



## Ohio Administrative Code Rule 3796:7-2-08 Grounds for discipline.

Effective: September 5, 2022

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(A) The state board of pharmacy, after notice and hearing in accordance with Chapter 119. of the Revised Code, may revoke or impose any one or more of the following sanctions on a patient or caregiver if the board finds the individual engaged in any of the conduct set forth in paragraph (B) of this rule:

- (1) Revoke, suspend, restrict, limit, or refuse to grant or renew a registration; or
- (2) Reprimand or place the registrant on probation, or refuse to grant an identification card.

(B) The board may impose the sanctions listed in paragraph (A) of this rule if the board finds:

- (1) The patient or caregiver applicant or registrant fails to meet the requirements set forth in Chapter 3796. of the Revised Code or this division;
- (2) Any information provided to the state board of pharmacy by the patient or caregiver was false or misleading;
- (3) The prospective patient's or caregiver's registration submission has been previously revoked;
- (4) The prospective patient or caregiver has had a patient or caregiver registration previously suspended or denied;
- (5) The applicant is a prospective caregiver who is already registered to serve as a caregiver for two patients;
- (6) The caregiver's sole patient has had their patient registration suspended, revoked, or inactivated and the caregiver has not voluntarily relinquished their caregiver registration



- (7) The prospective caregiver is attempting to register to serve as a caregiver for a patient whose registration has been denied or suspended;
- (8) The patient obtained more than a ninety-day supply of medical marijuana in a ninety-day period. A ninety-day supply includes the aggregate amount of medical marijuana obtained by a patient and all of the patient's caregivers;
- (9) The caregiver obtained more than a ninety-day supply of marijuana in a ninety-day period on behalf of a single patient;
- (10) The patient is no longer diagnosed with a qualifying condition and the patient or caregiver did not voluntarily relinquish the patient's registration
- (11) The patient or caregiver failed to report any changes in any information related to the patient or caregiver, other than a change in medical condition, required to be provided under rule 3796:7-2-01 of the Administrative Code, within thirty calendar days;
- (12) The patient or caregiver failed to report knowledge of conduct in violation of the medical marijuana control program;
- (13) The patient or caregiver used or maintained medical marijuana in a manner that put others at risk or failed to take reasonable precautions to avoid putting others at risk;
- (14) The patient or caregiver sold marijuana to any other person, including other patients or caregivers;
- (15) The patient or caregiver allowed another to use the patient or caregiver's registration identification card;
- (16) The patient or caregiver's medical marijuana registration was accessed by a person without authorization and the patient or caregiver did not notify the state board of pharmacy within seven days of learning that the registry was accessed without authorization;



- (17) The patient consumed medical marijuana using a method of administration that is not permitted under Chapter 3796. of the Revised Code or this division;
- (18) A caregiver administered medical marijuana to a patient using a method of administration that is not permitted under Chapter 3796. of the Revised Code or this division;
- (19) The patient or caregiver allowed medical marijuana to be consumed in a place where consumption is prohibited under Chapter 3796. of the Revised Code or this division;
- (20) The patient or caregiver tampered, falsified, altered, modified or allowed another person to tamper, falsify, alter or modify, a patient or caregiver registry identification card;
- (21) The patient operated a vehicle, streetcar, trackless trolley, watercraft, or aircraft under the influence of medical marijuana;
- (22) The patient or caregiver grew or cultivated medical marijuana contrary to paragraph (B) of rule 3796:7-2-05 of the Administrative Code;
- (23) The patient or caregiver knowingly misrepresented any fact or circumstances related to the medical use of marijuana to the state board of pharmacy, law enforcement, recommending physician, or a dispensary employee;
- (24) The patient or caregiver's medical marijuana registry identification card has been fraudulently used and the patient or caregiver did not notify the state board of pharmacy within ten calendar days of learning that the card was fraudulently used;
- (25) The patient or caregiver violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of Chapter 2925., 3715., 3719., 3796., or 4729. of the Revised Code, or of any rule adopted by the board under those provisions; or
- (26) The patient or caregiver violated any state or federal law or rule, regardless of jurisdiction in which acts were committed, except for minor traffic violations such as parking violations, speeding tickets and violations such as failure to obey a red light, failure to use a turn signal or expired



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registration. Acts in accordance with Chapter 3796. of the Revised Code and this division that constitute a violation of federal law shall not be considered as grounds for discipline.