

---

## STATE BOARD OF PHARMACY

### Terminal and wholesale distributors of dangerous drugs

#### Terminal distributor licensure

- Eliminates category I and limited category I terminal distributor licenses.
- Requires the State Board of Pharmacy to adopt rules specifying when a licensed terminal distributor must provide updated application documentation.

#### Wholesale distributor licensure

- Changes the registration for wholesale distributors into a license for manufacturers, outsourcing facilities, third-party logistics providers, repackagers, and wholesale distributors of dangerous drugs.
- Transfers requirements governing registration as a wholesale distributor to the new types of licenses and specifies that any of the license types may be issued as a category II or category III license.
- Generally specifies that a licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor may engage in the distribution of dangerous drugs, in addition to the sale of the drugs.

#### License renewal

- Requires license renewal to be on a schedule specified by the Board, with the effective period not to exceed 24 months unless the Board extends the period for purposes of adjusting license renewal schedules.
- Increases license fees and adjusts the fees to reflect biennial renewal.
- Prohibits a license holder that fails to renew from engaging in certain conduct related to dangerous drugs until a valid license is issued.
- Permits the Board to enter into agreements with other states, federal agencies, and other entities to exchange information concerning licensing and inspection and to investigate alleged violations.

#### Discipline

- Authorizes the Board to restrict or limit a license and to reprimand or place a license holder on probation.



- Authorizes the Board to impose disciplinary sanctions for additional causes, including other causes set forth in rules adopted by the Board.
- Specifies that when a hearing is required, if the licensee does not timely request a hearing, the Board is not required to hold a hearing and may adopt a final order with its findings, including any sanctions imposed.
- Specifies that the Board is not required to seal, destroy, redact, or otherwise modify its records of disciplinary proceedings notwithstanding a court's sealing of conviction records.

### **Summary suspension**

- Authorizes the Board to suspend a license without a hearing if the Board determines there is clear and convincing evidence that the method of possessing dangerous drugs presents a danger of immediate and serious harm to others.
- Specifies that a summary license suspension is void on the 121st day, as opposed to the 91st day, after the suspension if the Board has not issued its final adjudication before that date.

### **Pharmacist and pharmacy intern licensure**

- Adjusts the license renewal schedule for pharmacists and pharmacy interns from annually to a period specified by the Board in rules that is generally not to exceed 24 months.
- Prohibits a pharmacist or pharmacy intern who fails to timely renew from engaging in the practice of pharmacy until a valid license is issued.
- Modifies licensure and other fees charged by the Board.
- Eliminates a requirement that the Board issue identification cards to licensed pharmacists and pharmacy interns.
- Requires the Board to adopt rules defining "good moral character" for licensing purposes.

### **Investigative records and subpoenas**

- Makes information the Board receives during an investigation of a license holder generally confidential, but allows the Board to share the information with law enforcement agencies, other professional licensing boards, and other governmental agencies.



- Authorizes the Board, when investigating alleged violations of Board statutes and rules, to issue subpoenas, take depositions, and examine and copy records.

### **Unlicensed pain management clinics**

- Authorizes the Board to impose a fine for violation of pain management clinic licensure requirements when any person violates those requirements, rather than only when the violator is an otherwise licensed terminal distributor.

### **OARRS drug database**

- Requires the Board to provide from its drug database, commonly known as the Ohio Automated Rx Reporting System or OARRS, information related to a drug court program participant if requested by a judge of a certified drug court.
- Requires the Board to provide OARRS information related to a deceased person if requested by the examining coroner.
- Requires the Board to provide a hospital's peer review committee with OARRS information regarding a prescriber for evaluation, supervision, or disciplinary purposes.
- Authorizes the Board to provide a health care professional licensing agency with OARRS information related to a person acting as an expert witness in an investigation being conducted by the agency.
- Authorizes the Board to provide a prescriber with a summary of the prescriber's prescribing record from OARRS.
- Authorizes the Board to provide a pharmacy with a summary of the pharmacy's dispensing record from OARRS.
- Authorizes the Board to provide OARRS information to a prescriber or pharmacist without request.
- Authorizes the Board to provide to the Department of Medicaid records of requests for OARRS information made by a prescriber who treated a Medicaid recipient.
- Requires terminal distributors to submit to OARRS any other data fields recognized by the American Society for Automation in Pharmacy and specified in Board rules.
- Authorizes the Board to accept for inclusion in OARRS information from other sources, including other state agencies.



- Extends the period for which the Board must retain information in OARRS to at least five years and requires the Board to make the information accessible to authorized persons during that time.
- Authorizes the Board to retain patient identifying information beyond five years if necessary to serve an investigatory or public health purpose.

## **Medical Marijuana Control Program**

### **Criminal records checks**

- Eliminates the requirement that the results of criminal records checks of prospective employees of entities licensed under the Medical Marijuana Control Program be reported to those entities.
- Clarifies that the results are to be reported instead to the Board or Department of Commerce.
- Identifies the Board and Department as "licensing agencies," but only with respect to persons seeking employment with the Program's licensed entities.

### **Patient or caregiver registration**

- Eliminates the requirement that a physician certify as part of an application for patient or caregiver registration that the physician has informed the patient that the benefits of medical marijuana outweigh its risks.

## **Terminal and wholesale distributors of dangerous drugs**

### **Terminal distributors of dangerous drugs**

(R.C. 4729.54 with conforming changes in R.C. 4729.51)

#### **Licensure categories**

Under continuing law, terminal distributors of dangerous drugs are licensed in categories. The category of the license determines the drugs that the person may possess, have custody and control of, and distribute. The act eliminates category I and limited category I licenses, which were for single dose injections of intravenous fluids, such as saline, and other fluids specified in rule. The act continues category II and III and limited category II and III licenses, which are for dangerous drugs, including controlled substances.



The act also eliminates a requirement that every terminal distributor license indicate on its face the category of licensure, and for a limited category license, specification that the licensee can possess, have custody or control of, and distribute only the dangerous drugs listed in the license application.

### **Application for licensure**

Continuing law requires an application for licensure to state the category of license the person is seeking. For a limited category license application, it must include a list of the dangerous drugs the person is seeking to possess. The act eliminates a requirement that the list of drugs be notarized.

For an applicant that is an emergency medical service (EMS) organization, the act eliminates a provision requiring notarization of the standing orders or protocols that must be submitted with the application, but adds a physician signature requirement to a provision that requires submission of a list of dangerous drugs the organization's units may carry. The act eliminates a requirement that an EMS organization licensed as a terminal distributor must immediately notify the State Board of Pharmacy of changes to its standing orders or protocols that were submitted with its application. Instead, the act requires the Board to adopt rules specifying when the Board must be notified of changes to any of the documentation that was submitted with the application.

Similar changes are made for applications on behalf of animal shelters. The act eliminates the notarization requirement for submitted protocols, standing orders, or lists of dangerous drugs to be administered. It requires the Board to adopt rules specifying when the Board must be notified of changes to any of the documentation that was submitted with the application.

### **Wholesale distributors of dangerous drugs**

(R.C. 4729.52 (primary), 4729.01, 4729.51, and 4729.53, with conforming changes in R.C. 3719.04, 3719.07, 3719.08, 4729.78, and 4729.84; repealed R.C. 3719.02, 3719.021, 3719.03, and 3719.031)

The act changes the registration requirement for wholesale distributors of dangerous drugs into a license requirement, with new licensure distinctions created according to the activities being performed. Specifically, the act requires manufacturers, outsourcing facilities, third-party logistics providers, repackagers, and wholesale distributors to obtain the license. Under prior law, those entities were not specifically referred to by name, but according to representatives of the Board, were registered as wholesale distributors. The act applies all of the requirements that previously applied for registration as a wholesaler to its licensure of manufacturers, outsourcing facilities,



third-party logistics providers, repackagers, and wholesale distributors, with the changes discussed below.

### **Definitions**

The act establishes and modifies statutory definitions of activities involving drug distribution, as follows:

"Third-party logistics provider" – defined by the act as a person that provides or coordinates warehousing or other logistics services pertaining to dangerous drugs, including distribution, but does not take ownership of the drugs or have responsibility to direct sale or disposition.

"Repackager of dangerous drugs" – defined by the act as a person that repacks and relabels dangerous drugs for sale or distribution.

"Outsourcing facility" – defined by the act as a facility that is engaged in the compounding and sale of sterile drugs and is registered with the U.S. Food and Drug Administration.

"Manufacturer" – modified by the act by excluding a prescriber from the definition. (Under the act, a manufacturer is a person, other than a pharmacist or prescriber, who manufactures and sells dangerous drugs.)

"Sale" or "sell" – modified by the act by adding that the definition also includes distributing, brokering, or giving away, and specifying that transferring includes transfer by passage of title, physical movement, or both. Sale or sell also continues to include delivery, transfer, exchange, or gift.)

### **License categories and classifications**

The act specifies that the license of a manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor can be a category II or category III license. As for terminal distributors, the category of license determines which dangerous drugs the holder may possess, have custody or control of, and distribute. The act also permits the Board to create classification types for the licenses in rule.

### **Application for licensure**

For persons not residing in Ohio, the act permits the Board to issue a license if the person meets the Board's licensure requirements, as verified by a state, federal, or other entity recognized by the Board, and pays the required licensure fee. Continuing law also permits the Board to license persons who do not reside in Ohio if the person



possesses a current and valid license issued by another state that has licensure qualifications comparable to Ohio's requirements. The act adds that the person must be physically located in the other state that issued the license.

**Provisions affecting terminal and wholesale distributors, manufacturers, outsourcing facilities, third-party logistics providers, and repackagers**

(R.C. 4729.52, 4729.54, 4729.56, 4729.561, 4729.57, 4729.571, 4729.59, 4729.60, and 4729.62 with conforming changes in R.C. 2925.23, 4729.58, 4729.61, and 4729.83)

**Renewal schedules**

The act specifies that licenses for terminal distributors, manufacturers, outsourcing facilities, third-party logistics providers, repackagers, and wholesale distributors are valid for a period to be specified in rules. The period cannot exceed 24 months unless the Board extends it in rule to adjust license renewal schedules. This is in place of prior law that specified licenses were valid for 12 months.

A licensed terminal distributor that fails to renew by the renewal date is prohibited under the act from engaging in the retail sale, possession, or distribution of dangerous drugs until a valid license is issued. A licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor that fails to timely renew is prohibited from engaging in manufacturing, repackaging, compounding, or distributing until a valid license is issued.

The act specifies that if a renewal application has not been submitted by the 61st day after the renewal date, the license is considered void and cannot be renewed, but the license holder may reapply for licensure.

**Fees**

The act increases license renewal fees to account for biennial registration and otherwise modifies the fees, as shown in the following two tables:

<b>Terminal Distributors</b>		
<b>License</b>	<b>Prior Law (Annual)</b>	<b>The Act (Biennial)</b>
Issuance and renewal of a category II or limited category II license	\$112.50	\$320



<b>Terminal Distributors</b>		
<b>License</b>	<b>Prior Law (Annual)</b>	<b>The Act (Biennial)</b>
Issuance and renewal of a category III or limited category III license	\$150	\$440
Issuance and renewal of a license to a person practicing veterinary medicine	\$40	\$120
Additional penalty for reinstatement of license not timely renewed	\$55	\$110

<b>Manufacturers, outsourcing facilities, third-party logistics providers, repackagers, and wholesale distributors</b>		
<b>License</b>	<b>Prior Law (Annual)</b>	<b>The Act (Biennial)</b>
Issuance and renewal of a category II license	\$750	\$1,900
Issuance and renewal of a category III license	N/A*	\$2,000
Additional penalty for reinstatement of license not timely renewed	\$150	\$300

\* Prior law did not prescribe multiple categories of licenses for wholesale distributors.

### **Discipline**

Regarding the Board's authority to impose sanctions on terminal distributors, manufacturers, outsourcing facilities, third-party logistics providers, repackagers, and wholesale distributors, the act authorizes the Board to restrict or limit licenses and to reprimand license holders or place them on probation. This is in addition to its preexisting authority to impose a fine or to suspend, revoke, or refuse to grant or renew a license. For manufacturers, outsourcing facilities, third-party logistics providers,



repackagers, and wholesale distributors, the act increases the fine that may be imposed to \$2,500 (from \$1,000).

The act also adds causes for which the Board may impose discipline. For terminal distributors, in addition to the conduct specified in continuing law, the Board may impose sanctions for (1) conviction of a felony and (2) any other causes set forth by the Board in rules. For manufacturers, outsourcing facilities, third-party logistics providers, repackagers, and wholesale distributors, in addition to the conduct specified in continuing law, the Board may impose sanctions for (1) falsely or fraudulently promoting a controlled substance to the public, (2) violating the federal Food, Drug, and Cosmetic Act or Ohio's Pure Food and Drug Law, and (3) any other causes set forth by the Board in rules.

### **Summary suspension**

For terminal distributors, manufacturers, outsourcing facilities, third-party logistics providers, repackagers, and wholesale distributors, the act authorizes the Board to suspend a license without a hearing if it determines that there is clear and convincing evidence that the method used to *possess* dangerous drugs presents a danger of immediate and serious harm to others. This is in addition to the Board's preexisting authority to impose a summary suspension if the method of *distributing* presents such an immediate danger.

The act specifies that a summary license suspension is void on the 121st, instead of the 91st, day after the suspension if the Board has not issued its final adjudication.

### **Board records of licensees**

The act continues to require the Board to make available a roster of persons licensed as terminal distributors, manufacturers, outsourcing facilities, third-party logistics providers, repackagers, and wholesale distributors. However, it eliminates a provision requiring the Board to make open for public examination its register of their names, addresses, and date of licensure.

### **Pre-sale and pre-purchase investigations**

The act modifies the investigation that a terminal distributor must conduct before purchasing dangerous drugs at wholesale by requiring it to query the Board's roster of licensees before purchasing. A terminal distributor may rely on an annual query to meet this requirement. For manufacturers, outsourcing facilities, third-party logistics providers, repackagers, and wholesale distributors, the act requires them to query the Board's roster of licensees before selling or distributing dangerous drugs at wholesale.



The requirements to query the Board's roster are in place of prior law that required (1) wholesalers to obtain from the purchaser a certificate indicating the purchaser is licensed and (2) terminal distributors to obtain from the seller the seller's registration certificate. Because the certificates no longer are exchanged, the act eliminates a provision prohibiting any person from making or furnishing a false certificate in those circumstances.

### **Ceasing to engage in authorized activities**

The act authorizes the Board to specify a time frame in rule within which a terminal distributor, manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor must notify the Board if the person ceases to engage in the activities for which the license was issued. Under prior law, no time frame for the notice was specified.

### **Agreements with other states, federal agencies, and other entities**

The act authorizes the Board to enter into agreements with other states, federal agencies, and other entities to exchange information concerning licensing and inspection of terminal distributors, manufacturers, outsourcing facilities, third-party logistics providers, repackagers, and wholesale distributors located within or outside Ohio, and to investigate alleged violations of the laws and rules governing distribution of drugs by them. Any information received pursuant to such an agreement is subject to the same confidentiality requirements that apply to the agency or entity from which the information was received and cannot be released without prior authorization from that agency or entity. For agreements pertaining to manufacturers, outsourcing facilities, third-party logistics providers, repackagers, and wholesale distributors, the act also specifies that information received is subject to confidentiality and disclosure provisions that generally apply to the Board's investigations under the act (see "**Investigative records**," below).

### **Notice of hearings**

The act provides that if notice of an opportunity for a hearing is required, but a license holder does not make a timely request for a hearing, the Board is not required to hold a hearing. The Board may adopt a final order that contains the Board's findings and may impose any of the sanctions listed above.

### **Sealing of records**

The act provides that, notwithstanding continuing law, the sealing of the following criminal records does not have an effect on the Board's action or any sanction imposed: records of any conviction, guilty plea, judicial finding of guilt resulting from a plea of no contest, or a judicial finding of eligibility for a pretrial diversion program or



intervention in lieu of conviction. Under the act, the Board is not required to seal, destroy, redact, or otherwise modify its records to reflect the court's sealing of conviction records.

## **Pharmacist and pharmacy intern licensure**

### **License renewal**

(R.C. 4729.12 and 4729.13)

The act replaces annual licensure of pharmacists and pharmacy interns with a period to be specified in rules adopted by the Board. The period cannot exceed 24 months unless the Board extends it in rule to adjust license renewal schedules. A pharmacist or pharmacy intern who fails to renew by the renewal date is prohibited under the act from engaging in the practice of pharmacy until a valid license is issued by the Board.

For renewal of a license that has expired for more than three years, the act requires an applicant to comply with criminal records check requirements that apply to initial licensees, and pass an examination as required by law unchanged by the act.

### **Licensure and other fees**

(R.C. 4729.15)

The act adjusts the license renewal fees for pharmacists and pharmacy interns to account for biennial registration. It also further increases fees for pharmacists, as follows:

<b>Pharmacists</b>		
<b>License</b>	<b>Prior Law (Annual)</b>	<b>The Act (Biennial)</b>
Renewal of pharmacist's license before it expires	\$97.50	\$250
Renewal of pharmacist's license expired for less than three years	\$135	\$287.50

The act also increases to \$35, from \$10, the fee for certifying licensure and grades for reciprocal licensure.



The act extends a continuing fee waiver for active duty members of the U.S. Armed Forces to the spouses of active duty members.

### **Other changes**

(R.C. 4729.06, 4729.08, 4729.09, 4729.11, 4729.12, 4729.15, 4729.16, and 4729.67; repealed R.C. 4729.14)

### **Identification cards and display of licenses**

Related to the Board's transition to electronic licensure, the act eliminates a requirements that the Board issue pocket identification cards to pharmacists and pharmacy interns and that pharmacists and pharmacy interns carry them while practicing pharmacy. The act also eliminates a requirement to display a license at the principal place where the pharmacist or intern practices.

### **Good moral character**

The act requires the Board to define in rule what it means to be of "good moral character" for purposes of pharmacist and pharmacy intern licensure.

### **Pharmacy internship program director**

The act eliminates a provision authorizing the Board to appoint a director of its pharmacy internship program.

### **Investigative records and subpoenas**

(R.C. 4729.23 and 4729.24)

### **Investigative records**

The act generally makes information the Board receives during an investigation of a license holder confidential, and provides that the information is not subject to discovery in any lawsuit. Any record that identifies a patient, confidential informant, or individual who files a complaint with the Board, or may reasonably lead to the person's identification, is not a public record and is not subject to inspection or copying under disclosure laws that apply to other state-implemented personal information systems.

The act requires the Board to conduct all investigations or inspections and proceedings in a manner that protects the confidentiality of patients, confidential informants, and complainants. It must not make public the names or any other identifying information of these individuals, unless the individual consents or, in the case of a patient, a waiver of the patient privilege exists. The consent or waiver is not



required if the Board has reliable and substantial evidence that no bona fide physician-patient relationship exists.

The act permits the Board, for good cause shown, to disclose or authorize disclosure of information gathered pursuant to an investigation.

On request, the act also allows the Board to share any information it receives pursuant to an investigation or inspection, including patient records and patient record information, with law enforcement agencies, other licensing boards, and other state or federal governmental agencies that are prosecuting, adjudicating, or investigating alleged violations of statutes or rules. An agency or board that receives the information must generally comply with the same confidentiality requirements that apply to the Board. Any information the Board receives from a state or federal agency is subject to the same confidentiality requirements as the agency from which it was received and must not be released by the Board without prior authorization from that agency.

The act's confidentiality provisions also apply to any Board activity that involves continued monitoring of a license holder for substance abuse treatment or recovery purposes as part of or following any disciplinary action the Board takes against a license holder.

### **Subpoenas**

The act allows the Board, when investigating alleged violations, to issue subpoenas, take depositions, examine and copy and compel the production of books, accounts, papers, records, documents, and other tangible objects, and compel the attendance of witnesses. If a person fails to comply with a Board-issued subpoena, the Board may apply to the Franklin County Court of Common Pleas for an order compelling the production of persons or records.

A subpoena for patient record information may be issued only with the approval of the Board's executive director and president or the president's designee, in consultation with the Attorney General's Office. Before issuing the subpoena, the executive director and the Attorney General's Office must determine whether there is probable cause to believe that (1) the complaint filed alleges, or an investigation has revealed, a violation of any of the statutes governing pharmacists or drugs or any Board rule, (2) the records sought are relevant to the alleged violation and are material to the investigation, and (3) the records cover a reasonable period of time surrounding the alleged violation.

A Board-issued subpoena may be served by a sheriff, sheriff's deputy, or a Board employee. A subpoena may be served by delivering a copy of it to the person named in the subpoena or by leaving it at the person's usual residence.



The Board may adopt rules in accordance with the Administrative Procedure Act establishing procedures to be followed in issuing subpoenas, including procedures regarding payment for and service of subpoenas.

### **Unlicensed pain management clinics**

(R.C. 4729.552)

Continuing law authorizes the Board to impose a fine of up to \$5,000 for the operation of a pain management clinic without a category III terminal distributor license with a pain management clinic classification. The act permits the Board to impose that fine on any person who operates a pain management clinic without the required license, not just a licensed terminal distributor as under former law.

### **OARRS drug database**

(R.C. 4729.80; conforming changes in R.C. 4729.75, 4729.84, and 4729.86)

#### **Access to database information**

Continuing law authorizes the Board to establish a drug database to monitor the misuse and diversion of controlled substances and other dangerous drugs. The Board's database, known as the Ohio Automated Rx Reporting System (OARRS), is used to provide information about prescription drug use to prescribers and others. In addition to the OARRS information the Board continues to be authorized or required to provide, the act provides the following:

(1) The Board may provide information requested by an agency that licenses health care professionals relating to a government expert witness in an active investigation being conducted by the agency.

(2) The Board must provide information requested by a judge of a drug court certified by the Ohio Supreme Court relating to a current or prospective participant of a drug court program.

(3) The Board must provide information requested by the examining coroner, deputy coroner, or coroner's delegate about a deceased person.

(4) The Board must provide certain peer review committees, upon request, with information regarding a prescriber who is subject to the committee's evaluation, supervision, or discipline if the information is to be used for one of those purposes. This provision applies only to a peer review committee of a hospital or a nonprofit health care corporation that is a member of the hospital or of which the hospital is a member. The request for the information must come from a prescriber or pharmacist, or a



delegate of a prescriber or pharmacist, who is a designated representative of the peer review committee. The only information the Board may provide under this provision is information that it determines is appropriate to be provided.

(5) The Board may provide (a) a prescriber with a summary of the prescriber's prescribing record if such a record is created by the Board and (b) a pharmacy with a summary of the pharmacy's dispensing record if such a record is created by the Board. The summary information is subject to the confidentiality requirements of continuing law.

(6) Without being requested to do so, the Board may provide information to a prescriber or pharmacist authorized to use OARRS.

### **Records of requests for information**

The act authorizes the Board to provide to a designated representative of the Department of Medicaid records of requests for OARRS information made by a prescriber who is treating or has treated a Medicaid recipient.

### **Submission of information by terminal distributors**

(R.C. 4729.77)

In addition to the information a licensed terminal distributor must submit to the Board under law unchanged by the act, the act requires submission of any other data fields recognized by the American Society for Automation in Pharmacy, if specified in rules adopted by the Board.

### **Submission of information by other sources**

(R.C. 4729.772 and 4729.80)

The act permits the Board to accept for inclusion in OARRS information from other sources, including other state agencies, so long as the information is related to monitoring the misuse and diversion of drugs. The information must be transmitted as specified in rules adopted by the Board.

To the extent information submitted by other sources is personal health information, it may be provided by the Board only as authorized by the submitter and in accordance with rules adopted by the Board.



## **Information retention**

(R.C. 4729.82)

The act requires the Board to retain OARRS information and make it accessible to identified persons for at least five years, instead of three years. It also extends to five years the time after which information identifying a patient must be destroyed. The act specifies that the Board may retain information for longer than five years if it considers retention necessary to serve an investigatory or public health purpose.

## **Medical Marijuana Control Program**

### **Criminal records checks for employees**

(R.C. 109.572, 4776.01, 4776.02, and 4776.04)

The act makes changes to the law governing criminal records check requirements for prospective employees of license holders under the Medical Marijuana Control Program. Under former law, an individual seeking employment with a medical marijuana license holder was required to submit to the Bureau of Criminal Identification and Investigation (BCII) a request for a criminal records check. As part of the request, the prospective employee had to provide BCII with the name and address of the license holder. After completing the check, BCII was required to report the results to the license holder. Continuing law specifically prohibits a medical marijuana license holder from employing an individual if the report demonstrates that the individual has been convicted of or pleaded guilty to a disqualifying offense.<sup>138</sup>

The act eliminates the requirement that the employee submit to BCII the license holder's name and address. It also eliminates the requirement that BCII report the results to the license holder.

The act instead requires the results to be reported to the Board and Department of Commerce. This is required as a result of the act's inclusion of the Board and Department as "licensing agencies," prospective employees as "applicants for initial licenses" and eligible employees as "licensees" in the general law governing criminal records checks of applicants for licensure in various professions. It specifies, however, that the Board and Department are to be considered licensing agencies only with respect to persons seeking employment with the Program's licensed entities, thereby

---

<sup>138</sup> R.C. 3796.13, not in the act.



preserving continuing law that creates a separate criminal records check procedure for applicants seeking licenses to cultivate, process, test, or dispense marijuana.<sup>139</sup>

### **Registration as patient or caregiver**

(R.C. 3796.08)

With respect to an application to register with the Board as a medical marijuana patient or caregiver, the act eliminates the requirement that a physician certify that he or she has informed the patient that, in the physician's opinion, the benefits of medical marijuana outweigh its risks.

---

<sup>139</sup> R.C. 3796.12, not in the act.

