

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 3796:8-2-04

Rule Type: New

Rule Title/Tagline: Quantity of medical marijuana that may be purchased by a patient or caregiver.

Agency Name: Medical Marijuana Control Program

Division: Forms and Methods of Administration

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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?** Yes
 - A. **If so, what is the bill number, General Assembly and Sponsor?** HB 523 - 131 - S. Huffman
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 3796.04
5. **What statute(s) does the rule implement or amplify?** 3796.04, 3796.06, 3796.22, 3796.23
6. **What are the reasons for proposing the rule?**

Board of Pharmacy must promulgate rules for Medical Marijuana Control Program pursuant to Chapter 3796. of the Revised Code.
7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

More than 50 percent of the rule was being amended and therefore the rule is being rescinded and replaced with a new rule. The new rule establishes the maximum 90-day supply for all approved forms of medical marijuana as well as consolidates plant material into a single category (i.e. removes tier I and tier II medical marijuana). The rule also makes modifications to the whole day units in which medical marijuana must be sold.

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

This rule references the Ohio Administrative Code. The O.A.C. is generally available in libraries and on the internet to persons who reasonably can be expected to be affected by the rule. Ohio Revised Code Sections 121.75 and 121.76 exempts these texts from inclusion in this filing.

10. 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

11. 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.

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Not applicable.

12. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?

Cultivators and processors who market plant material will have to make modifications to their labeling and package sizes, as the size of plant material packaging will change from 2.83 gram to 2.52 grams and all packaging must contain the universal symbol for marijuana. Additionally, cultivators and processors may have to adjust processes to allow for the additional flexibility provided in OAC 3796:8-2-06 for target THC and CBD requirements.

13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No
14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No
15. 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

16. Was this rule filed with the Common Sense Initiative Office? Yes
17. 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

Although no license or registration is specifically required for this rule, only patients and caregivers can purchase, possess, and/or consume medical marijuana.
 - 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 Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

18. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No
 - A. How many new regulatory restrictions do you propose adding?

Not Applicable

B. How many existing regulatory restrictions do you propose removing?

Not Applicable