



July 18, 2024

DUAL-USE PACKAGING, LABELING, ADVERTISING SUPPLEMENTAL GUIDANCE

The Division of Cannabis Control is issuing the following supplemental guidance related to packaging, labeling, and advertising under a dual-use license. The Division has not issued any dual-use certificates of operation at the time of this publishing; however, is providing guidance where possible for licensees to prepare for dual-use operations.

All packaging and labeling must comply with medical marijuana rules, including O.A.C. [3796:2-2-02](#) and [3796:3-2-02](#), and advertising must comply with O.A.C. [3796:5-7-01](#) and [3796:6-3-24](#), and guidance provided by the Division. A violation of these rules or guidance may result in enforcement action by the Division.

Activities at a Dispensary

The Division has received questions regarding what activities are permissible on a dispensary's "opening day," and is therefore issuing a reminder that all medical **and** dual-use licensees must remain compliant with O.A.C. [3796:5-7-01](#) and [3796:6-3-24](#). This means that activities such as the following are prohibited:

- No consumption of cannabis
- No samples – infused or uninfused
- No music outside the dispensary
- No food trucks/other food offered for sale or complimentary
- No product displays outside the dispensary
- No celebratory décor/unapproved signage outside the dispensary
- No ribbon cuttings outside the dispensary

These restrictions extend to dispensary premises, parking lots, and any property over which the dispensary has control.

Some examples of activities which are permitted under current rules, with prior review and

approval by the Division, include the following:

- Music inside the dispensary (not live)
- Non-alcoholic beverages may be provided to guests complimentary inside the dispensary
- Product displays by cultivator or processor (empty packaging/no cannabis) inside the dispensary, not visible from the exterior of the building
- Approved signage and celebratory décor inside the dispensary
- Ribbon cuttings inside the dispensary

These lists are not exhaustive.

All advertising must be submitted in the DCC eLicense portal for Division review and approval prior to use.

A violation of these rules may result in enforcement action by the Division, including but not limited to, a monetary penalty up to \$50,000 per violation.

Media Access

The Division is issuing the following guidance as it relates to media access and advertising at licensed medical and dual-use cannabis facilities.

Cultivators, Processors, and Testing Laboratories

Cultivators, processors, and testing laboratories who wish to grant media interviews must ensure no photos or videos are taken of security or surveillance systems or equipment, and no patient, caregiver, or adult-use consumer information is compromised.

If the activity meets the definition of an advertisement pursuant to O.A.C. [3796:5-7-01](#), you must submit an advertising request for prior Division review and approval.

All visitors to the facility must sign-in on the visitor log, wear a visitor badge, and be escorted and monitored by a facility employee for the duration of the visit, pursuant to O.A.C. [3796:5-2-01\(I\)](#).

Dispensaries

A dispensary licensed for medical marijuana who wishes to grant access to the facility to anyone who is not a medical marijuana patient or caregiver must submit and receive approval from the Division for the visitor.

Once a dispensary receives a dual-use certificate of operation, the dispensary retail sales floor becomes open to members of the public who are 21 years of age or over. The following conditions must be met:

- Licensees must ensure confidentiality of all patients, caregivers, and adult-use consumers. No one is permitted to photograph or record patients or other dispensary visitors without their consent.
- Anyone who will be accessing a secured limited access area must sign-in on the visitor log, wear a visitor badge at all times, and be escorted and monitored by a dispensary employee.
- No one is permitted to take photos or recordings of a secured limited access area, unless otherwise approved in writing by the Division.

The above is required as a condition for dispensaries of receiving and operating under a dual-use certificate of operation, and is required for all licensees in proposed updated rules.

If the activity is an advertisement as defined by O.A.C. [3796:6-3-24](#), you must submit an

Dual-Use Sales Advertising

As stated above, all advertising must remain compliant with medical marijuana rules, including O.A.C. [3796:5-7-01](#) and [3796:6-3-24](#) until rules are adopted under O.A.C. 1301:18. In an effort to provide clear expectations regarding the advertising of dual-use sales once a licensee receives a dual-use certificate of operation, the Division is issuing the following guidance and template.

A licensee may choose to utilize the dual-use advertising template provided by the Division below. If utilizing this template with only the permitted elements, submission of the advertisement for Division review and approval is not required. All logos, names, and websites used must have been previously approved by the Division.

The Division will not approve any other advertisements that contain recreational references until rules are adopted under O.A.C. 1301:18.

The advertisement may only be used in a manner and location permitted by, and otherwise compliant with, O.A.C. [3796:5-7-01](#) and [3796:6-3-24](#). Any advertisements that violate these rules or guidance provided are subject to enforcement action by the Division.

Dispensary Dual-Use Sales Advertising Template

As a reminder, O.A.C. [3796:5-7-01](#) and [3796:6-3-24](#) do not permit advertisements which are inconsistent with the medicinal and approved use of medical marijuana. However, in an effort to provide public awareness of where and when non-medical cannabis can be purchased, the following elements may be used by licensees in advertisements.

Permitted elements are listed below. Any elements listed in quotation marks indicates the exact language that must be used to be in compliance with the template.

- “Non-Medical Cannabis Available beginning [date]”
- Approved dispensary name
- Approved dispensary logo
- “Open to customers 21+ with a valid government-issued photographic ID”
- Dispensary location(s), including street address and city
- Approved dispensary hours of operation
- Approved dispensary business website
- Approved dispensary social media handles
- “Online orders accepted”
- “Drive-thru available”
- “Curbside pick-up available”
- “Licensed by the Division of Cannabis Control”

In order to be used without prior approval, the advertisements using the above elements must utilize a solid background. You are not required to use all of the elements listed above for the advertisement to be considered compliant with the template; however, any elements not listed above must comply with O.A.C. [3796:5-7-01](#) and [3796:6-3-24](#) and be submitted for Division review and approval prior to use.

The below is provided for visual purposes only and does not specify the format or layout for your advertisement.

| Non-Medical Cannabis Available beginning [date] | |
|---|---------------------------------|
| Dispensary Logo | Dispensary Name |
| Dispensary Locations: | Dispensary Hours of Operation |
| Address 1 | City 1 |
| Address 2 | City 2 |
| Open to customers 21+ with a valid government-issued photographic ID | |
| Curbside Pick-Up Available | Drive-Thru Available |
| Online Orders Accepted | |
| Dispensary Website | Dispensary Social Media Handles |
| Licensed by the Division of Cannabis Control | |

Cultivator and Processor Dual-Use Sales Advertising Template

Permitted elements are listed below. Any elements listed in quotation marks indicates the exact language that must be used to be in compliance with the template.

- “Non-Medical Cannabis Available beginning [date]”
- Cultivator and/or Processor name
- Approved cultivator and/or processor logo
- “Non-medical cannabis available to purchase by customers 21+ with a valid government-issued photographic ID”
- List of cultivator and/or processor approved products and/or brands
- List of dispensaries where cultivator and/or processor products can be bought
 - If including a list of dispensaries, the following disclaimer is required in a legible size font: “The dispensaries listed here may only be permitted to sell medical marijuana. Please check with the dispensary prior to visiting.”
- Approved cultivator and/or processor business website
- Approved cultivator and/or processor social media handles
- “Licensed by the Division of Cannabis Control”

In order to be used without prior approval, the advertisements using the above elements must utilize a solid background. You are not required to use all of the elements listed above for the advertisement to be considered compliant with the template; however, any elements not listed above must comply with O.A.C. [3796:5-7-01](#) and [3796:6-3-24](#) and must be submitted for Division review and approval prior to use.

The below is provided for visual purposes only and does not specify the format or layout for your advertisement.

**Non-Medical Cannabis Available
beginning [date]**

Cultivator/Processor Logo

Cultivator/Processor Name

Cultivator/Processor Products/Brands:

Ex. 1 ABC Flower

Ex. 2 Vape Cart 123

**Non-medical cannabis available to purchase by customers 21+
with a valid government-issued photographic ID**

Dispensary Locations:

Name Address 1 City 1

Name Address 1 City 1

The dispensaries listed here may only be permitted to sell medical marijuana. Please
check with the dispensary prior to visiting.

Cultivator/Processor Website

Cultivator/Processor Social Media Handles

Licensed by the Division of Cannabis Control

All advertising must comply with O.A.C. [3796:5-7-01](#) and [3796:6-3-24](#) and must be submitted in the DCC eLicense portal for Division review and approval prior to use. The Division will not approve any other advertisements that contain recreational references until rules are adopted under O.A.C. 1301:18.

A violation of O.A.C. Chapter 3796 may result in enforcement action by the Division, including but not limited to, a monetary penalty up to \$50,000 per violation.

Packaging & Labeling

Cultivator/Processor Packaging Labeled with MMCP License Number

All packaging and labeling must comply with O.A.C. [3796:2-2-02](#) (cultivators), [3796:3-2-02](#) (processors), and the following guidance.

Products that are at a dispensary and labeled with an MMCP license number, even if the cultivator or processor has been issued a dual-use license number, may continue to be sold.

The Division understands that cultivators and processors often prepare and package products some time in advance of those packages being transferred to a dispensary. Therefore, cultivators and processors are permitted to transfer products to dispensaries in packaging already prepared and printed with the MMCP license number until October 14, 2024.

Once a cultivator or processor is issued a dual-use certificate of operation, they must begin to use the new dual-use license number (CCX000000-00) on any new packaging and labeling printed after issuance of their dual-use certificate of operation.

This section applies to packages and labels only. Product types, dosing, serving sizes, forms, and methods must continue to adhere to all medical rules until updated rules are adopted under O.A.C. 1301:18 or additional guidance is provided by the Division.

Dispensaries must continue to accept labeling from a dual-use cultivator or processor that lists an MMCP number (as opposed to a CCX number) until October 14, 2024. If the cultivator or processor is still only licensed for medical marijuana after that date, the dispensary may continue to accept products from them labeled with an MMCP license number.

Metric tags containing the medical marijuana license number may continue to be used.

Dispensary Labels

Dispensary labels for medical marijuana patients must comply with O.A.C. [3796:6-3-09](#).

Dispensary labels for a non-medical consumer must include, at a minimum, the following information:

- Dispensary business name or tradename (i.e., DBA)
- Dispensary license number

Once a dispensary is issued a dual-use certificate of operation, they must begin to use the new dual-use license number (CCX000000-00) on any new labels printed after issuance of their dual-use certificate of operation. However, dispensaries are permitted to utilize labels already prepared and printed with their MMCP license number until October 14, 2024.

DCC Seal on Packaging

Once a cultivator or processor is issued a dual-use certificate of operation, they must begin to include the following DCC seal on the front or primary display panel of all packaging. Dispensaries may not accept packaging that lists a dual-use license number (CCX) unless it includes this seal.



This seal benefits entities licensed by the Division of Cannabis Control by distinguishing licensee products from other unlicensed, unregulated products, and helps protect patients and consumers who can know by seeing this seal on packaging that the product is tested and regulated.

All of the following applies to the printing of the packaging seal:

- The cultivator or processor must ensure the seal is printed on or otherwise securely affixed to (i.e., a sticker) the front or primary display panel of all packaging.
- The seal must be a minimum size of ¼ inch by ¼ inch.
- The seal must be printed in the colors and design provided by the Division – the licensee is not permitted to alter the appearance of the seal.

The image file can be downloaded [here](#).

The packaging seal is required as a condition of receiving and operating under a dual-use certificate of operation, and will be required in updated packaging and labeling rules.

Timeframe

Once a cultivator or processor is issued a dual-use certificate of operation, they must begin to use the new dual-use license number **and** the DCC seal on any new packaging and labeling printed after issuance of the dual-use certificate of operation.

To provide time for cultivators and processors to utilize their existing, printed packaging and labeling, dispensaries must accept products with packaging and labeling that lists the cultivator or processor's MMCP license number and which does not have the DCC seal until October 14, 2024. Dispensaries may not accept products with packaging and labeling that list an MMCP license number if the cultivator or processor has a dual-use license, and which does not have the DCC seal, after October 14, 2024.

Seal on Facility

Once a dispensary receives a dual-use certificate of operation, it must affix the seal pictured below at the entrance of the dispensary indicating that the dispensary is licensed by the Division of Cannabis Control.



As with the packaging seal, this facility seal benefits entities licensed by the Division of Cannabis Control by distinguishing the licensed facility from other unlicensed, unregulated entities.

Each dispensary will receive a vinyl stick-on version of the above logo from the Division prior to receiving a dual-use certificate of operation. This logo must be affixed to the public entrance of the dispensary. If the door is a material to which the logo will not properly adhere, it may be placed in a conspicuous location nearby.

Please note, while the logo will be required moving forward, the vinyl stick-on that will be sent to you may be temporary for your facility. The Division will work with all licensees in the coming months to ensure the logo affixed to their facility is appropriate and able to be placed so that it lives comfortably and clearly as an identifying mark.

At this time, only dispensaries are required to meet these requirements. However, if a cultivator, processor, or testing laboratory would like a stick-on prior to the Division requiring it for your facility, you may request one be sent to you by emailing DCC@com.ohio.gov.

The facility seal is required as a condition for dispensaries of receiving and operating under a dual-use certificate of operation, and is required for all licensees in proposed updated rules.

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