



## Ohio Department of Commerce Medical Marijuana Control Program

### MMCP Guidance – Cultivator Research & Development Testing

The Medical Marijuana Control Program (MMCP), pursuant to authority in Ohio Revised Code/Ohio Administrative Code 3796, is providing updated guidance to cultivators and testing laboratories on research and development testing (“R&D testing”).

Ohio Administrative Code 3796 establishes testing analysis requirements and acceptable thresholds. Testing laboratories are permitted under Ohio Admin. Code 3796:4-2-03(D) to obtain samples of plant material at any phase of cultivation for the purposes of assisting cultivators in research and development regarding new strains of medical marijuana or cultivation techniques, if analysis is requested by a cultivator.

R&D tests must be reported to the Department in accordance with Ohio Admin. Code 3796:4-2-05 and the resulting Certificate of Analysis must be clearly marked with the phrase "For research and development only. Not for sale." Compliance testing required pursuant to Ohio Administrative Code 3796 **may not** be completed on the same sample used for R&D testing.

There are no minimum sample sizes or batch sizes for R&D testing samples. However, licensees must record and document any R&D testing samples in Metrc and transport medical marijuana samples according to laboratory transportation requirements.

Processors **are not** permitted to request R&D testing. Please refer to Ohio Admin. Code 3796:4-2-04(D) for regulations regarding the tests that laboratories may perform on marijuana derived ingredients.

#### **Metrc Lab Test Batch Selection**

On March 28, 2022, the Department implemented standardized [Metrc Lab Test Batches](#), including options for R&D testing.

Effective April 25, 2022, cultivators must utilize the new Lab Test Batch category “**R&D Testing – Miscellaneous**” when submitting a sample of medical marijuana to a licensed testing laboratory for R&D testing that does not fall under any of the other R&D Lab Test Batch categories.

The **R&D Testing – Miscellaneous** Lab Test Batch may only be selected for testing that is not otherwise categorized under R&D Lab Test Batches. As an example, a cultivator may wish to know the terpene profile of a flowering plant. The cultivator must use the **R&D Testing – Miscellaneous** Lab Test Batch category when creating the test sample in Metrc. Multiple R&D Lab Test Batches may be selected for a single sample, e.g., a cultivator may select **R&D Testing - Potency (Plant Material)** and **R&D Testing – Miscellaneous** if potency and miscellaneous terpene analysis is requested for an R&D sample.

Note: Compliance testing required pursuant to Ohio Administrative Code 3796 **may not** be completed on the same sample used for R&D testing. Therefore, when making Lab Test Batch selections in Metrc, a cultivator may choose one or multiple R&D Lab Test Batch categories



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(examples provided above) OR one other compliance test category. Licensees **may not** combine an R&D Lab Test Batch with another Lab Test Batch category.

### **Laboratory Reporting**

The testing laboratory must report the **R&D – Miscellaneous** testing results into Metrc as either passed or failed. Furthermore, testing laboratories must include a description of the type of miscellaneous R&D testing that was performed in the “notes” field when reporting results in Metrc.

Testing laboratories are required to generate a Certificate of Analysis for any R&D testing. The Certificate of Analysis must be clearly marked with the phrase "For research and development only. Not for sale."

Failure to comply with laboratory reporting requirements may result in enforcement action as permitted by Ohio Admin. Code 3796:5-6, up to and including fines, suspension, or revocation of the license.

### **Available Metrc R&D Lab Test Batches**

<b>R&amp;D Test Batch</b>	<b>Quantitative Result Required in Metrc</b>	<b>Certificate of Analysis Required</b>	<b>Pass/Fail Required</b>
R&D Testing - Metals	✓	✓	✓
R&D Testing - Microbials	✓	✓	✓
R&D Testing - Miscellaneous	X	✓	✓
R&D Testing - Moisture Content	✓	✓	✓
R&D Testing - Mycotoxins	✓	✓	✓
R&D Testing - Pesticides	✓	✓	✓
R&D Testing - Potency (Plant Material)	✓	✓	✓
R&D Testing - Water Activity	✓	✓	✓



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### Ohio Statutory and Administrative 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 Revised Code 3796.05: permits the Department to establish any rules it deems necessary for the testing of medical marijuana.
- 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 mandate that licensees 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 3796:2-2-04 mandate that licensees track and submit into the Metrc system any information the Department determines necessary for maintaining and tracking medical marijuana.
- Ohio Administrative Code 3796:2-2-06 establishes cultivator laboratory testing requirements.
- Ohio Administrative Code 3796:4-2-03 establishes testing laboratory sample procurement, including the collection of samples for R&D testing.
- Ohio Administrative Code 3796:4-2-04 establishes laboratory testing analysis requirements.
- Ohio Administrative Code 3796:4-2-05 requires laboratory reporting of testing results.