



Ohio Administrative Code

Rule 3796:6-3-08 Dispensing of medical marijuana.

Effective: July 11, 2022

(A) A dispensary is authorized to sell medical marijuana only to:

(1) Qualified patients, eighteen years of age and older, and designated caregivers. No one other than employees of a dispensary shall sell medical marijuana to a patient or caregiver; and

(2) Laboratories licensed under Chapter 4729-13 of the Administrative Code to possess dangerous drugs and controlled substances for scientific and clinical purposes.

(B) A dispensary employee may exercise their judgment to determine whether to dispense medical marijuana to a patient or caregiver if the dispensary employee suspects that dispensing medical marijuana to the patient or caregiver may have negative health or safety consequences for the patient or for the public, or when the patient is exhibiting signs of potential abuse or diversion. Such a determination shall be reported to the state board of pharmacy within twenty-four hours.

(C) A dispensary employee shall require the presentation of a registry identification card together with another form of approved state-issued photographic identification belonging to a qualifying patient or caregiver, prior to selling medical marijuana to such qualifying patient or caregiver.

(D) Except as provided in paragraph (B) of this rule, a dispensary employee shall dispense in accordance with fill periods specified in rule 3796:7-2-04 of the Administrative Code. No caregiver shall receive more than the aggregate amount of medical marijuana authorized for each of the caregiver's patients.

(E) Each dispensary internal inventory system shall be compatible with and capable of integrating with the state inventory tracking system.

(F) Each dispensary shall use a scanner approved by the state board of pharmacy to retrieve patient registry data by scanning patient or caregiver registry identification cards and government issued



photographic identification.

(G) A dispensary shall not dispense expired, damaged, deteriorated, misbranded, adulterated, or opened medical marijuana.

(H) When dispensing or selling medical marijuana all dispensaries shall comply with division (B) of section 3796.20 of the Revised Code including:

(1) Dispense or sell only upon a showing of a current, valid patient or caregiver registry identification card; and current and valid state photo identification or other identification approved by the board. Medical marijuana may not be dispensed to a patient or caregiver who does not possess a registry identification card issued by the state board of pharmacy, unless the dispensation is in accordance with a reciprocal agreement established pursuant to section 3796.16 of the Revised Code.

(2) A dispensary employee shall verify:

(a) The validity of the patient or caregiver's registration by scanning the patient or caregiver's state-issued identification, such as a driver's license or other identification approved by the board. The identification number on the item presented by the patient or caregiver must be identical to the identification number included in the patient's or caregiver's registry record;

(b) Possession of a patient or caregiver registry card with the holder's name and identification card number identical to the identification provided pursuant to subdivision (2)(a) of paragraph (H) of this rule;

(c) The patient or caregiver has not exceeded the purchase limits established in rule 3796:7-2-04 of the Administrative Code or that the amount of medical marijuana that the patient or caregiver is requesting would not cause the patient to exceed the purchase limits established in rule 3796:7-2-04 of the Administrative Code.

(3) A dispensary employee shall confirm that each recommendation is complete. A complete recommendation contains the following:



- (a) Patient full name;
- (b) Patient residential address;
- (c) Patient telephone number;
- (d) Patient date of birth;
- (e) Patient qualifying condition;
- (f) State-issued identification number (such as driver's license number) or other identification approved by the board;
- (g) Patient registration number issued by the state board of pharmacy;
- (h) Recommending physician's full name (first name and last name);
- (i) Recommending physician's drug enforcement administration identification number;
- (j) Recommending physician's medical license number issued by the state medical board;
- (k) Recommending physician's certificate to recommend identification issued by the state medical board;
- (l) Date recommendation was issued by the recommending physician;
- (m) Recommending physician's business address, telephone number, and email address;
- (n) Indication whether the recommendation is new or a refill;
- (o) Number of the refill being dispensed; and
- (p) Date order written, which shall be the date the written recommendation was issued.



(4) Update the patient record in the dispensary's internal inventory system with the following information:

(a) Dispensary certificate of operation number, which shall be populated by a number provided by the board;

(b) Dispensary name;

(c) Dispensary address;

(d) Dispensary telephone number;

(e) Date order filled, which shall be the date medical marijuana is dispensed;

(f) Order number, which shall be the serial number assigned to each medical marijuana product dispensed to a patient;

(g) Quantity;

(h) Days' supply;

(i) Product identifier, which shall be assigned by the state board of pharmacy;

(j) Payment code for either cash or third-party provider; and

(k) Drug name, which shall be the brand name of the medical marijuana.

(I) A dispensary may sell medical marijuana to patients and caregivers only in a direct, face-to-face exchange without the assistance of any electronic or mechanical device (such as a vending machine or other automated dispensing unit). A dispensary must sell medical marijuana in whole day increments.



(J) A dispensary shall dispense medical marijuana in a manner consistent with any instructions for use as determined by the recommending physician.

(K) A dispensary must include the name of the dispensary on the packaging of any medical marijuana or medical marijuana product it sells. Each package sold must be placed in an unmarked, opaque bag before leaving the dispensary.

(L) All recommendations must be serially numbered when dispensed.

(1) There must be a complete accounting of all numbers used in the serial numbering system.

(2) All recommendations which are not refillable, either because of the dispensing of all refills or the length of time since issuance, shall be assigned a new serial number upon an authorization for additional dispensing by a recommending physician.

(M) A dispensary shall maintain a record of each sale, purchase and return of medical marijuana in the inventory tracking system established pursuant to section 3796.07 of the Revised Code.

(N) An order purporting to be a recommendation issued not in the usual course of professional treatment or in legitimate and authorized research is not a recommendation within the meaning and scope of Chapter 3796. of the Revised Code and the person who knowingly dispenses such a purported recommendation, as well as the person issuing it, shall be subject to the penalties provided for violations of the provisions of law relating to controlled substances. A dispensary employee is not required to dispense a recommendation of doubtful, questionable, or suspicious origin.

(O) No medical marijuana shall be sold, dispensed, or distributed to a patient or caregiver via a delivery service or any other manner outside of a dispensary, except that a caregiver may deliver medical marijuana to the caregiver's registered patient.