



Ohio Administrative Code

Rule 3796:6-3-18 Release of records related to patient transactions maintained by dispensaries.

Effective: July 11, 2022

Dispensaries shall ensure the confidentiality of all records related to patient transactions, the contents of which may only be released to the following:

- (A) The patient or that patient's designated caregiver;
- (B) The certified physician who issued the recommendation to the patient;
- (C) Certified or licensed health care personnel who are responsible for the care of the patient;
- (D) The state board of pharmacy;
- (E) Any person that the dispensary is legally required to release the information to, including upon issuance of a valid subpoena, court order, or other similar document only in a criminal matter or an equivalent juvenile matter;
- (F) If applicable, an agent of a medical insurance company who provides insurance coverage for medical marijuana upon authorization and proof of insurance by the patient or proof by the insurance company for those medications requested;
- (G) An agent who contracts with the dispensary as a "business associate" in accordance with the regulations promulgated by the secretary of the United States department of health and human services pursuant to the federal standards for the privacy of individually identifiable health information;
- (H) Any person, other than those listed in paragraphs (A) through (G) of this rule, only when the patient has given consent for such disclosure in writing, except where a patient is unable to deliver written consent, in which case, written consent must be provided by the patient's caregiver or legal guardian.



- (1) Any consent must be signed by the patient or caregiver and dated.

- (2) Any consent for disclosure is valid until rescinded by the patient or caregiver.

- (3) In an emergency, a dispensary may disclose the recommendation information when it is deemed to be in the best interest of the patient. A dispensary employee making an oral disclosure in an emergency must prepare a written statement showing the patient's name, the date and time the disclosure was made, and the nature of the emergency, and the names of the individuals by whom and to whom the information was disclosed.