

1301:18-9-01**Cannabis Facility Inspections.**

- (A) The Ohio division of cannabis control may, at any time, with or without notice, conduct an inspection to ensure compliance with all representations made to the division, state and local law, Chapters 3780 and 3796. of the Revised Code, and the rules promulgated in accordance with Chapters 3780 and 3796. of the Revised Code.
- (B) Notwithstanding the requirements of division 1301:18 of the Administrative Code, nothing shall prohibit the Ohio division of cannabis control, the division's designee, law enforcement, or other federal, state, or local government officials from entering any area of a cannabis entity's licensed premises if necessary to perform their governmental duties.
- (C) The submission of an application that results in the issuance of a provisional license or certificate of operation irrevocably gives the Ohio division of cannabis control consent to conduct all inspections necessary to ensure compliance with state and local law, Chapters 3780 and 3796. of the Revised Code, and the rules promulgated in accordance with Chapters 3780 and 3796. of the Revised Code.
- (1) The Ohio division of cannabis control may conduct the inspection independently, or may work with third parties, other divisions, state agencies, or local authorities, including the Ohio division of agriculture, the division of industrial compliance, and the division of state fire marshal, to ensure compliance with, state and local law, Chapters 3780 and 3796. of the Revised Code, and the rules promulgated in accordance with Chapters 3780 and 3796. of the Revised Code.
- (2) An inspection of a licensee may include, without limitation, investigation of standards for safety from fire on behalf of the division by the local fire protection agency.
- (a) If a local fire protection agency is not available, the division of state fire marshal may conduct the inspection after the licensee pays the appropriate fee to the division of state fire marshal for such inspection.
- (D) Pursuant to an inspection, the division may do any of the following:
- (1) Access and inspect:
- (a) The entirety of the licensed premises, including any off-site facilities;
- (b) Any area within the licensed premises;
- (c) Any secure, limited access area or other locked area of the licensed premises;
- (d) Facility motor vehicles;

- (e) All inventory; and
  - (f) All equipment, instruments, tools, containers, materials, machinery, or any other resource utilized at the licensed premises;
- (2) Obtain samples for testing of any cannabis maintained at the licensed premises, media used to grow cannabis, chemicals and ingredients used in any cultivation, manufacturing, and extracting process, any labels or containers for cannabis, or any raw packaged cannabis.
- (3) Question and interview registered responsible parties, owners, officers, board members, and all other employees or agents of the licensee;
- (4) Review any and all policies and procedures; and
- (5) Make and obtain copies of any and all records pursuant to rule 1301:18-3-17 of the Administrative Code.
- (E) Prior to the issuance or renewal of a certificate of operation or change of location each licensee must pass a pre-approval inspection to ensure the licensed premises comply with all of the following:
  - (1) All representations made to the division;
  - (2) All specifications outlined in written policies and procedures as required by these rules;
  - (3) All requirements outlined under Chapters 3780 and 3796. of the Revised Code, and the rules promulgated in accordance with Chapters 3780 and 3796. of the Revised Code.
  - (4) The pre-approval inspection will occur at a mutually agreeable time.
  - (5) Upon the completion of the pre-approval inspection, the division may issue either of the following:
    - (a) A certificate of operation in accordance with this division; or
    - (b) A written statement listing the deficiencies identified during the inspection that must be remedied before a certificate of operation will be issued by the division.
- (F) Following an inspection conducted pursuant to this rule, the division will issue an inspection report that documents the following:

- (1) The observations and findings of the inspections;
- (2) The outcome of the inspection;
- (3) Any suggestions for the licensee to take into consideration; and
- (4) If applicable, a written statement listing the deficiencies identified during the inspection pursuant to paragraph (E)(5)(b) and (G) of this rule.

(G) Deficiencies

- (1) Upon receipt of a statement of deficiencies, unless otherwise authorized by the division, the licensee shall develop a plan of correction for each deficiency and submit the plan in writing to the division for review and approval within ten business days of receipt of the statement of deficiencies.
  - (a) The plan of correction must include specific requirements for corrective action that will be performed within thirty calendar days after the division's approval of the plan of correction
  - (b) If the plan of correction submitted is not acceptable to the division, the division may either direct the licensee to resubmit a plan of correction or the division may develop a directed plan of correction with which the licensee must comply.
- (2) Upon approval of the written plan of correction, the licensee shall sign the plan of correction, binding the licensee to the terms under which the licensee may be issued a certificate of operation.
  - (a) If the licensee and the division are unable to come to terms on the written plan of correction, the division may take action in accordance with Chapter 1301:18-9 of the Administrative Code.
- (3) The division will re-inspect a licensee upon the completion of the written plan of correction.
  - (a) If the corrective measures meet the division's satisfaction, the division will issue a certificate of operation.
  - (b) If the corrective measures do not meet the requirements of the written plan of correction, the division may take action in accordance with Chapter 1301:18-9 of the Administrative Code.

- (H) If an inspector finds evidence of operational failures or conditions that create a likelihood of diversion, contamination, risk to public health, or a violation of any representation made to the division, state and local law, Chapters 3780 and 3796. of the Revised Code, and the rules promulgated in accordance with Chapters 3780 and 3796. of the Revised Code, the division may take any action authorized under Chapter 1301:18-9 of the Administrative Code.
- (I) To prevent destruction of evidence, diversion, or other threats to public safety, the division may order an administrative hold of cannabis or cannabis products or any records of any licensee. The division may assess the costs of an investigation, including travel and the time of any and all division employees, to a licensee.

Effective: 12/20/2024

Five Year Review (FYR) Dates: 12/20/2029

CERTIFIED ELECTRONICALLY

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Certification

12/02/2024

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Date

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Statutory Authority: 3780.03, 3796.03  
Rule Amplifies: 3780.03, 3780.26, 3796.03, 3796.14