



Ohio Revised Code

Section 3796.14 Authority of department of commerce.

Effective: October 3, 2023

Legislation: House Bill 33

(A) The division of marijuana control may do any of the following for any reason specified in rules adopted under section 3796.03 of the Revised Code:

(1) Suspend, suspend without prior hearing, revoke, or refuse to renew a license it issued under this chapter or a license or a registration the state board of pharmacy issued prior to the transfer of regulatory authority over the medical marijuana control program to the division;

(2) Refuse to issue a license;

(3) Impose on a license holder a civil penalty in an amount to be determined by the division.

(4) With respect to a suspension of a retail dispensary license without prior hearing, the division may utilize a telephone conference call to review the allegations and take a vote. The division shall suspend a license without prior hearing only if it finds clear and convincing evidence that continued distribution of medical marijuana by the license holder presents a danger of immediate and serious harm to others. The suspension shall remain in effect, unless lifted by the division, until the division issues its final adjudication order. If the division 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.

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

(B) The division may inspect all of the following for any reason specified in rules adopted under section 3796.03 of the Revised Code without prior notice to the applicant or license holder:

(1) The premises of an applicant for licensure or holder of a current, valid cultivator, processor, retail dispensary, or laboratory license issued under this chapter;



(2) All records maintained pursuant to this chapter by a holder of a current license.

(C) Whenever it appears to the division, from its files, upon complaint, or otherwise, that any person or entity has engaged in, is engaged in, or is about to engage in any practice declared to be illegal or prohibited by this chapter or the rules adopted under this chapter, or when the division believes it to be in the best interest of the public or patients, the division may do any of the following:

(1) Investigate the person or entity as authorized pursuant to this chapter or the rules adopted under this chapter;

(2) Issue subpoenas to any person or entity for the purpose of compelling either of the following:

(a) The attendance and testimony of witnesses;

(b) The production of books, accounts, papers, records, or documents.

(D) If a person or entity fails to comply with any order of the division or a subpoena issued by the division pursuant to this section, a judge of the court of common pleas of the county in which the person resides or the entity may be served, on application of the division, shall compel obedience by attachment proceedings as for contempt, as in the case of disobedience with respect to the requirements of a subpoena issued from such court or a refusal to testify in such court.