3796:1-1-01 **Definitions.**

(A) For the purposes of administrative rules promulgated in accordance with Chapter 3796. of the Revised Code, the following definitions shall have the following meanings:

(1) "Abandoned application" means an application for a medical marijuana entity, patient or caregiver where the applicant fails to meet the minimum requirements in order to receive consideration, or is otherwise deemed abandoned pursuant to the rules promulgated in accordance with Chapter 3796. of the Revised Code.

(2) "Adulterated medical marijuana" 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 medical marijuana so as to reduce the quality or strength or the substance has been substituted wholly or in part for the marijuana;

(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.

(3) "Batch" means:

(a) All of the plant material of the same variety of medical marijuana not to exceed fifteen pounds of manicured, dried flowers or buds or twenty-five pounds of plant material, excluding flowers and buds, that have been:

(i) Grown, harvested, and processed together; and

(ii) Exposed to the same conditions throughout cultivation.

(b) Any amount of medical marijuana extract resulting from a single iteration of a specified extraction process, using the same batch or batches of plant material, as defined in paragraph (A)(3)(a) of this rule.

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

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

(6) "Certificate of operation" means a license authorizing a medical marijuana entity to begin operating pursuant to Chapter 3796. of the Revised Code.

(7) "Clone" means a non-flowering plant cut from a mother plant that is no taller than eight inches and is capable of developing into a new plant.

(8) "Cultivate" means to grow, harvest, package, and transport medical marijuana pursuant to Chapter 3796. of the Revised Code.

(9) "Cultivator", as used in Chapter 3796. of the Revised Code, means an entity that has been issued a certificate of operation by the department to grow, harvest, package, and transport medical marijuana as permitted under Chapter 3796. of the Revised Code.

(10) "Department" means the Ohio department of commerce.

(11) "Designated caregiver" or "caregiver" means the individual designated by a registered patient in a registry application and who holds an active caregiver identification card.

(12) "Director" means the director of the Ohio department of commerce.

(13) "Dispensary", as used in Chapter 3796. of the Revised Code, means an entity licensed pursuant to sections 3796.04 and 3796.10 of the Revised Code and any rules promulgated thereunder to sell medical marijuana to qualifying patients and caregivers.

(14) "Dispense" means the delivery of medical marijuana to a patient or the patient's registered caregiver that is packaged in a suitable container appropriately labeled for subsequent administration to or use by a patient who has an active patient registration with the state of Ohio board of pharmacy, authorizing them to receive medical marijuana.

(15) "Disqualifying offense" means:

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

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

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

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

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

(v) 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)(15)(a)(i) to (A)(15)(a)(iv) of the Administrative Code.

(b) Any first degree misdemeanor offense listed in paragraphs (A)(15)(a)(i) to (A)(15)(a)(v) of the Administrative Code 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.

(c) Notwithstanding paragraph (A)(15)(a) or (A)(15)(b) of this rule, no misdemeanor offense, including misdemeanors of the first degree, related to marijuana possession, marijuana trafficking, illegal cultivation of marijuana, illegal use or possession of drug paraphernalia or marijuana drug paraphernalia, or other marijuana related crimes shall be considered a disqualifying offense.

(16) "Employee identification card" means a badge issued by the department in accordance with rule 3796:5-2-01 of the Administrative Code.

(17) "Expired" means medical marijuana that is beyond:

(a) The date specified by the cultivator in its labeling for plant material, not to exceed one calendar year from its harvest date;

(b) The date specified by the processor in its labeling for medical marijuana products, not to exceed one calendar year from its production date; or

(c) Fourteen days of the opening of its processor-originated package by a dispensary employee.

(18) "Financial interest" means any actual or future right to ownership, investment, or compensation arrangement with another person, either directly or indirectly, through business, investment, spouse, parent, or child, in a medical marijuana entity. 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 one per cent ownership in the medical marijuana entity.

(19) "Flowering stage" means the stage of cultivation where and when a marijuana plant is cultivated to produce plant material for medical marijuana 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 marijuana 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 marijuana plant growth cycle in such area.

(20) "Inventory tracking system" means the electronic database referenced in section 3796.07 of the Revised Code used to monitor medical marijuana.

(21) "Label" means a display of printed information on the immediate container or affixed to the container of any product containing medical marijuana.

(22) "Law enforcement" means a police department, office of a sheriff, state highway patrol, a county prosecuting attorney, or a federal, state, or local governing body that enforces criminal law and that has employees that have statutory power of arrest.

(23) "Level I cultivator" means a cultivator that is permitted to operate up to twenty-five thousand square footage of space designated as the marijuana cultivation area in the application, unless a request for expansion is approved by the director of the department under rule 3796:2-1-09 of the Administrative Code.

(24) "Level II cultivator" means a cultivator that is permitted to operate up to three thousand square footage of space designated as the marijuana cultivation area in the application, unless a request for expansion is approved by the director of the department under rule 3796:2-1-09 of the Administrative Code.

(25) "Lot" means any amount of medical marijuana products of the same exact type produced using the same ingredients, extraction methods, standard operating procedures, and batches of plant material or marijuana extract.

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

(27) "Manufacture" means the process of converting harvested plant material into marijuana extract by physical or chemical means for use as an ingredient in a medical marijuana product.

(28) "Marijuana cultivation area" means the boundaries of the enclosed areas in which medical marijuana is cultivated during the vegetative stage and flowering stage of the cultivation process. For purposes of calculating the marijuana cultivation area square footage, enclosed areas used solely for the storage and maintenance of mother plants, clones, or seedlings shall not be included.

(29) "Medical marijuana" has the same meaning as defined in division (A)(2) of section 3796.01 of the Revised Code.

(30) "Medical marijuana entity" means a licensed medical marijuana cultivator, processor, dispensary, or testing laboratory.

(31) "Medical marijuana extract" means a substance obtained by separating cannabinoids from any part of the marijuana plant by physical or chemical means, so as to deliver a product with a cannabinoid concentration greater than the raw plant material from which it is derived, intended to be refined for use as an ingredient in a medical marijuana product and not for administration to a registered patient.

(32) "Medical marijuana product" means a product that contains cannabinoids that have been extracted from plant material or the resin therefrom by physical or chemical means and is intended for administration to a registered patient, including but not limited to oils, tinctures, edibles, patches, and other forms approved under division (A)(6) of section 3796.06 of the Revised Code. Medical marijuana products shall have a THC content of not more than seventy per cent.

(33) "Medical purpose" means the acquisition, administration, delivery, possession, transfer, transportation, or use of medical marijuana to treat or alleviate a registered patient's qualifying medical condition or symptoms associated with the patient's qualifying medical condition.

(34) "Mother plant" means a marijuana 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.

(35) "Person" includes, but is not limited to, a natural person, sole proprietorship, partnership, joint venture, limited liability partnership or company, corporation, association, agency, business, and not-for-profit organization.

(36) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

(37) "Plant material" means the leaves, stems, buds, and flowers of the marijuana plant, and does not include seedlings, seeds, clones, stalks, or roots of the plant or the weight of any non-marijuana ingredients combined with marijuana.

(38) "Plant-only processor" means a cultivator, as defined in paragraph (A)(9) of this rule, that has received a license from the department for the limited purposes of packaging, selling, and delivering finished plant material directly to a licensed dispensary for sale to a patient or caregiver.

(39) "Processor", as used in Chapter 3796. of the Revised Code, means an entity that has been issued a certificate of operation by the department to manufacture medical marijuana products.

(40) "Product identifier" means the unique number assigned by the Ohio board of pharmacy for each dose and quantity of a registered product created by a cultivator or processor to allow for inventory and traceability.

(41) "Program" means the Ohio medical marijuana control program.

(42) "Prohibited facility" means any school, church, public library, public playground, or public park, as defined in section 3796.30 of the Revised Code.

(43) "Provisional license" means a temporary license issued to a medical marijuana entity that establishes the conditions that must be met by the medical marijuana entity before the entity is issued a certificate of operation.

(44) "Provisional licensee" means an applicant issued a provisional license to operate as a medical marijuana entity upon the issuance of a certificate of operation.

(45) "Qualified applicant" means an applicant for a medical marijuana entity license that receives at least the minimum score in every category outlined in rule 3796:2-1-02 of the Administrative Code, as developed by the department.

(46) "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 marijuana issued by the state medical board of Ohio under section 4731.30 of the Revised Code.

(47) "Registered patient", or "patient" as used in Chapter 3796. of the Revised Code, means an Ohio resident who has applied to the state of Ohio board of pharmacy pursuant to section 3796.08 of the Revised Code and who holds an active patient identification card. This also includes residents of states with which reciprocity is established pursuant to section 3796.16 of the Revised Code and otherwise satisfy the requirements to use medical marijuana.

(48) "Testing laboratory" means an independent laboratory located in Ohio that has been issued a certificate of operation by the department to have custody and use of controlled substances for scientific and medical purposes and for purposes of instruction, research, or analysis.

(49) "Tetrahydrocannabinol" or "THC" means all naturally or artificially derived tetrahydrocannabinols, or any structural, optical or geometric isomers, or analogs of tetrahydrocannabinols. This includes, but is not limited to, Delta-1 tetrahydrocannabinol; Delta-6 tetrahydrocannabinol; Delta 3,4 tetrahydrocannabinol; Delta-8-tetrahydrocannabinol; Delta-9 tetrahydrocannabinol; Delta-10 tetrahydrocannabinol; and any other cannabinoid that the Department determines to have an intoxicating or psychoactive effect.

~~(49)~~(50) "Tetrahydrocannabinol content" or "THC content" means the sum of the amount of ~~delta-9-~~tetrahydrocannabinol (THC) and 87.7 per cent of the amount of detectable ~~delta-9-~~tetrahydrocannabinolic acid (THCA) present in the product or plant material.

~~(50)~~(51) "Unique plant identifier" means a numeric or alphanumeric sequence, as determined by the department, that is assigned to an individual plant when a plant reaches twelve inches in height or is transplanted from a cloning medium or apparatus into a growth medium or apparatus intended for the vegetative or flowering stages of the growth cycle, whichever occurs sooner, to allow for inventory and traceability in the inventory tracking system.

~~(51)~~(52) "Vegetative stage" means the stage of cultivation where and when a marijuana plant is propagated to produce additional marijuana plants or reach a sufficient size for production. This includes "seedlings," "clones," "mothers," and other immature marijuana plants identified by: (a) having no more than two stigmas visible at each internode of the marijuana plant and if the marijuana

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 marijuana plant that is cultivated solely for the purpose of propagating clones and is never used to produce any medical marijuana.

Effective: 5/2/2022

Five Year Review (FYR) Dates: 5/6/2022

CERTIFIED ELECTRONICALLY

Certification

04/12/2022

Date

Promulgated Under: 119.03
Statutory Authority: ORC 3796.03
Rule Amplifies: ORC 3796.03, ORC 3796.06(D)(1), ORC 3796.06(D)(2), ORC 3796.19(B)(2)
Prior Effective Dates: 05/06/2017