



Ohio Department of Commerce Cultivator Rules: JCARR Rule Filing

As one of three state government agencies responsible for developing, implementing and overseeing the state's Medical Marijuana Control Program, the Ohio Department of Commerce is tasked with oversight of medical marijuana cultivators in the state of Ohio. The role of the Department's oversight is to develop a program that ensures the safety of the public and access to a safe, high quality medical product.

Rule Development Process

The rules governing medical marijuana cultivators will be adopted by May 6, 2017, per House Bill 523 of the 131st General Assembly. In order to meet this statutory deadline, the Department completed its initial filing with the Joint Commission on Agency Rule Review (JCARR) on Friday, February 17, 2017. The Department has followed the standard rule-making process to develop the cultivator rules. Steps in the process include:

1. Development of draft rules – the Department consulted with industry experts and researched the rules from states with similar programs
2. Medical Marijuana Advisory Committee (MMAC) review – the Department reviewed the rules with the MMAC and solicited their feedback
3. Public comment period – rules were posted online, and the Department accepted feedback via email during a two-week period
4. Revise rules – the Department revised rules based on feedback from the MMAC and the public
5. MMAC review – the Department reviewed the revised rules with the MMAC, highlighting the changes made based on feedback received
6. Common Sense Initiative (CSI) review – the Department reviewed the revised rules with CSI
7. CSI public comment period – rules were posted online, and the Department accepted feedback via email during a two-week period
8. The Department made changes to the cultivator rules based on the CSI public comment period, discussions with CSI and recommendations from CSI

Updates from CSI's Public Comment Period

Below are updates made to the cultivator rules filed with JCARR on February 17, 2017, based on feedback received during CSI's public comment period:

- The designated territories were removed from the filed cultivator rules
- The financial responsibility requirements were reduced to a \$750,000 surety bond or escrow requirement for Level I cultivators, and a \$75,000 surety bond or escrow requirement for Level II cultivators



- Applicants are permitted to submit tax summary pages for individuals and businesses at the state and federal levels to demonstrate compliance with such tax laws – a 1% or greater financial interest in the applicant triggers this submission requirement
- Packaging for plant material no longer now required to be “light resistant” instead of opaque
- Language was added to ensure a third-party certifier of cultivation practices approved by the Department does not have a financial interest in a cultivator in the state of Ohio
- Cultivators are permitted to utilize video surveillance technology that provides a 24-hour live feed with motion-activated recording capabilities
- An advertising review period was added to establish a time frame for Department to complete a review of proposed advertising, and additional content considerations were added to the advertising review process

JCARR Public Hearing

The JCARR process requires a public hearing, where interested parties can offer testimony. The hearing is scheduled for:

Monday, March 20, 12:00 p.m. - 5:00 p.m.

State Fire Marshal’s Office

Multipurpose Room

8895 E. Main Street

Reynoldsburg, Ohio 43068

Please check the Medical Marijuana Control Program website – medicalmarijuana.ohio.gov – for details about the hearing, including how to prepare to testify. Information about parking and security also will be included.