



Ohio Administrative Code

Rule 3796:4-2-09 Testing laboratory record keeping requirements.

Effective: September 8, 2017

(A) Each testing laboratory shall keep and maintain upon the licensed premises for a five-year period true, complete, legible, and current books and records. All required records must be made available for inspection if requested by the department. 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;

(3) Records of all samples analyzed and the corresponding certificates of analysis;

(4) Security records in accordance with paragraph (B) of rule 3796:4-2-07 of the Administrative Code;

(5) Sample inventory tracking records and sample inventory records maintained in the inventory tracking system, as well as any records maintained by the facility outside the inventory tracking system;

(6) Financial records in accordance with paragraph (C) of this rule;

(7) Employee records in accordance with paragraph (D) of this rule; and

(8) Records of any theft, loss, or other unaccountability of any medical marijuana as described in rule 3796:5-4-01 of the Administrative Code.

(B) A testing laboratory may use an electronic system for the storage and retrieval of records required by Chapter 3796. of the Revised Code or the rules promulgated under Chapter 3796. of the



Revised Code or other records relating to medical marijuana. Any loss of electronically-maintained records shall not be considered a mitigating factor for violations of this rule. A testing laboratory 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 testing laboratory;
- (3) Is capable of placing a litigation hold or enforcing a records retention hold for purposes of conducting an investigation or pursuant to ongoing litigation; and
- (4) Is capable of being reconstructed in the event of a computer malfunction or accident resulting in the destruction of the data bank.

(C) A testing laboratory 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 testing laboratory;
- (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 testing laboratory, if applicable; and
- (4) Accounting and tax records related to the testing laboratory and all investors in the facility.

(D) A testing laboratory 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:

(a) Employee name, address, phone number, and emergency contact information;

(b) Registration number and access credential designation;

(c) Date of hire and date of separation from employment, if applicable, and the reason for the separation;

(d) All training, education, and disciplinary records; and

(e) Salary and wages paid to each employee, and any executive compensation, bonus, benefit, or item of value paid to any individual affiliated with any medical marijuana entity, including members of a non-profit corporation, if any.

(E) 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;

(2) The date the sample was taken from the cultivator or processor and arrived at the testing laboratory;

(3) The date and time of testing, transporting, or disposing of the medical marijuana; and

(4) 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.