

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

Agency Name

**Medical Marijuana Cultivators**

Division

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**3796:2-2-02**

Rule Number

**NEW**

TYPE of rule filing

Rule Title/Tag Line

**Cultivator and plant-only processor packaging and labeling.****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**

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 Chapter 3796 of the Revised Code.

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:

3796:2-2-02 sets forth packaging and labeling requirements for cultivators and plant-only processors that package and transport plant material to processors and/or dispensaries. This rule includes the required content and laboratory analysis found on the label or container that contains the medical marijuana. This rule also allows cultivators to send sample containers to processors and dispensaries for patients to smell and analyze prior to a sale.

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. Language in paragraph (D)(3) was modified to cite the definition of "THC content" by rule rather than by subparagraph.

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 have no impact on revenues or expenditures.

unknown

Each level I cultivator designated as a plant-only processor will pay a fee of \$5000. Each Level II cultivator will pay a fee of \$500. There will be a maximum of 12 of each level (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 will incur a cost of \$5000 for a plant-only processor designation, if that designation is desired. The designation is not mandatory. Each level II cultivator will incur a cost of \$500 for a plant-only processor designation, if that designation is desired. The designation is not mandatory.

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? **No**

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**

Failure to comply can be grounds for action taken by the department under 3796:5-6-01.

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **No**