

3796:5-5-01**Medical marijuana entity distance from public spaces.**

- (A) In establishing the distance between a medical marijuana entity and a prohibited facility, the distance shall be measured linearly and shall be shortest distance between the closest point of the property lines of the medical marijuana entity and the prohibited facility.
- (B) If a proposed expansion of a licensed medical marijuana entity would result in the medical marijuana entity being located within five hundred feet or less from the prohibited facility at the closest point of the property lines of the medical marijuana entity and the prohibited facility, the department shall deny the request for expansion.
- (C) If the proposed relocation plan of a licensed medical marijuana entity results in the medical marijuana entity being located five hundred feet or less from a prohibited facility at the closest point of the property lines of the medical marijuana entity and the prohibited facility, the department shall deny the request for relocation.
- (D) If a medical marijuana entity has been issued a provisional license or a certificate of operation prior to when a prohibited facility becomes established and is located five hundred feet or less at the closest point of the property lines of the medical marijuana entity and the prohibited facility, the medical marijuana entity shall be permitted to continue operating at that location, provided that the medical marijuana entity does the following:
- (1) Notifies the department or the state of Ohio board of pharmacy, whichever agency is responsible for oversight of the entity's license;
  - (2) Submits the existing security plan to the department or the state of Ohio board of pharmacy, whichever agency is responsible for oversight of the entity's license, for a determination as to the adequacy of the existing security measures; and
  - (3) Agrees to implement additional, reasonable measures to prevent access and make the surrounding areas safe as deemed necessary by the department or the state of Ohio board of pharmacy.

Effective:

Five Year Review (FYR) Dates:

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Certification

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Date

Promulgated Under:	119.03
Statutory Authority:	R.C. 3796.03
Rule Amplifies:	R.C. 3796.03, R.C. 3796.09