

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 3796:5-6-01

Rule Type: Amendment

Rule Title/Tagline: Scope of enforcement and enforcement powers.

Agency Name: Medical Marijuana Control Program

Division: General Provisions

Address: 77 S. High St., 23rd floor Columbus OH 43215

Contact: Brian Peters

Email: Brian.Peters@com.ohio.gov

Phone: (614) 644-3367

I. Rule Summary

1. Is this a five year rule review? No
 - A. What is the rule's five year review date? 5/6/2022
2. Is this rule the result of recent legislation? No
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 3796.03
5. What statute(s) does the rule implement or amplify? 3796.03
6. What are the reasons for proposing the rule?

The reason for proposing this rule is to harmonize the way in which the Department deals with information submitted by applicants and licensees with Ohio public records laws.

7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

This rule relates to the Department's enforcement authority over licensees, and currently includes language that makes information received by the Department

confidential and subjects employees and licensees to potential disciplinary action for disclosing this information. However, most of the information received by the Department is subject to public records law, so the proposed amendments seek to narrow the scope of the confidentiality requirement and remove the potential conflict for employees and licensees.

8. **Does the rule incorporate material by reference? No**
9. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.71 to 121.76, please explain the basis for the exemption and how an individual can find the referenced material.**

Not Applicable

10. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

11. **As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.**

This will have no impact on revenues or expenditures.

\$0

Not applicable.

12. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

If the Agency deems that enforcement action is necessary due to noncompliance, the licensees may be subject to penalties, suspension, and revocation of a license. The amended language does not increase costs associated with compliance.

Agency costs can vary but include the process for investigating incidents of noncompliance, and take enforcement and legal actions against a licensee for failure to comply. These costs can be thousands of dollars.

13. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**
14. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

III. Common Sense Initiative (CSI) Questions

15. **Was this rule filed with the Common Sense Initiative Office? Yes**
16. **Does this rule have an adverse impact on business? No**

- A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? Yes**

In order to operate as a medical marijuana facility, you must obtain a license. The proposed amendment does not create additional license requirements.

- 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**

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- C. Does this rule require specific expenditures or the report of information as a condition of compliance? Yes**

Licensees may be required to submit documentation and additional information to the Agency based on subpoenas or compliance investigations.