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## Dispensary Licensee Newsletter - April 2022

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### IMPORTANT UPDATES

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#### THC GUIDANCE UPDATE

The Department of Commerce, Medical Marijuana Control Program, has issued [guidance on the recent rule update](#) to include a definition of "THC" and update the definition of "THC Content" in Ohio Administrative Code 3796:1-1-01.

The Department is requiring the following THC isomers and analogs be included on the label individually and as part of the total THC content calculation:

- Delta-9 THC,
- Delta-9 THCA,
- Delta-8 THC, and
- THCv.

In addition to Delta-9 THC and Delta-9 THCA, Delta-8 THC and THCv content are to be included as additional line items on the label. Licensees must ensure Delta-8 THC and THCv are included on all medical marijuana package labels even if the laboratory testing results indicate that the medical marijuana contains no Delta-8 THC or THCv. Furthermore, licensees are precluded from utilizing abbreviations on labels. Abbreviations such as "Delta-8" or "D-8" are not permitted.

Delta-9 THC, Delta-9 THCA, Delta-8 THC, and THCv must be included in the calculation of THC content. Pursuant to R.C. 3796.06(D), the total content of THC, including Delta-8 THC, Delta-9 THC, THCv, and 87.7 percent of the amount of Delta-9 THCA, shall not exceed 35% for plant material or 70% for manufactured products. The Board of Pharmacy's guidance "[Allowable THC & CBD Range Examples](#)" still applies to these products.

All required isomers and analogs (i.e., Delta-9 THC, Delta-8 THC, THCv, and 87.7 percent of Delta-9 THCA) must be included in the THC content calculation submitted to the Board of Pharmacy for Product ID registration.

These Ohio Administrative Code updates will go into effect May 2, 2022; **any medical marijuana that passed final testing (as recorded in Metrc) prior to May 2, 2022, may proceed to sale to patients and will not be sanctioned for non-compliance with the new THC content rule update.**

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## Compliance

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#### 4/20 Events

Agents have been notified of information circulating regarding 4/20 events and advertisements, which may be in violation of OAC 3796:6-3-24(B). Any advertisement encouraging, promoting, endorsing, celebrating, or otherwise advertising the recreational nature of the date 4/20, may result in disciplinary action against the dispensary and/or Designated Representative.

The reduction of prices is a business decision and can be offered by medical marijuana dispensaries at any time of year. However, the advertisements of such price reductions or any advertisement must be submitted via the State of Ohio Board of Pharmacy's portal and approved prior to use.

As a reminder, use previously approved templates or other advertisements only. Adding additional text or images in reference to 4/20 to previously approved templates is *not* complaint.

Please direct any questions to your applicable agent.

### **Pesticides Applied**

As a reminder, all dispensaries are required to provide with all medical marijuana dispensed, accompanying material that discloses any pesticides applied to the marijuana plants and growing medium during production and process and that contains the following warnings:

- (1) "Warning: This product may cause impairment and may be habit-forming. Smoking medical marijuana is not permitted in the State of Ohio."
  - (2) "There may be health risks associated with consumption of this product."
  - (3) "Should not be used by women who are pregnant or breastfeeding."
  - (4) "For use only by the person named on the label of the dispensed product. Keep out of reach of children."
  - (5) "Marijuana can impair concentration, coordination and judgment. Do not operate a vehicle or machinery under the influence of this drug."
  - (6) The toll-free telephone line established by the state board of pharmacy in accordance with section 3796.17 of the Revised Code.
  - (7) The text used on all accompanying material must be printed in at least twelve-point font and may not be in italics.
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