

3796:2-1-09**Cultivator marijuana cultivation area expansion.**

(A) Beginning September 9, 2018, the director or the director's designee, at his or her discretion, may approve a marijuana cultivation area expansion of an existing cultivator's facility, such that the approval of a proposed initial expansion shall not result in a total marijuana cultivation area that exceeds fifty thousand square feet for level I cultivators and six thousand square feet for level II cultivators, based on cultivator compliance with licensure requirements and other factors related to the program. The director, at his or her discretion, may approve a subsequent expansion of an existing facility's marijuana cultivation area of up to twenty-five thousand square feet for level I cultivators and three thousand square feet for level II cultivators, based on cultivator compliance with licensure requirements, if the population of the state, number of patients seeking to use medical marijuana, and data from the inventory tracking system regarding patient recommendations and patient usage of medical marijuana support such expansion. In the event the director or the director's designee approves both expansions of a facility's marijuana cultivation area, the marijuana cultivation area shall not exceed seventy-five thousand square feet for level I cultivators and nine thousand square feet for level II cultivators.

(B) A cultivator seeking to expand its marijuana cultivation area shall submit an expansion plan, which, at a minimum, shall include the following:

(1) Include plans and specifications for the expansion or alteration in accordance with rule 3796:2-1-02 of the Administrative Code that demonstrate compliance with the requirements of the rules adopted by the board of building standards pursuant to Chapters 3781. and 3791. of the Revised Code and the rules adopted by the state fire marshal pursuant to sections 3737.82 and 3737.86 of the Revised Code;

(2) Propose a timeline for completion of the proposed expansion, which, if approved, will become a mandatory condition;

(3) Demonstrate a history of compliance with Chapter 3796. of the Revised Code and the rules promulgated in accordance with Chapter 3796. of the Revised Code, which includes a history of enforcement actions and sanctions issued by the department or law enforcement against the cultivator;

(4) Provide supporting documentation that the cultivator has consistently met the cultivation requirements under rule 3796:2-1-07 of the Administrative Code; and

(5) Demonstrate to the department that the proposed expansion meets the applicable requirements of rule 3796:2-1-02 of the Administrative Code and that the cultivator will remain in compliance with Chapter 3796. of the Revised Code and the rules promulgated in accordance with Chapter 3796. of the Revised Code, if the expansion is permitted.

- (C) Upon the department's receipt of a request for expansion, the department shall have a reasonable time to review and approve or deny a request for expansion. If approved, the cultivator will be bound to the terms in the request for expansion and must pass an inspection pursuant to rule 3796:2-3-01 of the Administrative Code prior to cultivating medical marijuana in the expanded marijuana cultivation area. A cultivator's failure to comply with the approved request for expansion may result in the revocation of the department's approval or additional sanctions under rule 3796:5-6-01 of the Administrative Code. A cultivator shall not submit a request for expansion more than once during any twelve-month period.
- (D) If the director or the director's designee determines that additional cultivation capacity is necessary to meet the demand for medical marijuana based on the population of this state, number of patients seeking to use medical marijuana, and data from the inventory tracking system regarding patient recommendations and patient usage of medical marijuana, the director may request expansion plans from existing cultivators in accordance with paragraphs (B) and (C) of this rule.

Effective:

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under:	119.03
Statutory Authority:	R.C. 3796.03
Rule Amplifies:	R.C. 3796.