

3796:5-2-01**Employee identification cards.**

(A) Every owner, principal officer, board member, employee, administrator, agent, or other person employed by a cultivator, processor, or testing laboratory must apply to the department for an employee identification card.

(1) The cultivator, processor, or testing laboratory with which a person listed under paragraph (A) of this rule is seeking employment shall submit the following information:

(a) A completed application;

(b) A copy of the applicant's valid driver's license or state issued identification card establishing that the individual is at least twenty-one years of age;

(c) A copy of the applicant's social security card;

(d) A recognizable headshot photograph of the applicant taken no more than six months before the date of application;

(e) A document verifying the applicant's principal place of residence that contains the full mailing address, such as a bank statement, canceled check, insurance policy, or other such documents;

(f) The name of the cultivator, processor, or testing laboratory that the applicant seeks to work for or otherwise be associated with;

(g) A sworn statement that the applicant has not been convicted of a disqualifying offense as defined in rule 3796:1-1-01 of the Administrative Code;

(h) Verification that the applicant's background checks have been conducted and the applicant has not been convicted of a disqualifying offense;

(i) The application fee; and

(j) Any additional information requested by the department in the application.

(2) An individual on whose behalf an application is submitted under this chapter or is issued an employee identification card under this chapter shall notify the department of any changes to the information provided on the application no later than five business days after such change.

(B) Upon receipt of an application and verification of the information specified in paragraph (A) of this rule, the department shall do the following:

(1) Approve or deny the application within thirty days after receipt;

- (2) Issue an identification card that shall expire two years after the date of issuance; and
  - (3) Enter in its record system the name and any other identifying information on the cultivator, processor, or testing laboratory where the individual is employed.
- (C) An employee identification card issued by the department shall contain, at a minimum, the following:
  - (1) The name of the cardholder;
  - (2) The license number of the cultivator, processor, or testing laboratory employing the cardholder;
  - (3) The date of issuance and expiration;
  - (4) A random ten-digit alphanumeric identification number with at least four numbers and four letters that is unique to the holder and assigned by the department; and
  - (5) A photograph of the cardholder that was provided as part of the application.
- (D) No person shall begin working at a cultivator, processor, or testing laboratory prior to receiving his or her employee identification card. A cardholder must keep his or her employee identification card visible at all times when on the property of a cultivator, processor, or testing laboratory and during the transportation of medical marijuana to another cultivator, processor, or testing laboratory. Any employee identification card that is lost, destroyed, or stolen shall be reported to the department immediately upon discovery of the loss, destruction, or theft, and the department may require a similar report to law enforcement. A cardholder that reports his or her employee identification card as lost, destroyed, or stolen shall apply for a replacement card with the department and pay a replacement employee identification card fee as specified in rule 3796:5-1-01 of the Administrative Code.
- (E) A cardholder is not subject to prosecution, search, or penalty in any manner, and will not be denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by a business licensing board or entity, for working at a cultivator, processor, or testing laboratory and performing the actions permitted under Chapter 3796. of the Revised Code and the rules promulgated in accordance with Chapter 3796. of the Revised Code.
- (F) An employee identification card remains the property of the department and the department may order the return or seizure of an employee identification card if the registration is revoked or expires. The employee identification card shall be immediately returned to the cultivator, processor, or testing laboratory upon termination or completion of services provided.

- (1) Following the revocation or expiration of an employee identification card, the cultivator, processor, or testing laboratory shall do the following:

  - (a) Notify the department of the circumstances around the termination or expiration within one business day in a manner determined by the department;
  - (b) Ensure the employee identification card is returned to the cultivator, processor, or testing laboratory; and
  - (c) Return the employee identification card to the department within fifteen calendar days of the employee's termination or completion of services.
- (2) The department shall revoke an employee identification card upon receiving notification that the individual is no longer associated with the cultivator, processor, or testing laboratory. If the employee identification card is not returned within thirty days of the termination, the department may take action under rule 3796:5-6-01 of the Administrative Code.
- (G) An individual arrested for activities that, if convicted, would constitute a disqualifying offense shall immediately notify the department. If an employer has knowledge of such arrest, the employer shall notify the department.
- (H) A cultivator, processor, or testing laboratory shall designate the level of access granted to an applicant for an employee identification card. A cultivator, processor, or testing laboratory may choose to implement additional access restrictions, but at a minimum, the access levels shall be designated as follows:

  - (1) A type 1 designation is an owner, administrator, or individual that has control and management over the day-to-day activities that significantly impact the operations of the cultivator, processor, or testing laboratory. Type 1 access permits the cardholder to enter every area of the medical marijuana entity facility. A cultivator, processor, or testing laboratory shall designate one and may designate up to three type 1 cardholders as a key employee. A key employee shall be responsible for all activities at the facility and will serve as the point of contact for the facility with the department.
  - (2) A type 2 designation is a board member, officer, employee, or agent permitted to enter the production and non-production areas of the facility designated in the facility plans and specifications submitted by a cultivator, processor, or testing laboratory under rule 3796:2-1-02 of the Administrative Code. A type 2 cardholder shall not be permitted to access the areas containing the vault, security equipment and other equipment related to the facility's surveillance operations.
- (I) A person that is not a holder of a valid employee identification card of a cultivator,

processor, or testing laboratory is prohibited from accessing a facility, unless they receive authorization and obtain a visitor identification badge from the cultivator, processor, or testing laboratory. To obtain a visitor identification badge, the visitor must provide a valid, government issued identification with a photograph.

(1) A person who obtains a visitor identification badge must do the following:

(a) Be escorted and monitored by an assigned registered employee of the facility at all times he or she is on the premises and has access to medical marijuana;

(b) Visibly display his or her visitor identification badge at all times he or she is on the premises; and

(c) Return the visitor identification badge upon leaving the premises.

(2) A cultivator, processor, or testing laboratory shall maintain a visitor log, which includes the name of the visitor, the date and time of arrival and departure, the assigned registered employee of the facility, and the purpose of the visit. The cultivator, processor, or testing laboratory shall make its visitor log available to the department upon request.

(3) Notwithstanding the requirements of paragraph (I) of this rule, employees of the department, law enforcement, emergency medical personnel, in the event of an emergency, or other federal, state of Ohio, or local government officials may enter a cultivator, processor, or testing laboratory if necessary to perform their official duties.

Effective:

Five Year Review (FYR) Dates:

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Certification

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Date

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