



## Ohio Administrative Code

### Rule 3796:5-2-03 Denial of an employee identification card.

Effective: May 6, 2017

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(A) The department shall deny an application for an employee identification card if any of the following conditions exist:

- (1) The applicant has been convicted of a disqualifying offense;
- (2) The applicant is not twenty-one years of age;
- (3) The application failed to include any of the required application materials stated in paragraph (A) of rule 3796:5-2-01 of the Administrative Code; or
- (4) The applicant has had an application for drug enforcement administration registration or any application for a license from a licensing agency under Chapter 4776. of the Revised Code, denied, revoked, or surrendered for cause. "For cause" means surrendering a registration in lieu of, or as a consequence of, any federal or state administrative, civil, or criminal action resulting from an investigation of the individual's handling of controlled substances.

(B) The department may deny an application for an employee identification card if the department determines, upon review of all relevant materials, that the applicant lacks the character or fitness necessary to be employed within the medical marijuana industry. 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. 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. The department's decision under this rule shall be subject to Chapter 119. of the Revised Code.

(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



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DOCUMENT #283860

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.