



## Ohio Administrative Code

### Rule 3796:6-2-07 Licensing of medical marijuana dispensary associated key employees and dispensary key employees.

Effective: February 14, 2022

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(A) An applicant for a dispensary associated key employee or key employee license shall:

(1) Comply with all requirements set forth in Chapter 3796. of the Revised Code and the rules adopted thereunder;

(2) Comply with the criminal records check requirements in this rule;

(3) Be twenty-one years of age or older; and

(4) Submit a complete application, in a manner determined by the board, that includes all the following:

(a) The name and license number of the dispensary employing the applicant;

(b) A copy of the applicant's unexpired driver's license, identification card issued by the Ohio bureau of motor vehicles (BMV) or the equivalent issued by another state, or United States passport or United States passport card, or other identification approved by the board of pharmacy;

(c) An acknowledgment that the applicant has not been convicted of a disqualifying offense in any jurisdiction;

(d) The required fee; and

(e) Any additional information or documentation required by the state board of pharmacy.

(B) Any person applying for an initial associated key employee license shall pay the required fee no later than thirty days after the award of a provisional dispensary license to the provisional dispensary applicant to which the person is associated.



(C) Pursuant to division (B)(1) of section 3796.12 of the Revised Code, dispensary associated key employee and dispensary key employee applicants must submit fingerprint impressions to the bureau of criminal investigation (BCI) for a criminal records check of the applicant.

(D) Pursuant to division (B)(2) of section 3796.12 of the Revised Code, the person subject to the criminal records check shall submit both a BCI criminal records check and a federal bureau of investigation (FBI) criminal records check.

(E) BCI shall send the results of the BCI and FBI criminal records checks directly to the state board of pharmacy. The state board of pharmacy requires that the criminal records check:

(1) Be based on electronic fingerprint impressions that are submitted directly to BCI from a "WebCheck" provider agency located in Ohio. The state board of pharmacy may accept the results of a criminal records check based on ink impressions from a "WebCheck" provider agency only if readable electronic fingerprint impressions cannot be obtained, or if submission of ink impressions is otherwise authorized by BCI.

(2) Results will only be considered valid if the fingerprint impressions were obtained within the twelve-month period immediately preceding the application date.

(F) If a dispensary associated key employee or key employee license has expired, the applicant shall submit to a criminal records check that meets the criteria prescribed in this rule.

(G) Every applicant for a dispensary associated key employee license shall comply with Chapter 3796. of the Revised Code and this division and be included on the dispensary license application or renewal application. A dispensary wishing to add a dispensary associated key employee who is not included in the dispensary license application or renewal application, or who did not submit with the dispensary application the required items under this rule, shall apply for a change of ownership pursuant to rule 3796:6-2-12 of the Administrative Code and remit the required fee.

(H) Applicants acting in compliance with this rule who meet the requirements of Chapter 3796. of the Revised Code and this division, who do not have a conviction for, judicial finding of guilt of, or



plea of guilty to a disqualifying offense, and who remit the required fee shall be issued the applicable dispensary associated key or dispensary key employee license. Any license issued pursuant to this rule shall be effective from the date the license is issued until the expiration date of the first day of July of each odd-numbered year. Initial licenses issued on or after the first day of April of each odd-numbered year shall receive an expiration date of the first day of July of the next odd-numbered year.

(I) Except as authorized under paragraph (B) of rule 3796:6-2-09 of the Administrative Code, dispensary associated key employee and dispensary key employee licenses are non-transferable and shall expire upon the occurrence of any of the following conditions:

(1) At the conclusion of the biennial term indicated on the dispensary associated key employee or key employee's license;

(2) When the associated key employee or the key employee is no longer employed by the licensed dispensary identified on the employee's application; or

(3) When the licensed dispensary ceases to maintain its certificate of operation.

(J) A renewal application for an associated key employee or key employee license shall be submitted no later than the expiration date listed on the employee's biennial license. Renewal applications shall be accepted no earlier than ninety days prior to the expiration date on a date determined by the board's director of licensing.

(K) A dispensary associated key employee or dispensary key employee shall submit a renewal application in a manner determined by the board, that includes all of the following:

(1) An acknowledgement that the applicant does not have a conviction for, judicial finding of guilt of, or plea of guilty to a disqualifying offense;

(2) The required fee; and

(3) Any additional information or documentation required by the state board of pharmacy.



(L) A dispensary associated key employee or dispensary key employee license is valid until the expiration indicated on the employee's biennial license. A license that is not renewed by the expiration date is expired.

(M) A dispensary associated key employee or dispensary key employee who fails to renew their license in accordance with this rule is prohibited from engaging in the activities authorized by Chapter 3796. of the Revised Code and Chapter 3796. of the Administrative Code.

(N) A dispensary associated key employee or dispensary key employee with an expired license may apply to reinstate their license in accordance with this rule.

(O) 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 days of the change.