



Ohio Administrative Code

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

Effective: December 10, 2021

(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 an expired 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) All licensed dispensary employees shall comply with Chapter 3796. of the Revised Code and this division.

(D) A licensed dispensary employee who changes their mailing or email address shall notify the state board of pharmacy of the new address within thirty calendar days of the effective date of such change.

(E) A licensed dispensary employee who has a legal change of name shall notify the state board of pharmacy within thirty calendar days of the effective date of such change. Such notification of a name change shall be accompanied by one of the following:

- (1) A notarized affidavit;
- (2) A certified copy of a court record; or
- (3) A certified copy of a marriage certificate.



(F) Licensed dispensary employees whose responsibilities require obtaining information from the drug database must register for access as required by the state board of pharmacy, pursuant to division (A)(15) of section 4729.80 of the Revised Code.

(G) Upon termination of employment or when a dispensary employee otherwise ceases to be employed with a dispensary, the dispensary shall:

(1) Collect the employee identification card for destruction and disposal by the dispensary. The dispensary shall ensure the destruction of the dispensary employee identification card as soon as possible but no more than ten calendar days from the date of termination or separation.

(2) Submit a notice of separation to the board within ten calendar days of the termination or separation of the dispensary employee in a manner determined by the board.

(H) All dispensary employee applicants must consent to be enrolled in the Ohio attorney general's retained applicant fingerprint database ("Rapback"), or other third-party database, as determined by the state board of pharmacy, that monitors publicly available databases for arrests and criminal convictions.

(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 individual's 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 employer's 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



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or violation of any state or federal law, including Chapter 3796. of the Revised Code and this division.