



## Ohio Administrative Code

### Rule 4729:6-2-03 Criminal records checks.

Effective: August 31, 2024

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(A) Unless otherwise approved by the board, a new distributor of dangerous drug license will not be issued until the following persons submit fingerprints to the Ohio bureau of criminal investigation (BCI) for a criminal records check in accordance with paragraph (C) of this rule:

(1) The responsible person on the application for licensure; and

(2) The following persons based upon the drug distributor's business type:

(a) All partners of a partnership.

(b) The sole proprietor of a sole proprietorship.

(c) All members of a limited liability company.

(i) If the limited liability company has a member which is not a natural person, the limited liability company's president, vice president, secretary, treasurer, and chief executive officer, or any equivalent position.

(ii) If the limited liability company's sole member is a publicly traded corporation, the limited-liability company may seek a waiver pursuant to paragraph (A)(3) of this rule.

(d) Except as provided in paragraph (A)(3) of this rule, the president, vice president, secretary, treasurer, and chief executive officer, or any equivalent position of a corporation and, if a corporation is not publicly traded on a major stock exchange, each shareholder owning ten percent or more of the voting stock of the corporation. If the director or the director's designee determines other person(s) in the organizational structure have substantial control, such as the power to influence management and operational decision-making over the distribution of dangerous drugs, the director or designee may require a criminal records check of those with substantial control in addition to or in



place of those persons set forth in this paragraph.

(e) The executive director or any equivalent position of a nonprofit organization.

(3) For publicly traded corporations, the board's executive director or the director's designee may waive the criminal records checks required in paragraph (A)(2)(c) of this rule under the following circumstances:

(a) The publicly traded corporation submits a request to the executive director and includes the organizational structure of the corporation, including all corporate officer positions responsible for directing the distribution of dangerous drugs. The director or the director's designee may request additional information about the corporation's organizational structure.

(b) The executive director or the director's designee approves an alternate list of corporate officers who are required to submit a criminal records check. If approval is not provided, the publicly traded corporation shall comply with paragraph (A)(2)(c) of this rule.

(B) The persons listed in paragraph (A)(2) of this rule shall be a natural person that owns and/or operates the business entity applying for licensure. In the event the applicant is not owned by a natural person, each business entity with an ownership interest in the applicant must be disclosed on the application up to and through the entity that is owned by a natural person, who shall be subject to a criminal records check in accordance with this rule.

(C) All criminal records checks conducted in accordance with this rule shall consist of both a BCI criminal records check and a federal bureau of investigations records check (FBI) and shall comply with the following:

(1) Be based on electronic fingerprint impressions that are submitted directly to BCI from a WebCheck provider agency or ink impressions. The state board of pharmacy may accept the results of a criminal records check based on ink impressions only in the following circumstances:

(a) Readable electronic fingerprint impressions cannot be obtained or are rejected by either BCI or FBI;



- (b) The person or persons listed in paragraph (A) of this rule reside outside of the state of Ohio; or
  
- (c) The person or persons listed in paragraph (A) of this rule have a home address that is seventy-five miles or more from the nearest WebCheck location.
  
- (2) Results will only be considered valid if the fingerprint impressions were obtained within one year of the date the application is received by the board.
  
- (3) The results of the criminal records check must be sent directly to the state board of pharmacy from BCI.
  
- (D) Only new persons listed in paragraphs (A)(1) and (A)(2) of this rule shall be required to submit to a criminal records check for a new application resulting from a change in the description of a distributor of dangerous drugs pursuant to rule 4729:6-2-05 of the Administrative Code.