



Ohio Administrative Code

Rule 3796:6-2-10 Medical marijuana dispensary certificate of operation renewal.

Effective: February 14, 2022

(A) Every dispensary certificate of operation issued pursuant to this division shall expire on the first day of July of every odd-numbered year regardless of the date on which the certificate of operation was renewed.

(B) Every dispensary issued a certificate of operation pursuant to this division shall submit the following to the state board of pharmacy at least forty-five calendar days prior to the date the existing certificate expires:

(1) A completed medical marijuana dispensary renewal application;

(2) A roster that includes all the dispensary employees names and dispensary employees' license numbers;

(3) Documentation sufficient to establish that the applicant is in compliance with the applicable tax laws of this state;

(4) The required fee; and

(5) Any additional information or documentation required by the board.

(C) A renewal application shall be accepted no earlier than ninety days prior to the date the existing certificate expires on a date determined by the boards director of licensing.

(D) If the premises on which the dispensary operates are leased, the renewal application must include an attestation that the premises identified on the application have been leased for the following two-year licensing term and is not subject to any contractual restrictions that would prevent it from operating in compliance with Chapter 3796. of the Revised Code and this division.



(E) A dispensary is only permitted to renew its certificate of operation with the existing ownership and location as originally awarded with the certificate or any subsequent approval by the board. A dispensary that is eligible to apply for a change of ownership pursuant to rule 3796:6-2-12 of the Administrative Code or a relocation pursuant to rule 3796:6-2-13 of the Administrative Code must request such changes separate from the renewal application.

(F) If the dispensary is operated in compliance with Chapter 3796. of the Revised Code and this division, and the renewal fee is paid, the state board of pharmacy shall renew the certificate of operation, to be effective on the expiration date of the previous certificate of operation. Upon receipt of a renewal application, the state board of pharmacy shall consider:

(1) The dispensary's history of compliance with regulations promulgated under this division of the Administrative Code;

(2) The number and severity of any violations;

(3) The correction of violations, penalties, or other enforcement actions; and

(4) Any additional criteria deemed necessary by the state board of pharmacy.

(G) The state board of pharmacy may deny a dispensary certificate of operation renewal application due to:

(1) Failure to pay the renewal fee;

(2) Poor compliance history;

(3) Criminal violations with a nexus to the dispensary's operation;

(4) Discipline issued for violations of Chapter 3796. of the Revised Code or this division; or

(5) Any additional criteria deemed applicable by the state board of pharmacy.



(H)

(1) A dispensary certificate of operation renewal application that is filed less than forty-five days prior to the expiration date of the dispensary's certificate will only be considered complete with the payment of the required late fee, in addition to the required application fee.

(2) The state board of pharmacy shall renew a dispensary's certificate of operation that files a renewal application less than forty-five days prior to the expiration date of the dispensary's certificate, subject to paragraph (F) of this rule, within thirty calendar days after the expiration date of the certificate.

(3) A dispensary certificate of operation that is not renewed by the expiration date shall be considered lapsed.

(4) A dispensary shall not purchase, receive, sell, or dispense any medical marijuana while the certificate of operation is lapsed.

(I)

(1) If a dispensary certificate of operation renewal application is not filed prior to the expiration date of the dispensary's certificate, the certificate of operation will be deemed expired.

(2) A dispensary shall not purchase, receive, possess, sell, or dispense any medical marijuana with an expired certificate of operation.

(3) A dispensary that allowed its certificate of operation to expire and wishes to resume operations as a licensed dispensary under Chapter 3796. of the Revised Code and this division shall apply for a license in accordance with rules 3796:6-2-01 and 3796:6-2-02 of the Administrative Code.