



STATE OF
OHIO
BOARD OF PHARMACY



State of Ohio Board of Pharmacy Patient and Caregiver Rules for Public Comment

Posted: December 12, 2019

Overview

As one of three state agencies responsible for developing, implementing and overseeing the Ohio Medical Marijuana Control Program, the Board of Pharmacy is tasked with developing rules that will govern the operation of Medical Marijuana Patient and Caregiver Registry. The guiding principles of the program are to develop rules that are 1) patient-centered and safe; 2) responsive, data-driven and transparent; 3) flexible, scalable, and sustainable; and 4) characterized by consistency, integrity, and collaboration across one program.

The Board of Pharmacy is currently accepting public input on draft patient and caregiver rules. The draft rules begin on the next page of this document.

How can I provide comments?

Written comments will be accepted until **5 p.m. ET on January 10, 2020.**

Comments submitted after the deadline will not be considered. All comments should be submitted via email to: MMCPRules@pharmacy.ohio.gov.

When preparing your comments you are invited to:

- Include "Patient and Caregiver Rules" in your subject line
- Explain your views as clearly as possible
- Describe any assumptions used
- Provide any technical information and/or data used to support your views
- Explain how you arrived at your estimate for potential burdens, benefits or costs
- Provide specific examples to illustrate your views
- Offer alternatives

Next Steps

The medical marijuana patient and caregiver rules will follow the standard rule development process. After receiving input from the Medical Marijuana Advisory Committee and the public, the rules will be submitted to the Common Sense Initiative, then the Joint Committee on Agency Rule Review.

The public can comment at several points throughout the rule development process. The first opportunity is December 12th – January 10th. For more information on providing comments, please visit medicalmarijuana.ohio.gov/rules.

For more information on the Medical Marijuana Control Program website, including how to sign up for program updates, visit: medicalmarijuana.ohio.gov.

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3796:7-1-01 Definitions.

- (A) “Administer” or “administration” means the direct introduction of medical marijuana into the body of a human, whether inhalation, ingestion, or any other means.
- (B) “Business day” means any day other than Saturday, Sunday or a holiday recognized by the state of Ohio on which the state board of pharmacy is not open for business.
- (C) “Terminal illness” means a qualifying condition for which a prospective patient has received a diagnosis for a life expectancy of six months or less if the illness runs its normal course.
- (D) “Refuse to grant or renew” means to deny original or continued registration for a period of at least twelve months. After twelve months or such period of time as the individual board order may require, a patient or caregiver or an individual who desires to attain such status by registration, and whose registration the state board of pharmacy has refused to grant or renew, may make application to the board for issuance of a new registration in accordance with Chapter 3796. of the Revised Code and this division. An individual who desires to attain patient or caregiver status by registration and whose registration the state board of pharmacy has refused to grant or renew must meet any requirements established by the board.
- (E) “Registry identification card” collectively refers to cards issued by the state board of pharmacy as evidence that an individual is registered as a patient or caregiver.
- (F) “Revoke” means to take action against a registration rendering such registration void and such registration may not be reissued. "Revoke" is an action that is permanent against the registration and registrant.
- (G) “Stale registration” means a submission to register as a patient or caregiver where the submitter fails to complete all submission requirements within ninety calendar days of the initiation of a registration by a physician, and after being notified by the state board of pharmacy, subject to the factors that would otherwise remove the submitter from consideration under Chapter 3796. of the Revised Code or this division. An individual forfeits all fees associated with a stale registration submission. The state board of pharmacy shall not be required to act on any stale registration and the registration may be destroyed by the board staff. If the registration is stale, the submitter shall be required to reapply for registration in accordance with Chapter 3796. of the Revised Code and this division, in effect at the time of resubmission.
- (H) “Suspend” means to take action against a registration rendering such registration without force and effect for a period of time as determined by the state board of pharmacy.
- ~~(I) (I) “Veteran” means any person who has completed service in the armed forces, including the national guard of any state, or a reserve component of the armed forces, who has been discharged under honorable conditions from the armed forces or who has been transferred to the reserve with evidence of satisfactory service.~~

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3796:7-2-01 Procedure for patient registration.

- (A) Before medical marijuana may be dispensed to or for, possessed by or for, or administered by or for a prospective patient, the prospective patient must be placed on the registry established by the state board of pharmacy in accordance with section 3796.08 of the Revised Code.
- (B) To qualify for placement on the registry, a prospective patient must:
- (1) Establish and maintain a bona fide physician-patient relationship with a recommending physician who shall submit a complete patient registration submission;
 - (2) Receive a diagnosis or confirmation of a qualifying condition from the recommending physician;
 - (3) Consent to treatment with medical marijuana. If the patient is a minor, the prospective patient's parent or legal representative shall consent to treatment with medical marijuana;
 - (4) Remit to the state board of pharmacy the required fee; and
 - (5) Unless otherwise provided pursuant to a reciprocal agreement under division (A) of section 3796.16 of the Revised Code, be an Ohio resident.
- (C) A physician with whom a prospective patient has a bona fide physician-patient relationship, or, subject to the limitations under section 3796.08 of the Revised Code, the physician's delegate, shall submit the patient registration. For a registration submission, related to a patient who is eighteen years of age or older, to be considered complete, a completed recommendation from a physician, applicable patient registration fee, and the following items must be submitted to the state board of pharmacy in a manner suitable to the board:
- (1) ~~Patient~~Patient's full name, residential address, telephone number, date of birth, electronic mail address, and qualifying condition(s);
 - (2) Patient's government-issued identification number (such as driver's license number). Patients and caregivers must present a recommending physician with an unexpired United States passport, United States passport card, state-issued driver's license; or other state-issued identification issued by the Ohio bureau of motor vehicles (BMV);
 - (3) Recommending physician's full name (first name and last name);
 - (4) Drug enforcement administration physician identification number and medical license number issued by the state medical board;
 - (5) Recommending physician's certificate to recommend identification number issued by the state medical board;
 - (6) Date recommendation was issued by the recommending physician;
 - (7) Recommending physician's business address, telephone number, and email address;
 - (8) Indication whether the recommendation is new or a renewal;
 - (9) The following patient attestations:
 - (a) The physician has explained to the individual the possible risks and benefits associated with the use of

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medical marijuana;

(b) The individual consents to treatment with medical marijuana; and

(c) The individual agrees to comply with Chapters 2925. and 3796. of the Revised Code and this division.

(10) An attestation from the recommending physician in accordance with division (A)(2) of section 3796.08 of the Revised Code; and

(11) Such other information as the state board of pharmacy may reasonably require.

- (D) If a prospective patient is younger than eighteen years of age, a patient registration submission must be accompanied by a caregiver registration submission in accordance with rule 3796:7-2-03 of the Administrative Code, before it will be considered complete. Patients who become eighteen years of age during the time period in which their registration is valid may apply for a new registration either immediately or in accordance with the renewal process under paragraph (K) of this rule. A submission from a patient that includes all information found in paragraph (C) of this rule, shall be considered complete.
- (E) A complete patient registration submission must be received by the state board of pharmacy within ninety calendar days of the date on which the recommendation was created by the prospective patient's recommending physician.
- (F) Applications submitted by an applicant diagnosed with a terminal illness shall be approved or denied within ten business days. To qualify for registration as a patient diagnosed with a terminal illness, the prospective patient's registration submission shall include with the registration submission, an attestation specifying that the patient has a terminal illness, submitted by the patient's recommending physician.
- (1) The registration of a patient who is registered as someone who is terminally ill shall be valid from the date of issuance and expire after six months.
- (2) If after a period of six months, a patient's terminally ill condition continues and the patient's recommending physician continues to recommend medical marijuana, the recommending physician shall confirm that patient's condition continues to be a terminal illness.
- (3) The registration for patients whose terminally ill condition has been confirmed after a period of six months, pursuant to paragraph (F)(2) of this rule, shall expire in accordance with paragraph (I) of this rule.
- (G) If a registration submission is determined to be inaccurate or incomplete, the state board of pharmacy shall send the prospective patient notice of the deficiency. If the deficiency is not corrected within ninety calendar days from the date that the registration was submitted by a physician, the submission shall be considered stale.
- (H) Prospective patients must provide proof of Ohio residency to their recommending physician or the physician's delegate during the physician's initiation of the registration submission process. Proof of Ohio residency shall include one of the following:
- (1) The prospective patient's unexpired Ohio driver's license;
- (2) The prospective patient's unexpired Ohio identification card issued by the Ohio bureau of motor vehicles (BMV); or

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- (3) The prospective patient's unexpired United States passport or United States passport card.
- (I) A patient registration shall be valid from the date of issuance and expire one year later, on the last day of the month it was issued, unless issued pursuant to paragraph (F) of this rule.
- (J) The state board of pharmacy shall send a notification to each patient forty-five calendar days before the expiration date on the patient's registry identification card.
- (K) To maintain a valid patient registration, a patient must annually renew, before the expiration date stated on the patient's registry identification, a patient registration, in accordance with this rule. Renewal submissions, fees, and required documentation may be submitted up to thirty calendar days before the registration will expire. Failure to renew a patient registration will result in an automatic ~~suspension~~expiration of the registration card.

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3796:7-2-02 Caregiver eligibility.

- (A) Unless otherwise provided in paragraph (B) of this rule, only natural persons twenty-one years of age or older may register with the state board of pharmacy to serve as a caregiver for a qualifying patient.
- (B) Notwithstanding the age limitation in paragraph (A) of this rule, the parent of a minor patient who is eighteen years of age or older and who otherwise meets the requirements of Chapter 3796. of the Revised Code and this division, may serve as the minor patient's caregiver.
- (C) No person shall serve as a caregiver for any patient before registering with the state board of pharmacy in accordance with rule 3796:7-2-03 of the Administrative Code.
- (D) A patient shall designate no more than two caregivers. The state board of pharmacy shall register no more than two caregivers for each patient.
- (E) An individual shall serve as a caregiver for no more than two patients. Except as provided in paragraph (F) of this rule, the state board of pharmacy shall associate no more than two patients for each caregiver.
- (F) Notwithstanding the limitations in paragraphs (D) and (E) of this rule, upon a written request on a form in accordance with section 3796.04 of the Revised Code, the state board of pharmacy may, in its discretion, permit an individual to serve as a caregiver for more than two patients and for a patient to designate more than two caregivers:
 - (1) In order to avoid unnecessary hardship to the patient or patients;
 - (2) Where the patient's care is being provided in a hospice program licensed under Chapter 3712. of the Revised Code; or
 - (3) Where the caregiver is simultaneously caring for multiple patients who reside in the same household as the caregiver.
- (G) If a patient requests permission to change a caregiver before renewal, the patient shall cause a change of caregiver request to be submitted by the recommending physician, or, subject to the limitations under section 3796.08 of the Revised Code, the physician's delegate, whom shall set forth the reasons the patient seeks to change caregivers and conform with the caregiver registration requirements under rule 3796:7-2-03 of the Administrative Code. The state board of pharmacy shall approve a new caregiver only if such individual meets the requirements of Chapter 3796. of the Revised Code and this division.
- (H) A patient's recommending physician shall not serve as the patient's caregiver.
- (I) The state board of pharmacy shall deny a submission for a caregiver registration if the individual identified on the submission is included in one or more of the following databases:
 - (1) The system for award management (SAM) maintained by the United States general services administration;
 - (2) The list of excluded individuals and entities maintained by the office of inspector general in the United States department of health and human services pursuant to 42 U.S.C. part 1320a-7 (as effective on January 3, 2017) and 42 U.S.C. part 1320c-5 (as effective on January 3, 2017);
 - (3) The Ohio department of developmental disabilities (DODD) online abuser registry established under section 5123.52 of the Revised Code;

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- (4) The internet-based sex offender and child-victim offender database established under division (A)(11) of section 2950.13 of the Revised Code;
 - (5) The national sex offender public website established under 18 United States Code 16918;
 - (6) The internet-based database of department of rehabilitation and correction inmates established under section 5120.66 of the Revised Code; or
 - (7) The state nurse aide registry established under section 3721.32 of the Revised Code, and there is a statement detailing findings by the director of health that the provider applicant or employee neglected or abused a long-term care facility or residential care facility resident or misappropriated property of such a resident.
- (8) [The Ohio medicaid provider exclusion and suspension list found at: http://medicaid.ohio.gov.](http://medicaid.ohio.gov)

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3796:7-2-03 Procedure for caregiver registration.

- (A) Medical marijuana may not be possessed by ~~or administered to~~ anyone other than a patient, unless the person is a caregiver who is placed on the registry established by the state board of pharmacy in accordance with section 3796.08 of the Revised Code. A registered caregiver may possess and administer medical marijuana to patients with whom the caregiver's registration is associated.
- (B) An individual who meets the caregiver eligibility requirements under rule 3796:7-2-02 of the Administrative Code may be registered as a caregiver if the following are submitted to the state board of pharmacy in a manner suitable to the board:
- (1) Identification of a patient who is registered or attempting to register as a patient pursuant to rule 3796:7-2-01 of the Administrative Code and for whom the individual intends to serve as a caregiver;
 - (2) Completed caregiver registration submission in accordance with paragraph (C) of this rule; and
 - (3) Required fee.
- (C) The recommending physician with whom the patient or prospective patient has a bona fide physician-patient relationship, or the physician's delegate, shall submit the caregiver registration. For a registration submission to be considered complete, the applicable caregiver registration fee and the following items must be submitted to the state board of pharmacy in a manner suitable to the board:
- (1) Caregiver's full name, caregiver residential address, caregiver telephone number, caregiver date of birth, caregiver electronic mail address;
 - (2) Caregiver's government-issued identification number (such as driver's license number). Patients and caregivers must present a physician with an unexpired United States passport, United States passport card, state-issued driver's license, or other state-issued identification issued by the Ohio bureau of motor vehicles (BMV);
 - (3) Associated patient name;
 - (4) Associated patient registration number issued by the state board of pharmacy, if available;
 - (5) Recommending physician's full name (first name and last name);
 - (6) Drug enforcement administration physician identification number;
 - (7) Recommending physician's medical license number issued by the state medical board;
 - (8) Recommending physician's certificate to recommend identification number issued by the state medical board;
 - (9) Date recommendation was issued by the recommending physician;
 - (10) Recommending physician's business address, telephone number, and email address;
 - (11) Indication whether the recommendation is new or a renewal;
 - (12) Such other information as the state board of pharmacy may reasonably require.

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- (D) All prospective caregivers shall attest to the following:
- (1) The physician has explained to the caregiver the possible risks and benefits associated with the use of medical marijuana;
 - (2) The individual agrees to serve as the caregiver for the patient identified on their registry submission;
 - (3) The individual agrees to control the dosage and frequency of the use of medical marijuana in accordance with any instruction for use provided by the physician; and
 - (4) The individual agrees to comply with Chapters 2925. and 3796. of the Revised Code and this division.
- (E) A prospective caregiver for a patient younger than eighteen years of age shall be:
- (1) An Ohio resident, unless authorized pursuant to a reciprocity agreement established pursuant to section 3796.16 of the Revised Code;
 - (2) The patient's parent or legal representative; and
 - (3) Shall attest in accordance with paragraph (D) of this rule and to the following:
 - (a) That the prospective caregiver is the parent or legal representative of the individual under eighteen years of age; and
 - (b) The parent or legal representative understands the information provided by the physician and knowingly consents to the use of medical marijuana by the individual under eighteen years of age.
- (F) To be eligible for an exception under paragraph (F)(2) of rule 3796:7-2-02 of the Administrative Code, a hospice provider shall:
- (1) Register as caregivers all employees who will possess or administer medical marijuana in accordance with this rule; and
 - (2) Notify the state board of pharmacy when a patient with an active medical marijuana registration issued by the board is admitted to hospice pursuant to rule 3701-19-20 of the Administrative Code.
- (G) A caregiver registration shall be valid from the date of issuance and expire one year later, on the last day of the month it was issued.
- (H) The state board of pharmacy shall send a notification to each caregiver forty-five calendar days before the expiration date on the caregiver's registry identification card.
- (I) To maintain a valid caregiver registration, a caregiver must annually renew, before the expiration date stated on the caregiver's registry identification, a caregiver registration submission, in accordance with this rule. Renewal applications, fees, and required documentation may be submitted up to thirty calendar days before the caregiver registration will expire.

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3796:7-2-04 Purchase of medical marijuana.

- (A) A patient or caregiver may only purchase medical marijuana pursuant to a valid and active recommendation issued by a physician pursuant to rule 4731-32-03 of the Administrative Code.
- (B) No patient under eighteen years of age shall purchase medical marijuana.
- (C) Patients and caregivers must provide their registry identification card and photographic identification before entering the dispensary department. Acceptable photographic identification includes:
 - (1) An unexpired state driver's license;
 - (2) An unexpired Ohio identification card issued by the Ohio bureau of motor vehicles (BMV); or
 - (3) An unexpired United States passport or United States passport card.
- (D) The identification number on the photographic identification provided to a dispensary employee must be identical to the identification number included in the patient or caregiver's registration record.
- (E) Before purchasing medical marijuana, patients and caregivers must provide the dispensing employee their registry identification card and photographic identification described in paragraph (C) of this rule.
- (F) A patient may purchase any portion of their ninety-day supply at any time except that no patient shall receive more than a ninety-day supply in a ninety-day period.
- (G) A caregiver may obtain no more than a ninety-day supply of medical marijuana in a ninety-day period on behalf of a single patient. A caregiver shall purchase no more than the aggregate amount of medical marijuana authorized for each of the caregiver's patients.

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3796:7-2-05 Patient and caregiver registry – generally.

- (A) Patient and caregiver registrations are non-transferrable.
- (B) Patients and caregivers shall not engage in the cultivation of medical marijuana or the manufacture of medical marijuana extract, unless authorized pursuant to rule 3796:5-2-01 of the Administrative Code and such cultivating or manufacturing is performed in compliance with rules promulgated by the department pursuant to section 3796.03 of the Revised Code.
- (C) No patient or caregiver shall accept free samples of medical marijuana.
- (D) Patients and caregivers shall purchase medical marijuana only from a medical marijuana dispensary with an active certificate of operation issued by the state board of pharmacy, or where authorized pursuant to a reciprocity agreement established pursuant to section 3796.16 of the Revised Code.
- (E) Patients and caregivers shall store medical marijuana in a secure location so as to prevent theft, loss, or access by persons not authorized under this division.
- (F) Patients and caregivers shall carry their registry identification with them whenever they are in possession of medical marijuana. No more than a ninety day supply of medical marijuana may be possessed by or on behalf of a single patient at any time.
- (G) Medical marijuana shall be maintained in on one of the following containers at all times until administered to or by a patient:
 - (1) The original dispensing package with an unaltered dispensary label in accordance with rule 3796:6-3-09 of the Administrative Code; or
 - (2) The container provided by a dispensary in accordance with paragraph (G) of rule 3796:6-3-01 of the Administrative Code.
- (H) Medical marijuana shall not be possessed or administered on federal property or in federal buildings.
- (I) Medical marijuana shall not be possessed or administered at any public or private place where medical marijuana is prohibited.
- (J) No patient shall operate a vehicle, streetcar, trackless trolley, watercraft, or aircraft under the influence of medical marijuana.
- (K) A caregiver shall not receive payment or other compensation for services provided as a caregiver other than reimbursement for reasonable expenses incurred in the provision of services as a caregiver. In the case of an employee of a hospice provider, nursing facility, or medical facility, or a visiting nurse, personal care attendant, or home health aide serving as a caregiver, the individual shall not receive payment or compensation above or beyond his or her regular wages.
- (L) The state board of pharmacy shall notify patients and caregivers upon the expiration of the patient's or caregiver's registration. Patients and caregivers shall dispose of all medical marijuana within seven calendar days of the expiration of their registration. Acceptable methods for the dispossession of medical marijuana shall be available at www.medicalmarijuana.ohio.gov.
- (M) If a patient's registration is suspended or revoked, or if a patient's registration lapses, the patient or caregiver shall dispose of all medical marijuana dispensed for the benefit of that patient within seven calendar days of

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the expiration of their registration. Acceptable methods for the dispossession of medical marijuana shall be available at www.medicalmarijuana.ohio.gov.

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3796:7-2-06 Voluntary relinquishment of a medical marijuana registration.

- (A) At any time, a patient or caregiver may voluntarily relinquish their patient or caregiver medical marijuana registration by notifying the state board of pharmacy in writing.
- (B) A patient or caregiver shall, within fourteen calendar days of learning from a recommending physician that the patient no longer has a diagnosis of a qualifying condition:
 - (1) Notify the state board of pharmacy, in writing, of the patient's voluntary registration relinquishment; or
 - (2) If the patient seeks to maintain an active patient registration, request in writing, a hearing in accordance with Chapter 119. of the Revised Code, seeking authorization to maintain an active patient registration.
- (C) Medical marijuana shall not be purchased or otherwise obtained without an active recommendation from a recommending physician. A patient who maintains an active registration in accordance with Chapter 3796. of the Revised Code and this division, but whose recommendation has been suspended, shall be authorized only to possess and administer medical marijuana lawfully obtained pursuant to Chapter 3796. of the Revised Code and this division.
- (D) If the voluntary relinquishment of a medical marijuana patient registration, or a decision by the board to inactivate a patient registration, will cause a caregiver to no longer have a patient associated with the caregiver's registration, the caregiver shall:
 - (1) Notify the state board of pharmacy, in writing, of the patient's voluntary registration relinquishment; or
 - (2) If the caregiver seeks to maintain active caregiver registration, request in writing, a hearing in accordance with Chapter 119. of the Revised Code, seeking authorization to maintain an active caregiver registration.
- (E) A caregiver shall not purchase medical marijuana without an associated patient who has an active registration. A caregiver who maintains an active registration in accordance with Chapter 3796. of the Revised Code and this division, shall be authorized only to possess medical marijuana and administer medical marijuana lawfully obtained pursuant to this division to the patient for whom the medical marijuana was purchased.

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3796:7-2-07 Duty to report.

- (A) A patient or caregiver must notify the state board of pharmacy within seven calendar days of learning that the patient or caregiver's registry identification card has been used fraudulently. After notification of the fraudulent use of a registry identification card, the state board of pharmacy may issue a new registry identification card with a new registry number.
- (B) A patient or caregiver must notify the state board of pharmacy within seven calendar days of learning that the patient or caregiver's registry was accessed without authorization. After notification of the unauthorized access, the state board of pharmacy may issue a new registry identification card with a new registry number.
- (C) A patient or caregiver must notify the state board of pharmacy, in a manner suitable to the board, of any change in the information, other than a change in qualifying condition, previously provided to the board in accordance with rule 3796:7-2-01 of the Administrative Code not later than thirty calendar days after such change.
- (D) If a patient is deceased, the patient's caregiver, if any, or a legal representative of the patient shall notify the state board of pharmacy. [A deceased patient's registration may be deactivated at the request of the patient's:](#)
 - [\(1\) Caregiver or legal representative; or](#)
 - [\(2\) Recommending physician.](#)
- (E) A patient shall report to the state board of pharmacy a conviction of any offense and/or any arrest or charges pending of a felony or misdemeanor offense under Chapter 2925., 3715., 3719., or 4729. of the Revised Code, or of an arrest or conviction in another jurisdiction that is substantially the same as a felony or misdemeanor offense under Chapter 2925., 3715., or 4729. of the Revised Code, within fourteen calendar days of the conviction or arrest.
- (F) A caregiver shall report to the state board of pharmacy a violation of any state or federal law or rule, regardless of jurisdiction in which acts were committed, except for minor traffic violations such as parking violations, speeding tickets and violations such as failure to obey a red light, failure to use a turn signal or expired registration do not need to be reported unless the offense involved operating vehicle under the influence of alcohol or a controlled substance. Acts in accordance to Chapter 3796. of the Revised Code and this division that constitute a violation of federal law shall not be reported.
- (G) If a patient has a caregiver, that caregiver may provide any required notification to the state board of pharmacy on behalf of the patient using the same forms and process in accordance with section 3796.04 of the Revised Code.

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3796:7-2-08 Grounds for discipline.

- (A) The state board of pharmacy, after notice and hearing in accordance with Chapter 119. of the Revised Code, may revoke or impose any one or more of the following sanctions on a patient or caregiver if the board finds the individual engaged in any of the conduct set forth in paragraph (B) of this rule:
- (1) Revoke, suspend, restrict, limit, or refuse to grant or renew a registration; or
 - (2) Reprimand or place the registrant on probation, or refuse to grant an identification card.
- (B) The board may impose the sanctions listed in paragraph (A) of this rule if the board finds:
- (1) The prospective patient or caregiver fails to meet the requirements set forth in Chapter 3796. of the Revised Code or this division;
 - (2) Any information provided to the state board of pharmacy by the patient or caregiver was false or misleading;
 - (3) The prospective patient's or caregiver's registration submission has been previously revoked;
 - (4) The prospective patient or caregiver has had a patient or caregiver registration previously suspended or denied;
 - (5) The applicant is a prospective caregiver who is already registered to serve as a caregiver for two patients;
 - (6) The caregiver's sole patient has had their patient registration suspended, revoked, or inactivated and the caregiver has not voluntarily relinquished their caregiver registration or requested a hearing to maintain an active caregiver registration in accordance with rule 3796:7-2-06 of the Administrative Code;
 - (7) The prospective caregiver is attempting to register to serve as a caregiver for a patient whose registration has been denied or suspended;
 - (8) The patient obtained more than a ninety-day supply of medical marijuana in a ninety-day period. A ninety-day supply includes the aggregate amount of medical marijuana obtained by a patient and all of the patient's caregivers;
 - (9) The caregiver obtained more than a ninety-day supply of marijuana in a ninety-day period on behalf of a single patient;
 - (10) The patient is no longer diagnosed with a qualifying condition and the patient or caregiver did not voluntarily relinquish the patient's registration or request a hearing to maintain an active patient registration pursuant to rule 3796:7-2-06 of the Administrative Code;
 - (11) The patient or caregiver failed to report any changes in any information related to the patient or caregiver, other than a change in medical condition, required to be provided under rule 3796:7-2-01 of the Administrative Code, within thirty calendar days;
 - (12) The patient or caregiver failed to report knowledge of conduct in violation of the medical marijuana control program;
 - (13) The patient or caregiver used or maintained medical marijuana in a manner that put others at risk or failed to take reasonable precautions to avoid putting others at risk;

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- (14) The patient or caregiver sold marijuana to any other person, including other patients or caregivers;
- (15) The patient or caregiver allowed another to use the patient or caregiver's registration identification card;
- (16) The patient or caregiver's medical marijuana registration was accessed by a person without authorization and the patient or caregiver did not notify the state board of pharmacy within seven days of learning that the registry was accessed without authorization;
- (17) The patient consumed medical marijuana using a method of administration that is not permitted under Chapter 3796. of the Revised Code or this division;
- (18) A caregiver administered medical marijuana to a patient using a method of administration that is not permitted under Chapter 3796. of the Revised Code or this division;
- (19) The patient or caregiver allowed medical marijuana to be consumed in a place where consumption is prohibited under Chapter 3796. of the Revised Code or this division;
- (20) The patient or caregiver tampered, falsified, altered, modified or allowed another person to tamper, falsify, alter or modify, a patient or caregiver registry identification card;
- (21) The patient operated a vehicle, streetcar, trackless trolley, watercraft, or aircraft under the influence of medical marijuana;
- (22) The patient or caregiver grew or cultivated medical marijuana contrary to paragraph (B) of rule 3796:7-2-05 of the Administrative Code;
- (23) The patient or caregiver knowingly misrepresented any fact or circumstances related to the medical use of marijuana to the state board of pharmacy, law enforcement, recommending physician, or a dispensary employee; or
- (24) The patient or caregiver's medical marijuana registry identification card has been fraudulently used and the patient or caregiver did not notify the state board of pharmacy within seven calendar days of learning that the card was fraudulently used; or
- (25) The patient or caregiver violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of Chapter 2925., 3715., 3719., 3796., or 4729. of the Revised Code, or of any rule adopted by the board under those provisions.

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3796:7-2-09 Suspension of a patient or caregiver registration without a hearing.

- (A) Pursuant to division (B)(3) of section 3796.14 of the Revised Code, the state board of pharmacy may suspend a patient or caregiver registration by using a telephone conference call to review the allegations and take a vote if the board determines that there is clear and convincing evidence that the continued dispensing or furnishing medical marijuana to the patient or caregiver or administration of medical marijuana to or by a patient, presents a danger of immediate and serious harm to oneself or to others, the board ~~may~~shall suspend the individual's license without a hearing.
- (B) The board shall follow the procedure for suspension without a prior hearing in section 119.07 of the Revised Code. The suspension shall remain in effect, unless removed by the board, until the board's final adjudication order becomes effective, except that if the board does not issue its final adjudication order within ninety days after the hearing the suspension shall be void ninety-one days after the hearing.

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3796:7-2-10 Confidentiality of patient records at hearing.

Any document that is a patient record or that contains information that is required to be kept confidential according to any state or federal law, for purposes of the administrative hearing only, may be provided to a representative of record or to a witness in the proceeding, but shall not be disseminated to any other person unless the confidential information is redacted.

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3796:7-3-01 Medical marijuana patient and caregiver fee structure.

(A) The following non-refundable fees shall be paid to the state board of pharmacy:

- (1) The annual fee for a patient registration is fifty dollars. One application fee must be submitted with each application.
- (2) The annual fee for a caregiver registration is twenty-five dollars. One application fee must be submitted with each application.

(B) The state board of pharmacy may reduce registration fees to fifty per cent of the full registration price for a prospective patient who qualifies for indigent or veteran status, and any prospective caregiver for such a patient. To qualify the patient must be a patient who is:

- (1) Enrolled in the federal “Social Security Disability Income” (SSDI) or the “Supplemental Security Income” (SSI) disability programs. To qualify for a reduced registration fee due to enrollment in either SSDI or SSI programs, the prospective patient shall submit to the state board of pharmacy a copy of a letter or other documentation from the United States social security administration demonstrating the:

- (a) Identity of the patient; and
- (b) Amount of monthly SSDI and SSI benefits to be received by the prospective patient during the current year of the registration submission.

(2) Enrolled in a state retirement system and receiving monthly disability income from the retirement system. Examples include: a state public employees retirement system, a state teacher retirement system, and a police or fire retirement system. To qualify for a reduced registration fee due to enrollment in a state retirement disability program, the prospective patient shall submit to the state board of pharmacy a copy of a letter or other documentation from the retirement program demonstrating the:

- (a) Identity of the patient; and
- (b) Amount of monthly disability benefits to be received by the prospective patient during the current year of the registration submission.

~~(2)~~ (3) A veteran. To qualify for a reduced registration fee due to veteran status, the prospective patient shall submit to the state board of pharmacy a copy of any of the following documents. All acceptable proof documents, except veterans’ identification card, must show the veteran status as honorable, general, general under honorable conditions, or discharged or released under conditions other than dishonorable.

- (a) Department of defense identification card (active, retired, temporary disability retirement list (TDRL));
- (b) DD214, DD215, or national guard bureau (NGB) military discharge certificate indicating disposition of discharge;
- (c) Report of separation from the national archives national personnel records center in St. Louis, Missouri; or
- (d) Veterans identification card from the department of veterans’ affairs.