Rule Summary and Fiscal Analysis
Part A - General Questions

Rule Number: 1301:18-1-01

Rule Type: Amendment

Rule Title/Tagline: Definitions.

Agency Name: Department of Commerce

Division: Division of Cannabis Control

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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?** 6/9/2024

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, 3796.03

5. **What statute(s) does the rule implement or amplify?** 3780.03, 3780.07, 3780.08, 3780.10, 3780.11, 3796.03, 3796.09, 3796.10, 3796.13, 3796.30

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.**

This rule includes definitions related to applications and licensing of cannabis facilities and employees. The DCC is adding definitions related to ownership and control, as well as the types of a facilities that a cannabis facility must be located at least 500 feet away from.

9. **Does the rule incorporate material by reference?** Yes

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.**

    The referenced materials are citations of the Ohio Revised Code and Ohio Administrative Code and are therefore exempt under Ohio Revised Code 121.75(A)(1)(a) and (d). These materials can be found at www.codes.ohio.gov.

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

    Uploaded modified BIA

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.

    N/A

    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.**

    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

    • (10) "Prohibited facility" means a school, church, public library, public playground, or public park, as defined by this rule.

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

    (E) Any change of ownership set forth in paragraphs (C)(2), (C)(3), and (C)(4) of this rule or as otherwise determined by the state board of pharmacy,

shall require the state board of pharmacy to issue a new license number and shall require the submission of a new application fee and new certificate of operation fee.

(E) Any change of ownership set forth in paragraphs (C)(2), (C)(3), and (C)(4) of this rule or as otherwise determined by the state board of pharmacy, shall require the state board of pharmacy to issue a new license number and shall require the submission of a new application fee and new certificate of operation fee.

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 3796:6-2-12

D. Please justify the adoption of the new regulatory restriction(s).
The rule establishes definitions to implement ORC 3780 and 3796.