



Ohio Administrative Code

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

Effective: September 10, 2021

(A) Only a provisional dispensary licensee who 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) The board will not consider an incomplete application submitted in response to a request for applications issued pursuant to rule 3796:6-2-01 of the Administrative Code. To be considered complete, an application submission shall include all the following:

(1) The completed payment of 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 provisional dispensary applicant, as reflected in the articles of incorporation or other documents filed with the secretary of state;

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

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

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

(e) The physical address where the proposed dispensary will be located;



- (f) The physical address of any co-owned or otherwise affiliated marijuana entities, including both licensed and prospective entities, including cultivators, processors, testing labs, dispensaries, or applicants for any other such license or certificate;
- (g) The mailing address of the provisional dispensary applicant;
- (h) The telephone number of the provisional dispensary applicant;
- (i) The electronic mail address of the provisional dispensary applicant;
- (j) Proof establishing that the provisional dispensary 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 dispensary license is issued to the applicant;
- (k) A professionally prepared survey 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) An opioid treatment program as defined in rule 4729:5-21-01 of the Administrative Code.
- (l) Notwithstanding rule 3796:5-5-01 of the Administrative Code, five hundred feet will be measured using the shortest distance between the closest point of the external boundaries of a parcel of real estate having situated on it any facility described in paragraph (B)(2)(k) of this rule and the external boundaries of the parcel on which the prospective dispensary would be situated.
- (m) Evidence that the provisional dispensary applicant is in compliance with all local ordinances, rules, or regulations adopted by the locality where the provisional dispensary applicants property is located, which are in effect at the time of the application, including copies of any required local registration, license, or permit of the locality where the provisional dispensary applicant's property is located.



(n) The signature of an authorized natural person on behalf of the provisional dispensary applicant 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 provisional dispensary license is true and correct at the time of signing.

(3) A tax authorization form on behalf of the business, any owner as defined in rule 3796:6-2-03 of the Administrative Code, and any other associated key employee as determined by the board of pharmacy.

(4) Financial statements demonstrating the provisional dispensary applicant has adequate liquid assets to cover all expenses and costs identified in paragraphs (B)(8) and (B)(9) of this rule, but no less than two hundred fifty thousand dollars, whichever is higher, for each license the provisional dispensary applicant is willing to accept.

(a) Such liquid assets shall be unencumbered and capable of being converted to cash within thirty days after a request to liquidate such assets. To demonstrate liquidity, the application shall include the following:

(i) Account statements dated no earlier than thirty days prior to the date the application was submitted, from an institution in this state, or any other state in the United States, United States territory, or the District of Columbia.

(ii) 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 provisional dispensary applicant in the event that a dispensary license is awarded to the applicant.

(b) The use of funds from sources not disclosed in the application is prohibited unless the applicant obtains approval from the board.

(5) The description of the proposed organizational structure of the provisional dispensary applicant, including both of the following:



- (a) An organizational chart showing all owners, officers, and board members of the provisional dispensary applicant, irrespective of ownership interest; and
- (b) A list of all owners, officers and board members of the provisional dispensary applicant that contains the following information for each person:
 - (i) The current title of that person;
 - (ii) The role the person will serve in for the provisional dispensary applicant, if different from the person's current title;
 - (iii) Whether the person has served or is currently serving as an owner, officer or board member for another 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 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 provisional dispensary applicant; and
 - (vii) Whether the person has an ownership interest or financial interest in any other marijuana entity.
- (6) Each owner, officer and board member of the provisional dispensary applicant must submit to a criminal records check in accordance with rule 3796:6-2-07 of the Administrative Code.
- (7) Site-specific plans showing the interior and exterior of the proposed medical marijuana dispensary, drawn to scale with square footage clearly illustrated. The site-specific plans shall be prepared and certified by the contractor or architect responsible for the project. The site-specific plans shall include and identify all of the following:



- (a) The dispensary department;
 - (b) Restricted access areas;
 - (c) Waiting room(s);
 - (d) Patient care areas or other areas designated for patient and caregiver consultation and instruction;
 - (e) An enclosed delivery bay or other equally secured delivery area as approved by the board where medical marijuana deliveries will be made pursuant to a standard operating procedure approved by the board;
 - (f) A day-storage area with pass-through window(s);
 - (g) A "mantrap" at any ingress/egress from the dispensary department;
 - (h) A vault in conformance with C.F.R. 1301.72(a)(3) (6/30/2021) and in a location not visible to the public; and
 - (i) Parking.
- (8) A site-specific construction or renovation budget and schedule demonstrating the applicant will commence dispensary operations in accordance with rule 3796:6-2-04 of the Administrative Code. The budget and schedule shall be prepared by the contractor or architect responsible for the project.
- (9) A budget for the proposed dispensary identifying the projected costs to staff, equip, and operate the medical marijuana dispensary for the following time periods:
- (a) From an award of the provisional dispensary license until the issuance of the certificate of operation; and
 - (b) From the issuance of the certificate of operation until not less than four months after receipt of the



certificate of operation.

(10) Any other documentation required by the board to determine the provisional dispensary applicant's 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 calendar 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. All requests to withdraw an application shall be submitted in writing. If the withdrawal of an application is granted due to a change in federal, state, or local rules or regulations that would prohibit the proposed dispensary from operating in compliance with representations made in the provisional dispensary applications, the provisional dispensary applicant for whom the withdrawal was granted shall be refunded any remitted application fees.