



Dispensary Licensee Newsletter - October 2020

IMPORTANT UPDATES

Dispensary Employees and Customers are Required to Wear Facial Coverings

On July 22, 2020, the Ohio Department of Health (ODH) issued a public health order that requires an individual to wear a facial covering while indoors. Exceptions to the mask mandate include personal residences, individuals with a medical condition or a disability or those communicating with someone with a disability, and children under 10. An overview of the order and the applicable exceptions can be found [here](#).

To ensure patient safety, Ohio-licensed dispensaries are required to implement safeguards to ensure the health and safety of patients that visit each dispensary, which includes following requirements set forth by the Ohio Department of Health. Failure to comply with the ODH facial coverings order may result in administrative discipline for a dispensary and the dispensary's designated representative.

Dispensaries should be aware that older adults, people who are immunocompromised, and those who have severe underlying chronic medical conditions like heart or lung disease or diabetes seem to be at higher risk for developing more serious complications from COVID-19.

Patient Identification

Pursuant to Ohio Administrative [3796:7-2-04\(D\)](#), when a patient or caregiver visits a dispensary to purchase medical marijuana, the patient or caregiver is **required** to present the same form of identification that was used to register with their CTR physician. If a different form of identification is presented that does not match the patient or caregiver's Registry profile, the dispensary shall not dispense any medical marijuana to the patient or caregiver. The patient should be instructed that any changes to the identification used for registration can only be made by the CTR physician.

LICENSING

Medical Marijuana Dispensary and Employee Renewal Reminder

Medical Marijuana Dispensary Certificate of Operation and Dispensary Employee (Associated Key, Key, and Support) license renewal is ongoing through December 4, 2020. **NOTE:** Only licenses with an 'Active' status and expiration date of December 4, 2020 will be eligible for renewal. Any employee who has experienced a separation of employment from a dispensary and therefore has an Inactive license, must complete a reinstatement application.

Certificate of Operation Renewal

All Certificate of Operation renewal applications are required to be submitted by Tuesday, October 20, 2020 (OAC 3796:6-2-10). The renewal application is considered submitted for review when a status of the renewal application is "Generate Fee". Additional guidance regarding the renewal fees will be forthcoming. Dispensaries are not required to submit any payment of renewal fees until that guidance is issued.

The Board will review all submitted applications within forty-five (45) days. Failure to submit a timely application and allow adequate time for the Board to review the renewal application and materials may result in the certificate of operation being lapsed and the inability to operate until the review is complete.

The entity will receive notice of any missing or incomplete information. Please note, any delays in providing information to complete the renewal application will delay the processing of the renewal application. The entity will receive notification via email when the certificate is renewed.

A step-by-step guide on the Certificate of Operation renewal application can be found [here](#).

Dispensary Employee License Renewal

All dispensary employee licenses for associated key employees, key employees, and support employees will be eligible for renewal through December 4, 2020. All renewal applications, materials, and payment must be submitted via eLicense Ohio. Failure to submit a timely renewal will result in the employee license expiring and the inability to work in a licensed dispensary.

The renewal fees for dispensary employee licenses are as follows:

- Associated Key Employee - \$500.00
- Key Employee - \$250.00
- Support Employee - \$100.00
- eLicense System Transaction Fee (all license types) - \$3.50

All payments must be made with Visa, MasterCard, or Discover via eLicense Ohio.

A step-by-step guide on the dispensary employee renewal applications can be found [here](#).

COMPLIANCE

Non-Medicated Products

The Board has received notice of dispensaries receiving "non-medicated" products from processors for the purpose of allowing a patient to sample/consume onsite. Processors are licensed to manufacture medical marijuana, not commercial food intended for consumption by registered patients. Therefore, dispensaries are prohibited from receiving and accepting such products.

Agents have expressed their concerns that the Board and dispensaries are unable to verify the "non-medicated" products have not been cross contaminated with medical marijuana products.

Please review the following rules:

3796:6-3-22(E) Prohibitions

(H) No food or beverages shall be consumed on the premises of a dispensary, except that complimentary non-alcoholic beverages may be available for patients and caregivers who are at the dispensary. Licensed dispensary employees shall be authorized to consume food and non-alcoholic beverages in designated employee break areas. No medical marijuana shall be accessed, stored, possessed, or administered in designated employee break areas.

3796:6-3-22(E) Prohibitions

(E) No dispensary shall sell anything other than authorized medical marijuana, medical marijuana products, medical marijuana devices, and advertising materials authorized pursuant to rule [3796:6-3-24](#) of the Administrative Code.

3719.01 (Definitions – Controlled Substance Regulations)

(U) "Sale" includes delivery, barter, exchange, transfer, or gift, or offer thereof, and each transaction of those natures made by any person, whether as principal, proprietor, agent, servant, or employee.

For additional information related to the sale of commercial foods, dispensary staff may also review the Department of Agriculture and U.S. Federal Food and Drug Administration rules related to non-medicated products.

DISPENSARY OPERATIONS

Continuing Education Deadline Approaching

Pursuant to [OAC 3796:6-3-19](#), all dispensary employees are required to receive a minimum of 16 hours of continuing education for each two-year licensing period. The 16 hours of continuing education is only required for a licensed employee (e.g. Associated Key Employee, Key Employee, Support Employee) that is engaged in dispensing medical marijuana pursuant to section 3796:6-3-19 of the Administrative Code. Additionally, any employee who obtained licensure within six months of December 4, 2020 is exempt from earning and reporting continuing education this renewal cycle. Foundational Training does not count toward continuing education.

All documentation of continuing education earned should be maintained by the dispensary and does not need to be submitted with the renewal application. The entity and employee will be required to attest to the completion of the required training.

Similar to foundational training, dispensaries are required to submit continuing education materials for approval 60 days prior to the date of the intended training. Dispensaries may independently develop content or work with a third party. Here are a few suggestions when submitting continuing education materials:

- Be sure to include the [CE Form Attachment](#). Please include the name of the document that is intended to fulfill each training element on the CE Form Attachment. For example, update the names of the documents to match what is listed on the CE Form Attachment. Please include pages number(s), if applicable.
- If there are materials that do not fall under any of the training elements listed on the CE Form Attachment, include them in the "Other" section.
- Health claims included in training materials will need to include supporting information.
- Training materials submitted that are intended to fulfill "The safe handling of medical marijuana, including an overview of common industry hazards, current health and safety standards, and dispensary best practices" should include information so employees have an understanding of marijuana safety at an industry level and not a patient level.

Approved Continuing Education Materials

The Board has published a list of approved continuing education materials, which can be found [here](#).