



Ohio Administrative Code

Rule 3796:3-1-07 Uninterrupted supply of medical marijuana.

Effective: September 8, 2017

(A) 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.; or

(2) Maintaining an inventory of at least five hundred grams of medical marijuana extract that is ready for immediate use in the manufacture of marijuana products.

(B) If the director believes a processor 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 processor. The notice shall include the factual basis for the directors belief, including any appropriate supporting documentation.

(C) Upon a notice issued pursuant to paragraph (B) of this rule, a licensed processor may respond with any evidence sufficient to prove that the processor has met, and continues to meet, the standards established by paragraph (A) of this rule.

(D) 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.

(E) 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 the following:



(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

(2) A plan for how and when the processor will be able to meet the requirement of paragraph (A) of this rule, with specific attention to how such a plan will allow the processor to meet the standards established in paragraph (A) of this rule.

(F) 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 processor. 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.