

Ohio Medical Marijuana Control Program

Proposed Changes to Cultivator Rules
Ohio Department of Commerce





Public Comment

- Over 75 responses received by Department of Commerce during the public comment period
- All comments reviewed by Department of Commerce staff



Public Comment

- Majority of concerns expressed via public comment fall into the following categories:
 - Number of licenses and square footage restrictions
 - License and application fees
 - Financial responsibility requirements
 - Environmental impact
 - Product safety
 - Pesticide and fertilizer usage
 - Packaging requirements and expiration dates



Public Comment

- Based on public feedback, guidance from industry consultants, and discussions with stakeholders responsible for MMCP, the following changes to rules are being proposed.



Proposed Rule Changes

- Number of licenses:
 - Increase the number of Level II cultivator licenses that may be issued prior to September 8, 2018 from 6 licenses to 12 licenses



Proposed Rule Changes

- Square footage restrictions:
 - Increase maximum cultivation area square footage for Level I cultivators from 15,000 ft² to 25,000 ft²
 - Increase maximum cultivation area square footage for Level II cultivators from 1600 ft² to 3000 ft²



Proposed Rule Changes

- Expansion of existing facilities
 - Pending Department review and approval, and based on patient needs and program participation, allow licensees a one-time opportunity to build out the existing licensed facility to a size that will result in additional cultivation area not to exceed double the existing cultivation area
 - Level I cultivators may expand cultivation area to a maximum of 50,000 ft²
 - Level II cultivators may expand cultivation area to a maximum of 6000 ft²



Proposed Rule Changes

- Add general liability and products liability policy requirements to the financial responsibility provisions
 - Coverage limits and terms to be determined by Director



Proposed Rule Changes

- Reduce surety bond and escrow amounts
 - From \$2,000,000 to \$1,500,000 for Level I cultivators
 - From \$200,000 to \$150,000 for Level II cultivators
- Establish annual performance standards that will allow for the bond or escrow to be reduced or eliminated if conditions are met
 - Possible reduction by \$500,000/year for Level I
 - Possible reduction by \$50,000/year for Level II



Proposed Rule Changes

- Allow for the display on labels and packaging of approval logos from 3rd-party certifiers of cultivation and manufacturing practices, pending Department review and approval (*e.g. "organic"*)
- Allow for composting of medical marijuana waste in a secure area on-site for future use in cultivation operations



Proposed Rule Changes

- Permit the use of pesticides and fertilizers on the Department's approved list until the 21st day of the flowering stage
- Ensure product safety by establishing testing standards that differentiate between plant material bound for dispensaries and plant material bound for processing facilities for extraction
 - Emphasis on comprehensive analytical testing of final products that will be administered to registered patients