



STATE OF
OHIO
BOARD OF PHARMACY

Ohio Medical Marijuana Control Program Dispensary Employee Licensing FAQ



No.	Question	Answer
1	Can you define the different dispensary employee types?	<p>Associated Key Employee (AKE): Means an owner or prospective owner, officer or board member or prospective board member of the entity seeking a dispensary license.</p> <p>Key Employee (KE): Means an administrator or other person responsible for the daily operation of a licensed dispensary.</p> <p>Support Employee (SE): Means an employee who works within a dispensary but does not have authority to make operational decisions.</p>
2	What are the dispensary ownership requirements and thresholds?	The State Board of Pharmacy requires that all dispensary owners, as defined under Rule 3796:6-2-03 of the Administrative Code, be licensed as an Associated Key Employee. See also, Ohio Adm. Code 3796:6-2-07 . Generally, ownership requirements must be met only by those with at least a ten percent ownership interest in a dispensary. The Board, however, may require an owner or person who exercises substantial control over an Applicant, but who has less than a ten percent ownership interest, to comply with statutory and regulatory ownership requirements.
3	What is the process to remove AKEs during the provisional license period?	Board approval is required for any changes in AKEs from those listed as prospective associated key employees (PAKEs) during the dispensary application process. This includes, but is not limited to, an explanation for why the change must be made and updates to the % ownership amongst the remaining AKEs. Additionally, evidence needs to be provided as to the impact on relevant scoreable responses from these proposed changes.
4	How can changes in AKEs be made after receiving a certificate of operation?	After issuance of a dispensary's Certificate of Operation (CoO), dispensaries must apply for a change of ownership. A fee of \$5,000 per change will be levied, relating to the re-issue of the CoO. Please also see Ohio Adm. Code 3796:6-2-12 ; 3796:6-5-01 .
5	What should I do if I mistakenly applied for an AKE license, rather than a KE license?	Please contact Board staff at mmcp@pharmacy.ohio.gov requesting a change to the license type. The AKE fee is non-refundable but the KE fee will be waived when changing the license types.



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6	I'm not sure if someone should be licensed as a KE, or an AKE.	There needs to be a minimum of one KE or AKE on site during dispensary operating hours. The Designated Representative (one per dispensary location) needs to hold either an AKE or KE license. As a reminder, to qualify for a KE license an individual cannot have an ownership interest nor can they exercise substantial control.
7	Do all employees working in a dispensary need to be licensed?	For a Certificate of Operation (CoO) to be issued and to maintain ongoing compliance with the dispensary rules, all employees working in a dispensary need to be licensed (as an AKE, KE or SE) and display a board-issued ID when on licensed dispensary premises. Staff sufficient to operate in compliance with representations made in the dispensary application must be licensed as a condition precedent to receiving a CoO.
8	Do entities (e.g. LLCs) need to be licensed as AKEs	No, only natural persons can be licensed as AKEs. See Ohio Adm. Code 3796:6-2-03 .
9	If person is an AKE for multiple dispensary provisional licenses, do they need to submit a separate application for each licensed location?	No. After applying one time, an individual can associate their eLicense profile with each provisional dispensary licenses belonging to the entity identified in the employee license application. Board staff will perform a reconciliation of PAKEs as submitted in the original applications that were awarded a provisional dispensary license and ensure that all AKEs that have applied are associated with the appropriate dispensaries. PDLs should validate license associations in eLicense after issuance.
10	Should a PDL reconcile individuals needing to be licensed as AKEs versus those submitted as PAKEs on the dispensary application?	Yes. If an individual was included in the dispensary application and had a 10% or greater ownership interest or exercises substantial control, as self-declared or determined by the Board, then they should be registered as an AKE. In cases where ownership or control has not changed there is no need to go through the dispensary variance request process.