

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 1301:18-10-06

**Rule Type:** New

**Rule Title/Tagline:** Patient and Caregiver Enforcement.

**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?
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? 3796.02, 3796.03, 3796.08
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 allow the Division to impose sanctions on patients or caregivers who violate program rules.
8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

The rule lays out the sanctions the Division can impose on a patient or caregiver, such as revocation, suspension, or restrictions on their registration.

- 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](http://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.**

*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.

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?**

There are no direct costs associated with complying with this rule.

- 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.**

This rule will not have an impact on the agency's revenues or expenditures.

### **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? 2
    - 1 (B)(2) The suspension shall remain in effect, unless removed by the division, until the division's final adjudication order becomes effective.
    - 2 (C) If a patient's registration is suspended or revoked, the patient or caregiver shall dispose of all medical cannabis dispensed for the benefit of that patient within seven calendar days of the expiration of their registration.
  - B. How many existing regulatory restrictions do you propose removing from this rule? 4

1 OAC 3796:7-2-08 (B)(1) The patient or caregiver applicant or registrant fails to meet the requirements set forth in Chapter 3796. of the Revised Code or this division;

2 OAC 3796:7-2-08 (B)(11) The patient or caregiver failed to report any changes in any information related to the patient or caregiver, other than a change in medical condition, required to be provided under rule 3796:7-2-01 of the Administrative Code, within thirty calendar days;

3 OAC 3796:7-2-08 (B)(19) The patient or caregiver allowed medical marijuana to be consumed in a place where consumption is prohibited under Chapter 3796. of the Revised Code or this division;

4 OAC 3796:7-2-08 (B)(26) The patient or caregiver violated any state or federal law or rule, regardless of jurisdiction in which acts were committed, except for minor traffic violations such as parking violations, speeding tickets and violations such as failure to obey a red light, failure to use a turn signal or expired registration. Acts in accordance with Chapter 3796. of the Revised Code and this division that constitute a violation of federal law shall not be considered as grounds for discipline.

**C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**  
3796:7-2-08

**D. Please justify the adoption of the new regulatory restriction(s).**  
The regulatory restrictions adopted in this rule allow the Division to take enforcement action if warranted and requires specific action to protect public health and safety.