3796:2-1-06 **Cultivator certificate of operation.**

(A) A provisional licensee is prohibited from operating as a licensed cultivator and performing any cultivation or production activities until a certificate of operation is issued by the department. The information and plan submitted by a provisional licensee shall become mandatory conditions that must be met before a certificate of operation can be awarded.

(B) A provisional licensee shall have nine months from the date they are notified of selection for a provisional license to obtain a certificate of operation. A certificate of operation shall be issued once all applicable inspections are passed, a certificate of occupancy issued by the building department having jurisdiction for such use is obtained, and the provisional licensee demonstrates that it conforms to the specifications of the application, as well as the requirements imposed by law and rules. If a certificate of operation is issued, the provisional license becomes null and void.

(C) The department shall not award a certificate of operation to a provisional licensee if the provisional licensee has not met all of the specifications in the application and passed all applicable inspections under rule 3796:2-3-01 of the Administrative Code within nine months of written or electronic notification of the applicant's selection for a provisional license. If the provisional licensee fails to remedy the deficiencies in accordance with rule 3796:2-3-01 of the Administrative Code or otherwise satisfy the nine month time period established under paragraph (B) of this rule, the director, at his or her discretion, may extend the time period for the cultivator to obtain a certificate of operation or take action pursuant to rule 3796:5-6-01 of the Administrative Code.

(D) In addition to entities authorized to purchase medical marijuana pursuant to Chapter 3796. of the Revised Code from a cultivator possessing a certificate of operation, medical marijuana may be sold to a laboratory licensed under Chapter 4729-13 of the Administrative Code, to possess dangerous drugs and controlled substances for scientific and clinical purposes.

(E) The certificate of operation, along with a copy of the current certificate of occupancy for the facility and any other certificate, business license, or other authorization required to conduct production activities, shall be posted in a conspicuous place within the facility and made available to the department and all fire code and building officials upon request.

Effective:

Five Year Review (FYR) Dates:

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Certification

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Date

Promulgated Under:	119.03
Statutory Authority:	R.C. 3796.03
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