



Ohio Administrative Code

Rule 3796:6-3-14 Destruction and disposal of medical marijuana.

Effective: July 11, 2022

(A) Medical marijuana products must be destroyed by:

(1) Rendering it unusable following the methods set forth in this rule; or

(2) Rendering it non-retrievable in accordance with methods of destruction under 21 CFR 1317.90 (as of 4/1/2019).

(B) At least seven days prior to rendering medical marijuana unusable and disposing of it, the dispensary shall notify the state board of pharmacy. Notification shall include the date and time the marijuana will be rendered unusable or non-retrievable and disposed. If the dispensary designates the destruction of medical marijuana on the same day and time weekly, communication of that day and time shall be sufficient to comply with this paragraph. Any change in the date and time must be communicated to the state board of pharmacy.

(C) Unless otherwise required by local, state, or federal waste management authorities, the allowable method for rendering marijuana waste unusable is by grinding and incorporating the marijuana waste with other ground material so the resulting mixture is at least fifty percent non-marijuana waste. Other methods to render marijuana waste unusable must be approved by the state board of pharmacy before implementation. Material used to grind with the marijuana falls into two categories, compostable waste and non-compostable waste.

(1) Compostable mixed waste: Marijuana waste to be disposed as compost feedstock or in another organic waste method (for example, anaerobic digester) may be mixed with the following type of waste materials:

(a) Food waste;

(b) Yard waste;



(c) Vegetable based grease or oils; or

(d) Other wastes as approved by the state board of pharmacy (e.g., agricultural material, biodegradable products and paper, clean wood, fruits and vegetables, plant material).

(2) Non-compostable mixed waste: Marijuana waste to be disposed in a landfill or by another disposal method may be mixed with the following types of waste materials:

(a) Paper waste;

(b) Cardboard waste;

(c) Plastic waste;

(d) Soil; or

(e) Other wastes as approved by the state board of pharmacy (e.g., non-recyclable plastic, broken glass, leather).

(3) Marijuana waste rendered unusable following the methods described in this rule can be disposed. Disposal of the marijuana waste rendered unusable may be delivered to a permitted solid waste facility for final disposition. Examples of acceptable permitted solid waste facilities include:

(a) Compostable mixed waste: compost, anaerobic digester, or other facility.

(b) Non-compostable mixed waste: landfill, incinerator, or other facility.

(4) All external refuse containers shall be maintained in a locked condition and secured to prevent unauthorized access.

(D) All medical marijuana to be rendered non-retrievable or unusable following the methods described in this rule shall be weighed, recorded, and entered into the inventory tracking system prior



to rendering it non-retrievable or unusable. The destruction of medical marijuana shall require at least two employees and include at least one key employee serving as a witness to the destruction to the medical marijuana. The destruction of medical marijuana shall be conducted in a designated area with fully functioning video surveillance. Electronic documentation of destruction and disposal shall be maintained for a period of at least three years.

(E) A dispensary may offer as a service to its patients and caregivers, the ability to return unused medical marijuana for purposes of destroying the medical marijuana. Any dispensary that chooses to offer such services to its patients and caregivers shall develop a policy, which must be approved by the state board of pharmacy before any medical marijuana may be accepted by a dispensary pursuant to this paragraph.

(1) All medical marijuana returned pursuant to this paragraph shall be entered into the state inventory tracking system; and

(2) Prices for such services, if any, shall be publicly available.

(F) The following products may be returned to a dispensary by a registered patient or registered caregiver for the exclusive purpose of being destroyed. A dispensary may provide the patient or caregiver to whom the product was dispensed a refund of the purchase price of the product or a coupon or credit for a replacement product, and revise the patient's days' supply to reflect the returned product:

(1) Defective product;

(2) Product that does not match the item stated on the purchase receipt; and

(3) Medical marijuana that is mislabeled by the cultivator or processor of the product. All medical marijuana returned to a dispensary due to mislabeling by a cultivator or processor must be reported in writing to state board of pharmacy in a format and medium approved by the board.

(G) Recalled products must be returned to the dispensary where they were purchased by a registered patient or registered caregiver for the exclusive purpose of being destroyed. The dispensary shall



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provide the patient or caregiver to whom the product was dispensed a refund if the product is returned within thirty days of the product recall notice.