1301:18-1-01 **Definitions.**

(A) For purposes of this chapter, the following definitions shall apply:

(1) Abandoned application means an application submitted pursuant to division 1301:18 of the Administrative Code which does not meet the minimum eligibility requirements for review, or is otherwise deemed abandoned pursuant to these rules, and is removed from the application process.

(2) Adult-Use consumer: means an individual who is at least twenty-one years of age.

(3) Adulterated cannabis means marijuana as defined by division (A)(1) of section 3796.01 of the Revised Code in which any of the following applies:

(a) A substance has been mixed or packed with the cannabis so as to reduce the quality or strength or the substance has been substituted wholly or in part for the cannabis;

(b) It consists, in whole or in part, of any filthy, putrid, or decomposed substance, including mold, mildew, and other contaminants;}

(c) It has been produced, processed, prepared, packed, or held under unsanitary conditions whereby it may have been contaminated with filth, or whereby it may have been rendered injurious to health; or

(d) Its container is composed, in whole or in part, of any poisonous or deleterious substance that may render the contents injurious to health.

(4) Advertisement or advertising means any written or verbal statement, illustration, or depiction created, intended, or otherwise calculated to induce sales, through a combination of letters, pictures, objects, lighting effects, illustrations, or other similar means, regardless of form, location, or medium.

(5) Batch number means a unique numeric or alphanumeric identifier assigned prior to testing to allow for inventory tracking and traceability.

(6) Bona fide physician-patient relationship has the same meaning as used in the rule promulgated by the state medical board of Ohio under section 4731.301 of the Revised Code.

(7) Cannabis clone means a non-flowering cannabis plant cut from a mother plant that is no taller than twelve (12) inches and is capable of developing into a new plant.

(8) Cannabis container: a sealed, hard or soft-bodied receptacle in which cannabis or cannabis products are directly placed.

(a) A cannabis container that is not subsequently placed into any secondary package as defined by this rule, shall adhere to all packaging and labeling requirements outlined under rule 1301:18-4-20 of the Administrative Code.

(b) A cannabis container does not mean:

(i) Inner wrapping or lining;

(ii) Any associated device used to administer the cannabis;

(iii) An exit package; or

(iv) Packaging used to transfer cannabis in bulk from one licensee or to another.

(9) Cannabis device means any portable, hand-held cannabis mechanism sold with cannabis or cannabis products utilized for administering the materials contained within. This includes, vaporizers, cannabis inhalers, oral syringe used to administer oil for cannabis extracts intended for oral administration, paper or other materials intended for use in a raw or infused single serving units, and other similar materials.

(10) Cannabis inhaler means a device to administer aerosolized cannabis concentrate and does not further decarboxylate THCA by heated vaporization or combustion.

(11) Cannabis product means any product manufactured by a cannabis processor that is in the final form intended for consumption. A cannabis product contains cannabis extract or dried cannabis plant material, which may be in combination with other approved ingredients to create the final product. This includes, but is not limited to, oils, tinctures, edibles, patches, single serving units, combination inhalable products, vaporization solutions, and any forms approved under 1301:18 of the Administrative Code.

(12) Church means a church as defined by section 1710.01 of the Revised Code.

(13) Combination Inhalable Product means a product created by combining one or more cannabis products, including cannabis extracts, with dried plant material into a final form which is intended for inhalation. Combination inhalable

products may only be created using cannabis products and dried plant material which passed all state-required testing just prior to use as a component.

(14) Complete Registration means the following

(a) Patient full name;

(b) Patient residential address;

(c) Patient telephone number;

(d) Patient date of birth;

(e) Patient qualifying condition;

(f) State-issued identification number (such as driver's license number) or other identification approved by the division;

(g) Patient registration number;

(h) Recommending physician's full name (first name and last name);

(i) Recommending physician's drug enforcement administration identification number;

(j) Recommending physician's medical license number issued by the state medical board;

(k) Recommending physician's certificate to recommend identification issued by the state medical board;

(l) Date recommendation was issued by the recommending physician;

(m) Recommending physician's business address, telephone number, and email address;

(n) Indication whether the recommendation is new or a refill;

(o) Number of the refill being dispensed; and

(p) Date order written, which shall be the date the written recommendation was issued.

(15) Control means the ability to make or significantly influence the strategic policies or management decisions ordinarily reserved for the majority owners

or board of directors of a "person" as defined under these rules. Control may be established through ownership, contract, or otherwise; provided control will not be imputed on a bank or licensed lending institution that holds a mortgage or other lien on the person acquired in the ordinary course of business.

(a) When determining whether a person is exercising control, or has the ability to exercise control, over another, the division may consider, among other factors, whether, and to what extent, the person has any power to do the following on behalf of another:

(i) Adopt or amend governance documents, including articles of incorporation, articles of organization, bylaws, operating agreements, or buy-sell agreements.

(ii) Cause or prevent a merger, dissolution, equity sale, or asset sale.

(iii) Elect or remove directors or officers; or elect or remove other positions that exercise authority similar to those of a director or an officer in an Ohio corporation.

(iv) Exercise voting power similar to a shareholder in an Ohio corporation.

(v) Exercise voting power similar to a director in an Ohio corporation.

(vi) Call meetings of the directors or owners.

(vii) Regulate the authority of the owners, directors, or officers.

(viii) Issue shares, membership interest, or similar equity.

(ix) Declare dividends or distributions.

(x) Enter into contractually binding agreements.

(xi) Authorize a mortgage, pledge, lien or deed of trust on any real property or personal property.

(xii) Hire or fire organizations that manage day-to-day operations.

(b) In addition to the listed factors, the division may consider any other factors listed under paragraph (1) it deems relevant. Control may be established whether one, any or none of the factors listed are present.

(16) Cultivation Area means the boundaries of the enclosed areas in which adult use cannabis is cultivated during the vegetative stage and flowering stage of the cultivation process. For purposes of calculating the cultivation area square footage, enclosed areas used solely for the storage and maintenance of mother plants, clones, or seedlings shall not be included.

(17) Customer: means an adult-use consumer or registered medical patient or caregiver within the context of purchasing cannabis at a licensed dispensary.

(18) Disqualifying offense means a conviction or plea of guilty, including conspiracy to commit, attempt to commit, or aiding and abetting another in committing, the following:

(a) Any offense set forth in Chapters 2925, 3719, or 4729. of the Revised Code, the violation of which constitutes a felony or a misdemeanor of the first degree;

(b) Any theft offense set forth under division (K) in section 2913.01 of the Revised Code, the violation of which constitutes a felony;

(i) Any violation for which a penalty was imposed under section 3715.99 of the Revised Code;

(ii) A crime of moral turpitude as defined in section 4776.10 of the Revised Code; or

(iii) A violation of any former law of this state, any existing or former law of another state, any existing or former law applicable in a military court or Indian tribal court, or any existing or former law of any nation other than the United States that is or was substantially equivalent to any of the offenses listed in paragraphs (a)(iv) to (a)(iv) of this definition.

(c) Any first-degree misdemeanor offense listed in paragraphs (a)(i) to (a)(v) of this definition will not automatically disqualify an applicant from licensure if the applicant was convicted of or pleaded guilty to the offense more than five years before the date the application for licensure is filed.

(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.

(19) Dual-use license means a license issued by the division that allows:

(a) A cultivator to engage in all permissible activities outlined under sections 3796.18, 3780.12, and 3780.13 of the Revised Code.

(b) A processor to engage in all permissible activities outlined under sections 3796.19 and 3780.14 of the Revised Code.

(c) A testing laboratory to engage in all permissible activities outlined under sections 3796.21 and 3780.16 of the Revised Code.

(d) A dispensary to engage in all permissible activities outlined under sections 3796.20 and 3780.15 of the Revised Code.

(20) Facility visitor means any individual seeking to enter the premises of a licensed entity who does not maintain a valid employee badge pursuant to rule 1301:18-3-09 of the Administrative Code and is not a registered patient, caregiver, or adult-use consumer within a dispensary's retail area.

(21) Final Form means the form of cannabis as manicured, trimmed, manufactured, or processed and intended for customer sale.

(a) The intended form of cannabis immediately prior to submission to a testing laboratory licensed pursuant to 1301:18 of the Administrative Code for all state-required testing. For purposes of submission of final form cannabis for any state-required testing, final form cannabis may, but is not mandated to be, placed in a container or package.

(22) Financial interest means any actual or future right to ownership, or investment, with another person, either directly or indirectly, through business, investment, spouse, parent, or child, in licensed cannabis business. Financial interest does not include ownership of investment securities in a publicly-held corporation that is traded on a national securities exchange or over-the-counter market in the United States, provided the investment securities held by the person and the person's spouse, parent, or child, in the aggregate, do not exceed ten percent ownership in the licensed cannabis entity.

(23) Flowering stage means the stage of cultivation where and when a cannabis plant is cultivated to produce plant material for products. This includes mature plants which are identified by:

(a) If greater than two stigmas are visible at each internode of the plant; or

(b) If the cannabis plant is in an area that has been intentionally deprived of light for a period of time intended to produce flower buds and induce maturation, from the exact moment the light deprivation has started to occur and for the remainder of the cannabis plant growth cycle in such area.

(24) Health-related statement means any statement, term, reference, or claim related to health and includes statements of a curative or therapeutic nature that, expressly or by implication, suggest a relationship between the consumption or administration of cannabis, or any compound, ingredient, additive, or any combination thereof, found within a cannabis product, and health benefits or effects on health. This includes both specific health claims and general references to alleged health benefits or effects on health associated with the consumption of cannabis. This also includes anything that implies a physical, physiological, or psychological sensation or effect resulting from the consumption or administration of cannabis. Health-related statement also includes statements, symbols, vignettes, or other forms of communication that suggest, within the context in which they are presented, that a relationship exists between the consumption or administration of cannabis and any alleged health benefit.

(25) Indigent Status means an individual enrolled in the federal "Social Security Disability Income" (SSDI) or the "Supplemental Security Income" (SSI) disability programs, a copy of a letter or other documentation from the United States social security administration with the individual’s identification or other documentation as determined by the division.

(26) Infused single serving unit is a combination inhalable product that consists of dried plant material and cannabis extract, wrapped in rolling paper. The cannabis extract may be included in the product by combining with the dried plant material, applying to the rolling paper, or both. A lot of infused single serving units may not exceed 35,000 units.

(27) Licensed premises means the real property, including any facility, building, storage areas, parking lot or areas, and any surrounding curtilage, to which any person licensed pursuant to 1301:18 of the Administrative Code maintains ownership or control over via a valid lease or other formal written agreement and as represented to the division of cannabis control pursuant to an application for a license to cultivate, process, test, or dispense cannabis and reflected on the person’s certificate of operation.

(28) Live Plants means cannabis plants that are no greater than five feet in height and are still in the vegetative state and not flowering;

(29) Mother plant means a cannabis plant that is cultivated or maintained for the purpose of generating clones, and that will not be used to produce plant material for sale to a processor or dispensary.

(30) Ownership means a person's, direct or indirect, present ownership interest in a person, including membership interest in a limited liability company, shares of stock in a corporation, or similar equity interests in any other corporate person; or a person’s beneficial interest or proprietary interest in an individual or group of individuals. The definition of ownership does not include passive equity interest of less than ten percent in a licensed cannabis business which is for investment purposes only.

(31) Packaging intended for Direct Customer Sale: the final cannabis packaging as presented, displayed, and sold to customers at a licensed dispensary. Packaging for direct customer sale, may include a cannabis container and secondary packaging, depending on the product type. All packaging for direct customer shall adhere to all mandates outlined for rule 1301:18-4-20 of the Administrative Code.

(32) Person includes, but is not limited to, an individual or a combination of individuals; a sole proprietorship, a firm, a company, a joint venture, a partnership of any type, a joint-stock company, a corporation of any type, a corporate subsidiary of any type, a limited liability company, a business trust, or any other business entity or organization; an assignee; a receiver; a trustee in bankruptcy; an unincorporated association, club, society, or other unincorporated entity or organization; entities that are disregarded for federal income tax purposes; and any other nongovernmental, artificial, legal entity that is capable of engaging in business.

(33) Product Alert: A notice issued from the division to the public when it is determined that a cannabis product is not compliant with Chapters 3780 or 3796. of the Revised Code, or these rules, and has been sold to the public, but the deficiency does not reasonably constitute the product being unfit for consumption or a risk to public health and safety.

(34) Product Recall: A notice issued from the division to the public when it is determined that a cannabis product which is not compliant with Chapters 3780 or 3796. of the Revised Code, or these rules, has been sold to the public, and the deficiency may cause serious adverse health consequences.

(35) Prohibited facility means a school, church, public library, public playground, or public park, as defined by this rule

(36) Provisional license means a temporary license issued to a license applicant that establishes certain conditions that must be met by the provisional licensee before it may be issued a cultivator, processor, testing laboratory, or dispensary certificate of operation and engage in any authorized activity outlined under division 1301:18 of the Administrative Code.

(37) Public library means a library provided for under Chapter 3375. of the Revised Code.

(38) Public park means a park established by the state or a political subdivision of the state including a county, township, municipal corporation, or park district.

(39) Public playground means a playground established by the state or a political subdivision of the state including a county, township, municipal corporation, or park district.

(40) Range of total THC Content means within 10% of the total THC content as defined by rule 1301:18-1-01 of the Administrative Code as reflected by the associated certificate of analysis.

(41) Raw single serving unit means a unit that is packed with dried cannabis plant material (such as trim, shake or ground flower) and wrapped in rolling paper. A raw single serving unit contains only dried cannabis plant material. A batch of raw single serving units must be wrapped in rolling paper prior to all state-required testing.

(42) Recommending physician means a physician, as defined by division (A)(5) of section 3796.01 of the Revised Code, that holds a valid certificate to recommend medical cannabis issued by the state medical board of Ohio under section 4731.30 of the Revised Code.

(43) Secondary Packaging: if applicable, packaging that holds the cannabis container and does not come into direct contact with any cannabis. The packaging as presented for direct customer sale.

(44) School means a public or nonpublic primary school or secondary school and includes a childcare center as defined under section 5104.01 of the Revised Code, and a preschool, as defined section 2950.034 of the Revised Code.

(45) Shake means the loose, fragmented pieces of cannabis plant material that accumulate at the bottom of a bag or container. It consists of fragmented buds, broken leaves, and resinous trichomes (kief) that naturally separate during transportation or handling.

(46) Single day supply: means up to 2.5 ounces of plant material and cannabis products with a total THC content of no more than 15,000 milligrams for purposes of calculation of days and days' supply pursuant to division (B)(1) of section 3796.03 of the Revised Code.

(47) Test Sample Collector: means an individual who is a registered employee pursuant to rule 1301:18-3-09 of the Administrative Code who retrieves test samples from a licensed entity, conducts all required test sample collection, and adheres to all mandates pertaining to test sample collection on behalf of a testing laboratory licensed pursuant to division 1301:18 of the Administrative Code.

(48) Tetrahydrocannabinol or THC means the sum of the amount of delta-9 tetrahydrocannabinol (THC) and 87.7 per cent of the amount of delta-9-tetrahydrocannabinolic acid (THCA) present in the product or plant material. THC does not include minor cannabinoids

(49) Tetrahydrocannabinol content means tetrahydrocannabinol as defined by this rule and any artificially or naturally derived tetrahydrocannabinols, or any structural, optical or geometric isomers, or analogs of tetrahydrocannabinols derived cannabinoid with an intoxicating or psychoactive effect, as determined by the division of cannabis control.

(50) Trim means the sugar leaves and small pieces of cut-off buds that are intentionally pruned from the cannabis plant post-harvest as part of the trimming or manicuring phase, as well as the resinous trichomes (kief) that are dislodged from the cannabis plant incidental to trimming and manicuring activities.

(51) Veteran status means an individual that may provide the following:

(a) Department of defense identification card (active, retired, temporary disability retirement list (TDRL);

(b) DD214, DD215, or national guard bureau (NGB) military discharge certificate indicating disposition of discharge;

(c) Report of separation from the national archives national personnel records center in St. Louis, Missouri;

(d) Veterans identification card from the department of veterans affairs; or

(e) Other documentation as determined by the division.

(52) Vegetative stage means the stage of cultivation where and when a cannabis plant is propagated to produce additional cannabis plants or reach a sufficient size for production. This includes "seedlings," "clones," "mothers," and other immature cannabis plants identified by:

(a) having no more than two stigmas visible at each internode of the cannabis plant and if the cannabis plant is in an area that has not been intentionally deprived of light for a period of time intended to produce flower buds and induce maturation; or

(b) any cannabis plant that is cultivated solely for the purpose of propagating clones and is never used to produce any cannabis intended for direct customer sale.

Effective:

Five Year Review (FYR) Dates:

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Certification

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Date

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