



Program Rules: Opportunities for Public Input

The State of Ohio is committed to an open and transparent process when setting up the regulatory framework for the Ohio Medical Marijuana Control Program (OMMCP). This document provides an overview of the opportunities available for the public to provide input on the development of program rules.

1st Opportunity: Initial Public Comment

All proposed rules are posted to the OMMCP website (medicalmarijuana.ohio.gov/rules) for a public comment period. Stakeholders will have the ability to provide input and feedback on rules proposed by the program through the website.

2nd Opportunity: Common Sense Initiative

As part of the Common Sense Initiative (CSI), all OMMCP agencies are required to complete a Business Impact Analysis (BIA) and submit it and the proposed rules to the CSI office. OMMCP agencies will post the BIA and a copy of the proposed rules to the OMMCP website (medicalmarijuana.ohio.gov/rules) to provide an additional opportunity for the affected public to provide input on the rules.

If, based upon the feedback received during the public comment period, CSI has any suggestions regarding the rules, it will send the agency a memo with the recommendations. If CSI does not have any suggestions, it still sends a memo to the agency acknowledging that their review is complete. An OMMCP agency cannot file rules with the Joint Committee on Agency Rule Review (JCARR) until the CSI process is complete.

For more information on CSI, please visit: <http://governor.ohio.gov/csi>

3rd Opportunity: Public Hearing

As part of the Joint Committee on Agency Rule Review (JCARR) process the OMMCP agency holds a public hearing between 30-41 days after the rules have been filed with JCARR. This allows the agency to receive additional input on the rules. All public hearing notices are posted to the OMMCP website (medicalmarijuana.ohio.gov/rules).

Public hearing notices and copies of the proposed rules will also be available on the register of Ohio's web site: <http://www.registerofohio.state.oh.us/>

On the date, time and place designated in the notice, the agency will conduct a public hearing at which any person affected by the proposed action of the agency or any member of the public may testify. Once the hearing record is closed, the agency will review and consider all the testimony.

4th Opportunity: JCARR Hearing

This hearing is the final opportunity for the public to provide comments about the rules. The comments before JCARR may only address the following six issues within JCARR's jurisdiction:

1. Do the rules exceed the agency's statutory authority;
2. Do the rules conflict with an existing rule of that agency or another state agency;
3. Do the rules conflict with legislative intent;
4. Has the rule-making agency prepared a complete and accurate rule summary and fiscal analysis of the proposed rule, amendment, or rescission (ORC 127.18);
5. Has the rule-making agency met the incorporation by reference standards for a text or other material as stated in ORC sections 121.72, 121.75, or 121.76; and
6. If the rule has an adverse impact on business (ORC 107.52), that the rule-making agency has demonstrated through the business impact analysis (BIA), the Common Sense Initiative Office (CSI) recommendations and the agency's memorandum of response to the CSI recommendations, that the rule's regulatory intent justifies its adverse impact on business.

For more information on JCARR, please visit: <http://www.jcarr.state.oh.us/>