

Rule Summary and Fiscal Analysis (Part A)**Medical Marijuana Control Program**

Agency Name

Medical Marijuana Cultivators

Division

Justin Hunt

Contact

**77 South High Street 23rd floor Columbus OH
43215-6123**

Agency Mailing Address (Plus Zip)

614-728-1709

Phone

Fax

rules@medicalmarijuana.ohio.gov

Email

3796:2-1-06

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

Cultivator certificate of operation.**RULE SUMMARY**1. Is the rule being filed for five year review (FYR)? **No**2. Are you proposing this rule as a result of recent legislation? **Yes**Bill Number: **HB523**General Assembly: **131**Sponsor: **Huffman, S.**3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**4. Statute(s) authorizing agency to adopt the rule: **R.C. 3796.03**5. Statute(s) the rule, as filed, amplifies or implements: **R.C. 3796.03, R.C. 3796.09**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

Department of Commerce must promulgate rules for the Medical Marijuana Control Program pursuant to ORC 3796.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE,

then summarize the content of the rule:

3796:2-1-06 addresses the time period for a provisional licensee to get up and running (9 months) and the issuance of a certificate of operation, which allows a cultivator to start growing medical marijuana. It also allows a provisional licensee to request an extension to obtain this certificate if the circumstance permit it.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so. If applicable, indicate each specific paragraph of the rule that has been modified:

RSFA question #5 was updated to designate a more specific statute that the rule amplifies.

12. Five Year Review (FYR) Date:

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase/decrease** either **revenues/ expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will increase revenues.

unknown

Revenue will increase by \$180,000 for each level I cultivator license issued. Revenue will increase by \$18,000 for each level II cultivator license issued. It is unknown at this time how many licenses will be issued. However, the maximum number of each level is 12 (maximum of 24, total)

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

n/a

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

Each level I cultivator issued a certificate of operation will be required to pay \$180,000. Each level II cultivator issued a certificate of operation will be required to pay \$18,000. Both fees established under 3796:5-1-01.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

S.B. 2 (129th General Assembly) Questions

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **Yes**

19. Specific to this rule, answer the following:

A.) Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? **Yes**

This rule details the manner in which a provisional licensee may be awarded a certificate of operation.

B.) Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? **Yes**

Action may be taken pursuant to 3796:5-6-01 or other rules under 3796:5-6.

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **Yes**

In the event that a provisional licensee is awarded a certificate of operation, a level I cultivator will be responsible to pay \$180,000 license fee, and a level II cultivator will be required to pay \$18,000 license fee.