



Ohio Administrative Code

Rule 1301:18-9-05 Ohio Division of Cannabis Control Enforcement Authority.

Effective: August 28, 2025

Pursuant to Chapters 3780. and 3796. of the RevisedCode, the rules set forth in division 1301:18 of the Administrative Codeestablish standards for the oversight and enforcement of the cultivation,processing, testing, and dispensing of cannabis.

Division 1301:18 of the Administrative Code alsoestablishes legal standards for the denial, suspension, or revocation oflicenses issued by the division of cannabis control pursuant to Chapters 3780.and 3796. of the Revised Code.

If any portion of this chapter is found to beinvalid, the remaining portion of this chapter shall remain in full force andeffect.

(A) The Ohio division of cannabis control has the following authority over all cultivators, processors, testing laboratories, and dispensaries issued a provisional license or certificate of operation, and employees issued a provisional badge or badge certificate whenever it appears to the division that a cannabis entity or individual engaged in, is engaged in, or is about to engage in any prohibited conduct or conduct otherwise not authorized by Chapters 3780. and 3796. of the Revised Code or the rules promulgated in accordance with Chapters 3780. and 3796. of the Revised Code, or when the division believes that it is necessary for the program's administration, implementation, and enforcement:

(1) Pursuant to rule 1301:18-9-01 of the Administrative Code, at any time, with or without notice, conduct an inspection to ensure compliance with all representations made to the division, state and local law, Chapters 3780 and 3796. of the Revised Code, and the rules promulgated in accordance with Chapters 3780. and 3796. of the Revised Code;

(2) Inspect, examine, or investigate any premises or motor vehicle where cannabis is grown, stored, cultivated, harvested, transported, processed, extracted, manufactured, tested, distributed, transferred, or dispensed and any inventory, equipment, instruments, and records in any way connected with any



such activity;

(3) Issue requests for information, to which licensees are to respond in a manner prescribed by the division;

(4) Obtain samples of any cannabis or any other material maintained at the licensed premises;

(5) Obtain samples for testing of any cannabis maintained at the licensed premises, media used to grow cannabis, chemicals and ingredients utilized at the licensed premises, any labels or containers for cannabis, or any raw packaged cannabis;

(6) Investigate activities which are, or are suspected to be, prohibited;

(7) Refuse to issue a provisional license or certificate of operation;

(8) Refuse to renew a certificate of operation;

(9) Refuse to issue a provisional badge pursuant to rule 1301:18-3-09 of the Administrative Code;

(10) Refuse to issue a badge certificate pursuant to rule 1301:18-3-09 of the Administrative Code;

(11) Refuse to renew badge certificate pursuant to rule 1301:18-3-09 of the Administrative Code;

(12) Suspend or revoke a license or registration issued pursuant to Chapters 3780. and 3796. of the Revised Code or the rules promulgated in accordance with Chapters 3780. and 3796. of the Revised Code;

(13) Upon finding clear and convincing evidence that continued distribution of cannabis presents a danger of immediate and serious harm to others, suspend without prior hearing a license or registration issued under Chapters 3780. or 3796. of the Revised Code.

(14) Issue a cease and desist order;



- (15) Serve all summonses, subpoenas, administrative orders, notices, or other processes concerning the enforcement of laws regulating cannabis and cannabis products;
- (16) Issue either administrative subpoenas ad testificandum or subpoenas duces tecum, or both, to compel the testimony of witnesses or the production of any books and records, in paper or electronic format, to be served by personal service or by certified mail, return receipt requested;
- (a) If the subpoena is returned because of inability to deliver, or if no return is received within thirty calendar days of the date of mailing, the subpoena may be served by ordinary mail.
- (i) If no return of ordinary mail is received within thirty calendar days after the date of mailing, service shall be deemed perfected and effectuated.
- (ii) If the subpoena is returned because of inability to deliver, the division may designate a person or persons to effect either personal or residence service upon the witness.
- (b) The person designated to effectuate personal or residence service under this paragraph may be the sheriff of the county in which the witness resides or may be found or may be any other duly designated person.
- (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 will be paid from the funds of the division.
- (17) Place conditions on an applicant, license, licensee, or registrant;
- (18) Issue guidance on the requirements outlined pursuant to the rules promulgated pursuant to Chapters 3780. and 3796. of the Revised Code;
- (19) To prevent destruction of evidence, diversion, or other threats to public safety, order an administrative hold of cannabis or any books and records of any licensee;
- (20) Initiate and require a product advisory or recall of any cannabis when the division determines that there is reasonable probability that the cannabis is in violation of Chapter 3780. or 3796. of the



Revised Code;

(21) Implement and mandate a recall of any cannabis when the division determines that there is reasonable probability that the cannabis is in violation of Chapters 3780. or 3796. of the Revised Code and use or exposure to the cannabis at issue constitutes a risk to public health or safety;

(22) Initiate, mandate, and implement the destruction of cannabis upon determination violates any requirement under Chapter 3780. or 3796. of the Revised Code;

(23) Assess the costs of an investigation, including travel and the time of any and all division employees, to a licensee;

(24) Impose a civil penalty in an amount not to exceed fifty thousand dollars for each violation, for any violation of Chapters 3780. and 3796. of the Revised Code or the rules promulgated in accordance with Chapters 3780. and 3796. of the Revised Code;

(25) Exercise any other power or duty authorized by Chapters 3780. and 3796. of the Revised Code or the rules promulgated in accordance with Chapters 3780. and 3796. of the Revised Code;

(26) Sanctions described under this rule are not mutually exclusive and may be imposed in any combination; and

(27) Adjudicatory hearings will be conducted pursuant to Chapter 119. of the Revised Code.

(B) Upon receipt of a notice of deficiency by the Ohio department of taxation for failure to comply with all applicable taxes, the Ohio division of cannabis control shall suspend without prior hearing a license or registration issued under Chapter 3780. or 3796. of the Revised Code.

(1) The division will lift the suspension upon notification that a license or registrant is in compliance with all applicable taxes.

(2) In the event that all tax deficiencies are not alleviated within thirty calendar days of the suspension, the division will revoke the license or registration.



(C) If the division suspends, revokes, or refuses to renew any license issued under Chapter 3780. or 3796. of the Revised Code or determines that there is clear and convincing evidence of a danger of immediate and serious harm to any individual, the division may place under seal all cannabis owned by or in the possession, custody, or control of the associated licensed entity.

(D) If a license is voluntarily surrendered or is not renewed, the division may impose 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.

(E) A licensee whose certificate of operation has been suspended shall not sell, offer for sale, transport, or conduct any operations outside the facility related to cannabis.

(1) Employees of the facility may enter the premises of the facility for the necessary care and maintenance of the premises and any cannabis and cannabis products.

(2) The removal of cannabis from a cultivator, processor, or testing laboratory is strictly prohibited during an active suspension under division 1301:18 of the Administrative Code.

(3) During a suspension, a licensee may, at the direction and discretion of the division, update the state inventory tracking system.

(F) A licensee whose certificate of operation has been revoked shall:

(1) Adhere to the requirements outlined pursuant to rule 1301:18-3-15 of the Administrative Code; and

(2) Close the facility and prohibit anyone from entering the facility, other than employees with the division, law enforcement, or other individuals carrying out official duties related to the revocation of the certificate of operation.

(3) The revocation of a provisional license or certificate of operation shall immediately terminate the employee identification cards of persons employed by the licensee.



(G) Whenever the division revokes or suspends a cannabis entity license, it will notify local law enforcement, and county sheriff's office with applicable jurisdiction.

(H) Division employees will not serve as expert witnesses in private litigation. In addition, the division may move to quash any subpoena that seeks fact testimony from division employees in private litigation. The division 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.