



Ohio Administrative Code

Rule 3796:6-2-02 Applications to operate medical marijuana dispensaries.

Effective: September 8, 2017

(A) Only a dispensary that has obtained a certificate of operation from the state board of pharmacy may sell or dispense medical marijuana to qualifying patients and designated caregivers who are registered with the board.

(B) To be considered complete, items submitted in response to a request for applications issued pursuant to rule 3796:6-2-01 of the Administrative Code shall include:

(1) The relevant application fee;

(2) An application on a form in accordance with section 3796.10 of the Revised Code. The application shall include:

(a) The name of the proposed dispensary, as reflected in the articles of incorporation or other documents filed with the secretary of state;

(b) The type of business organization of the applicant, such as individual, corporation, partnership, limited-liability company, association or cooperative, joint venture or any other business organization;

(c) Confirmation that the applicant has registered with the Ohio secretary of state as the applicable type of business;

(d) A copy of the applicants articles of incorporation, articles of organization or partnership or joint venture document of the applicant;

(e) The physical address where the proposed dispensary will be located and the physical address of any co-owned or otherwise affiliated medical marijuana entities, including both licensed and prospective entities;



- (f) The mailing address of the applicant;
- (g) The telephone number of the applicant;
- (h) The electronic mail address of the applicant;
- (i) The proposed hours of operation during which the prospective dispensary plans to be available to dispense medical marijuana to patients who hold valid registry identification cards or to the designated caregivers of such patients;
- (j) Proof establishing that the applicant owns or controls through a leasehold interest in all real property where marijuana will be dispensed, or a signed, notarized statement from the owner of such real property that the owner will grant a leasehold interest to the applicant if a provisional license is issued;
- (k) A location area map of the area surrounding the prospective dispensary that establishes the facility is at least five hundred feet from the boundaries of a parcel of real estate having situated on it:
 - (i) A prohibited facility, pursuant to section 3796.30 of the Revised Code; or
 - (ii) A community addiction services provider as defined under section 5119.01 of the Revised Code.
- (l) Evidence that the applicant is in compliance with any local ordinances, rules, or regulations adopted by the locality in which the applicants property is located, which are in effect at the time of the application, including:
 - (i) Copies of any required local registration, license or permit of the locality in which the applicants property is located;
 - (ii) If a local government in which a proposed dispensary will be located has not enacted zoning restrictions or the applicant is not required to secure approval that the applicant is in compliance with



any such restrictions, a professionally prepared survey which demonstrates that the applicant has satisfied all the requirements of division (A) of section 3796.30 of the Revised Code.

(m) The notarized signature of a natural person for the proposed medical marijuana establishment as described in rule 3796:6-2-03 of the Administrative Code, attesting that the information provided to the board in the application for a dispensary license is true and correct at the time of signing.

(3) Documentation sufficient to establish that the applicant is in compliance with the applicable tax laws of this state and any jurisdiction where the applicant has operated and conducted business within the last three years;

(4) A financial plan which includes:

(a) Financial statements showing the resources of the applicant;

(b) If the applicant is relying on money from an owner, officer or board member, evidence that the person has unconditionally committed such money to the use of the applicant in the event that a dispensary license is awarded to the applicant;

(c) Documentation from an institution in this state, or any other state in the United States or the District of Columbia, which demonstrates:

(i) That the applicant has adequate liquid assets to cover all expenses and costs of the first year of operation for all licenses the applicant is willing to accept, but no less than two hundred fifty thousand dollars, as indicated under the dispensary's current business plan. Such liquid assets shall be unencumbered and capable of being converted within thirty days after a request to liquidate such assets; and

(ii) The source of those assets.

(5) A description of the proposed organizational structure of the proposed dispensary, including, without limitation:



- (a) An organizational chart showing all owners, officers, and board members of the proposed dispensary, irrespective of ownership interest;

- (b) A list of all owners, officers and board members of the proposed dispensary that contains the following information for each person:
 - (i) The title of that person;

 - (ii) A short description of the role the person will serve in for the organization and persons responsibilities;

 - (iii) Whether the person has served or is currently serving as an owner, officer or board member for another medical marijuana entity;

 - (iv) Whether the person has previously had a dispensary employee license revoked, disciplined or the equivalent thereof, in this state or any other jurisdiction;

 - (v) Whether a medical marijuana entity with which the owner, officer or board member is or was previously associated has had a license revoked, disciplined or the equivalent thereof, in this state or any other jurisdiction;

 - (vi) The ownership interest that person has in the prospective dispensary; and

 - (vii) Whether the person has an ownership interest or financial interest in any other medical marijuana entity.

- (6) For each owner, officer and board member of the proposed dispensary:
 - (a) An attestation signed, notarized, and dated by the owner, officer or board member that he or she has not been convicted of a disqualifying offense and that the information provided to support the application to operate a dispensary is true and correct;

 - (b) If an individual has been convicted of any offense in any record of arrest or charges pending or



have a conviction of a felony or misdemeanor other than a traffic violation in any jurisdiction

(c) Submit to a criminal records check as prescribed in rule 3796:6-2-07 of the Administrative Code;

(d) A narrative description, not to exceed one thousand five hundred words, demonstrating:

(i) Any previous experience at operating other businesses or nonprofit organizations; and

(ii) Any demonstrated knowledge or expertise with respect to the medical use of marijuana to treat qualifying conditions.

(7) Documentation describing the adequacy of the size of the proposed dispensary to serve the needs of patients and caregivers, including, without limitation, building and construction plans with supporting details. Such plans shall illustrate, at a minimum, the size and location of the following within the prospective dispensary location:

(a) The dispensary department;

(b) Restricted access areas;

(c) Waiting room; and

(d) Patient care areas or other areas designated for patient and caregiver consultation and instruction.

(8) The plan of the proposed dispensary for the care, quality, and safekeeping of medical marijuana from delivery to sale, including, without limitation, procedures to ensure adequate security measures, building security and product security. Such plan shall include the dispensary's intended plan to detect and deter theft, diversion, or loss.

(9) A plan for the business which includes, without limitation, a description of the inventory control plans for the proposed dispensary.

(10) Evidence that the applicant has a plan to staff, educate, and manage the proposed dispensary on



a daily basis, which must include, without limitation:

- (a) A detailed budget for the proposed dispensary, including pre-opening, construction and first year operating expenses;
 - (b) An operations manual that demonstrates compliance with Chapter 3796. of the Revised Code and this division;
 - (c) Intended wage rates and benefits packages for all employees;
 - (d) An education plan which must include, without limitation, providing training materials to the staff of the proposed dispensary; and
 - (e) Efforts to minimize the environmental impact of the dispensary.
- (11) A proposal demonstrating how the prospective dispensary will meet the needs of patients and caregivers.
- (12) A detailed description of any other services or products to be offered by the proposed dispensary;
- (13) Documents related to any program to assist veterans or the indigent in obtaining medical marijuana that the proposed dispensary intends to offer; and
- (14) Such other documents and information reasonably required by the board to determine the applicants suitability for licensure or to protect public health and safety.
- (C) If any information contained in the application or accompanying documents changes after being submitted to the state board of pharmacy, the applicant shall immediately notify the state board of pharmacy in writing and provide corrected information within fourteen days of the change.
- (D) No application to operate a medical marijuana dispensary may be withdrawn without the approval of the state board of pharmacy. If the withdrawal of an application is granted due to a



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change in federal, state, or local rules or regulations, the applicant for whom the withdrawal was granted shall be refunded any remitted application fees.