Rule Summary and Fiscal Analysis
Part A - General Questions

Rule Number: 1301:18-1-01

Rule Type: New

Rule Title/Tagline: Definitions.

Agency Name: Department of Commerce

Division: Division of Cannabis Control

Address: 77 South High Street 20th, Floor Columbus OH 43215

Contact: Kathryn Cornelius-Blume **Phone:** 614.644.7048

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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?** 3780.03

5. **What statute(s) does the rule implement or amplify?** 3780.03, 3780.10

6. **Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires?** No

    A. **If so, what is the citation to the federal law or rule?** Not Applicable

7. **What are the reasons for proposing the rule?**

    To adopt definitions related to the application and licensing of non-medical cannabis facilities.

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

The DCC proposes definitions related to licensing applications, including for abandoned application and dual-use license. The definition of disqualifying offense comes from ORC 3780.01.

9. **Does the rule incorporate material by reference?** No

10. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

    Not Applicable

11. **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

12. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

    This will have no impact on revenues or expenditures.

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    This rule will not have an impact on the agency's revenues or expenditures. Because this is a rule containing definitions rather than more substantive provisions, no costs of compliance are expected.

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

    Not Applicable.

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

15. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C).** No

16. **If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not Applicable.

III. Common Sense Initiative (CSI) Questions

17. **Was this rule filed with the Common Sense Initiative Office?** Yes

18. **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?** 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?** No

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

    D. **Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies?** No

IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. **Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95?** Yes

    A. **How many new regulatory restrictions do you propose adding to this rule?** 1

    18-1-01(A)(2)(d) Notwithstanding paragraph (1) or (2) of this definition, no misdemeanor offense, including misdemeanors of the first degree, related to cannabis possession, cannabis trafficking, illegal cultivation of cannabis, illegal use or possession of drug paraphernalia or cannabis drug paraphernalia, or other cannabis related crimes shall be considered a disqualifying offense.

    B. **How many existing regulatory restrictions do you propose removing from this rule?** 2

    3796:7-3-01(B) An individual who meets the caregiver eligibility requirements under rule 3796:7-2-02 of the Administrative Code may be registered as

a caregiver if the following are submitted to the state board of pharmacy in a manner suitable to the board: (1) Identification of a patient who is registered or attempting to register as a patient pursuant to rule 3796:7-2-01 of the Administrative Code and for whom the individual intends to serve as a caregiver;

3796:7-3-01 (A) The following non-refundable fees shall be paid to the state board of pharmacy: (2) The annual fee for a caregiver registration is twenty-five dollars. One application fee must be submitted with each application.

C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.
OAC 3796: 7-3-01

D. Please justify the adoption of the new regulatory restriction(s).
The regulatory restriction added in this rule is part of a definition taken verbatim from ORC 3780.01.

Rule Summary and Fiscal Analysis
Part A – General Questions

Rule Number: OAC 1301:18-1-01

Rule Type: New

Rule Title/Tagline: Definitions

Agency Name: Department of Commerce

Division: Division of Cannabis Control

Address: 77 S. High St., 20th Floor, Columbus, OH 43215

Contact: Emily Groseclose

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I. Rule Summary

1. **Is this a five year rule review?** No

    A. **What is the rule's five year review date?** n/a

2. **Is this rule the result of recent legislation?** Yes

    A. **If so, what is the bill number, General Assembly and Sponsor?**
    Citizen-initiated statute approved by voters 11/7/2023 (ORC 3780)

3. **What statute is this rule being promulgated under?** 119.03

4. **What statute(s) grant rule writing authority?** 3780.03

5. **What statute(s) does the rule implement or amplify?** 3780.03 and 3780.10

6. **Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires?** No

    A. **If so, what is the citation to the federal law or rule?**

7. **What are the reasons for proposing the rule?**
   To adopt definitions related to the application and licensing of non-medical cannabis facilities.

8. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**
   The DCC proposes definitions related to licensing applications, including for abandoned application and dual-use license. The definition of disqualifying offense comes from ORC 3780.01.

9. **Does the rule incorporate material by reference?**
   No

10. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**
    n/a

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

II. Fiscal Analysis

12. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**
    This rule will not have an impact on the agency's revenues or expenditures.

13. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**
    Because this is a rule containing definitions rather than more substantive provisions, no costs of compliance are expected.

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

15. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C).**
    No

16. **If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**
    n/a

III. Common Sense Initiative (CSI) Questions

17. **Was this rule filed with the Common Sense Initiative Office?** Yes

18. **Does this rule have an adverse impact on business?** Not directly; however, it includes licensing and application definitions for rules that do have an adverse impact on business, and therefore was filed with CSI.

    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?** No
    C. **Does this rule require specific expenditures or the report of information as a condition of compliance?** No
    D. **Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business to which it will apply or applies?** No

IV. Regulatory Restriction Requirements under S.B.9. Note: This section only applies to agencies described in R. C. 121.95(A).

19. **Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95?** Yes

    A. **How many new regulatory restrictions do you propose adding to this rule?** One

    B. **How many existing regulatory restrictions do you propose removing from this rule?** None

    C. **If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**
    OAC 3796:7-3-01

    D. **Please justify the adoption of the new regulatory restriction(s).**
    The regulatory restriction added in this rule is part of a definition taken verbatim from ORC 3780.01.