



Ohio Administrative Code

Rule 3796:6-2-09 Medical marijuana dispensary employees generally.

Effective: September 8, 2017

(A) All dispensary associated key employees, key employees and support employees are employees of a dispensary and shall hold an employee license issued by the state board of pharmacy. No licensed dispensary shall allow a person to begin work at the dispensary before receiving an employee license by the state board of pharmacy. No person with a lapsed employee license shall work at a dispensary.

(B) A dispensary employee license issued by the state board of pharmacy shall authorize the dispensary employee to work at any dispensary issued a certificate of operation to the same collective owners. For purposes of this paragraph, owner has the same meaning as defined under rule 3796:6-2-03 of the Administrative Code.

(C) Every applicant for a dispensary employee license shall comply with Chapter 3796. of the Revised Code and this division and be twenty-one years of age or older.

(D) It is the responsibility of each dispensary employee to notify the state board of pharmacy of an employees change in address and/or change in name with thirty calendar days of that change.

(E) A licensed dispensary employee shall receive written or electronic notice ninety days before the expiration of the individuals dispensary employee license.

(F) Before dispensing any medical marijuana, dispensary employees who are permitted, pursuant to division (A)(15) of section 4729.80 of the Revised Code to obtain information from the drug database and whose responsibilities require drug database access must:

(1) Complete a request form giving such information as required by the board of pharmacy;

(2) Submit the completed form to the board of pharmacy in person, by mail, or by other board approved means.



(G) Upon termination of employment or when a dispensary employee otherwise ceases to be employed with a dispensary, the employee identification card issued by the state board of pharmacy shall be immediately returned to the dispensary. The dispensary shall ensure the return of the dispensary employee identification card to the state board of pharmacy within ten business days of the termination or when the dispensary employee otherwise ceases to be employed by the dispensary.

(H) All dispensary employee applicants must consent to be enrolled in the Ohio attorney generals retained applicant fingerprint database (Rapback), if available for dispensary employees.

(I) A dispensary shall not employ any person who has been convicted of a felony relating to controlled substances, or who, at any time, has had a drug enforcement administration registration or any license or registration 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 individuals handling of controlled substances.

(J) The reporting by an employee of a concern about compliance with or suspected violations of any state or federal regulation, including Chapter 3796. of the Revised Code and this division, shall not constitute independent cause for revoking or denying an employee license. An applicant who had his or her employee license revoked or suspended due to his or her employers revocation or suspension of a provisional license or certificate of operation shall not be prohibited from obtaining an employee license authorizing employment by another 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 this division.

(K) A dispensary employee shall report to the state board of pharmacy a conviction of any offense and/or any arrest or charges pending of a felony or misdemeanor, other than a traffic violation or disqualifying offense in any jurisdiction, within fourteen calendar days of the conviction or arrest.

(L) A dispensary employee shall promptly report, within five calendar days, to the dispensary designated representative and to the state board of pharmacy:



- (1) An arrest and any subsequent conviction of a disqualifying offense;
- (2) Any change in information provided in a pending application for an employee identification card or renewal;
- (3) Knowledge that an employee dispensary identification card has been lost or stolen. Such employee shall submit or cause to be submitted a request for a replacement identification card and required fee.