

3796:2-1-07

Uninterrupted supply of medical marijuana.

- (A) A cultivator shall ensure that a consistent supply of medical marijuana is available to be sold to licensed processors and dispensaries. Evidence of a consistent supply may be shown by:
- (1) Not more than one hundred twenty days elapsing between harvests of at least fifteen pounds of medical marijuana; or
 - (2) Maintaining an inventory of at least twenty pounds of medical marijuana for level I cultivators and ten pounds of medical marijuana for level II cultivators that is ready for immediate sale.
- (B) If the director believes a cultivator has failed to meet the requirements of paragraph (A) of this rule, the director may issue a notice of insufficient business activity to a licensed cultivator. The notice shall include the factual basis for the director's belief, including any appropriate supporting documentation.
- (C) Upon a notice issued pursuant to paragraph (B) of this rule, a licensed cultivator may respond with any evidence sufficient to prove that the cultivator has met, and continues to meet, the standards established by paragraph (A) of this rule.
- (D) If a cultivator fails to respond to a notice issued, or the director determines the evidence provided is insufficient to establish one of the conditions in paragraph (A) of this rule, the director shall move to revoke the cultivator's certificate of operation pursuant to rule 3796:5-6-01 of the Administrative Code.
- (E) At any time prior to the issuance of a notice of insufficient business activity, a cultivator may petition the director to toll computation of the timeframes provided in paragraph (A) of this rule. Such a petition shall provide:
- (1) An explanation of the facts and circumstances that will not allow the cultivator to ensure a consistent supply of medical marijuana as required in paragraph (A) of this rule; and
 - (2) A plan for how and when the cultivator will be able to meet the requirements of paragraph (A) of this rule, with specific attention to how such a plan will allow the cultivator to show the standards established in paragraph (A) of this rule.
- (F) Upon receipt of a petition under paragraph (E) of this rule, the director may stay the requirement of paragraph (A) of this rule for a cultivator. A director's order staying the requirement of paragraph (A) of this rule shall state the date upon which the stay is lifted using information provided by the cultivator in accordance with paragraph (E)(2) of this rule.

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CERTIFIED ELECTRONICALLY

Certification

04/24/2017

Date

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