



Ohio Medical Marijuana Control Program Dispensary Application FAQ



No.	Question	Answer
1	Can a dispensary change locations once a provisional license has been awarded?	No. A provisional license is exclusive to the entity and location identified in the application and is non-transferrable. (3796:6-2-04)
2	How will the distance between a proposed dispensary and a prohibited facility or a community addiction services provider as defined under section 5119.01 of the Revised Code be measured?	In establishing the distance between a proposed dispensary and such a facility, the distance shall be measured linearly and shall be the shortest distance between the closest point of the property lines of the proposed dispensary and the prohibited facility or community addiction services provider. (3796:5-5-01)
3	How is it possible for an applicant to acknowledge that they have correctly answered all questions in the Compliance Section of the application – how will the applicant know the criminal history of those identified as Prospective Associated Key Employees?	The entity seeking licensure should exercise due diligence in ensuring they know the answers to all questions for individuals identified as Prospective Associated Key Employees. This also means having screening policies for individuals who meet the definition of a Prospective Associated Key Employee.
4	If a Prospective Associated Key Employee has been charged/convicted/disciplined prior to initial licensure, must the Applicant terminate that individual's employment in order to obtain a license?	The Board does not advise an entity on whether to terminate an individual with a criminal case/conviction or disciplinary action; that decision rests with the entity's personnel policies. However, the entity MUST report the underlying charge/conviction/discipline to the Board (as stated in the application) so that the Board may review the facts and circumstances related to a particular case to determine its potential connection, if any, to the license for which the entity is applying.
5	How can the Board expect an employer to require an employee, agent, etc. to disclose a sealed felony or misdemeanor drug offense?	Section 2953.33(B) of the Ohio Revised Code permits inquiry into sealed convictions if the question bears a direct and substantial relationship to the position for which the person is being considered. This section applies to applications for employment, license, or other right or privilege.



Ohio Medical Marijuana Control Program Dispensary Application FAQ



No.	Question	Answer
6	What constitutes a disqualifying offense? as defined in?	Disqualifying offenses are defined under rule 3796:1-1-01 of the Administrative Code . Please consult legal counsel for a complete listing of crimes constituting disqualifying offenses.
7	What does the Board consider a crime (felony or misdemeanor) involving an act of moral turpitude?	<p>A crime involving an act of moral turpitude is a criminal act (felony or misdemeanor) that includes any of following:</p> <p>(1) An act or behavior that gravely violates moral sentiment or accepted moral standards of the community and is a morally culpable quality held to be present in some criminal offenses as distinguished from others.</p> <p>(2) Conduct done knowingly contrary to honesty or good morals.</p> <p>(3) Intentional, knowing or reckless conduct causing bodily injury to another or intentional, knowing or reckless conduct which, by physical menace, puts another in fear of imminent serious bodily injury.</p> <p><i>If you are not sure whether the Board would consider a particular offense to be an act of moral turpitude it is recommended that the responsible person disclose the information to the Board on the application materials so that the Board may review the facts and circumstances to determine whether a direct and substantial relationship exists.</i></p>
8	Will I receive confirmation that my application has been submitted to the State Board of Pharmacy?	After remitting payment, each Applicant will receive a receipt confirming the application fee and application were submitted to the State Board of Pharmacy. A copy of this receipt should be retained for the Applicant's records.



STATE OF
OHIO
BOARD OF PHARMACY

Ohio Medical Marijuana Control Program Dispensary Application FAQ



No.	Question	Answer
9	When will the Webinar be available for viewing? Is registration required for viewing the Webinar?	A pre-recorded Webinar will be posted at http://www.medicalmarijuana.ohio.gov/dispensaries on October 3, 2017, by close of business. Registration is not required to view the Webinar.