



Ohio Revised Code

Section 3796.14 Authority of department of commerce.

Effective: September 8, 2016

Legislation: House Bill 523 - 131st General Assembly

(A)(1) The department of commerce may do any of the following for any reason specified in rules adopted under section 3796.03 of the Revised Code:

- (a) Suspend, suspend without prior hearing, revoke, or refuse to renew a license it issued under this chapter;
- (b) Refuse to issue a license;
- (c) Impose on a license holder a civil penalty in an amount to be determined by the department.

The department's actions under this division shall be taken in accordance with Chapter 119. of the Revised Code.

(2) The department may inspect the premises of an applicant for licensure or holder of a current, valid cultivator, processor, or laboratory license issued under this chapter without prior notice to the applicant or license holder.

(B)(1) The state board of pharmacy may do any of the following for any reason specified in rules adopted under section 3796.04 of the Revised Code:

- (a) Suspend, suspend without prior hearing, revoke, or refuse to renew a license or registration it issued under this chapter;
- (b) Refuse to issue a license;
- (c) Impose on a license holder a civil penalty in an amount to be determined by the board.

The board's actions under this division shall be taken in accordance with Chapter 119. of the Revised



Code.

(2) The board may inspect all of the following without prior notice to the applicant or license holder:

(a) The premises of an applicant for licensure;

(b) The premises of and all records maintained pursuant to this chapter by a holder of a current, valid retail dispensary license.

(3) With respect to a suspension without prior hearing, the board may utilize a telephone conference call to review the allegations and take a vote. The board shall suspend without prior hearing only if it finds clear and convincing evidence that continued distribution of medical marijuana presents a danger of immediate and serious harm to others. The board shall comply with section 119.07 of the Revised Code.

The suspension shall remain in effect, unless lifted by the board, until the board issues its final adjudication order. If the board does not issue the order within ninety days after the adjudication hearing, the suspension shall be lifted on the ninety-first day following the hearing.