



# Ohio Department of Commerce Medical Marijuana Control Program

## Approved Pesticides for Use in the Cultivation of Medical Marijuana

Pursuant to Ohio Administrative Code (O.A.C.) 3796:2-2-01, the Department of Commerce (Department) Medical Marijuana Control Program has developed a [list of pesticides approved for use by licensed medical marijuana cultivators](#).

Only approved pesticides shall be used during the cultivation of medical marijuana. "Cultivate" means to grow, harvest, package, and transport medical marijuana pursuant to Chapter 3796 of the Revised Code.

Licensees may not use any pesticides that are not included on the Approved Pesticides for Use in the Cultivation of Medical Marijuana List (the List) provided below without prior approval from the Department (see "Application to Modify the Approved Pesticide List" below).

Additionally, licensees must ensure:

- All individuals applying pesticides adhere to the use requirements of the label and utilize all applicable personal protective equipment.
- Compliance with all posting requirements of the standard protection language stated on the label.
- A record of all pesticide applications is recorded on a log and maintained for at least five years. This record must include all information outlined in O.A.C. 3796:2-2-01(C)(6).
- Disposal of all unused pesticides in compliance with all state and federal laws and regulations, which require compliance with all directions on the product label.

The use of a pesticide that is inconsistent with the product's label or in violation of pesticide use restrictions set forth in Chapter 3796 of the Administrative Code may result in action being taken by the Department pursuant to O.A.C. 3796:5-6-01.



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## **Pesticide Use After the Twenty-First Day of Flowering**

No foliar application of pesticides shall be made after the twenty-first (21<sup>st</sup>) day following the date that a plant is moved into the flowering stage of growth, unless otherwise permitted on the List. Pesticides that have been approved for use after the twenty-first (21<sup>st</sup>) day up until the plant is harvested are indicated on the List.

## **Application to Modify the Approved Pesticide List**

Licensees who wish to use a pesticide that is not already denoted on the List must submit an Application to Modify the Approved Pesticide List. Applications must be submitted within the [eLicense Portal](#) for:

1. A pesticide that is not included on the list, or
2. A pesticide that is intended for foliar application on a plant that was moved into the flowering state of growth more than 21 days prior, but has not yet been harvested.

Prior to submitting an Application to Modify the Approved Pesticide List, licensees must ensure that the pesticide meets the requirements of O.A.C. 3796:2-2-01(C). The pesticide must be:

1. Registered with the [Ohio Department of Agriculture](#); AND
2. Registered with the [United States Environmental Protection Agency](#) under section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 136 - 136y (2012); OR
  - exempt from registration under 40 C.F.R. 152.25(f) (2015) and the active and inert ingredients of the pesticide product are authorized for use on crops or plants intended for human consumption by the United States Environmental Protection Agency.

## **Pesticide Use After Harvest Not Permitted**

A licensee is **not** permitted to use any pesticides on medical marijuana after harvest without prior approval from the Department. Requests to use a pesticide after harvest must be submitted following the [Change of Operations](#) procedure.



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## Ohio Statutory and Administrative Rule Authority

- Ohio Revised Code 3796.03(C): permits the Department to establish any rules it deems necessary for the ongoing administration of the medical marijuana control program.
- Ohio Administrative Code 3796:5-6-01 and 5-6-02 permit the Department to enforce the rules and regulations established under Chapter 3796 of the Ohio Administrative Code.
- Ohio Administrative Code 3796:2-2-01 mandates that cultivators establish and maintain certain policies and procedures within their standard operating procedure that ensure compliance with the rules for production, storage, inventory, and transportation of medical marijuana.
- Ohio Administrative Code 3796:2-2-01(C) mandates that a cultivator that utilizes any approved pesticides, fertilizers, or other chemicals during the cultivation process must meet all requirements under the rule.