3-2 OPERATIONS</b>				<a href="http://codes.ohio.gov/oac/3796%3A3-2">http://codes.ohio.gov/oac/3796%3A3-2</a>
		<b>3796:3-2-01 -- Processor operations and quality assurance</b>				<a href="http://codes.ohio.gov/oac/3796:3-2-01v1">http://codes.ohio.gov/oac/3796:3-2-01v1</a>
3796:3-2-01	Shall	A processor shall establish, maintain, and comply with the policies and procedures contained in the operations plan submitted by the processor as part of the application that was approved by the department.	O.R.C. 3796.03	No.	No.	
3796:3-2-01	Shall	The operations plan shall include policies and procedures for the production, storage, inventory, and transportation of plant material, medical marijuana extract, and medical marijuana products.	O.R.C. 3796.03	No.	No.	
3796:3-2-01	Shall	At a minimum, a facility's operations plan shall accomplish: (1) Designate areas in the facility that are compartmentalized based on function, such as the marijuana extraction area, with restricted access between the different areas based on access credentials assigned by the facility;	O.R.C. 3796.03	No.	No.	

3796:3-2-01	Shall	A processor shall acquire plant material from a cultivator or dispensary licensed under Chapter 3796. of the Revised Code. Plant material may only be acquired from a dispensary under the following conditions: (1) The plant material has reached or exceeded the expiration date listed on the label;	O.R.C. 3796.03	No.	No.	
3796:3-2-01	Shall	The plant material shall be processed into medical marijuana extract for use in the manufacture of medical marijuana products;	O.R.C. 3796.03	No.	No.	
3796:3-2-01	Shall	The medical marijuana products manufactured using the plant material shall be subject to laboratory testing pursuant to rule 3796:3-2-06 of the Administrative Code.	O.R.C. 3796.03	No.	No.	
3796:3-2-01	Shall	A processor shall comply with all applicable OSHA regulations as well as comply with and pass inspection for any applicable fire, safety, and building codes pertaining to the use and storage of the equipment and solvents used in the manufacture of medical marijuana products.	O.R.C. 3796.03	No.	No.	
3796:3-2-01	Shall	A processor using hydrocarbon solvent-based or carbon dioxide extraction methods shall designate at least one individual to train and supervise employees in the use of extraction equipment and associated solvents who has earned, at minimum, a Bachelor's Degree in engineering or physical sciences from an accredited university, or who has at least three years of experience in the operation of the equipment being used in the facility or similar equipment.	O.R.C. 3796.03	No.	No.	
3796:3-2-01	Shall	A processor shall submit, as part of the application process, and maintain an operations plan and quality control plan for the processing of medical marijuana in its facility. The purpose of these plans is to ensure a safe, consistent product supply and minimize the deviation in quality of the production lots of medical marijuana products	O.R.C. 3796.03	No.	No.	
3796:3-2-01	Shall	A processor shall submit to the department any proposed changes to its plans approved as part of its application submitted under rule 3796:3-1-02 of the Administrative Code.	O.R.C. 3796.03	No.	No.	
3796:3-2-01	Shall	The department shall review and approve or reject the proposed changes before the proposed changes can be made.	O.R.C. 3796.03	No.	No.	
3796:3-2-01	Shall	A processor shall maintain a facility in the following manner:	O.R.C. 3796.03	No.	No.	
3796:3-2-01	Shall	A processor shall keep all floors and benches free of debris, dust, and any other potential contaminants, and shall control rodents and other pests.	O.R.C. 3796.03	No.	No.	

3796:3-2-01	Shall	A processor shall use chemicals, cleaning solutions, and other sanitizing agents approved for use around vegetables, fruit, medicinal plants, or food contact surfaces	O.R.C. 3796.03	No.	No.	
3796:3-2-01	Shall	A processor shall keep its equipment in a clean environment and maintain a cleaning and equipment maintenance log at the facility.	O.R.C. 3796.03	No.	No.	
3796:3-2-01	Shall	The processor shall have its scales, balances, or other weight and/or mass measuring devices routinely calibrated using "National Institute of Standards and Technology" (NIST)-traceable reference weights, at least once each calendar year, by an independent third party approved by the department.	O.R.C. 3796.03	No.	No.	
3796:3-2-01	Shall	The water supply shall be derived from a source that is compliant with rule 901:3-1-05 of the Administrative Code.	O.R.C. 3796.03	No.	No.	
3796:3-2-01	Shall	A processor shall implement policies and procedures related to receiving, inspecting, transporting, segregating, preparing, packaging, and storing plant material, medical marijuana extract, and medical marijuana products in accordance with adequate sanitation principles.	O.R.C. 3796.03	No.	No.	
3796:3-2-01	Shall Not	The plant material acquired from the dispensary shall not be combined with other batches of plant material during processing;	O.R.C. 3796.03	No.	No.	
3796:3-2-01	Shall Not	The medical marijuana products manufactured using the plant material shall not be identified as or associated with the brand, cultivator, or processor that originally packaged and sold the plant material to the dispensary;	O.R.C. 3796.03	No.	No.	
3796:3-2-01	Must	The non-marijuana ingredients must be obtained from licensed and regulated sources that comply with the requirements of federal and state laws and regulations;	O.R.C. 3796.03	No.	No.	
		<b>3796:3-2-02 -- Processor packaging and labeling</b>				<a href="http://codes.ohio.gov/oac/3796:3-2-02v1">http://codes.ohio.gov/oac/3796:3-2-02v1</a>
3796:3-2-02	Shall	A processor distributing medical marijuana to a dispensary shall place medical marijuana in a child-proof, tamper-evident, light-resistant package approved by the department prior to distribution to a dispensary.	O.R.C. 3796.03	No.	No.	
3796:3-2-02	Shall	Approved packaging shall maintain the integrity and stability of the medical marijuana,	O.R.C. 3796.03	No.	No.	
3796:3-2-02	Shall	and shall comply with the rules promulgated by the state of Ohio board of pharmacy pursuant to Chapter 3796. of the Revised Code.	O.R.C. 3796.03	No.	No.	
3796:3-2-02	Shall	and shall comply with the rules promulgated by the state of Ohio board of pharmacy pursuant to Chapter 3796. of the Revised Code.	O.R.C. 3796.03	No.	No.	

3796:3-2-02	Shall	If the medical marijuana product is presented as separate single portions, the processor shall apply the universal symbol to each single portion;	O.R.C. 3796.03	No.	No.	
3796:3-2-02	Shall	If the medical marijuana product is presented as a single unit comprised of more than one portion, the processor shall make clearly visible lines of demarcation between portions and apply the universal symbol to each portion;	O.R.C. 3796.03	No.	No.	
3796:3-2-02	Shall	The size of the universal symbol marking shall be determined by the size of the portion instead of the overall product size	O.R.C. 3796.03	No.	No.	
3796:3-2-02	Shall	A free sample shall be packaged in a sample jar protected by a plastic or metal mesh screen to allow patients and caregivers to smell the plant material before purchase.	O.R.C. 3796.03	No.	No.	
3796:3-2-02	Shall	The sample jar and the plant material within may not be sold to a patient or caregiver and shall be destroyed by the dispensary after use by the dispensary.	O.R.C. 3796.03	No.	No.	
3796:3-2-02	Shall	The dispensary shall document the destruction of every free sample in accordance with the rules established pursuant to Chapter 3796. of the Revised Code.	O.R.C. 3796.03	No.	No.	
3796:3-2-02	Shall Not	The expiration date, which shall not exceed one calendar year from the date of manufacture;	O.R.C. 3796.03	No.	No.	
3796:3-2-02	Shall Not	The size of the universal symbol marking shall be determined by the size of the portion instead of the overall product size shall not be less than one-fourth inch by one- fourth inch	O.R.C. 3796.03	No.	No.	
3796:3-2-02	Shall Not	A label shall not contain: (1) Any false or misleading statement or design; (2) Depictions of the product, cartoons, or images that are not registered with the department, which includes any insignia related to a governmental entity; (3) Any sum totals of cannabinoids or terpenes, except as defined in paragraph (A)(49) of rule 3796:1-1-01 of the Administrative Code; or (4) Any information that would violate paragraph (E) of rule 3796:5-7-01 of the Administrative Code.	O.R.C. 3796.03	No.	No.	
3796:3-2-02	Prohibit	It is prohibited for anyone to knowingly or intentionally alter, obliterate, or otherwise destroy any container or label attached to an approved container.	O.R.C. 3796.03	No.	No.	
3796:3-2-02	May not	A sample jar may not contain more than three grams of a particular strain of plant material.	O.R.C. 3796.03	No.	No.	
3796:3-2-02	May not	The sample jar and the plant material within may not be sold to a patient or caregiver and shall be destroyed by the dispensary after use by the dispensary.	O.R.C. 3796.03	No.	No.	
		<b>3796:3-2-03 -- Processor waste disposal</b>				<a href="http://codes.ohio.gov/oac/3796:3-2-03v1">http://codes.ohio.gov/oac/3796:3-2-03v1</a>

3796:3-2-03	Shall	A licensed processor shall dispose of undesired, excess, unauthorized, obsolete, adulterated, or deteriorated medical marijuana waste	O.R.C. 3796.03	No.	No.	
3796:3-2-03	Shall	The disposal procedures established by the processor and submitted as part of the application process shall be sufficient to render the medical marijuana waste unusable	O.R.C. 3796.03	No.	No.	
3796:3-2-03	Shall	Medical marijuana waste shall be rendered unusable by grinding and incorporating the medical marijuana waste with one or more of the non-consumable, solid wastes listed below, such that the resulting mixture is at least fifty-one per cent non-marijuana waste	O.R.C. 3796.03	No.	No.	
3796:3-2-03	Shall	The disposal of medical marijuana or medical marijuana products shall be performed by a type 1 employee in the designated destruction area identified in the processor's plans and specifications submitted to the department.	O.R.C. 3796.03	No.	No.	
3796:3-2-03	Shall	The disposal shall be performed under video surveillance from the time the destruction begins to when it is placed in a locked dumpster or other approved, locked container and removed from the facility.	O.R.C. 3796.03	No.	No.	
3796:3-2-03	Shall	The type 1 employee overseeing the disposal of medical marijuana shall maintain and make available in accordance with this chapter a separate record of every disposal indicating: (1) The date and time of disposal; (2) The manner of disposal;	O.R.C. 3796.03	No.	No.	
3796:3-2-03	Shall	The disposal of other waste from the processor that does not include medical marijuana, including hazardous waste and liquid waste, shall be performed in a manner consistent with federal and state law.	O.R.C. 3796.03	No.	No.	
		<b>3796:3-2-04 -- Processor inventory control and storage</b>				<a href="http://codes.ohio.gov/oac/3796:3-2-04v1">http://codes.ohio.gov/oac/3796:3-2-04v1</a>
3796:3-2-04	Shall	A processor shall track and submit into the inventory tracking system any information the department determines necessary for maintaining and tracking medical marijuana extract and medical marijuana products.	O.R.C. 3796.03; O.R.C. 3796.07	Yes. State law.	Yes.	
3796:3-2-04	Shall	Upon completion of each iteration of an approved extraction process, the processor shall securely attach a label to the container of medical marijuana extract that includes, at a minimum, the following information: (a) The processor's name and license number; (b) The batch numbers of any batches of plant material used in the extraction; (c) The registered strain names of any plant material used during the extraction;	O.R.C. 3796.03	No.	No.	

3796:3-2-04	Shall	Upon completion of each iteration of an approved manufacturing process, the processor shall securely attach a label to the container of medical marijuana products that includes, at a minimum, the following information: (a) The processor's name and license number; (b) The registered product name;	O.R.C. 3796.03	No.	No.	
3796:3-2-04	Shall	Prior to commencing business, each processor shall establish ongoing inventory controls and procedures for the conduct of inventory reviews and comprehensive inventories of medical marijuana, medical marijuana extract, and medical marijuana products for traceability in the department's inventory tracking system,	O.R.C. 3796.03	No.	No.	
3796:3-2-04	Shall	which shall enable the processor to detect any diversion, theft, or loss in a timely manner.	O.R.C. 3796.03	No.	No.	
3796:3-2-04	Shall	which shall include, at a minimum: (1) The date of the inventory;	O.R.C. 3796.03	No.	No.	
3796:3-2-04	Shall	The amount of medical marijuana on hand, which shall include: (a) The net weight of plant material;	O.R.C. 3796.03	No.	No.	
3796:3-2-04	Shall	The amount of medical marijuana and medical marijuana products sold since previous weekly inventory, which shall include: (a) The date of sale;	O.R.C. 3796.03	No.	No.	
3796:3-2-04	Shall	On an annual basis and as a condition for renewal of a processor license, a processor shall conduct a physical, manual inventory of plant material, medical marijuana extract, and medical marijuana products on hand at the processor and compare the findings to an annual inventory report generated using the inventory tracking system.	O.R.C. 3796.03	No.	No.	
3796:3-2-04	Shall	If any discrepancies are discovered outside of loss standard to the industry due to moisture loss and handling, the processor shall report such findings to the department in accordance with rule 3796:5-4-01 of the Administrative Code.	O.R.C. 3796.03	No.	No.	
3796:3-2-04	Shall	All inventories, procedures, and other documents required by this chapter shall be maintained on the premises and made available to the department at all times.	O.R.C. 3796.03	No.	No.	
3796:3-2-04	Shall	Notwithstanding the requirements of this chapter nothing shall prohibit members of the department, the department's designee, law enforcement, or other federal, state, or local government officials from entering any area of a processor facility if necessary to perform their governmental duties.	O.R.C. 3796.03	No.	No.	
		<b>3796:3-2-05 -- Processor security</b>				<a href="http://codes.ohio.gov/oac/3796:3-2-05v1">http://codes.ohio.gov/oac/3796:3-2-05v1</a>
3796:3-2-05	Shall	The department shall determine the appropriate storage and security requirements for all processor facilities, and may require additional safeguards to ensure the security of medical marijuana.	O.R.C. 3796.03	No.	No.	

3796:3-2-05	Shall	A processor shall comply with the security plan submitted as part of its processor provisional license application	O.R.C. 3796.03	No.	No.	
3796:3-2-05	Shall	At a minimum, the processor shall: (1) Install an adequate security alarm system around the perimeter of the facility to prevent and detect diversion, theft, or loss of medical marijuana, utilizing commercial grade equipment;	O.R.C. 3796.03	No.	No.	
3796:3-2-05	Shall	A processor shall limit access to surveillance areas to type 1 key employees that are essential to surveillance operations, law enforcement agencies, security system service employees, the department, and others when approved by the department;	O.R.C. 3796.03	No.	No.	
3796:3-2-05	Shall	A processor shall make available to the department, upon request, a current list of type 1 key employees and contractors who have access to the surveillance room.	O.R.C. 3796.03	No.	No.	
3796:3-2-05	Shall	A processor shall keep all on-site surveillance rooms locked	O.R.C. 3796.03	No.	No.	
3796:3-2-05	Shall	The processor shall install a security alarm system and a video surveillance recording system under paragraph (A) of this rule.	O.R.C. 3796.03	No.	No.	
3796:3-2-05	Shall	A security alarm system and video surveillance recording system shall, at a minimum, contain the following: (1) A system designed to detect motion and identify unauthorized access to the facility;	O.R.C. 3796.03	No.	No.	
3796:3-2-05	Shall	Video cameras shall be directed at all approved safes, approved vaults, marijuana sales areas, and any other area where plant material, medical marijuana extract, or medical marijuana products are being processed, stored, or handled;	O.R.C. 3796.03	No.	No.	
3796:3-2-05	Shall	The video surveillance recording system shall comply with the following minimum capabilities: (a) Provide a direct feed and login capabilities to the department to allow for real-time access and monitoring of the facility via the live video surveillance recording system.	O.R.C. 3796.03	No.	No.	
3796:3-2-05	Shall	A display monitor with a minimum screen size of twelve inches shall be connected to the electronic recording security system at all times.	O.R.C. 3796.03	No.	No.	
3796:3-2-05	Shall	The date and time shall be synchronized and set correctly	O.R.C. 3796.03	No.	No.	
3796:3-2-05	Shall	Cameras installed outdoors and in low-light interior areas shall be day/night cameras with a minimum resolution of six hundred lines per inch (analog) or D1 (IP) and a minimum light factor requirement of 0.7 LUX. The installation of additional lighting may be required to increase picture clarity and brightness.	O.R.C. 3796.03	No.	No.	
3796:3-2-05	Shall	Cameras shall be calibrated and focused to maximize the quality of the recorded image.	O.R.C. 3796.03	No.	No.	

3796:3-2-05	Shall	Exported video shall have the ability to be archived in a proprietary format that ensures authentication of the video and guarantees that no alteration of the recorded image has taken place.	O.R.C. 3796.03	No.	No.	
3796:3-2-05	Shall	Exported video shall also have the ability to be saved in an industry standard file format that can be played on a standard computer operating system.	O.R.C. 3796.03	No.	No.	
3796:3-2-05	Shall	All recordings shall be erased or destroyed prior to disposal.	O.R.C. 3796.03	No.	No.	
3796:3-2-05	Shall	Security recordings shall provide an image resolution of at least D1	O.R.C. 3796.03	No.	No.	
3796:3-2-05	Shall	the image frame rate shall be at least three frames per second during alarm or motion based recording.	O.R.C. 3796.03	No.	No.	
3796:3-2-05	Shall	Twenty-four hour live feed with motion-activated recording capabilities from all video cameras, which the processor facility shall make available for immediate viewing by the department	O.R.C. 3796.03	No.	No.	
3796:3-2-05	Shall	upon request and shall retain the recordings for at least forty-five days.	O.R.C. 3796.03	No.	No.	
3796:3-2-05	Shall	the processor shall retain an unaltered copy of the recording until the investigation or proceeding is closed or the entity conducting the investigation or proceeding notifies the processor that it is not necessary to retain the recording;	O.R.C. 3796.03	No.	No.	
3796:3-2-05	Shall	The failure notification system shall provide an alert to the processor facility within five minutes of the failure, either by telephone, email, or text message;	O.R.C. 3796.03	No.	No.	
3796:3-2-05	Shall	each processor shall have a back-up alarm system approved by the department	O.R.C. 3796.03	No.	No.	
3796:3-2-05	Shall	that shall detect unauthorized entry during times when no employees are present at the facility	O.R.C. 3796.03	No.	No.	
3796:3-2-05	Shall	that shall be provided by a company supplying commercial grade equipment	O.R.C. 3796.03	No.	No.	
3796:3-2-05	Shall	A processor shall keep all security equipment in good-working order	O.R.C. 3796.03	No.	No.	
3796:3-2-05	Shall	the systems shall be inspected and all devices tested on an annual basis.	O.R.C. 3796.03	No.	No.	
3796:3-2-05	Shall Not	A processor shall keep all on-site surveillance rooms locked and shall not use such rooms for any other functions.	O.R.C. 3796.03	No.	No.	
3796:3-2-05	Shall not	shall not significantly obscure the picture	O.R.C. 3796.03	No.	No.	
3796:3-2-05	Shall not	which shall not be the same company supplying the primary security system.	O.R.C. 3796.03	No.	No.	
3796:3-2-05	Require	The department may require additional safeguards to ensure the security of medical marijuana.	O.R.C. 3796.03	No.	No.	
		<b>3796:3-2-06 -- Laboratory testing</b>				<a href="http://codes.ohio.gov/oac/3796:3-2-06v1">http://codes.ohio.gov/oac/3796:3-2-06v1</a>

3796:3-2-06	Shall	Prior to the sale of any medical marijuana product to a dispensary licensed under Chapter 3796. of the Revised Code, an employee of a licensed testing laboratory shall select a random sample from every lot of medical marijuana products at the facility that is of sufficient quantity to perform the required tests	O.R.C. 3796.03	No.	No.	
3796:3-2-06	Shall	Every sample shall be tested by a licensed testing laboratory in accordance with the testing standards established for testing laboratories in the rules promulgated pursuant to Chapter 3796. of the Revised Code.	O.R.C. 3796.03	No.	No.	
3796:3-2-06	Shall	At a minimum, a testing laboratory shall test every sample for: (1) Microbial contaminants; Cannabinoid potency including, at minimum: (a) Delta-9-tetrahydrocannabinolic acid (THCA); (b) Delta-9-tetrahydrocannabinol (THC); (c) Cannabidiolic acid (CBDA); and (d) Cannabidiol (CBD).	O.R.C. 3796.03	No.	No.	
3796:3-2-06	Shall	If the medical marijuana extract used in the manufacture of the product was not previously tested by a licensed testing laboratory for the following contaminants, the product sample shall also be analyzed for: (a) Mycotoxins; (b) Heavy metals, including, at a minimum, arsenic, cadmium, lead, and mercury; (c) Pesticide and fertilizer residue;	O.R.C. 3796.03	No.	No.	
3796:3-2-06	Shall	an employee of a licensed testing laboratory shall select a random sample from every lot of medical marijuana products at the facility that is of sufficient quantity to perform the required tests	O.R.C. 3796.03	No.	No.	
3796:3-2-06	Shall	Every sample shall be tested by a licensed testing laboratory in accordance with the testing standards established for testing laboratories in the rules promulgated pursuant to Chapter 3796. of the Revised Code.	O.R.C. 3796.03	No.	No.	
3796:3-2-06	Shall	Every sample shall be tested by a licensed testing laboratory in accordance with the testing standards established for testing laboratories in the rules promulgated pursuant to Chapter 3796. of the Revised Code	O.R.C. 3796.03	No.	No.	
3796:3-2-06	Shall	Prior to the sale of any plant material to a dispensary licensed under Chapter 3796. of the Revised Code, a processor shall verify that the required laboratory tests have been performed on each batch of plant material pursuant to paragraph (A) of rule 3796:2-2-06 of the Administrative Code.	O.R.C. 3796.03	No.	No.	
3796:3-2-06	Shall	At a minimum, a testing laboratory shall test every sample for: (1) Microbial contaminants; (2) Cannabinoid potency including, at minimum: (a) Delta-9-tetrahydrocannabinolic acid (THCA); (b) Delta-9-tetrahydrocannabinol (THC); (c) Cannabidiolic acid (CBDA); and (d) Cannabidiol (CBD).	O.R.C. 3796.03	No.	No.	

3796:3-2-06	Shall	A licensed testing laboratory shall submit to the processor a certificate of analysis of every sample of medical marijuana tested by the laboratory in accordance with the rules promulgated pursuant to Chapter 3796. of the Revised Code.	O.R.C. 3796.03	No.	No.	
3796:3-2-06	Shall Not	A processor shall not sell or otherwise distribute medical marijuana unless the medical marijuana meets the standards set forth by the department and the package or label contains the analysis from a licensed testing laboratory.	O.R.C. 3796.03	No.	No.	
		<b>3796:3-2-07 -- Processor prohibited activities</b>				<a href="http://codes.ohio.gov/oac/3796:3-2-07v1">http://codes.ohio.gov/oac/3796:3-2-07v1</a>
3796:3-2-07	Shall Not	A licensed processor shall not sell medical marijuana in any form to a patient or caregiver.	O.R.C. 3796.03	No.	No.	
3796:3-2-07	Shall Not	A licensed processor shall not permit the consumption of medical marijuana in any form on the premises.	O.R.C. 3796.03	No.	No.	
3796:3-2-07	Shall Not	A licensed processor shall not process or manufacture a form of marijuana that is not permitted by section 3796.06 of the Revised Code or approved by the state of Ohio board of pharmacy pursuant to division (A)(6) of section 3796.06 of the Revised Code	O.R.C. 3796.03	No.	No.	
3796:3-2-07	Shall Not	Pursuant to division (D)(1) of section 3796.06 of the Revised Code, a processor shall not manufacture medical marijuana products that exceed seventy per cent THC content as defined in paragraph (A)(49) of rule 3796:1-1-01 of the Administrative Code.	O.R.C. 3796.03	No.	No.	
3796:3-2-07	Shall Not	A licensed processor shall not amend or otherwise change its approved operations plan, quality assurance plan, or manufacturing techniques, unless written approval is obtained from the department.	O.R.C. 3796.03	No.	No.	
3796:3-2-07	Shall Not	A licensed processor shall not produce or maintain medical marijuana in excess of the quantity required for normal, efficient operation based on patient population and consumption reported in the inventory tracking system.	O.R.C. 3796.03	No.	No.	
3796:3-2-07	Shall Not	A licensed processor shall not directly or indirectly discriminate in price between different dispensary facilities that are purchasing a like, grade, strain, brand, and quality of medical marijuana,	O.R.C. 3796.03	No.	No.	
3796:3-2-07	Shall Not	A licensed processor shall not change the use or occupancy of the facility unless the department is notified of and provides prior written approval of such changes.	O.R.C. 3796.03	No.	No.	
		<b>3796:3-2-08 -- Processor records and reporting requirements</b>				<a href="http://codes.ohio.gov/oac/3796:3-2-08v1">http://codes.ohio.gov/oac/3796:3-2-08v1</a>
3796:3-2-08	Shall	Each processor shall keep and maintain upon the licensed premises for a five-year period, unless otherwise stated in these rules, true, complete, legible, and current books and records.	O.R.C. 3796.03	No.	No.	

3796:3-2-08	Shall	The following records shall be maintained: (1) Records relating to the disposal of medical marijuana, medical marijuana products, and waste in accordance with paragraph (E) of this rule and rule 3796:3-2-03 of the Administrative Code; (2) Records related to the sale of medical marijuana in accordance with paragraph (D) of rule 3796:3-2-04 of the Administrative Code; (3) Transportation records in accordance with rule 3796:5-3-01 of the Administrative Code;	O.R.C. 3796.03	No.	No.	
3796:3-2-08	Shall	Processing records, which at a minimum shall include: (a) The form and types of medical marijuana maintained at the facility on a daily basis; (b) Production records, including extraction, refining, manufacturing, packaging, and labeling; (8) Financial records in accordance with paragraph (C) of this rule; (9) Employee records in accordance with paragraph (D) of this rule;	O.R.C. 3796.03	No.	No.	
3796:3-2-08	Shall	A processor shall use a system that: (1) Guarantees the confidentiality of the information stored in the system; (2) Is capable of providing safeguards against erasures and unauthorized changes in data after the information has been entered and verified by the processor;	O.R.C. 3796.03	No.	No.	
3796:3-2-08	Shall	A processor shall maintain financial records, which shall include the following: (1) Records that clearly reflect all financial transactions and the financial condition of the business, including contracts for services performed or received that relate to the processor;	O.R.C. 3796.03	No.	No.	
3796:3-2-08	Shall	A processor shall maintain employee records, which shall include the following: (1) All records relating to the hiring of employees, including applications, documentation of verification of references, and any other related materials; (2) An employee log that includes the following information for every current and former employee:	O.R.C. 3796.03	No.	No.	
3796:3-2-08	Shall	Medical marijuana production and disposal records may be stored at the facility and shall include all of the following: (1) The registered strain or product name, form, and quantity of marijuana involved; (2) The date of production or removal from production; (3) The reason for removal from production, if applicable;	O.R.C. 3796.03	No.	No.	
3796:3-2-08	Shall	If the medical marijuana is destroyed, the processor shall maintain records in accordance with paragraph (D) of rule 3796:3-2-03 of the Administrative Code.	O.R.C. 3796.03	No.	No.	
3796:3-2-08	Shall Not	Any loss of electronically-maintained records shall not be considered a mitigating factor for violations of this rule.	O.R.C. 3796.03	No.	No.	

3796:3-2-08	Must	All required records must be made available for inspection if requested by the department. The following records shall be maintained:	O.R.C. 3796.03	No.	No.	
		<b>PROCESSORS - CHAPTER 3796:3-3 ENFORCEMENT</b>				<a href="http://codes.ohio.gov/oac/3796%3A3-3">http://codes.ohio.gov/oac/3796%3A3-3</a>
		<b>3796:3-3-01 -- Processor enforcement</b>				<a href="http://codes.ohio.gov/oac/3796:3-3-01v1">http://codes.ohio.gov/oac/3796:3-3-01v1</a>
3796:3-3-03	Shall	An inspector conducting an inspection pursuant to this section rule shall be accompanied by a type 1 key employee during the inspection. The inspector may: (1) Review and make copies of all records maintained in accordance with rule 3796:3-2-08 of the Administrative Code; (2) Enter any room in the facility; (3) Inspect facility vehicles;	O.R.C. 3796.03	No.	No.	
3796:3-3-03	Shall	A pre-approval inspection of a processor that is required before the department issues a certificate of operation to a processor possessing a provisional license under rule 3796:3-1-06 shall occur at a mutually agreeable time.	O.R.C. 3796.03	No.	No.	
3796:3-3-03	Shall	The department shall rely on the facility's application, Chapter 3796. of the Revised Code and the rules promulgated in accordance with Chapter 3796. of the Revised Code to facilitate the inspection and ensure compliance of the facility.	O.R.C. 3796.03	No.	No.	
3796:3-3-03	Shall	Upon receipt a statement of deficiencies, the processor shall develop a plan of correction for each deficiency and submit the plan in writing to the department for approval within ten business days after receipt of the statement of deficiencies, unless a written extension is issued by the department.	O.R.C. 3796.03	No.	No.	
3796:3-3-03	Shall	The department shall re-inspect a processor upon the completion of the written plan of correction.	O.R.C. 3796.03	No.	No.	
3796:3-3-03	Shall	If the corrective measures meet the department's satisfaction, the department shall issue a certificate of operation	O.R.C. 3796.03	No.	No.	
3796:3-3-03	Shall	If the corrective measures do not meet the requirements of the written plan of correction, the department shall take action in accordance with rule 3796:5-6-01 of the Administrative Code.	O.R.C. 3796.03	No.	No.	
3796:3-3-03	Shall	Following an inspection conducted pursuant to paragraph (D) of this rule, the department shall issue an inspection report that documents the following: (1) The observations and findings of the inspection; (2) The outcome of the inspection; (3) Any suggestions for the processor to take into consideration;	O.R.C. 3796.03	No.	No.	

3796:3-3-03	Shall	Upon receipt of a statement of deficiencies, the processor shall develop a plan of correction for each deficiency and submit the plan to the department for approval within ten business days after receipt of the statement of deficiencies, unless a written extension is issued by the department.	O.R.C. 3796.03	No.	No.	
3796:3-3-03	Shall	The department shall re-inspect a processor upon the completion of the written plan of correction.	O.R.C. 3796.03	No.	No.	
3796:3-3-03	Shall	If the corrective measures meet the department's satisfaction, the department shall indicate such on the inspection report and conclude the inspection.	O.R.C. 3796.03	No.	No.	
3796:3-3-03	Shall	If the corrective measures do not meet the requirements of the written plan of correction, the department shall take action in accordance with rule 3796:5-6-01 of the Administrative Code.	O.R.C. 3796.03	No.	No.	
3796:3-3-03	Must	A written statement listing the deficiencies identified during the inspection that must be remedied before a certificate of operation will be issued by the department.	O.R.C. 3796.03	No.	No.	
3796:3-3-03	Must	The plan of correction must include specific requirements for corrective action that will be performed within thirty calendar days after the department's acceptance of the plan of correction, or the remaining time period under paragraph (B) of rule 3796:3-1-06 of the Administrative Code, whichever is greater.	O.R.C. 3796.03	No.	No.	
3796:3-3-03	Must	the department may develop a directed plan of correction with which the processor must comply.	O.R.C. 3796.03	No.	No.	
3796:3-3-03	Must	The plan of correction must include specific requirements for corrective action that will be performed within thirty calendar days.	O.R.C. 3796.03	No.	No.	
3796:3-3-03	Must	The plan of correction must include specific requirements for corrective action that will be performed within thirty calendar days.	O.R.C. 3796.03	No.	No.	
		<b>CHAPTER 3796:4 -- TESTING LABORATORIES</b>				<a href="http://codes.ohio.gov/oac/3796%3A4">http://codes.ohio.gov/oac/3796%3A4</a>
		<b>TESTING LABORATORIES - CHAPTER 3796:4-1 GENERALLY</b>				<a href="http://codes.ohio.gov/oac/3796%3A4-1">http://codes.ohio.gov/oac/3796%3A4-1</a>
		<b>3796:4-1-01 -- Number of testing laboratory provisional licenses</b>				<a href="http://codes.ohio.gov/oac/3796:4-1-01v1">http://codes.ohio.gov/oac/3796:4-1-01v1</a>
		none				
		<b>3796:4-1-02 -- Testing laboratory provisional license application</b>				<a href="http://codes.ohio.gov/oac/3796:4-1-02v1">http://codes.ohio.gov/oac/3796:4-1-02v1</a>
3796:4-1-02	Shall	The department shall provide advance notice to the public indicating the commencement date and time period for accepting applications.	O.R.C. 3796.03	No.	No.	
3796:4-1-02	Shall	The director shall have the right to amend the notice prior to the deadline for submitting an application.	O.R.C. 3796.03	No.	No.	
3796:4-1-02	Shall	The director shall publish such amended notice in the same manner as the original notice.	O.R.C. 3796.03	No.	No.	

3796:4-1-02	Shall	The director shall also have the right to cancel a notice of open application prior to the award of a testing laboratory provisional license.	O.R.C. 3796.03	No.	No.	
3796:4-1-02	Shall	The provisional license application shall be submitted in accordance with Chapter 3796. of the Revised Code and this division	O.R.C. 3796.03	No.	No.	
3796:4-1-02	Shall	The application will include instructions for completion and submission. An applicant for a testing laboratory provisional license shall submit, in accordance with the application instructions, the following: (1) A non-refundable application fee as set forth in rule 3796:5-1-01 of the Administrative Code.	O.R.C. 3796.03	No.	No.	
3796:4-1-02	Shall	A business plan, which, at a minimum, shall include: (a) The legal name of the applicant;	O.R.C. 3796.03	No.	No.	
3796:4-1-02	Shall	An organizational chart of the company, including name, address, and date of birth of each principal officer and board member of the testing laboratory, provided that all those individuals shall be at least twenty-one years of age;	O.R.C. 3796.03	No.	No.	
3796:4-1-02	Shall	All persons subject to the criminal records checks shall submit both an Ohio bureau of criminal identification and investigation criminal records check and a federal bureau of criminal investigation criminal records check pursuant to division (B) of section 3796.12 of the Revised Code;	O.R.C. 3796.03	No.	No.	
3796:4-1-02	Shall	An operations plan that establishes policies and procedures in accordance with the requirements of ISO/IEC 17025 "General Requirements for the Competence of Testing and Calibration Laboratories," that the applicant will implement for the secure and proper analytical testing of medical marijuana, which, at a minimum, shall include: (a) Laboratory analysis techniques, including specific instrumentation and protocols necessary to perform the tests required by this division;	O.R.C. 3796.03	No.	No.	
3796:4-1-02	Shall	Facility staffing and employment matters, which, at a minimum, shall include: (i) Employee training standards for the safe operation and maintenance of any and all instrumentation that will be used in the analytical testing of medical marijuana conducted on an annual basis;	O.R.C. 3796.03	No.	No.	
3796:4-1-02	Shall	A security plan that establishes policies and procedures to prevent theft, loss, or diversion from a testing laboratory and protect facility personnel, which, at a minimum, shall include: (a) Record keeping policies and procedures that will ensure the facility complies with rule 3796:4-2-06 of the Administrative Code;	O.R.C. 3796.03	No.	No.	
3796:4-1-02	Shall	If the building is in existence at the time of the application, the applicant shall submit plans and specifications drawn to scale for the interior of the building.	O.R.C. 3796.03	No.	No.	

3796:4-1-02	Shall	If the building is not in existence at the time of application, the applicant shall submit a plot plan and a detailed drawing to scale of the interior and the architect's drawing of the building to be constructed.	O.R.C. 3796.03	No.	No.	
3796:4-1-02	Shall	A financial plan, which, at a minimum, shall include: (a) The identity and ownership interest of every person, association, partnership, other entity or corporation having a financial interest, direct or indirect, in the testing laboratory with respect to which licensure is sought; (b) A cost breakdown of the applicant's anticipated costs in building the facility and implementing the policies and procedures submitted as part of the application and the source of funding for the associated costs;	O.R.C. 3796.03	No.	No.	
3796:4-1-02	Must	The documentation must be dated within thirty calendar days before the date the application was submitted;	O.R.C. 3796.03	No.	No.	
		<b>3796:4-1-03 -- Testing laboratory application review</b>				<a href="http://codes.ohio.gov/oac/3796:4-1-03v1">http://codes.ohio.gov/oac/3796:4-1-03v1</a>
3796:4-1-03	Shall	The department, an independent contractor selected by the department, or a combination of the two shall review the submitted applications as described in this chapter and the application instructions.	O.R.C. 3796.03	No.	No.	
3796:4-1-03	Shall	In order to receive consideration under paragraph (B) of this rule, an applicant shall: (1) Demonstrate sufficient liquid capital pursuant to rule 3796:4-1-02 of the Administrative Code and an ability to meet the financial responsibility requirements under rule 3796:4-1-05 of the Administrative Code;	O.R.C. 3796.03	No.	No.	
3796:4-1-03	Shall	Verify that the proposed facility is not located within five hundred feet from a prohibited facility, which shall be measured in accordance with rule 3796:5-5-01 of the Administrative Code;	O.R.C. 3796.03	No.	No.	
3796:4-1-03	Shall	The application shall be submitted in accordance with the application instructions and forms issued by the department.	O.R.C. 3796.03	No.	No.	
3796:4-1-03	Shall	The applicants shall be evaluated using an impartial and numerical process taking into account the criteria identified in rule 3796:4-1-02 of the Administrative Code, as developed by the department, an independent contractor selected by the department, or a combination of the two.	O.R.C. 3796.03	No.	No.	
3796:4-1-03	Shall	A business plan, which, at a minimum, shall include: (a) A proposed business model demonstrating a likelihood of success, a sufficient business ability and experience on the part of the applicant;	O.R.C. 3796.03	No.	No.	

3796:4-1-03	Shall	An organizational chart of the company, including name, address, and date of birth of each principal officer and board member of the testing laboratory, provided that all those individuals shall be at least twenty-one years of age;	O.R.C. 3796.03	No.	No.	
3796:4-1-03	Shall	If expired, applicant shall provide the grounds behind the expiration	O.R.C. 3796.03	No.	No.	
3796:4-1-03	Shall	The information provided on business licenses shall include the type of license, the licensing agency, the date the license was obtained, and a summary of any negative actions taken against each license.	O.R.C. 3796.03	No.	No.	
3796:4-1-03	Shall	An operations plan, which shall include but not be limited to: (a) Laboratory analysis techniques, including specific instrumentation and protocols necessary to perform the tests required by this division;	O.R.C. 3796.03	No.	No.	
3796:4-1-03	Shall	Facility staffing and employment matters, which shall include, but not be limited to; (i) Employee training standards for the safe operation and maintenance of any and all instrumentation that will be used in the testing of medical marijuana; (ii) Employee training standards for the safe use, handling, storage, and disposal of any and all chemicals that will be used in the testing of medical marijuana, in accordance with OSHA protocols; and (iii) Employee compliance with Chapter 3796. of the Revised Code and the rules promulgated in accordance with Chapter 3796. of the Revised Code;	O.R.C. 3796.03	No.	No.	
3796:4-1-03	Shall	A security plan, which shall include but not be limited to: (a) Policies and procedures to ensure a secure, safe facility to prevent theft, loss, or diversion and protect facility personnel; (b) Physical equipment used to monitor the facility and meet the security requirements under Chapter 3796. of the Revised Code and the rules promulgated in accordance with Chapter 3796. of the Revised Code; (c) Emergency notification procedures with the department, local law enforcement, and emergency response professionals;	O.R.C. 3796.03	No.	No.	
3796:4-1-03	Shall	A financial plan, which, at a minimum, shall include: (a) The identity and ownership interest of every person, association, partnership, other entity, or corporation having a financial interest, direct or indirect, in the testing laboratory with respect to which licensure is sought; (b) A cost breakdown of the applicant's anticipated costs in building the facility and implementing the policies and procedures submitted as part of the application and the source of funding for the associated costs;	O.R.C. 3796.03	No.	No.	
3796:4-1-03	Shall	Such a proposal shall address any applicable regulatory restrictions and compliance therewith.	O.R.C. 3796.03	No.	No.	

3796:4-1-03	Shall	The applicant shall have thirty calendar days from the date the applicant receives the department's request to provide the information	O.R.C. 3796.03	No.	No.	
3796:4-1-03	Shall Not	An abandoned application shall not receive further consideration.	O.R.C. 3796.03	No.	No.	
3796:4-1-03	Shall Not	The department shall not be required to act on an abandoned application and the application may be destroyed by the department	O.R.C. 3796.03	No.	No.	
3796:4-1-03	Must	The documentation must be dated within thirty calendar days before the date the application was submitted.	O.R.C. 3796.03	No.	No.	
3796:4-1-03	Must	The applicant must provide documentation establishing that its principal place of business is headquartered in Ohio.	O.R.C. 3796.03	No.	No.	
3796:4-1-03	Must	Employment practices, in which the applicant must demonstrate a plan of action to inform, hire, and educate minorities, women, veterans, disabled persons, and Ohio residents;	O.R.C. 3796.03	No.	No.	
3796:4-1-03	Must	The applicant must demonstrate the following: (i) It is owned and controlled by a United States citizen who is a resident of this state and is a member of one of the economically disadvantaged groups set forth in division (C) of section 3796.09 of the Revised Code. As used in this rule, "owned and controlled" means that at least fifty-one per cent of the business, including corporate stock if a corporation, is owned by persons who belong to one or more of the groups set forth in this rule, and that those owners have control over the management and day-to-day operations of the business and an interest in the capital, assets, and profits and losses of the business proportionate to their percentage of ownership;	O.R.C. 3796.03	No.	No.	
3796:4-1-03	Must	Research plan, in which the applicant must provide the department with a detailed proposal to conduct or facilitate a scientific study or studies related to the medicinal use of marijuana.		No.	No.	
		<b>3796:4-1-04 -- Testing laboratory provisional license award</b>				<a href="http://codes.ohio.gov/oac/3796:4-1-04v1">http://codes.ohio.gov/oac/3796:4-1-04v1</a>
3796:4-1-04	Shall	A provisional license shall be issued to the qualified applicant receiving at least the minimum required score in each category and the highest total score overall as compared to the other applicants.	O.R.C. 3796.03	No.	No.	
3796:4-1-04	Shall Not	No person shall hold or be granted more than one testing laboratory provisional license or testing laboratory certificate of operation at any time.	O.R.C. 3796.03	No.	No.	
3796:4-1-04	Shall Not	No person shall hold a financial interest in or be an owner, partner, officer, director, shareholder, member, or other person who may significantly influence or control the activities of more than one testing laboratory.	O.R.C. 3796.03	No.	No.	

3796:4-1-04	Shall Not	No corporation, partnership, limited liability partnership, limited liability company, or other entity or subsidiary thereof shall hold a financial interest in or be an owner, officer, partner, shareholder, member, or other person who may significantly influence or control the activities of more than one testing laboratory.	O.R.C. 3796.03	No.	No.	
		<b>3796:4-1-05 -- Testing laboratory financial responsibility</b>				<a href="http://codes.ohio.gov/oac/3796:4-1-05v1">http://codes.ohio.gov/oac/3796:4-1-05v1</a>
3796:4-1-05	Shall	A provisional licensee shall provide evidence of financial responsibility before a certificate of operation can be issued, which may be payable to the department for any of the following reasons:	O.R.C. 3796.03	No.	No.	
3796:4-1-05	Shall	Evidence of financial responsibility shall be provided by the following: (1) Providing and maintaining at its own expense any insurance coverage and terms of insurance required and approved by the department, including, but not limited to, products liability and general liability, prior to the issuance of a certificate of operation, if such products are in existence at the time of issuance or the time of renewal for the certificate of operation;	O.R.C. 3796.03	No.	No.	
3796:4-1-05	Shall	Establishing and maintaining an escrow account in a chartered financial institution in Ohio in the amount of seventy-five thousand dollars, with escrow terms, approved by the department, that it shall be payable to the department in the event of circumstances outlined in paragraph (A) of this rule.	O.R.C. 3796.03	No.	No.	
3796:4-1-05	Shall	If a bond is canceled and the testing laboratory fails to file a new bond with the department in the required amount on or before the effective date of cancellation, the testing laboratory's license shall be revoked	O.R.C. 3796.03	No.	No.	
3796:4-1-05	Shall	The department shall permit a testing laboratory to reduce the escrow or surety bond by twenty-five thousand dollars upon the successful achievement of each of the following milestones, resulting in a potential elimination of the escrow account or	O.R.C. 3796.03	No.	No.	
3796:4-1-05	Shall	The required insurance policy and surety bond shall be written by an insurance company formed, licensed or eligible, and authorized or approved to write such insurance in the state of Ohio under Title XXXIX of the Revised Code.	O.R.C. 3796.03	No.	No.	
3796:4-1-05	Shall Not	The bond shall not be canceled by a surety on less than thirty days' notice in writing to the department.	O.R.C. 3796.03	No.	No.	
3796:4-1-05	Must	The business name and registration number on the bond must correspond exactly with the business name and registration number in the department's records.	O.R.C. 3796.03	No.	No.	
3796:4-1-05	Must	A copy of the bond must be received by the department before a certificate of operation is issued.	O.R.C. 3796.03	No.	No.	

3796:4-1-05	May Not	A financial institution may not return money in an escrow or surety account to the testing laboratory that established the account or a representative of the testing laboratory unless the testing laboratory or representative presents a statement issued by the department indicating that the account may be released;	O.R.C. 3796.03	No.	No.	
		<b>3796:4-1-06 -- Testing laboratory certificate of operation</b>				<a href="http://codes.ohio.gov/oac/3796:4-1-06v1">http://codes.ohio.gov/oac/3796:4-1-06v1</a>
3796:4-1-06	Shall	The information and plan submitted by a provisional licensee shall become mandatory conditions that must be met before a certificate of operation can be awarded.	O.R.C. 3796.03	No.	No.	
3796:4-1-06	Shall	A provisional licensee shall have six months from the date they are notified of selection to obtain a certificate of operation	O.R.C. 3796.03	No.	No.	
3796:4-1-06	Shall	A certificate of operation shall be issued once all applicable inspections are passed and the provisional licensee demonstrates that it conforms to the specifications of the application, as well as the requirements imposed by law and rules	O.R.C. 3796.03	No.	No.	
3796:4-1-06	Shall	The certificate of operation, along with a copy of the current certificate of occupancy for the facility and any other certificate, business license, or other authorization required to conduct testing activities, shall be posted in a conspicuous place within the facility and made available to the department and all fire code and building officials upon request.	O.R.C. 3796.03	No.	No.	
3796:4-1-06	Shall Not	The department shall not award a certificate of operation to a provisional licensee if the provisional licensee has not met all of the specifications in the application and passed all applicable inspections under rule 3796:4-3-01 of the Administrative Code within six months of written or electronic notification of the applicant's selection.	O.R.C. 3796.03	No.	No.	
3796:4-1-06	Prohibit	A provisional licensee is prohibited from operating as a licensed testing laboratory and performing any analytical testing activities until a certificate of operation is issued by the department.	O.R.C. 3796.03	No.	No.	
3796:4-1-06	Must	mandatory conditions that must be met before a certificate of operation can be awarded.	O.R.C. 3796.03	No.	No.	
		<b>3796:4-1-07 -- Testing laboratory transfer of ownership or location</b>				<a href="http://codes.ohio.gov/oac/3796:4-1-07v1">http://codes.ohio.gov/oac/3796:4-1-07v1</a>
3796:4-1-07	Shall	A certificate of operation shall be issued for the specific testing laboratory and location identified on the application, and is valid only for the owner, premises, and name designated on the certificate of operation, and the location for which it is issued.	O.R.C. 3796.03	No.	No.	

3796:4-1-07	Shall	Upon any request for a change in ownership, the testing laboratory shall: (a) Notify the department in writing of the proposed ownership change;	O.R.C. 3796.03	No.	No.	
3796:4-1-07	Shall	Upon a request for a change in location, a testing laboratory shall: (a) Notify the department in writing of the proposed location change	O.R.C. 3796.03	No.	No.	
3796:4-1-07	Shall	A testing laboratory requesting a change in ownership or location shall submit the applicable fee under rule 3796:5-1-01 of the Administrative Code.	O.R.C. 3796.03	No.	No.	
3796:4-1-07	Shall	A testing laboratory receiving approval from the department for a change in location shall have ninety days from the date of approval, unless an extension is granted at the discretion of the department, to transfer samples and begin operations at the new location, subject to the following restrictions:	O.R.C. 3796.03	No.	No.	
3796:4-1-07	Shall	Any medical marijuana samples at the original location past the ninety-day transition period shall be destroyed in accordance with rule 3796:4-2-06 of the Administrative Code.	O.R.C. 3796.03	No.	No.	
3796:4-1-07	Shall	The testing laboratory shall notify the department in writing or by electronic transmission once the transfer of medical marijuana sample inventory is complete and testing has begun at the new location.	O.R.C. 3796.03	No.	No.	
3796:4-1-07	Shall	Upon inspection and verification by the department that the new location is in compliance with Chapter 3796. of the Revised Code and the rules promulgated in accordance with Chapter 3796. of the Revised Code, the department shall issue a license modification reflecting the new location	O.R.C. 3796.03	No.	No.	
3796:4-1-07	Shall	The modified license shall have the same expiration date as the previously issued license.	O.R.C. 3796.03	No.	No.	
3796:4-1-07	Shall Not	A proposed change in ownership or request for a change in location shall not be effective until approved in writing by the department	O.R.C. 3796.03	No.	No.	
3796:4-1-07	Shall Not	The transition period shall not begin until the new location is ready to begin testing and has passed an inspection by the department under rule 3796:4-3-01 of the Administrative Code	O.R.C. 3796.03	No.	No.	
		<b>3796:4-1-08 -- Testing laboratory certificate of operation renewal</b>				<a href="http://codes.ohio.gov/oac/3796:4-1-08v1">http://codes.ohio.gov/oac/3796:4-1-08v1</a>
3796:4-1-08	Shall	Every testing laboratory certificate of operation issued by the department under this chapter shall expire annually on the date it was issued.	O.R.C. 3796.03	No.	No.	
3796:4-1-08	Shall	A renewal application for a testing laboratory, accompanied by the proper renewal fee established under rule 3796:5-1-01 of the Administrative Code, shall be filed with the department at least thirty days prior to the expiration date of the certificate of operation	O.R.C. 3796.03	No.	No.	

3796:4-1-08	Shall	The department shall grant a renewal application if the application is filed in a timely manner, the testing laboratory submits the corresponding renewal fee, the department confirms that nothing warrants the denial of the renewal under rule 3796:5-6-01 of the Administrative Code, and the testing laboratory passes a full inspection, unless a full inspection was passed within three months before the renewal date.	O.R.C. 3796.03	No.	No.	
3796:4-1-08	Shall	If a renewal application is not filed prior to the expiration date of the certificate of operation, the certificate of operation shall be suspended for a maximum of thirty days, at which point it will be deemed expired if the testing laboratory has not successfully renewed the certificate of operation under paragraph (B) of this rule.	O.R.C. 3796.03	No.	No.	
3796:4-1-08	Shall	the facility shall permanently cease its operations.	O.R.C. 3796.03	No.	No.	
3796:4-1-08	Shall Not	Upon expiration of the certificate of operation, the testing laboratory shall not engage in any testing activities in furtherance of the business of the testing of medical marijuana.	O.R.C. 3796.03	No.	No.	
3796:4-1-08	Shall Not	The department shall not renew the certificate of operation and the facility shall permanently cease its operations.	O.R.C. 3796.03	No.	No.	
3796:4-1-08	May Not	the certificate of operation may not be renewed, at the discretion of the department.	O.R.C. 3796.03	No.	No.	
3796:4-1-08	May Not	the certificate of operation may not be renewed, at the discretion of the department.	O.R.C. 3796.03	No.	No.	
		<b>3796:4-1-09 -- Winding down</b>				<a href="http://codes.ohio.gov/oac/3796:4-1-09v1">http://codes.ohio.gov/oac/3796:4-1-09v1</a>
3796:4-1-09	Shall	If a testing laboratory decides to voluntarily surrender or not renew its certificate of operation and permanently discontinue business operations, the testing laboratory shall provide written notice to the department at least ninety days prior to the effective date of the closure.	O.R.C. 3796.03	No.	No.	
3796:4-1-09	Shall	If the closure is the result of an eviction notice, the testing laboratory shall immediately notify the department of the eviction notice and the effective date of the notice.	O.R.C. 3796.03	No.	No.	
3796:4-1-09	Shall	This notice shall be provided prior to the testing laboratory taking any steps to wind down and discontinue business operations.	O.R.C. 3796.03	No.	No.	
3796:4-1-09	Shall	A testing laboratory that notifies the department of its intent to voluntarily surrender or not renew its certificate of operation under paragraph (A) of this rule shall submit, within sixty days of the effective date, a written plan of closure for approval by the department.	O.R.C. 3796.03	No.	No.	

3796:4-1-09	Shall	This plan shall include, at a minimum: (1) The destruction of medical marijuana samples on hand at the facility on the effective date of the closure that will render the medical marijuana unusable, including the date of such destruction and an attestation signed by a witness to the destruction;	O.R.C. 3796.03	No.	No.	
3796:4-1-09	Shall	The removal or disposal of any solvents or other chemicals used in the testing of medical marijuana, which shall be carried out in accordance with all applicable local, state, and federal laws.	O.R.C. 3796.03	No.	No.	
3796:4-1-09	Shall	The director shall approve or deny a testing laboratory's plan of closure within thirty days of receipt	O.R.C. 3796.03	No.	No.	
		<b>TESTING LABORATORIES - CHAPTER 3796:4-2 OPERATIONS</b>				<a href="http://codes.ohio.gov/oac/3796%3A4-2">http://codes.ohio.gov/oac/3796%3A4-2</a>
		<b>3796:4-2-01 -- Testing laboratory operations</b>				<a href="http://codes.ohio.gov/oac/3796:4-2-01v1">http://codes.ohio.gov/oac/3796:4-2-01v1</a>
3796:4-2-01	Shall	A testing laboratory shall establish, maintain, and comply with the policies and procedures contained in the operations plan submitted by the testing laboratory as part of the application that was approved by the department.	O.R.C. 3796.03	No.	No.	
3796:4-2-01	Shall	The operations plan shall include policies and procedures for the analysis, storage, sample inventory tracking, and transportation of plant material, medical marijuana extract, and medical marijuana products	O.R.C. 3796.03	No.	No.	
3796:4-2-01	Shall	At a minimum, a facility's operations plan shall accomplish the following: (1) Designate areas in the facility that are compartmentalized based on function, including any areas to which access is restricted, and including areas that segregate samples awaiting analysis from those samples being analyzed or prepared for analysis, to prevent cross-contamination;	O.R.C. 3796.03	No.	No.	
3796:4-2-01	Shall	A testing laboratory shall keep all floors and benches free of debris, dust, and any other potential contaminants;	O.R.C. 3796.03	No.	No.	
3796:4-2-01	Shall	A testing laboratory shall use chemicals, cleaning solutions, and other sanitizing agents generally accepted for laboratory use	O.R.C. 3796.03	No.	No.	
3796:4-2-01	Shall	and shall store them in a manner that protects against contamination;	O.R.C. 3796.03	No.	No.	
3796:4-2-01	Shall	A testing laboratory shall keep its equipment in a clean, professional environment and maintain a cleaning and equipment maintenance log at the facility, including preventive and routine maintenance plans and corresponding records, whether the preventive or routine maintenance is performed by laboratory staff or by service contract with third-parties or the original equipment manufacturer;	O.R.C. 3796.03	No.	No.	

3796:4-2-01	Shall	A testing laboratory shall have its scales, balances, or other weight and/or mass measuring devices routinely calibrated using "National Institute of Standards and Technology" (NIST)-traceable reference weights, at least once each calendar year;	O.R.C. 3796.03	No.	No.	
3796:4-2-01	Shall	A testing laboratory shall standardize all analytical test instrumentation using reference materials traceable to reference material producers accredited to ISO/IEC 17034 "General Requirements for the Competence of Reference Material Producers"	O.R.C. 3796.03	No.	No.	
3796:4-2-01	Shall	A testing laboratory shall employ a scientific director who will be responsible for supervision of all laboratory staff and for ensuring that the laboratory achieves and maintains quality standards of practice.	O.R.C. 3796.03	No.	No.	
3796:4-2-01	Shall	The scientific director shall meet the following qualifications, at minimum: (1) A doctorate degree in chemical, environmental, or biological sciences from an accredited college or university and two years of post-degree laboratory experience; or (2) A master's degree in chemical, environmental, or biological sciences from an accredited college or university and four years of post-degree laboratory experience.	O.R.C. 3796.03	No.	No.	
3796:4-2-01	Shall	A testing laboratory shall employ the following methods of analysis:	O.R.C. 3796.03	No.	No.	
3796:4-2-01	Shall	A testing laboratory shall track and submit into the inventory tracking system any information the department determines necessary for tracking medical marijuana, including, but not limited to, transportation of samples, sample inventory, and results of analysis.	O.R.C. 3796.03; O.R.C. 3796.07	Yes. State law	Yes.	
3796:4-2-01	Require	If the proposed methods are approved, the department may require the testing laboratory to have the methods validated by an independent third party, at the expense of the testing laboratory, prior to the testing laboratory using the proposed methods to conduct testing services.	O.R.C. 3796.03	No.	No.	
		<b>3796:4-2-02 -- Testing laboratory proficiency testing and certification</b>				<a href="http://codes.ohio.gov/oac/3796:4-2-02v1">http://codes.ohio.gov/oac/3796:4-2-02v1</a>
3796:4-2-02	Shall	Within two calendar years of the date of issuance of a provisional license by the department, a testing laboratory shall become accredited to the ISO/IEC 17025 "General Requirements for the Competence of Testing and Calibration Laboratories" standard by a non-profit accreditation body that is signatory to the "International Laboratory Accreditation Cooperation (ILAC) Mutual Recognition Agreement (MRA)" and which operates in accordance with ISO/IEC 17011 "General Requirements for accreditation Bodies Accrediting Conformity Assessment Bodies,"	O.R.C. 3796.03	No.	No.	

3796:4-2-02	Shall	and shall consent to have all inspections and reports pertaining to certification and accreditation made available to the department.	O.R.C. 3796.03	No.	No.	
3796:4-2-02	Shall	If the director believes that a testing laboratory has failed to meet the requirements of paragraph (A) of this rule, the director may issue a notice of noncompliance to a licensed testing laboratory. The notice shall include the factual basis for the director's belief, including any appropriate supporting documentation.	O.R.C. 3796.03	No.	No.	
3796:4-2-02	Shall	If a testing laboratory fails to respond to a notice issued, or the director determines the evidence provided is insufficient to establish that the conditions in paragraph (A) of this rule have been met, the director shall move to fine, suspend, or revoke the testing laboratory certificate of operation pursuant to rule 3796:5-6-01 of the Administrative Code.	O.R.C. 3796.03	No.	No.	
3796:4-2-02	Shall	At any time prior to the issuance of a notice of noncompliance under this rule, a testing laboratory may petition the director to toll computation of the time frames provided in paragraph (A) of this rule. Such a petition shall provide the following: (a) An explanation of the facts and circumstances that will not allow the testing laboratory to become certified and accredited as required in paragraph (A) of this rule; and (b) A plan for how and when the testing laboratory will be able to meet the requirement of paragraph (A) of this rule, with specific attention to how such a plan will allow the testing laboratory to meet the standards established in paragraph (A).	O.R.C. 3796.03	No.	No.	
3796:4-2-02	Shall	Upon receipt of a petition under paragraph (E) of this rule, the director may stay the requirement of paragraph (A) of this rule for a testing laboratory. A director's order staying the requirement of paragraph (A) of this rule shall state the date upon which the stay is lifted using information provided by the testing laboratory in accordance with paragraph (E)(2) of this rule.	O.R.C. 3796.03	No.	No.	
3796:4-2-02	Require	The department may require a testing laboratory to participate in third party proficiency testing programs administered by organizations accredited to ISO/IEC 17043 "Conformity Assessment - General Requirements for Proficiency Testing," if such programs are available.	O.R.C. 3796.03	No.	No.	
		<b>3796:4-2-03 -- Testing laboratory sample procurement</b>				<a href="http://codes.ohio.gov/oac/3796:4-2-03v1">http://codes.ohio.gov/oac/3796:4-2-03v1</a>
3796:4-2-03	Shall	A testing laboratory shall collect samples of harvested plant material for analysis from a cultivator.	O.R.C. 3796.03	No.	No.	

3796:4-2-03	Shall	A testing laboratory shall collect samples of medical marijuana products for analysis from a processor. Samples must be taken from each lot of medical marijuana products, as defined in rule 3796:1-1-01 of the Administrative Code, in such a manner as to ensure that a random sample is selected.	O.R.C. 3796.03	No.	No.	
3796:4-2-03	Shall	A testing laboratory shall transport all samples in accordance with rule 3796:4-2-10 of the Administrative Code.	O.R.C. 3796.03	No.	No.	
3796:4-2-03	Must	Samples must be taken from each segregated, homogenized batch of harvested marijuana, as defined in rule 3796:1-1-01 of the Administrative Code, in such a manner as to ensure that a random sample is selected.	O.R.C. 3796.03	No.	No.	
3796:4-2-03	Must	Samples must be taken from each lot of medical marijuana products, as defined in rule 3796:1-1-01 of the Administrative Code, in such a manner as to ensure that a random sample is selected.	O.R.C. 3796.03	No.	No.	
3796:4-2-03	Must	Samples must be taken from each batch of marijuana-derived ingredients in such a manner as to ensure that a random sample is selected.	O.R.C. 3796.03	No.	No.	
3796:4-2-03	Must	Tests performed pursuant to this paragraph must be reported to the department in accordance with rule 3796:4-2-05 of the Administrative Code,	O.R.C. 3796.03	No.	No.	
3796:4-2-03	Must	and the resulting certificate of analysis must be clearly marked with the phrase "For research and development only. Not for sale."	O.R.C. 3796.03	No.	No.	
		<b>3796:4-2-04 -- Testing laboratory analysis requirements</b>				<a href="http://codes.ohio.gov/oac/3796:4-2-04v1">http://codes.ohio.gov/oac/3796:4-2-04v1</a>
3796:4-2-04	Shall	A testing laboratory shall analyze a sample of at least one half of one percent of the net weight of the batch from each batch of dried, cured plant material intended to be sold to a dispensary licensed by the state of Ohio board of pharmacy for, at minimum: (1) Moisture content; (2) Water activity; (3) Cannabinoid potency including, at minimum: (a) Delta-9-tetrahydrocannabinolic acid (THCA);	O.R.C. 3796.03	No.	No.	

3796:4-2-04	Shall	<p>A testing laboratory shall analyze a sample of at least one half of one percent of the net weight of the batch from each batch of plant material intended to be sold to a processor licensed by the department for use in the manufacture of medical marijuana products for, at minimum:</p> <p>(1) Pesticide and fertilizer residue; and</p> <p>(2) Cannabinoid potency for, at a minimum:</p> <p>(a) Delta-9-tetrahydrocannabinolic acid (THCA);</p> <p>(b) Delta-9-tetrahydrocannabinol (THC);</p>	O.R.C. 3796.03	No.	No.	
3796:4-2-04	Shall	<p>A testing laboratory shall analyze a sample of one unit of the same size, weight, and volume intended to be packaged and sold to a licensed dispensary from each lot of medical marijuana products prior to sale to a dispensary licensed by the state of Ohio board of pharmacy for, at minimum:</p> <p>(1) Cannabinoid potency including, at minimum:</p> <p>(a) Delta-9-tetrahydrocannabinolic acid (THCA);</p> <p>(b) Delta-9-tetrahydrocannabinol (THC);</p> <p>(c) Cannabidiolic acid (CBDA);</p> <p>(d) Cannabidiol (CBD); and</p>	O.R.C. 3796.03	No.	No.	
3796:4-2-04	Shall	<p>A testing laboratory may perform analysis on marijuana-derived ingredients used in the manufacture of medical marijuana products, including but not limited to medical marijuana extract. When performing analysis on medical marijuana-derived ingredients, the following sample sizes and required tests shall apply:</p> <p>(1) A sample of at least one half of one percent of the net weight of the batch from a batch of medical marijuana extract derived from a system utilizing hydrocarbon solvents for, at minimum:</p> <p>(a) Pesticide and fertilizer residue; and</p> <p>(b) Cannabinoid potency including, at minimum:</p> <p>(i) Delta-9-tetrahydrocannabinolic acid (THCA);</p>	O.R.C. 3796.03	No.	No.	
3796:4-2-04	Shall	<p>For the purposes of microbial contamination analysis, a sample provided to a testing laboratory shall be deemed to have passed if it satisfies the standards set forth in Table 9 of the "Cannabis Inflorescence: Standards of Identity, Analysis, and Quality Control" (2014) monograph.</p>	ORC 3796.03	No.	No.	

3796:4-2-04	Shall	For the purposes of mycotoxin contamination analysis, a sample provided to a testing laboratory pursuant to this rule shall be deemed to have passed if: (1) The total of the detected amounts, if any, of aflatoxin B1, aflatoxin B2, aflatoxin G1, and aflatoxin G2 is less than twenty micrograms per kilogram; and (2) The detected amount, if any, of ochratoxin A is less than twenty micrograms per kilogram.	O.R.C. 3796.03	No.	No.	
3796:4-2-04	Shall	For the purposes of heavy metal contamination analysis, a sample provided to a testing laboratory shall be deemed to have passed if: (1) The detected amount of arsenic, if any, is less than 0.14 micrograms per kilogram. (2) The detected amount of cadmium, if any, is less than 0.09 micrograms per kilogram.	O.R.C. 3796.03	No.	No.	
3796:4-2-04	Shall	For the purposes of pesticide residue analysis, a sample shall be deemed to have passed if it satisfies the most stringent acceptable standard for an approved pesticide chemical residue in a food item as set forth in Subpart C of 40 C.F.R. Part 180, as effective on September 8, 2017	O.R.C. 3796.03	No.	No.	
3796:4-2-04	Shall	A sample shall automatically be deemed to have failed if residue is detected from any pesticide not on the approved pesticide list maintained by the department, regardless of the detected level of residue.	O.R.C. 3796.03	No.	No.	
3796:4-2-04	Must	Medical marijuana extract derived from a batch of plant material not deemed to have passed testing for microbial contamination must be tested for microbial contamination prior to use in the manufacture of medical marijuana products.	O.R.C. 3796.03	No.	No.	
3796:4-2-04	Must	Except as provided in paragraph (G)(1) of this rule, if a sample is deemed to have failed tests for any contaminants listed in this rule, the cultivator or processor that provided the sample must immediately destroy the corresponding batch of plant material or extract or lot of medical marijuana products and document the destruction in the inventory tracking system.	O.R.C. 3796.03	No.	No.	
		<b>3796:4-2-05 -- Testing laboratory reporting</b>				<a href="http://codes.ohio.gov/oac/3796:4-2-05v1">http://codes.ohio.gov/oac/3796:4-2-05v1</a>
3796:4-2-05	Shall	A testing laboratory performing analysis on medical marijuana shall input the results of analysis into the inventory tracking system. The department may require a testing laboratory to submit, in portable document format (.pdf), an electronic copy of the results of analysis of any batches and lots tested to an email address specified and maintained by the department.	O.R.C. 3796.03	No.	No.	
3796:4-2-05	Shall	A testing laboratory performing analysis on medical marijuana shall create a unique certificate of analysis for each batch or lot tested	O.R.C. 3796.03	No.	No.	

3796:4-2-05	Shall	which shall include, at minimum: (1) The name and license number of the testing laboratory where the analysis was performed; (2) The name and license number of the cultivator or processor from whom the sample was received;	O.R.C. 3796.03	No.	No.	
3796:4-2-05	Shall Not	A certificate of analysis shall not contain any sum totals of cannabinoids or terpenes, except THC content as defined in paragraph rule 3796:1-1-01 of the Administrative Code.	O.R.C. 3796.03	No.	No.	
3796:4-2-05	Require	The department may require a testing laboratory to submit, in portable document format (.pdf), an electronic copy of the results of analysis of any batches and lots tested to an email address specified and maintained by the department.	O.R.C. 3796.03	No.	No.	
		<b>3796:4-2-06 -- Testing laboratory waste disposal</b>				<a href="http://codes.ohio.gov/oac/3796:4-2-06v1">http://codes.ohio.gov/oac/3796:4-2-06v1</a>
3796:4-2-06	Shall	Upon completion of the required analysis performed on any given sample, a testing laboratory shall immediately dispose of any medical marijuana waste or excess medical marijuana not used during the sample analysis in accordance with the testing laboratory's disposal plan and in such a manner as to render the medical marijuana unusable.	O.R.C. 3796.03	No.	No.	
3796:4-2-06	Shall	The disposal procedures established by the testing laboratory and submitted as part of the application process shall be sufficient to render unusable any medical marijuana waste or excess medical marijuana not used during the sample analysis.	O.R.C. 3796.03	No.	No.	
3796:4-2-06	Shall	Medical marijuana waste or excess medical marijuana that is rendered unusable shall be discarded into a locked dumpster or other approved, locked container for removal from the facility by a waste removal company selected by the testing laboratory.	O.R.C. 3796.03	No.	No.	
3796:4-2-06	Shall	Medical marijuana waste or excess medical marijuana shall be rendered unusable by grinding and incorporating the medical marijuana waste with one or more of the non-consumable, solid wastes listed in this paragraph, such that the resulting mixture is at least fifty-one per cent non-marijuana waste: 1) Paper waste; (2) Cardboard waste; (3) Food waste; (4) Yard waste; (5) Soil or other growth media; (6) Other wastes approved by the department.	O.R.C. 3796.03	No.	No.	

3796:4-2-06	Shall	The disposal of medical marijuana waste and excess medical marijuana not used during the sample analysis shall be performed by a type 1 employee, as defined in paragraph (H) of rule 3796:5-2-01 of the Administrative Code, under video surveillance from the time the destruction begins to when it is placed in a locked dumpster or other approved, locked container and removed from the facility	O.R.C. 3796.03	No.	No.	
3796:4-2-06	Shall	The type 1 employee overseeing the disposal of excess medical marijuana shall maintain and make available in accordance with this chapter a separate record of every disposal indicating: (1) The date and time of disposal; (2) The manner of disposal;	O.R.C. 3796.03	No.	No.	
3796:4-2-06	Shall	The disposal of other waste from the testing laboratory that does not include medical marijuana, including hazardous waste and liquid waste, shall be performed in a manner consistent with federal and state law.	O.R.C. 3796.03	No.	No.	
		<b>3796:4-2-07 -- Testing laboratory security</b>				<a href="http://codes.ohio.gov/oac/3796:4-2-07v1">http://codes.ohio.gov/oac/3796:4-2-07v1</a>
3796:4-2-07	Shall	The department shall determine the appropriate security requirements for all testing laboratory facilities, and may require additional safeguards to ensure the security of medical marijuana.	O.R.C. 3796.03	No.	No.	
3796:4-2-07	Shall	A testing laboratory shall comply with the security plan submitted as part of its testing laboratory provisional license application. At a minimum, the testing laboratory shall: (1) Install an adequate security alarm system around the perimeter, utilizing commercial grade equipment, to prevent and detect diversion, theft, or loss of medical marijuana; (2) Utilize a video surveillance recording system installed by a vendor that is approved by the department and that meets the standards required by the department to prevent and detect diversion, theft, or loss of medical marijuana; (3) Maintain all security system equipment and video surveillance systems in a secure location so as to prevent theft, loss, destruction, or alteration;	O.R.C. 3796.03	No.	No.	
3796:4-2-07	Shall	A testing laboratory shall limit access to surveillance areas to type 1 key employees that are essential to surveillance operations, law enforcement agencies, security system service employees, the department, and others when approved by the department;	O.R.C. 3796.03	No.	No.	
3796:4-2-07	Shall	A testing laboratory shall make available to the department, upon request, a current list of type 1 employees and contractors who have access to the surveillance room	O.R.C. 3796.03	No.	No.	

3796:4-2-07	Shall	A testing laboratory shall keep all on-site surveillance rooms locked	O.R.C. 3796.03	No.	No.	
3796:4-2-07	Shall	The testing laboratory shall install a security alarm system and a video surveillance recording system under paragraph (A) of this rule. A security alarm system and video surveillance recording system shall, at a minimum, contain the following: (1) A system designed to detect motion and identify unauthorized access to the facility;	O.R.C. 3796.03	No.	No.	
3796:4-2-07	Shall	Video cameras shall be directed at all approved safes, approved vaults, any other area where medical marijuana samples are being stored or handled;	O.R.C. 3796.03	No.	No.	
3796:4-2-07	Shall	The security alarm system and video surveillance recording system shall comply with the following minimum capabilities: Provide a direct feed and login capabilities to the department to allow for real-time access and monitoring of the facility via the live video surveillance recording system.	O.R.C. 3796.03	No.	No.	
3796:4-2-07	Shall	A display monitor with a minimum screen size of twelve inches shall be connected to the electronic recording security system at all times.	O.R.C. 3796.03	No.	No.	
3796:4-2-07	Shall	Cameras installed outdoors and in low-light interior areas shall be day/night cameras with a minimum resolution of six hundred lines per inch (analog) or D1 (IP) and a minimum light factor requirement of 0.7 LUX.	O.R.C. 3796.03	No.	No.	
3796:4-2-07	Shall	Cameras shall be calibrated and focused to maximize the quality of the recorded image.	O.R.C. 3796.03	No.	No.	
3796:4-2-07	Shall	Exported video shall have the ability to be archived in a proprietary format that ensures authentication of the video and guarantees that no alteration of the recorded image has taken place.	O.R.C. 3796.03	No.	No.	
3796:4-2-07	Shall	Exported video shall also have the ability to be saved in an industry standard file format that can be played on a standard computer operating system.	O.R.C. 3796.03	No.	No.	
3796:4-2-07	Shall	All recordings shall be erased or destroyed prior to disposal.	O.R.C. 3796.03	No.	No.	
3796:4-2-07	Shall	Security recordings shall provide an image resolution of at least D1,	O.R.C. 3796.03	No.	No.	
3796:4-2-07	Shall	and the image frame rate shall be at least three frames per second during alarm or motion based recording.	O.R.C. 3796.03	No.	No.	
3796:4-2-07	Shall	Twenty-four hour live feed with motion-activated recording capabilities from all video cameras, which the testing laboratory shall make available for immediate viewing by the department upon request	O.R.C. 3796.03	No.	No.	
3796:4-2-07	Shall	and shall retain for at least forty-five days.	O.R.C. 3796.03	No.	No.	

3796:4-2-07	Shall	If a testing laboratory is aware of a pending criminal, civil or administrative investigation, or legal proceeding for which a recording may contain relevant information, the testing laboratory shall retain an unaltered copy of the recording until the investigation	O.R.C. 3796.03	No.	No.	
3796:4-2-07	Shall	The failure notification system shall provide an alert to the testing laboratory within five minutes of the failure, either by telephone, email, or text message	O.R.C. 3796.03	No.	No.	
3796:4-2-07	Shall	that shall detect unauthorized entry during times when no employees are present at the facility	O.R.C. 3796.03	No.	No.	
3796:4-2-07	Shall	that shall be provided by a company supplying commercial grade equipment	O.R.C. 3796.03	No.	No.	
3796:4-2-07	Shall	A testing laboratory shall keep all security equipment in good-working order	O.R.C. 3796.03	No.	No.	
3796:4-2-07	Shall	the systems shall be inspected and all devices tested on annual basis.	O.R.C. 3796.03	No.	No.	
3796:4-2-07	Shall Not	A testing laboratory shall keep all on-site surveillance rooms locked and shall not use such rooms for any other functions.	O.R.C. 3796.03	No.	No.	
3796:4-2-07	Shall Not	A date and time stamp embedded on all recordings. The date and time shall be synchronized and set correctly and shall not significantly obscure the picture.	O.R.C. 3796.03	No.	No.	
3796:4-2-07	Shall Not	In addition to the requirements listed in paragraph (B) of this rule, each testing laboratory shall have a back-up alarm system approved by the department that shall detect unauthorized entry during times when no employees are present at the facility and that shall be provided by a company supplying commercial grade equipment, which shall not be the same company supplying the primary security system.	O.R.C. 3796.03	No.	No.	
		<b>3796:4-2-08 -- Testing laboratory prohibited activities</b>				<a href="http://codes.ohio.gov/oac/3796:4-2-08v1">http://codes.ohio.gov/oac/3796:4-2-08v1</a>
3796:4-2-08	Shall Not	A testing laboratory shall not cultivate, process, manufacture, distribute, provide, or sell medical marijuana in any form.	O.R.C. 3796.03	No.	No.	
3796:4-2-08	Shall Not	A testing laboratory shall not permit the consumption of medical marijuana in any form on the premises.	O.R.C. 3796.03	No.	No.	
3796:4-2-08	Shall Not	A testing laboratory shall not share a facility with a cultivator, processor, or dispensary licensed under Chapter 3796. of the Revised Code.	O.R.C. 3796.03	No.	No.	
3796:4-2-08	Shall Not	A testing laboratory shall not falsify, change, modify, or otherwise alter in any way the results of quantitative or other analyses performed on medical marijuana samples or the corresponding certificates of analysis.	O.R.C. 3796.03	No.	No.	
3796:4-2-08	Shall Not	A testing laboratory shall not employ any sampling methods that do not ensure that a random sample is collected for analysis, or that could provide results that are not representative of a batch or lot from which a sample is taken.	O.R.C. 3796.03	No.	No.	

3796:4-2-08	Shall Not	A testing laboratory shall not prepare medical marijuana samples in such a manner as to provide results that are not representative of a batch or lot from which a sample is taken.	O.R.C. 3796.03	No.	No.	
3796:4-2-08	Shall Not	A testing laboratory shall not store medical marijuana in quantities greater than that which is necessary to perform required analyses.	O.R.C. 3796.03	No.	No.	
3796:4-2-08	Shall Not	A testing laboratory shall not transport medical marijuana in quantities greater than that which is necessary to perform required analyses.	O.R.C. 3796.03	No.	No.	
3796:4-2-08	Shall Not	A testing laboratory shall not perform analyses on any medical marijuana that has not been obtained from a cultivator or processor licensed under Chapter 3796. of the Revised Code.	O.R.C. 3796.03	No.	No.	
3796:4-2-08	Shall Not	A testing laboratory shall not perform analyses on any medical marijuana that has not been identified in the inventory tracking system.	O.R.C. 3796.03	No.	No.	
3796:4-2-08	Shall Not	A testing laboratory shall not endorse, advertise, or make claims on behalf of any cultivator, processor, dispensary, brand or strain of medical marijuana, or brand or type of medical marijuana product.	O.R.C. 3796.03	No.	No.	
3796:4-2-08	Shall Not	A testing laboratory shall not publish or otherwise release to the public the results of any tests performed pursuant to paragraph (D) of rule 3796:4-2-03 of the Administrative Code, except aggregated data obtained as part of a research plan that has been approved by the department.	O.R.C. 3796.03	No.	No.	
		<b>3796:4-2-09 -- Testing laboratory record keeping requirements</b>				<a href="http://codes.ohio.gov/oac/3796:4-2-09v1">http://codes.ohio.gov/oac/3796:4-2-09v1</a>
3796:4-2-09	Shall	Each testing laboratory shall keep and maintain upon the licensed premises for a five-year period true, complete, legible, and current books and records.	O.R.C. 3796.03	No.	No.	
3796:4-2-09	Shall	The following records shall be maintained: (1) Records relating to the disposal of excess medical marijuana and medical marijuana waste in accordance with paragraph (E) of this rule and paragraph (D) of rule 3796:4-2-06 of the Administrative Code; (2) Transportation records in accordance with rule 3796:4-2-10 of the Administrative Code;	O.R.C. 3796.03	No.	No.	
3796:4-2-09	Shall	A testing laboratory shall use a system that: (1) Guarantees the confidentiality of the information stored in the system;	O.R.C. 3796.03	No.	No.	
3796:4-2-09	Shall	A testing laboratory shall maintain financial records,	O.R.C. 3796.03	No.	No.	
3796:4-2-09	Shall	which shall include the following: (1) Records that clearly reflect all financial transactions and the financial condition of the business, including contracts for services performed or received that relate to the testing laboratory;	O.R.C. 3796.03	No.	No.	
3796:4-2-09	Shall	A testing laboratory shall maintain employee records,	O.R.C. 3796.03	No.	No.	

3796:4-2-09	Shall	which shall include the following: (1) All records relating to the hiring of employees, including applications, documentation of verification of references, and any other related materials; (2) An employee log that includes the following information for every current and former employee: (a) Employee name, address, phone number, and emergency contact information;	O.R.C. 3796.03	No.	No.	
3796:4-2-09	Shall	Medical marijuana analysis and disposal records may be stored at the facility and shall include all of the following: (1) The registered strain or product name, form, and quantity of marijuana involved;	O.R.C. 3796.03	No.	No.	
3796:4-2-09	Shall	If the medical marijuana is destroyed, the testing laboratory shall maintain records in accordance with paragraph (D) of rule 3796:4-2-06 of the Administrative Code.	O.R.C. 3796.03	No.	No.	
3796:4-2-09	Shall Not	Any loss of electronically-maintained records shall not be considered a mitigating factor for violations of this rule	O.R.C. 3796.03	No.	No.	
3796:4-2-09	Must	All required records must be made available for inspection if requested by the department	O.R.C. 3796.03	No.	No.	
		<b>3796:4-2-10 -- Testing laboratory transportation of medical marijuana samples</b>				<a href="http://codes.ohio.gov/oac/3796:4-2-10v1">http://codes.ohio.gov/oac/3796:4-2-10v1</a>
3796:4-2-10	Shall	Prior to transporting any medical marijuana samples, regardless of form, a testing laboratory licensed by the department shall maintain a transportation log, in writing, that contains the following information: (1) The name and address of the medical marijuana entity from which the sample is taken; (2) The name and registration number of the registered testing laboratory employee transporting the medical marijuana samples;	O.R.C. 3796.03	No.	No.	
3796:4-2-10	Shall	The testing laboratory transporting medical marijuana under paragraph (A) of this rule shall enter the information required in the inventory tracking system in accordance with section 3796.07 of the Revised Code and the rules promulgated in accordance with Chapter 3796. of the Revised Code.	O.R.C. 3796.03; O.R.C. 3796.07	Yes. State law	Yes.	
3796:4-2-10	Shall	The transportation log shall be made available to law enforcement agencies upon request.	O.R.C. 3796.03	No.	No.	
3796:4-2-10	Shall	A testing laboratory shall maintain all transportation logs in accordance with the record keeping requirements established under the rules promulgated in accordance with Chapter 3796. of the Revised Code, and make them available at the request of the department.	O.R.C. 3796.03	No.	No.	

3796:4-2-10	Shall	The vehicle transporting the medical marijuana samples or any product containing medical marijuana shall meet the following requirements: (1) Be insured as required by law; (2) Store the medical marijuana samples in a locked, safe, and secure storage compartment that is part of the motor vehicle, or in a locked storage container that has a separate key or combination pad; (3) Ensure that any medical marijuana samples are not visible from the outside of the vehicle;	O.R.C. 3796.03	No.	No.	
3796:4-2-10	Shall	Any vehicle transporting medical marijuana samples shall travel directly from the facility from which the samples were collected to the testing laboratory	O.R.C. 3796.03	No.	No.	
3796:4-2-10	Shall	A registered testing laboratory employee transporting medical marijuana samples shall do the following: (1) Display his or her department issued employee identification card at all times when transporting medical marijuana samples	O.R.C. 3796.03	No.	No.	
3796:4-2-10	Shall	and shall produce it for the department or department's authorized representative or law enforcement official upon request; (2) Ensure sample pick up times vary and routes are randomized;	O.R.C. 3796.03	No.	No.	
3796:4-2-10	Shall Not	vehicles transporting medical marijuana samples shall not make any stops in between except to other medical marijuana entities listed on the transportation log for the purpose of collecting samples, to refuel the vehicle, or to notify the medical marijuana entities, the department and law enforcement in the event of an emergenc	O.R.C. 3796.03	No.	No.	
		<b>TESTING LABORATORIES - CHAPTER 3796:4-3 ENFORCEMENT</b>				<a href="http://codes.ohio.gov/oac/3796%3A4-3">http://codes.ohio.gov/oac/3796%3A4-3</a>
		<b>3796:4-3-01 -- Testing laboratory enforcement</b>				<a href="http://codes.ohio.gov/oac/3796:4-3-01v1">http://codes.ohio.gov/oac/3796:4-3-01v1</a>
3796:4-3-01	Shall	A pre-approval inspection of a testing laboratory that is required before the department issues a certificate of operation to a testing laboratory possessing a provisional license under rule 3796:4-1-06 of the Administrative Code shall occur at a mutually agreeable time	O.R.C. 3796.03, O.R.C. 3796.14	No.	No.	
3796:4-3-01	Shall	The department shall rely on the facility's application, Chapter 3796. of the Revised Code and the rules promulgated under Chapter 3796. of the Revised Code to facilitate the inspection and ensure compliance of the facility.	O.R.C. 3796.03, O.R.C. 3796.14	No.	No.	

3796:4-3-01	Shall	Upon receipt of a statement of deficiencies, the testing laboratory shall develop a plan of correction for each deficiency and submit the plan in writing to the department for approval within ten business days after receipt of the statement of deficiencies and request for a plan, unless a written extension is issued by the department.	O.R.C. 3796.03, O.R.C. 3796.14	No.	No.	
3796:4-3-01	Shall	The department shall re-inspect a testing laboratory upon the completion of the written plan of correction	O.R.C. 3796.03, O.R.C. 3796.14	No.	No.	
3796:4-3-01	Shall	If the corrective measures meet the department's satisfaction, the department shall issue a certificate of operation. If the corrective measures do not meet the requirements of the written plan of correction,	O.R.C. 3796.03, O.R.C. 3796.14	No.	No.	
3796:4-3-01	Shall	the department shall take action in accordance with rule 3796:5-6-01 of the Administrative Code.	O.R.C. 3796.03, O.R.C. 3796.14	No.	No.	
3796:4-3-01	Shall	Following an inspection conducted pursuant to paragraph (D) of this rule, the department shall issue an inspection report that documents the following: (1) The observations and findings of the inspection; (2) The outcome of the inspection; (3) Any suggestions for the testing laboratory to take into consideration	O.R.C. 3796.03, O.R.C. 3796.14	No.	No.	
3796:4-3-01	Shall	Upon receipt of a request for a written plan of correction, the testing laboratory shall develop a plan of correction for each deficiency and submit the plan to the department for approval within ten business days after receipt of the statement of deficiencies, unless a written extension is issued by the department.	O.R.C. 3796.03, O.R.C. 3796.14	No.	No.	
3796:4-3-01	Shall	The department shall re-inspect a testing laboratory upon the completion of the written plan of correction.	O.R.C. 3796.03, O.R.C. 3796.14	No.	No.	
3796:4-3-01	Shall	If the corrective measures meet the department's satisfaction, the department shall indicate such on the inspection report and conclude the inspection	O.R.C. 3796.03, O.R.C. 3796.14	No.	No.	
3796:4-3-01	Shall	If the corrective measures do not meet the requirements of the written plan of correction, the department shall take action in accordance with rule 3796:5-6-01 of the Administrative Code.	O.R.C. 3796.03, O.R.C. 3796.14	No.	No.	
3796:4-3-01	Must	(2) A written statement listing the deficiencies identified during the inspection that must be remedied before a certificate of operation will be issued by the department.	O.R.C. 3796.03, O.R.C. 3796.14	No.	No.	
3796:4-3-01	Must	(b) The plan of correction must include specific requirements for corrective action that will be performed within thirty calendar days after the department's acceptance of the plan of correction, or the remaining time period under paragraph (B) of rule 3796:4-1-06 of the Administrative Code, whichever is greater.	O.R.C. 3796.03, O.R.C. 3796.14	No.	No.	

3796:4-3-01	Must	(c) If the plan of correction submitted is not acceptable to the department or would prevent the facility from obtaining a certificate of operation in accordance with rule 3796:4-1-06 of the Administrative Code, the department may either direct the medical marijuana licensee to resubmit a plan of correction or the department may develop a directed plan of correction with which the testing laboratory must comply.	O.R.C. 3796.03, O.R.C. 3796.14	No.	No.	
3796:4-3-01	Must	(b) The plan of correction must include specific requirements for corrective action that will be performed within thirty calendar days.	O.R.C. 3796.03, O.R.C. 3796.14	No.	No.	
3796:4-3-01	Must	If the plan submitted is not acceptable to the department, the department may either direct the medical marijuana licensee to resubmit a plan of correction or the department may develop a directed plan of correction with which the testing laboratory must comply.	O.R.C. 3796.03, O.R.C. 3796.14	No.	No.	
		<b>CHAPTER 3796:5 -- ADMINISTRATION AND ENFORCEMENT</b>				<a href="http://codes.ohio.gov/oc/3796%3A5">http://codes.ohio.gov/oc/3796%3A5</a>
		<b>ADMINISTRATION AND ENFORCEMENT - CHAPTER 3796:5-1 -- FEES</b>				<a href="http://codes.ohio.gov/oc/3796%3A5-1">http://codes.ohio.gov/oc/3796%3A5-1</a>
		<b>ADMINISTRATION AND ENFORCEMENT - CHAPTER 3796:5-1-01 -- FEE SCHEDULE</b>				<a href="http://codes.ohio.gov/oc/3796:5-1-01v1">http://codes.ohio.gov/oc/3796:5-1-01v1</a>
3796:5-1-01	Shall	(A) An applicant for a license issued by the department or an applicant seeking employment with a licensee shall submit the following non-refundable application fees with the corresponding application:	O.R.C. 3796.03	Yes, state law	Yes, state law	
3796:5-1-01	Shall	(1) Level I cultivator application fee shall be twenty thousand dollars.	O.R.C. 3796.03	Yes, state law	Yes, state law	
3796:5-1-01	Shall	(2) Level II cultivator application fee shall be two thousand dollars.	O.R.C. 3796.03	Yes, state law	Yes, state law	
3796:5-1-01	Shall	(3) Processor application fee shall be ten thousand dollars.	O.R.C. 3796.03	Yes, state law	Yes, state law	
3796:5-1-01	Shall	(4) Testing laboratory application fee shall be two thousand dollars.	O.R.C. 3796.03	Yes, state law	Yes, state law	
3796:5-1-01	Shall	(5) Employee identification card application fee shall be one hundred dollars.	O.R.C. 3796.03	Yes, state law	Yes, state law	
3796:5-1-01	Shall	(B) An applicant that is awarded a provisional license by the department shall submit the following non-refundable fees at the time a certificate of operation is issued:	O.R.C. 3796.03	Yes, state law	Yes, state law	
3796:5-1-01	Shall	(1) Level I cultivator certificate of operation fee shall be one hundred eighty thousand dollars.	O.R.C. 3796.03	Yes, state law	Yes, state law	
3796:5-1-01	Shall	(2) Level II cultivator certificate of operation fee shall be eighteen thousand dollars.	O.R.C. 3796.03	Yes, state law	Yes, state law	
3796:5-1-01	Shall	(3) Processor certificate of operation fee shall be ninety thousand dollars.	O.R.C. 3796.03	Yes, state law	Yes, state law	
3796:5-1-01	Shall	(4) Testing laboratory certificate of operation fee shall be eighteen thousand dollars.	O.R.C. 3796.03	Yes, state law	Yes, state law	

3796:5-1-01	Shall	(C) A cultivator, processor, or testing laboratory awarded a certificate of operation by the department shall renew on an annual basis from the date the certificate of operation is issued and shall submit the following non-refundable fees:	O.R.C. 3796.03	Yes, state law	Yes, state law	
3796:5-1-01	Shall	(1) Level I cultivator certificate of operation renewal fee shall be two hundred thousand dollars.	O.R.C. 3796.03	Yes, state law	Yes, state law	
3796:5-1-01	Shall	(2) Level II cultivator certificate of operation renewal fee shall be twenty thousand dollars.	O.R.C. 3796.03	Yes, state law	Yes, state law	
3796:5-1-01	Shall	(3) Processor certificate of operation renewal fee shall be one hundred thousand dollars.	O.R.C. 3796.03	Yes, state law	Yes, state law	
3796:5-1-01	Shall	(4) Testing laboratory certificate of operation renewal fee shall be twenty thousand dollars.	O.R.C. 3796.03	Yes, state law	Yes, state law	
3796:5-1-01	Shall	(D) An employee that is issued an identification card shall renew every two years from the date of issuance and shall submit a non-refundable fee of one hundred dollars.	O.R.C. 3796.03	Yes, state law	Yes, state law	
3796:5-1-01	Shall	(E) A cultivator, processor, or testing laboratory that is issued a certificate of operation shall submit the following non-refundable processing fee for a change in ownership or transfer to a new location:	O.R.C. 3796.03	Yes, state law	Yes, state law	
3796:5-1-01	Shall	(1) Cultivator processing fee shall be one thousand dollars.	O.R.C. 3796.03	Yes, state law	Yes, state law	
3796:5-1-01	Shall	(2) Processor processing fee shall be one thousand dollars.	O.R.C. 3796.03	Yes, state law	Yes, state law	
3796:5-1-01	Shall	(3) Testing laboratory processing fee shall be one thousand dollars.	O.R.C. 3796.03	Yes, state law	Yes, state law	
3796:5-1-01	Shall	(F) A cultivator, processor, or testing laboratory that is issued a certificate of operation or a person possessing an employee identification card that is lost, stolen, destroyed, or otherwise misplaced shall submit the following replacement fees:	O.R.C. 3796.03	Yes, state law	Yes, state law	
3796:5-1-01	Shall	(1) Cultivator certificate of operation replacement fee shall be one hundred dollars.	O.R.C. 3796.03	Yes, state law	Yes, state law	
3796:5-1-01	Shall	(2) Processor certificate of operation replacement fee shall be one hundred dollars.	O.R.C. 3796.03	Yes, state law	Yes, state law	
3796:5-1-01	Shall	(3) Testing laboratory certificate of operation replacement fee shall be one hundred dollars.	O.R.C. 3796.03	Yes, state law	Yes, state law	
3796:5-1-01	Shall	(4) Employee identification card replacement fee shall be ten dollars.	O.R.C. 3796.03	Yes, state law	Yes, state law	
3796:5-1-01	Shall	(G) A level I cultivator that is issued a plant-only processor license shall submit a fee of five thousand dollars at the time the license is approved	O.R.C. 3796.03	Yes, state law	Yes, state law	
3796:5-1-01	Shall	the license shall renew on an annual basis from the date the license is granted.	O.R.C. 3796.03	Yes, state law	Yes, state law	
3796:5-1-01	Shall	The renewal of a plant-only processor license for a level I cultivator shall be five thousand dollars.	O.R.C. 3796.03	Yes, state law	Yes, state law	
3796:5-1-01	Shall	(H) A level II cultivator that is issued a plant-only processor license shall submit a fee of five hundred dollars at the time the license is approved	O.R.C. 3796.03	Yes, state law	Yes, state law	

3796:5-1-01	Shall	he license shall renew on an annual basis from the date the license is granted.	O.R.C. 3796.03	Yes, state law	Yes, state law	
3796:5-1-01	Shall	The renewal of a plant-only processor license for a level II cultivator shall be five hundred dollars.	O.R.C. 3796.03	Yes, state law	Yes, state law	
3796:5-1-01	Shall	(I) A cultivator or processor shall register each medical marijuana product with the department and pay a registration fee in accordance with the rules promulgated by the state of Ohio board of pharmacy pursuant to Chapter 3796. of the Revised Code.	O.R.C. 3796.03	No.	No.	
3796:5-1-01	Shall	(J) A cultivator, processor, or testing laboratory shall submit an advertisement for approval prior to disseminating the advertisement with a fee of one hundred dollars for every advertisement.	O.R.C. 3796.03	No.	No.	
3796:5-1-01	Shall	(K) Any fees due and payable to the department shall be submitted in the form of a certified check or money order payable to the "Treasurer, State of Ohio," or by such other means as approved by the department.	O.R.C. 3796.03	No.	No.	
		<b>ADMINISTRATION AND ENFORCEMENT - CHAPTER 3796:5-2 -- Employees</b>				<a href="http://codes.ohio.gov/oac/3796:5-2">http://codes.ohio.gov/oac/3796:5-2</a>
		<b>ADMINISTRATION AND ENFORCEMENT - CHAPTER 3796:5-2-01 -- Employee identification cards</b>				<a href="http://codes.ohio.gov/oac/3796:5-2-01v1">http://codes.ohio.gov/oac/3796:5-2-01v1</a>
3796:5-2-01	Must	(A) Every owner, principal officer, board member, employee, administrator, agent, or other person who may significantly influence or control the activities of a cultivator, processor, or testing laboratory must apply to the department for an employee identification card.	O.R.C. 3796.03	No.	No.	
3796:5-2-01	Shall	(1) The cultivator, processor, or testing laboratory with which a person listed under paragraph (A) of this rule is seeking employment shall submit the following information:	O.R.C. 3796.03	No.	No.	
3796:5-2-01	Shall	(2) An individual on whose behalf an application is submitted under this chapter or is issued an employee identification card under this chapter shall notify the department of any changes to the information provided on the application no later than five business days after such change.	O.R.C. 3796.03	No.	No.	
3796:5-2-01	Shall	(B) Upon receipt of an application and verification of the information specified in paragraph (A) of this rule, the department shall do the following:	O.R.C. 3796.03	No.	No.	
3796:5-2-01	Shall	(2) Issue an identification card that shall expire two years after the date of issuance;	O.R.C. 3796.03	No.	No.	
3796:5-2-01	Must	A cardholder must keep his or her employee identification card visible at all times when on the property of a cultivator, processor, or testing laboratory and during the transportation of medical marijuana to another cultivator, processor, or testing laboratory.	O.R.C. 3796.03	No.	No.	
3796:5-2-01	Shall	(D) No person shall begin working at a cultivator, processor, or testing laboratory prior to receiving his or her employee identification card.	O.R.C. 3796.03	No.	No.	

3796:5-2-01	Shall	The employee identification card shall be immediately returned to the cultivator, processor, or testing laboratory upon termination or completion of services provided.	O.R.C. 3796.03	No.	No.	
3796:5-2-01	Shall	(1) Following the revocation or expiration of an employee identification card, the cultivator, processor, or testing laboratory shall do the following:	O.R.C. 3796.03	No.	No.	
3796:5-2-01	Shall	(2) The department shall revoke an employee identification card upon receiving notification that the individual is no longer associated with the cultivator, processor, or testing laboratory. If the employee identification card is not returned within thirty days of the termination, the department may take action under rule 3796:5-6-01 of the Administrative Code.	O.R.C. 3796.03	No.	No.	
3796:5-2-01	Shall	(G) An individual arrested for activities that, if convicted, would constitute a disqualifying offense shall immediately notify the department.	O.R.C. 3796.03	No.	No.	
3796:5-2-01	Shall	If an employer has knowledge of such arrest, the employer shall notify the department.	O.R.C. 3796.03	No.	No.	
3796:5-2-01	Shall	(H) A cultivator, processor, or testing laboratory shall designate the level of access granted to an applicant for an employee identification card.	O.R.C. 3796.03	No.	No.	
3796:5-2-01	Shall	A cultivator, processor, or testing laboratory may choose to implement additional access restrictions, but at a minimum, the access levels shall be designated as follows:	O.R.C. 3796.03	No.	No.	
3796:5-2-01	Shall	A cultivator, processor, or testing laboratory shall designate one and may designate up to three type 1 cardholders as a key employee.	O.R.C. 3796.03	No.	No.	
3796:5-2-01	Shall	A key employee shall be responsible for all activities at the facility and will serve as the point of contact for the facility with the department.	O.R.C. 3796.03	No.	No.	
3796:5-2-01	Shall not	A type 2 cardholder shall not be permitted to access the areas containing the vault, security equipment, and other equipment related to the facility's surveillance operations.	O.R.C. 3796.03	No.	No.	
3796:5-2-01	Shall	(2) A cultivator, processor, or testing laboratory shall maintain a visitor log, which includes the name of the visitor, the date and time of arrival and departure, the assigned registered employee of the facility, and the purpose of the visit.	O.R.C. 3796.03	No.	No.	
3796:5-2-01	Shall	The cultivator, processor, or testing laboratory shall make its visitor log available to the department upon request.	O.R.C. 3796.03	No.	No.	
3796:5-2-01	Must	To obtain a visitor identification badge, the visitor must provide a valid, government issued identification with a photograph.	O.R.C. 3796.03	No.	No.	
3796:5-2-01	Must	(1) A person who obtains a visitor identification badge must do the following:	O.R.C. 3796.03	No.	No.	
3796:5-2-01	Require	Any employee identification card that is lost, destroyed, or stolen shall be reported to the department immediately upon discovery of the loss, destruction, or theft, and the department may require a similar report to law enforcement.	O.R.C. 3796.03	No.	No.	

		<b>ADMINISTRATION AND ENFORCEMENT - CHAPTER 3796:5-2-02 -- Criminal Records Check.</b>				<a href="http://codes.ohio.gov/oac/3796:5-2-02v1">http://codes.ohio.gov/oac/3796:5-2-02v1</a>
3796:5-2-02	Shall	(C) A person required to submit a criminal records check under paragraph (A) or (B) of this rule shall submit both a bureau of criminal identification and investigation criminal records check and a federal bureau of investigation criminal records check.	O.R.C. 3796.03	No.	No.	
3796:5-2-02	Shall	(D) The Ohio bureau of criminal identification and investigation shall send results of the bureau of criminal identification and investigation and the federal bureau of investigation criminal records checks performed under this rule directly to the department.	O.R.C. 3796.03	No.	No.	
3796:5-2-02	Must	(A) Pursuant to division (B)(1) of section 3796.12 of the Revised Code, any person required to perform a criminal records check must submit fingerprint impressions to the Ohio bureau of criminal identification and investigation for a criminal records check of the applicant.	O.R.C. 3796.03	No.	No.	
3796:5-2-02	Must	(B) Pursuant to section 3796.13 of the Revised Code, prospective employees for a medical marijuana entity licensed by the department must submit fingerprint impressions to the Ohio bureau of criminal identification and investigation for a criminal records check of the applicant.	O.R.C. 3796.03	No.	No.	
		<b>ADMINISTRATION AND ENFORCEMENT - CHAPTER 3796:5-2-03 -- Denial of an employee identification card.</b>				<a href="http://codes.ohio.gov/oac/3796:5-2-03v1">http://codes.ohio.gov/oac/3796:5-2-03v1</a>
3796:5-2-03	Shall	(A) The department shall deny an application for an employee identification card if any of the following conditions exist:	O.R.C. 3796.03	Yes, state law	Yes, state law	
3796:5-2-03	Shall not	An employee that reports a concern about compliance with or suspected violations of any state or federal regulation, including Chapter 3796. of the Revised Code and the rules promulgated in accordance with Chapter 3796. of the Revised Code, shall not be cause for revoking or denying an employee identification card.	O.R.C. 3796.03	No.	No.	
3796:5-2-03	Shall	The department shall provide written justification of its decision to deny the applicant for an employee identification card to both the applicant and the entity who applied on the applicant's behalf.	O.R.C. 3796.03	No.	No.	
3796:5-2-03	Shall	The department's decision under this rule shall be subject to Chapter 119. of the Revised Code.	O.R.C. 3796.03	No.	No.	

3796:5-2-03	Shall not	(C) An applicant who has his or her employee identification card revoked or suspended due to his or her employer's revocation or suspension of a provisional license or certification of operation shall not be prohibited from obtaining an employee identification card for another licensed medical marijuana entity, if the suspension or revocation of the provisional license or certificate of operation was a result of the applicant reporting an incident or violation of any state or federal law, including Chapter 3796. of the Revised Code and the rules promulgated in accordance with Chapter 3796. of the Revised Code.	O.R.C. 3796.03	No.	No.	
		<b>ADMINISTRATION AND ENFORCEMENT - CHAPTER 3796:5-3 -- Transportation</b>				<a href="http://codes.ohio.gov/oac/3796%3A5-3">http://codes.ohio.gov/oac/3796%3A5-3</a>
		<b>ADMINISTRATION AND ENFORCEMENT - CHAPTER 3796:5-3-01 -- Transportation of medical marijuana and medical marijuana products</b>				<a href="http://codes.ohio.gov/oac/3796:5-3-01v1">http://codes.ohio.gov/oac/3796:5-3-01v1</a>
3796:5-3-01	Shall	(A) Prior to transporting any medical marijuana, regardless of form, a medical marijuana entity licensed by the department shall maintain a transportation log, in writing, that contains the following information:	O.R.C. 3796.03	No.	No.	
3796:5-3-01	Shall	(B) The medical marijuana entity transporting medical marijuana under paragraph (A) of this rule shall transmit a copy of the transportation log to the medical marijuana entity that will receive the products and to the department before the close of business the day prior to transport.	O.R.C. 3796.03	No.	No.	
3796:5-3-01	Shall	The medical marijuana entity shall enter the information required in the inventory tracking system in accordance with section 3796.07 of the Revised Code and the rules promulgated in accordance with Chapter 3796.	O.R.C. 3796.03	No.	No.	
3796:5-3-01	Shall	The transportation log shall be made available to law enforcement agencies upon request.	O.R.C. 3796.03	No.	No.	
3796:5-3-01	Shall	A medical marijuana entity shall maintain all transportation logs in accordance with the record keeping requirements established under the rules promulgated in accordance with Chapter 3796. of the Revised Code, and make them available at the request of the department.	O.R.C. 3796.03	No.	No.	
3796:5-3-01	Shall	(C) The vehicle transporting the medical marijuana or any product containing medical marijuana shall meet the following requirements:	O.R.C. 3796.03	No.	No.	
3796:5-3-01	Shall	(D) Any vehicle transporting medical marijuana or any product containing medical marijuana shall travel directly from the sending medical marijuana entity to the receiving medical marijuana entity	O.R.C. 3796.03	No.	No.	
3796:5-3-01	Shall not	shall not make any stops in between except to other medical marijuana entities listed on the transportation log, to refuel the vehicle, or to notify the medical marijuana entities, the department and law enforcement in the event of an emergency.	O.R.C. 3796.03	No.	No.	

3796:5-3-01	Shall	E) A registered employee transporting medical marijuana shall do the following:	O.R.C. 3796.03	No.	No.	
3796:5-3-01	Shall	(1) Display his or her department issued employee identification card at all times when transporting or delivering medical marijuana and shall produce it for the department or department's authorized representative or law enforcement official upon request;	O.R.C. 3796.03	No.	No.	
		<b>ADMINISTRATION AND ENFORCEMENT - CHAPTER 3796:5-4 -- Loss or Theft</b>				<a href="http://codes.ohio.gov/oac/3796%3A5-4">http://codes.ohio.gov/oac/3796%3A5-4</a>
		<b>ADMINISTRATION AND ENFORCEMENT - CHAPTER 3796:5-4-01 -- Medical marijuana entity loss, theft, and emergency reporting.</b>				<a href="http://codes.ohio.gov/oac/3796:5-4-01v1">http://codes.ohio.gov/oac/3796:5-4-01v1</a>
3796:5-4-01	Shall	(A) If a medical marijuana entity licensed by the department has reason to believe that an actual loss, theft, or diversion of medical marijuana has occurred, the medical marijuana entity shall notify immediately the department and law enforcement.	O.R.C. 3796.03	No.	No.	
3796:5-4-01	Shall	A type 1 key employee of the medical marijuana entity licensed by the department shall provide the notice by submitting a signed statement that details the estimated time, location, and circumstances of the event, including an accurate inventory of the quantity and type of medical marijuana unaccounted for due to diversion or theft.	O.R.C. 3796.03	No.	No.	
3796:5-4-01	Shall	The notice shall be provided no later than twenty-four hours after discovery of the event.	O.R.C. 3796.03	No.	No.	
3796:5-4-01	Shall	(B) Within ten days of a report submitted under paragraph (A) of this rule, a medical marijuana entity licensed by the department shall do the following:	O.R.C. 3796.03	No.	No.	
3796:5-4-01	Shall	C) A medical marijuana entity licensed by the department shall notify the department within twenty-four hours and submit a written report within ten days if there is any of the following:	O.R.C. 3796.03	No.	No.	
3796:5-4-01	Shall	D) A medical marijuana entity shall notify the department of any fire or other hazardous materials related incident or any incident requiring an emergency response to the licensed premise within twenty-four hours after the discovery of the incident.	O.R.C. 3796.03	No.	No.	
3796:5-4-01	Shall	(E) A medical marijuana entity licensed by the department shall maintain and shall make available all documentation related to an occurrence that is reportable pursuant to paragraphs (A) to (C) of this rule.	O.R.C. 3796.03	No.	No.	
		<b>ADMINISTRATION AND ENFORCEMENT - CHAPTER 3796:5-5 -- Distance from Public Spaces</b>				<a href="http://codes.ohio.gov/oac/3796%3A5-5">http://codes.ohio.gov/oac/3796%3A5-5</a>
		<b>ADMINISTRATION AND ENFORCEMENT - CHAPTER 3796:5-5-01 -- Medical marijuana entity distance from public spaces</b>				<a href="http://codes.ohio.gov/oac/3796:5-5-01v1">http://codes.ohio.gov/oac/3796:5-5-01v1</a>

3796:5-5-01	Shall	(A) In establishing the distance between a medical marijuana entity and a prohibited facility, the distance shall be measured linearly and shall be shortest distance between the closest point of the property lines of the medical marijuana entity and the prohibited facility.	O.R.C. 3796.03, 3796.30	Yes, state law	Yes, state law	
3796:5-5-01	Shall	(B) If a proposed expansion of a licensed medical marijuana entity would result in the medical marijuana entity being located within five hundred feet or less from the prohibited facility at the closest point of the property lines of the medical marijuana entity and the prohibited facility, the department shall deny the request for expansion.	O.R.C. 3796.03, 3796.30	Yes, state law	Yes, state law	
3796:5-5-01	Shall	(C) If the proposed relocation plan of a licensed medical marijuana entity results in the medical marijuana entity being located five hundred feet or less from a prohibited facility at the closest point of the property lines of the medical marijuana entity and the prohibited facility, the department shall deny the request for relocation.	O.R.C. 3796.03, 3796.30	Yes, state law	Yes, state law	
3796:5-5-01	Shall	D) If a medical marijuana entity has been issued a provisional license or a certificate of operation prior to when a prohibited facility becomes established and is located five hundred feet or less at the closest point of the property lines of the medical marijuana entity and the prohibited facility, the medical marijuana entity shall be permitted to continue operating at that location, provided that the medical marijuana entity does the following:	O.R.C. 3796.03, 3796.30	No.	No.	
		<b>ADMINISTRATION AND ENFORCEMENT - CHAPTER 3796:5-6 -- Enforcement</b>				<a href="http://codes.ohio.gov/oac/3796%3A5-6">http://codes.ohio.gov/oac/3796%3A5-6</a>
		<b>ADMINISTRATION AND ENFORCEMENT - CHAPTER 3796:5-6-01 -- Scope of enforcement and enforcement powers.</b>				<a href="http://codes.ohio.gov/oac/3796:5-6-01v1">http://codes.ohio.gov/oac/3796:5-6-01v1</a>
3796:5-6-01	Shall	If any portion of the rules is found to be invalid, the remaining portion of the rules shall remain in force and effect.	O.R.C. 3796.03	No.	No.	
3796:5-6-01	Shall	(a) If the subpoena is returned because of inability to deliver, or if no return is received within thirty days of the date of mailing, the subpoena may be served by ordinary mail. If no return of ordinary mail is received within thirty days after the date of mailing, service shall be deemed to have been made.	O.R.C. 3796.03	No.	No.	
3796:5-6-01	Shall	(c) The fees and mileage of the person serving the subpoena shall be the same as those allowed by the courts of common pleas in criminal cases, and shall be paid from the funds of the department.	O.R.C. 3796.03	No.	No.	
3796:5-6-01	Shall not	(B) A cultivator, processor, or testing laboratory whose certificate of operation has been suspended shall not sell, offer for sale, transport, or conduct any operations outside the facility related to medical marijuana.	O.R.C. 3796.03	No.	No.	
3796:5-6-01	Shall	(C) The revocation of a provisional license or certificate of operation shall immediately terminate the employee identification cards of persons employed by the licensee.	O.R.C. 3796.03	No.	No.	

3796:5-6-01	Shall	A cultivator, processor, or testing laboratory whose certificate of operation has been revoked shall close the facility and prohibit anyone from entering the facility, other than employees with the department, law enforcement, or other individuals carrying out official duties related to the revocation of the certificate of operation.	O.R.C. 3796.03	No.	No.	
3796:5-6-01	Shall	In addition, the department may move to quash any subpoena that seeks fact testimony from department employees in private litigation. The department may certify as to the status of any person as a licensee or registered employee of a licensee. Such certification shall be admissible in any court as prima-facie evidence as to the status of the person.	O.R.C. 3796.03	No.	No.	
3796:5-6-01	Require	(5) Require any cultivator, processor, or testing laboratory, or other person, upon demand, to permit an inspection of premises or vehicles during business hours or at any time of apparent operation; to permit inspection of marijuana equipment, marijuana accessories, or books and records; and to permit the testing of or examination of medical marijuana or medical marijuana products;	O.R.C. 3796.03	No.	No.	
		<b>ADMINISTRATION AND ENFORCEMENT - CHAPTER 3796:5-6-02 -- Prohibited Activities</b>				<a href="http://codes.ohio.gov/oac/3796:5-6-02v1">http://codes.ohio.gov/oac/3796:5-6-02v1</a>
3796:5-6-02	Shall	(A) Any of the following shall be considered threats to the public health, welfare, or safety and shall be sufficient cause for a provisional license, certificate of operation, or employee identification card of a cultivator, processor, or testing laboratory, or any combination thereof, or employee to be denied, suspended with or without a hearing, revoked, fined, have conditions placed upon such license, or subject to other actions authorized under paragraph (A) of rule 3796:5-6-01 of the Administrative Code, or any combination of such actions necessary to ensure the program's administration, implementation and enforcement:	O.R.C. 3796.03	No.	No.	
3796:5-6-02	Shall	(B) Any of the following shall be considered threats to public health, welfare, or safety and shall be sufficient cause for a provisional license, certificate of operation, or employee identification care of a cultivator, processor, or testing laboratory, or any combination thereof, or employee to be denied, suspended with or without a hearing, revoked, fined, have conditions placed upon such registration, or any combination of such actions necessary to ensure the program's administration, implementation and enforcement:	O.R.C. 3796.03	No.	No.	

3796:5-6-02	Shall	(13) Failure to maintain a good business repute. For purposes of this rule and making a determination of a failure to maintain good business repute, the department shall consider if the person has engaged in any conduct which would reflect on the reputation for honesty, integrity, and competence in business and personal dealings of the person. These would include, but not limited to, if the person has been determined to have engaged in forgery, embezzlement, nondisclosure, incomplete disclosure, misstatement of material facts, and manipulative or deceptive practices, or if the person has established a reputation for honesty, integrity, and competence.	O.R.C. 3796.03	No.	No.	
3796:5-6-02	Shall	C) Whenever the department revokes or suspends a medical marijuana entity license, it shall notify the state of Ohio board of pharmacy, the state medical board of Ohio, law enforcement, and county sheriff's office whose jurisdiction includes the location of the medical marijuana entity.	O.R.C. 3796.03	No.	No.	
		<b>ADMINISTRATION AND ENFORCEMENT - CHAPTER 3796:5-6-03 -- General enforcement</b>				<a href="http://codes.ohio.gov/oac/3796:5-6-03v1">http://codes.ohio.gov/oac/3796:5-6-03v1</a>
3796:5-6-03	Shall not	(B) If a license is voluntarily surrendered or is not renewed, the department shall not be prohibited from imposing other penalties permitted by Chapter 3796. of the Revised Code or the rules promulgated in accordance with Chapter 3796. of the Revised Code, on any such license or licensee.	O.R.C. 3796.03	No.	No.	
		<b>ADMINISTRATION AND ENFORCEMENT - CHAPTER 3796:5-6-04 -- Variances</b>				<a href="http://codes.ohio.gov/oac/3796:5-6-04v1">http://codes.ohio.gov/oac/3796:5-6-04v1</a>
		none				
		<b>ADMINISTRATION AND ENFORCEMENT - CHAPTER 3796:5-7 -- Advertising.</b>				<a href="http://codes.ohio.gov/oac/3796%3A5-7">http://codes.ohio.gov/oac/3796%3A5-7</a>
		<b>ADMINISTRATION AND ENFORCEMENT - CHAPTER 3796:5-7-01 -- Advertising</b>				<a href="http://codes.ohio.gov/oac/3796:5-7-01v1">http://codes.ohio.gov/oac/3796:5-7-01v1</a>
3796:5-7-01	Shall not	(C) A cultivator, processor, or testing laboratory shall not use a name, logo, sign, or other advertisement unless the name, logo sign, or other advertisement has been submitted to the department and the applicable advertisement fee has been paid.	O.R.C. 3796.03	No.	No.	
3796:5-7-01	Shall	Materials submitted to the department shall include, but are not limited to, the following:	O.R.C. 3796.03	No.	No.	
3796:5-7-01	Shall	(D) Until September 8, 2019, the department shall have fifteen business days to review materials submitted under paragraph (C) of this rule.	O.R.C. 3796.03	No.	No.	
3796:5-7-01	Shall	Beginning September 9, 2019, the department shall have ten business days to review materials submitted under paragraph (C) of this rule.	O.R.C. 3796.03	No.	No.	
3796:5-7-01	Shall	(E) No cultivator, processor, or testing laboratory shall place or maintain, or cause to be placed or maintained, an advertisement of medical marijuana or medical marijuana products, including paraphernalia, in any of the following ways:	O.R.C. 3796.03	No.	No.	





























































































































































