

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 3796:5-6-04

**Rule Type:** New

**Rule Title/Tagline:** Variances.

**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?
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 proposed new rule would provide the Director flexibility to grant variances in instances where the variance would not be inconsistent with the statute, or contrary to public health. The proposed language is similar to authority already adopted for the Board of Pharmacy relevant to its licensees under the Medical Marijuana Control Program.

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

This new rule permits the Director the authority to issue variances in cases which the applicable provision is not statutorily mandated, it will not be contrary to public interest, and no person shall be unreasonably prejudiced by the granting of the variance.

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.

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Not applicable.

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

The proposed rule change does not impact compliance costs for licensees.

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**

The underlying rule does require a license to operate, although 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? No**

**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 to process the variance requests.