

3796:2-2-08

Cultivator records and reporting requirements.

(A) Each cultivator shall keep and maintain upon the licensed premises for a five-year period, unless otherwise stated in these rules, true, complete, legible and current books and records. All required records must be made available for inspection if requested by the department. The following records shall be maintained:

(1) Records relating to the disposal of medical marijuana, medical marijuana products, and waste in accordance with paragraph (E) of this rule and rule 3796:2-2-03 of the Administrative Code;

(2) Records related to the sale of medical marijuana in accordance with paragraph (C) of rule 3796:2-2-04 of the Administrative Code;

(3) Transportation records in accordance with rule 3796:5-3-01 of the Administrative Code;

(4) Records of all samples sent to an independent testing laboratory and the quality assurance test results;

(5) Security records in accordance with paragraph (B) of rule 3796:2-2-05 of the Administrative Code;

(6) Inventory tracking records and inventory records maintained in the inventory tracking system, as well as records maintained by the facility outside the inventory tracking system, in accordance with rule 3796:2-2-04 of the Administrative Code;

(7) Cultivation records, which, at a minimum, shall include the following:

(a) Forms and types of medical marijuana maintained at the cultivator on a daily basis;

(b) Soil amendment, fertilizers, pesticides, or other chemicals applied to the growing medium or plants or used in the process of growing medical marijuana in accordance with paragraph (C) of rule 3796:2-2-01 of the Administrative Code; and

(c) Production records, including planting, harvesting and curing, weighing, and packaging and labeling.

(8) Financial records retained at a location determined by the cultivator in accordance with paragraph (C) of this rule;

(9) Employee records in accordance with paragraph (D) of this rule; and

(10) Records of any theft, loss, or other unaccountability of any medical marijuana as described in rule 3796:5-4-01 of the Administrative Code.

(B) A cultivator may use an electronic system for storage and retrieval of records required by this rule or other records relating to medical marijuana. Any loss of electronically-maintained records shall not be considered a mitigating factor for violations of this rule. A cultivator that elects to use an electronic system shall use a system that does all of the following:

- (1) Guarantees the confidentiality of the information stored in the system;
- (2) Is capable of providing safeguards against erasures and unauthorized changes in data after the information has been entered and verified by the cultivator;
- (3) Is capable of placing a litigation hold or enforcing a records retention hold for purposes of conducting an investigation or pursuant to ongoing litigation; and
- (4) Is capable of being reconstructed in the event of a computer malfunction or accident resulting in the destruction of the data bank.

(C) A cultivator shall maintain financial records, which shall include the following:

- (1) Records that clearly reflect all financial transactions and the financial condition of the business, including contracts for services performed or received that relate to the cultivator;
- (2) Purchase invoices, bills of lading, manifests, sales records, copies of bills of sale, and any supporting documents, including the items and/or services purchased, from whom the items were purchased, and the date of purchase;
- (3) Bank statements and canceled checks for all accounts relating to the cultivator, if applicable; and
- (4) Accounting and tax records related to the cultivator and all investors in the facility.

(D) A cultivator shall maintain employee records, which shall include the following:

- (1) All records relating to the hiring of employees, including applications, documentation of verification of references, and any other related materials;
- (2) An employee log that includes the following information for every current and former employee:
 - (a) Employee name, address, phone number and emergency contact information;
 - (b) Registration number and access credential designation;

(c) Date of hire and date of separation from employment, if applicable, and the reason for the separation;

(d) All training, education, and disciplinary records; and

(e) Salary and wages paid to each employee, and any executive compensation, bonus, benefit, or item of value paid to any individual affiliated with any medical marijuana entity, including members of a non-profit corporation, if any.

(3) Visitor logs maintained in accordance with rule 3796:5-2-01 of the Administrative Code.

(E) Medical marijuana production and disposal records may be stored at the facility and shall include all of the following:

(1) The registered product name, strain and quantity of medical marijuana involved;

(2) The date of production or removal from production;

(3) The reason for removal from production, if applicable;

(4) A record of all medical marijuana sold, transported, or otherwise disposed of;

(5) The date and time sale, transportation, or disposal of the medical marijuana; and

(6) If the medical marijuana is destroyed, the cultivator shall maintain records in accordance with paragraph (D) of rule 3796:2-2-03 of the Administrative Code.

Effective: 05/06/2017

Five Year Review (FYR) Dates: 05/06/2022

CERTIFIED ELECTRONICALLY

Certification

04/24/2017

Date

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