

Division of Cannabis Control

Rules Package 7

1301:18-1-01: Definitions

- **Batch** means plant material of the exact same strain of cannabis plants that were grown together and exposed to substantially the same conditions throughout cultivation and harvested over no more than a 72-hour period. A batch of plant material may not exceed:
 - Fifteen pounds (6804g) of flower or buds which must be dried and manicured immediately prior to testing.
 - Twenty-five pounds (11,340g) of dried plant material, including shake, trim, and the resinous trichomes (kief) that are dislodged or sifted from the cannabis plant incidental to trimming and manicuring activities.
 - One hundred and twenty-five pounds (56699g) of fresh frozen plant material which may only be used for extraction.
- **Cannabis Concentrate** means a form of cannabis obtained by separating cannabinoids or terpenes from any part of the cannabis plant by physical or chemical means, so as to provide a product that contains a higher concentration of the desired compounds than the plant material itself.
- **Cannabis Extract** means: a cannabis concentrate that is created through solvent-based extraction.
- **Cannabis product** means: any product manufactured by a cannabis processor that is in the final form intended for consumption. A cannabis product contains cannabis concentrate or dried cannabis plant material, which may be in combination with other approved ingredients to create the final product. This includes, but is not limited to, oils, tinctures, edibles, patches, single serving units, combination inhalable products, vaporization solutions, and any forms approved under 1301:18 of the Administrative Code.
- **Container**
 - (a) Means a sealed, hard or soft-bodied receptacle in which a cannabis is directly placed and any outer receptacle intended to display a cannabis product for ultimate sale to a consumer.
 - (b) Does not mean:
 - (1) Any device, instrument, or other conduit for consuming or administering cannabis;
 - (2) Inner wrapping or lining;
 - (3) An exit package; or
 - (4) A shipping container used to transfer marijuana items in bulk from one licensee or registrant to another.
- **Combination Inhalable Product** means a product created by combining one or more cannabis products, including cannabis extracts, with dried plant material into a final form which is intended for inhalation. Combination inhalable products may only be created using cannabis products and dried plant material which have passed compliance testing just prior to use as a component.
- **Final Form** means the form of cannabis as manicured, trimmed, manufactured, or processed and intended for customer sale.
 - Final form cannabis does not include any direct customer packaging or labeling.
 - The intended form of cannabis immediately prior to submission to a testing laboratory licensed pursuant to 1301:18 of the Administrative Code for all state-required testing.
- **Infused single serving unit** is a combination inhalable product that consists of dried plant material and cannabis extract, wrapped in rolling paper. The cannabis extract may be included in the

product by combining with the dried plant material, applying to the rolling paper, or both. The A lot of infused single serving units may not exceed 35,000 units.

- **Live Plants** means cannabis plants that are no greater than five feet in height and are still in the vegetative state and not flowering;
- **Lot** means:
 - Cannabis concentrates: all concentrate created within a 72-hour period using the same extraction method, same operating procedures, and same batch or batches of starting plant material.
 - Additionally, depending on the context, a lot may also mean: cannabis products of the same exact type produced at the same time in one homogeneous mixture using the exact same ingredients, standard operating procedures and batches of source plant material or cannabis concentrate. A lot of cannabis products which is sold in uniform units, including but not limited to infused edibles and infused beverages, shall not contain more than 35,000 units.
 - A lot of **vaporization solution** is created only from a single lot of concentrate and may be considered the final form for testing
- **Range of total THC Content** means: within 10% of the total THC as defined by 1301-1-01 of the Administrative Code as reflected by the associated certificate of analysis
- **Raw single serving unit** means a unit that is packed with dried plant material (such as trim, shake or ground flower) and wrapped in rolling paper. A raw single serving unit contains only dried plant material and must be batch specific. A batch of raw single serving units must be wrapped in rolling paper prior to regulatory compliance testing.
- **Shake** means the loose, fragmented pieces of cannabis flower that accumulate at the bottom of a bag or container. It consists of fragmented buds, broken leaves, and resinous trichomes (kief) that naturally separate during transportation or handling.
- **Trim** means the sugar leaves and small pieces of cut-off buds that are intentionally pruned from the cannabis plant post-harvest as part of the trimming or manicuring phase, as well as the resinous trichomes (kief) that are dislodged from the cannabis plant incidental to trimming and manicuring activities.

General Provisions

1301:18-3-17: Cannabis Entity Record Keeping

- **(A)** Each licensee shall maintain upon the licensed premises all books, records, policies, procedures, and documentation evidencing the daily operations and business transactions conducted at the licensed premises.
 - **(1)** All records shall be maintained in an auditable format and immediately available for inspection and duplication upon the division's request.
 - **(2)** A licensee may use an electronic system for storage and retrieval of records so long as the system meets the following:
 - **(a)** Guarantees the confidentiality of the information stored in the system;
 - **(b)** Is capable of providing safeguards against erasures and unauthorized changes; in data after the information has been entered and verified by the licensee;
 - **(c)** Can implement an administrative hold for investigative or inspection purposes; and

- **(d)** Is capable of being reconstructed in the event of a computer malfunction or accident resulting in the destruction of the data bank.
 - **(3)** Any loss of electronically maintained records shall not mitigate any violations of this rule.
- **(B)** Documentation maintained within the normal course of business and as required by paragraph (A) of this rule shall be retained for the current calendar year, and the preceding four calendar years, and include the following:
 - **(1)** Any and all written policies and procedures utilized at the licensed premises including those mandated by 1301:18 of the Administrative Code, including:
 - **(a)** Standard operating procedures;
 - **(b)** Cleaning and sanitization of the licensed premises;
 - **(c)** Waste disposal records, as required by rule 1301:18-3-12 of the Administrative Code;
 - **(d)** Inventory records;
 - **(e)** Security and surveillance records;
 - **(f)** Production records, including:
 - **(i)** Records of each batch subjected to a technological solution, including remediation by irradiation, gas treatment such as ozone, radiofrequency, and UV light.
 - **(ii)** Cultivators:
 - **(A)** Planting, harvesting and curing, weighing records;
 - **(B)** All pesticides utilized; and
 - **(C)** All fertilizers and other chemicals used during the cultivation process.
 - **(iii)** Processors:
 - **(A)** Extraction, refining, and manufacturing records; and
 - **(B)** All ingredients used in the production of each lot of cannabis products, documented in a manner that reconciles the identity and amount of cannabis and all other ingredients used with each lot.
 - **(g)** Packaging and labeling records;
 - **(h)** Records of all testing samples sent to a testing laboratory and the certificate of analysis results;
 - **(i)** Transportation records, as required by rule 1301:18-3-13 of the Administrative Code;
 - **(j)** Recall procedures, as required by rule 1301:18-9-04 of the Administrative Code; and
 - **(k)** Visitor logs, as required by rule 1301:18-3-11 of the Administrative Code.
 - **(2)** If applicable:
 - **(a)** Dispensing records, as required by rule 1301:18-8-06 of the Administrative Code;
 - **(b)** Records of any theft, loss, or other unaccountability of any cannabis as required by rule 1301:18-9-02 of the Administrative Code;
 - **(c)** All complaints received pertaining to the quality or efficacy of the licensee's cannabis cultivated, processed, tested, or dispensed at the licensed premises, as required by rule 1301:18-9-02 of the Administrative Code; and

- **(d)** All complaints received pertaining to any potential negative health or adverse events related to the cannabis cultivated, processed, tested, or dispensed at the licensed premises, as required by rule 1301:18-9-02 of the Administrative Code.
- **(3)** Business records, including:
 - **(a)** Licensee's ownership list and capitalization table;
 - **(b)** An organizational chart identifying all owners, officers, and board members of the licensee;
 - **(c)** For each owner, officer, and board member:
 - **(i)** Full legal name;
 - **(ii)** Address;
 - **(iii)** Date of birth, evidencing the individual is at least twenty-one years of age or older; and
 - **(iv)** The individual's role with the licensee.
 - **(d)** A list of any person with a direct or indirect financial interest in, the licensee;
 - **(e)** A list of any person with direct or indirect control over, the licensee;
 - **(i)** This applies to any current or future right to control.
 - **(f)** A list of any of the following regardless of whether they meet the definition of ownership, financial interest, or control:
 - **(i)** Option agreement, debt conversion, or other agreement which creates a current or future right in equity in the licensee, regardless of whether such modification is contingent upon certain acts or omissions.
 - **(g)** A copy of any executed merger, sale, option to purchase, letter of intent, consulting, management, support, administrative services, or other similar agreements between applicant and any other person or that person's affiliates; and
 - **(h)** Any other documentation evidencing the ownership structure, financial interest, or control of the licensee.
- **(4)** All financial records reasonably related to operations, including but not limited to:
 - **(a)** Records that clearly reflect all financial transactions and the financial condition of the business, including contracts for services performed or received that relate to the licensee;
 - **(b)** Purchase invoices, bills of lading, manifests, sales records, copies of bills of sale, and any supporting documents, including the items and/or services purchased, from whom the items were purchased, and the date of purchase;
 - **(c)** Accounting and tax records related to the licensee and all investors in the licensee;
 - **(d)** Bank statements;
 - **(e)** Cancelled checks; and
 - **(f)** Third party vendor contracts;
- **(5)** All advertising records related to advertising, promotional, or other marketing materials;
- **(6)** Employee records, including:
 - **(a)** Employee hiring records, including the applicable background evaluation conducted by the licensee pursuant to rule 1301:18-3-09(B)(1) of the Administrative Code;
 - **(b)** An employee list of all current and former employees, outlining the following information:

- (i) Full legal name, address, phone number, and electronic mail address;
- (ii) Badge certificate number pursuant to rule 1301:18-3-09 of the Administrative Code;
- (iii) Access designation credentials;
- (iv) Date of hire;
- (v) If applicable:
 - (A) Date and rationale for separation; and
 - (B) History of disciplinary actions.
- (c) Salary and wages paid to each employee, and any executive compensation, bonus, benefit, or item of value paid to any individual affiliated with any cannabis entity, including members of a non-profit corporation, if any; and
- (d) Training and educational records, pursuant to rule 1301:18-3-10 of the Administrative Code.

1301:3-1-16: Business-to-Business Bulk Transfers

- (A) Unless otherwise authorized by the division of cannabis control, a cultivator or processor may transfer, sell, and distribute bulk cannabis pursuant to this rule.
 - (1) All cannabis transferred between licensees is to adhere to all standards for state-required testing as outlined under 1301:18 of the Administrative Code.
- (B) Bulk Packaging:
 - (1) Each cultivator and processor shall ensure each batch or lot of bulk cannabis is placed in a separate, clean food grade container prior to transfer to another licensee and ensure all packaging is the following:
 - (a) Tamper-evident; and
 - (b) Maintains the integrity and stability of the cannabis contained within.
- (C) Bulk Shipping Label: Each cultivator and processor shall ensure all bulk cannabis intended for transfer to another licensed entity is affixed with a label on the exterior of every bulk package and states in legible English at least the following information, as applicable:
 - (1) The name and license number of the cultivator where the plant material was cultivated and harvested;
 - (2) The name and license number of the processor where the cannabis products were manufactured;
 - (3) The batch or lot number that corresponds with the batch or lot number associated with all state-required testing
 - (4) The net weight of the cannabis contained within the package or the quantity of units contained within the package;
 - (5) The universal THC symbol;
 - (6) The seal prescribed by the division;
 - (7) The following warning: This Product Contains Cannabis, Keep out of reach of children; and
 - (8) If the plant material or cannabis product was mislabeled by the originating licensee, or is damaged, defective, or adulterated, a disclaimer that states as such.
- (C) Allowable Bulk Cannabis Transfers.
 - (1) A cultivator may transfer bulk cannabis as follows:
 - (a) To a cultivator licensed pursuant to division 1301:18 of the Administrative Code:
 - (i) Live plants;

- (ii) Clones;
 - (iii) Seeds;
 - (iv) Dried plant material:
 - (A) Final form manicured flower/buds: 15lbs
 - (B) Final form shake/trim: 25lbs
 - (C) Any dried plant material intended for extraction, including shake, trim, and unmanicured flower: 25 lbs
 - (v) Fresh frozen plant material: 125 lbs
- (b) To a processor licensed pursuant to division 1301:18 of the Administrative Code:
 - (i) Dried plant material:
 - (A) Final form manicured flower/buds: 15lbs
 - (B) Final form shake/trim: 25lbs
 - (C) Any dried plant material intended for extraction, including shake, trim, and unmanicured flower: 25 lbs
 - (ii) Fresh frozen plant material: 125 lbs
- (2) A **processor** may transfer bulk cannabis as follows:
 - (a) To a cultivator licensed pursuant to division 1301:18 of the Administrative Code:
 - (i) Dried plant material:
 - (A) Final form manicured flower/buds: 15lbs
 - (B) Final form shake/trim: 25lbs
 - (C) Any dried plant material intended for extraction, including shake, trim, and unmanicured flower: 25 lbs
 - (ii) Fresh frozen plant material: 125 lbs
 - (b) To a processor licensed pursuant to division 1301:18 of the Administrative Code:
 - (i) Dried plant material:
 - (A) Final form manicured flower/buds: 15lbs
 - (B) Final form shake/trim: 25lbs
 - (C) Any dried plant material intended for extraction, including shake, trim, and unmanicured flower: 25 lbs
 - (ii) Fresh frozen plant material: 125 lbs
 - (iii) Cannabis concentrates: all concentrate created within a 72-hour period using the same extraction method, same operating procedures, and same batch or batches of starting plant material.
- (D) **Bulk Cannabis Transfer Procedure:**
 - (1) Prior to any transfer, sale, or distribution to another licensed entity, the originating licensee shall:
 - (a) Ensure all cannabis:
 - (i) Meets the standards as established by the division and as outlined under 1301:18 of the Administrative Code prior to placing the cannabis in its associated container or package.
 - (ii) Complies with all bulk packaging and labeling as outlined above;

- **(b)** Prepare a transfer manifest utilizing the state inventory tracking system and include the following for each transfer:
 - **(i)** The names and addresses of the cannabis entities sending and receiving the shipment;
 - **(ii)** The time of departure and estimated time of arrival;
 - **(iii)** Within each transfer the following information for each individual package:
 - **(A)** A description of each individual package that is part of the shipment;
 - **(B)** The total number of individual packages;
 - **(C)** The unique identifying number generated within the state inventory tracking associated with the package;
 - **(D)** The units of measure as reported within the state inventory tracking system as follows:
 - **(1)** The weight of the cannabis contained within the shipment; or
 - **(2)** The quantity of units contained within the shipment.
 - **(E)** The unique identifying number generated within the state inventory tracking system associated with the transfer manifest; and
 - **(F)** If applicable:
 - **(1)** The names of the registered employees transporting the cannabis and their respective badge certificate number as provided by rule 1301:18-3-09 of the Administrative Code;
 - **(2)** The license plate number and vehicle type that will transport the shipment; and
 - **(3)** The specific delivery route, which includes street names and distances.
 - **(iv)** Prior to the delivery, provide a copy of the transfer manifest to the recipient licensee and the division, via the state inventory tracking system.
- **(2)** Prior to receipt, each licensee shall ensure that all cannabis received from another licensee adheres to all of the following:
 - **(a)** Meets all standards for all applicable state-required testing and an
 - **(b)** Meets all packaging and labeling standards; and
 - **(c)** Accompanying certificate of analysis is accompanied with each batch or lot.

1301:18-3-15: Shipments of Cannabis Between Businesses: cannabis individually packaged for direct customer sale.

- **(A)** A cultivator, processor, or dispensary licensed pursuant to 1301:18 of the Administrative Code may transfer cannabis packaged for direct customer sale in accordance with the following:
 - **(1)** An entity receiving any cannabis that was previously tested and met all standards for state-required testing and packaged for final customer sale is not required to test the cannabis or cannabis products again prior to transferring to another entity if the none of the cannabis or cannabis products have been opened from their final sale packaging.

- **(2)** Except as outlined under this paragraph, any cannabis that is removed from the packaging or container intended for direct customer sale is considered adulterated and is to be immediately destroyed pursuant to rule 1301:18-3-12 of the Administrative Code.
 - **(a)** A processor may remove plant material packaged for direct customer sale if the plant material meets the following standards:
 - **(i)** It is not damaged, defective, or adulterated upon receipt;
 - **(ii)** The plant material is to be used to create a cannabis extract;
 - **(iii)** It meets all standards established by the division for microbial contamination and sampling mandates outlined under 1301:18 of the Administrative Code prior to extraction; and
 - **(iv)** Any extract from the plant material must meet all standards for state-required testing prior to use as an ingredient in any product.
- **(B) Packaging for Shipments:**
 - **(1)** Each licensee shall ensure each batch or lot is placed in a separate, clean food grade container prior to transfer to another licensee and ensure all packaging and is the following:
 - **(a)** Tamper-evident; and
 - **(b)** Maintains the integrity and stability of the cannabis contained within.
- **(C) Shipping Label:** Each licensee shall ensure all cannabis intended for transfer to another licensed entity is affixed with a label on the exterior of every package and states in legible English at least the following information, as applicable:
 - **(1)** The name and license number of the cultivator where the plant material was cultivated and harvested;
 - **(2)** The name and license number of the processor where the cannabis products were manufactured;
 - **(3)** The name and license number of the entity where the plant material was packaged, if different from the cultivator where the plant material was cultivated and harvested;
 - **(4)** The batch or lot number that corresponds with the batch or lot number associated with all required testing;
 - **(5)** The net weight of the cannabis contained within the package or the quantity of units contained within the package;
 - **(6)** The universal THC symbol;
 - **(7)** The seal prescribed by the division;
 - **(8)** The following warning: This Product Contains Cannabis, Keep out of reach of children; and
 - **(9)** If the plant material or cannabis product was mislabeled by the originating licensee, or is damaged, defective, or adulterated, a disclaimer that states as such.
- **(D) Allowable Transfers.**
 - **(1)** A **cultivator** may transfer cannabis individually packaged for final customer sale in accordance rule 1301:18-4-05 of the Administrative Code as follows:
 - **(a)** To another cultivator licensed pursuant to division 1301:18 of the Administrative Code:
 - **(i)** Seeds, clones, live plants; and
 - **(ii)** Plant material
 - **(b)** To a processor licensed pursuant to division 1301:18 of the Administrative Code:
 - **(i)** Plant material

- (c) To a dispensary licensed pursuant to division 1301:18 of the Administrative Code:
 - (i) Seeds, clones, live plants; and
 - (ii) Plant material
 - (2) A **processor** may transfer cannabis individually packaged for final customer sale in accordance [OAC Package size limitations rule] as follows:
 - (a) To a cultivator licensed pursuant to division 1301:18 of the Administrative Code:
 - (i) Plant material
 - (b) To another processor licensed pursuant to division 1301:18 of the Administrative Code:
 - (i) Plant material; and
 - (ii) Cannabis products
 - (c) To a dispensary licensed pursuant to division 1301: 18 of the Administrative Code:
 - (i) Plant material; and
 - (ii) Cannabis products
 - (3) A **dispensary** may transfer cannabis individually packaged for final customer sale in accordance [OAC Package size limitations rule] as follows:
 - (a) To a cultivator licensed pursuant to division 1301:18 of the Administrative Code:
 - (i) Plant material
 - (ii) If the dispensary is transferring plant material to a cultivator because it is mislabeled, defective, damaged, or adulterated, the dispensary must notify the division in writing in a manner prescribed by the division prior to completing the transfer.
 - (b) To a processor licensed pursuant to division 1301:18 of the Administrative Code:
 - (i) Plant material; and
 - (ii) Cannabis products
 - (iii) If the dispensary is transferring plant material or cannabis product to a processor because it is mislabeled, defective, damaged, or adulterated, the dispensary must notify the division in writing in a manner prescribed by the division prior to completing the transfer.
 - (c) To another dispensary licensed pursuant to division 1301: 18 of the Administrative Code:
 - (i) Plant material; and
 - (ii) Cannabis products
- (C) **Procedure for Shipments**
 - (1) Prior to any transfer, sale, or distribution to another licensed entity, the originating licensee shall:
 - (a) Ensure all cannabis:
 - (i) Meets the standards for state-required testing as established by the division and as outlined under 1301:18 of the Administrative Code prior to placing the cannabis in its associated container or package.
 - (ii) Complies with all direct customer packaging and labeling mandates as outlined under rule 1301:18-4-18 of the Administrative Code.

- **(b)** Prepare a transfer manifest utilizing the state inventory tracking system and include the following for each transfer:
 - **(i)** The names and addresses of the cannabis entities sending and receiving the shipment;
 - **(ii)** The time of departure and estimated time of arrival;
 - **(iii)** Within each transfer the following information for each individual package:
 - **(A)** A description of each individual package that is part of the shipment;
 - **(B)** The total number of individual packages;
 - **(C)** The unique identifying number generated within the state inventory tracking associated with the package;
 - **(D)** The units of measure as reported within the state inventory tracking system as follows:
 - **(1)** The weight of the cannabis contained within the shipment; or
 - **(2)** The quantity of units contained within the shipment.
 - **(E)** The unique identifying number generated within the state inventory tracking system associated with the transfer manifest; and
 - **(F)** If applicable:
 - **(1)** The names of the registered employees transporting the cannabis and their respective badge certificate number as provided by rule 1301:18-3-09 of the Administrative Code;
 - **(2)** The license plate number and vehicle type that will transport the shipment; and
 - **(3)** The specific delivery route, which includes street names and distances.
 - **(iv)** Prior to the delivery, provide a copy of the transfer manifest to the recipient licensee and the division, via the state inventory tracking system.
- **(2)** Prior to receipt, each licensee shall ensure that all cannabis received from another licensee adheres to all of the following:
 - **(a)** Meets all standards for all applicable state-required testing and an
 - **(b)** Meets are packaging and labeling standards; and
 - **(c)** Accompanying certificate of analysis is accompanied with each batch or lot.

Consumer Protection and Product Safety

1301:18-4-06: Product Registration

- **(A)** A licensee shall not cultivate, manufacture, transfer, distribute, or sell a cannabis concentrate or cannabis product without prior written approval from the division of cannabis control.
- **(B)** Prior to cultivating, manufacturing, transferring, distributing, or selling a cannabis product, each licensee shall apply in a manner prescribed by the division.
- **(C)** Pursuant this rule, the division may:

- **(1)** Pursuant to rule 1301:18-9-01 of the Administrative Code, conduct an inspection at the licensed premises and review any proposed product or associated procedure or equipment;
- **(2)** Require testing or process verification pertaining to the new product;
- **(3)** Approve the product registration;
- **(4)** Deny the product registration; or
- **(5)** Advise the licensee in writing that it failed to meet all mandates as established by the division.
- **(D)** Upon receipt of written approval, the licensee may proceed with cultivating, manufacturing, and distributing the proposed product.
- **(E)** Each cannabis product variation shall be registered and designated by a unique identifying number to the product by the division.
- **(F)** Each portion or dose of medical marijuana shall contain not less than ninety per cent or no more than one hundred ten per cent of the concentration of total target THC content indicated in the product identifier assignment application. For plant material, a total THC concentration of less than three-tenths of one per cent will be considered as having zero per cent THC content. There is no zero per cent threshold for THC per cent in processed forms of medical marijuana.

1301:18-4-07: State-Required Testing Generally

- **Final Form** means the form of cannabis as manicured, trimmed, manufactured, or processed and intended for direct customer sale and must be the intended form immediately prior to submission to a testing laboratory licensed pursuant to 1301:18 of the Administrative Code for all state-required testing.
 - Final form cannabis does not include any direct customer packaging or labeling.
- **(A)** Each licensee shall establish, maintain, and comply with written policies and procedures to ensure all cannabis cultivated, manufactured, transferred, and distributed pursuant to chapters 3780 and 3796 of the Revised Code is safe for medical patients and public consumption alike. Each licensee shall ensure all written policies and procedures ensure the following:
 - **(1)** Prior to any transfer or sale of cannabis, each licensee shall submit all cannabis to a testing laboratory licensed pursuant to division 1301:18 of the Administrative Code and ensure the cannabis:
 - **(a)** Meets all standards established by the division; and
 - **(b)** Is subjected to all applicable test panels and associated analytes as outlined under rules 1301:18-4-13 and 1301:18-4-14 of the Administrative Code;
 - **(2)** Prior to any test sample collection, all information outlined under rule 1301:18-4-09 of the Administrative Code is provided to the testing laboratory in writing, which may be via electronic means;
 - **(a)** In the event the testing laboratory utilizes a cannabis laboratory testing software platform that allows for client interface and placement of test orders, the licensee shall submit the mandated information within the specified software platform.
 - **(3)** Each test sample is documented in the state inventory tracking system and in accordance with the following:
 - **(a)** All test samples are created in the state inventory tracking system contemporaneously with the testing laboratory collector's test sample collection;
 - **(b)** The test sample amount is accurately recorded and as provided by the test sample collector; and

- (c) Each associated batch or lot is accurately recorded in the state inventory tracking system with the accompanying certificate of analysis.
- (4) Each batch or lot of cannabis maintained at the licensed premises does not exceed the allowable weights, sizes, or amounts outlined under rule 1301:18-4-10 of the Administrative Code;
- (5) Each test sample is statistically representative of its respective batch or lot in accordance with rule 1301:18-4-10 of the Administrative Code;
- (6) The entire batch or lot is presented to the testing laboratory during test sample collection;
 - (a) If the batch or lot is stored in multiple containers or trays, the test sample must be comprised of increments from each container or tray as equally as possible.
- (7) All testing samples are collected at the originating licensee and transported solely by the test sample collector to the testing laboratory conducting the testing;
- (8) All cannabis presented to a testing laboratory for state-required testing meets the following standards:
 - (a) For dried plant material intended for direct customer sale: all plant material contained within the batch is in its final form and as intended for immediate packaging. Specifically, all cannabis flower is dried, cured, and properly manicured.
 - (b) For any combination inhalable products:
 - (i) May be tested as by the each if the product is capable of being created in units of uniform size
 - (ii) Each individual component meets all standards state-required testing as outlined under 1301:18 of the Administrative Code prior to creating the combination inhalable product.
 - (c) Cannabis concentrates are brought to room temperature prior to presentation to a test sample collector for test sampling.

1301:18-4-08: Limitations on In-Process Testing, Remediation, and Re-Testing

- (A) Unless otherwise authorized by the division of cannabis control, each licensee shall establish, maintain, and comply with written policies and procedures to ensure the following:
 - (1) Not more than one testing laboratory conducts state-required testing on a single batch or lot;
 - (2) The same laboratory does not test a single batch or lot more than once; and
 - (3) Unless otherwise authorized by paragraph (F) of this rule, all associated batches or lots of cannabis that fail to meet the standards established by the division are immediately destroyed and comply with rule 1301:18-3-12 of the Administrative Code.
- (B) **In-Process Cannabinoid Potency Testing for Cannabis Concentrates**
 - (1) A processor may submit one (1) gram sample per batch of cannabis concentrate to analyze cannabinoid potency to assist with accurate product formulation.
 - (a) Any and all associated cannabis tested pursuant to this paragraph must be solely intended for product formulation.
 - (2) A licensee shall not utilize this paragraph to:
 - (a) Submit any test prior to any state-required testing.
 - (b) In place or a substitution of, any state-required testing as outlined under division 1301:18 of the Administrative Code.

- (c) Attempt to circumvent any standards or mandates established by the division pertaining to state-required testing, including any procedures, requirements, or directives.
- (C) A licensee shall not use technological solutions to treat a batch of cannabis plant material or cannabis products prior to testing for microbial contamination.
 - (1) Such microbial tests must include, at minimum, tests for the presence of Shiga toxin-producing *E. coli* (“STEC”) and *Salmonella*.
 - (2) If microbial testing demonstrates the presence of STEC or *Salmonella*, the batch may not be treated using technological solutions and shall be destroyed.
 - (3) A batch of plant material that does not meet the standards for microbial testing for tests other than STEC or *Salmonella* may be designated for extraction by hydrocarbon-based, food grade ethanol-based, or carbon dioxide-based methods only.
 - (a) Cannabis extract created pursuant to this paragraph must be tested for microbial contamination prior to use in any cannabis product.
- (D) A processor may only remediate solvent-based concentrates with excess allowable and permitted solvents.
 - (1) A processor may remediate pursuant to this paragraph by purging the excess allowable solvents one time.
 - (2) If a processor utilizes this method, they may submit the test sample to the same laboratory to retest the remediated concentrate.
 - (3) The testing laboratory is to re-test the lot for all state-required testing.
- (E) A cultivator may remediate dried plant material in response to a testing failure for excess moisture content by allowing the plant material to dry an additional amount of time, and have the same laboratory retest the remediated dried plant material one time. The laboratory must perform all state-required testing on the remediated sample.
- (F) A licensee seeking to re-test a batch or lot of cannabis to any state-required testing must request to do so in writing and in a manner prescribed by the division. The request is to include at a minimum the following:
 - (1) The associated certificate of analysis for the batch or lot tested;
 - (2) The state-inventory tracking number;
 - (3) The specific state-required test that did not pass testing; and
 - (4) The extenuating circumstances, including quality control, or other equipment malfunction, which give rise to such request.
 - (5) Upon receipt of a request pursuant to this paragraph, the division may:
 - (a) Approve the application;
 - Request additional information;
 - (b) Deny the application; or
 - (c) Advise the licensee in writing that the applicant failed to meet all application requirements.
- (G) Each licensee shall document compliance with all mandates pertaining to state-required testing and this rule within the state inventory tracking system.

1301:18-4-09: Written Test Sample Requests

- (A) Each licensee seeking to conduct laboratory testing shall submit a written request to a testing laboratory licensed pursuant to division 1301:18 of the Administrative Code and include the following applicable information:
 - (1) The license number for the originating licensee;

- **(2)** The business name of the originating licensee;
- **(3)** The facility address of the originating licensee;

Batch weight (lbs.)	Batch weight (g)	Test sample size (g)	# of sample increments
<10lbs	<4,536g	23	23
>10lbs – 15lbs	>4,536g – 6,803g	34	34
>15lbs – 20lbs	>6,804g – 9,072g	45	45
>20lbs – 25lbs ^a	>9,072g – 11,340g	56	56

- **(4)** The electronic mail and telephone number of the originating licensee;

- **(5)** The cannabis strain name pursuant to rule 1301:18-4-06 of the Administrative Code;
- **(6)** The manufacture date;
- **(7)** The product identifier as assigned pursuant to rule 1301:18-4-06 of the Administrative Code;
- **(8)** The type of cannabis product as submitted pursuant to rule 1301:18-4-06 of the Administrative Code;
- **(9)** The registered name of the cannabis product as assigned pursuant to rule 1301:18-4-06 of the Administrative Code;
- **(10)** The state inventory tracking number of the batch or lot subject to state-required testing;
- **(11)** Disclosure of the batch or lot number if the originating licensee assigns a different number from the state inventory tracking number;
- **(12)** The associated net weight of each batch, or total weight or number of units in each lot;
- **(13)** For plant material, the harvest date
- **(14)** For all cannabis infused products, the unit of sale and number of servings per unit of sale.
 - **(a)** For cannabis infused edibles and beverages only, the target THC content per serving and target THC content per unit of sale.
- **(15)** For any plant material that was subjected to any technological solutions subsequent to the allowable time period outlined in rule 1301:18-5-02 of the Administrative Code and the applicable technological solution.
- **(16)** Whether submission of the test sample is for state-required testing or research and development testing.
- **(B)** Pursuant to rule 1301:18-3-17 of the Administrative Code, each licensee shall maintain records of all requests pursuant to this rule, testing samples, and accompanying certificates of analysis for each batch or lot submitted to a testing laboratory within the state inventory tracking system.

1301:18-4-10: Minimum Sample Sizes and Sample Increments

- **(A) Cannabis Intended for Extraction or Manufacture at a Processor:**
 - **(1) Dried Plant Material.** For each batch of dried plant material the following shall apply:
 - **(a)** Minimum sample size: twenty-three 23 grams;
 - **(b)** Sample increments: one (1) gram; and
 - **(c)** Test samples are collected according to the following chart:

- **(2) Fresh, frozen plant material.** For each batch of fresh, frozen plant material, the following shall apply:
 - **(a)** Minimum sample size: fifty-five (55) grams;
 - **(b)** Sample increments: five (5) grams; and
 - **(c)** Test samples are collected according to the following chart:

Batch weight (lbs.)	Batch weight (g)	Test sample size (g)	# of sample increments
≤25lbs	≤11,340g	55	11
>25lbs – 50lbs	>11,340g – 22,680g	115	23
>50lbs – 75lbs	>22,680g – 34,020g	170	34
>75lbs – 100lbs	>34,020g – 45,360g	225	45
>100lbs – 125lbs	>45,360g – 56,699g	280	56

- **(3) Cannabis Concentrates.** For each lot of cannabis concentrate the following shall apply:
 - **(a)** Minimum sample size: 0.5% of the lot;
 - **(b)** Sample increments: one (1) gram; and
 - **(c)** Samples are collected according to the following chart:

Lot weight (lbs)	Lot weight (g)	Test sample size (g)	# sample increments
≤6lbs	<2,722g	15	15
>6lbs – 8lbs	>2,722 – 3,629g	18	18
>8lbs – 10lbs	>3,629g – 4,536g	23	23
>10lbs – 15lbs	>4536g – 6803g	34	34
>15lbs – 25lbs	>6803g – 11,340g	57	57
>25lbs	> 11,340g	0.5% of total lot weight	1 per gram per total sample size

- **(4) Cannabis Concentrate intended for Further Manufacture in a Vaporization Solution**
 - **(a)** A processor seeking to use a batch of cannabis concentrate solely as an ingredient in a vaporization solution as permitted by rule 1301:18-4-08 of the Administrative Code may submit a one (1) gram sample to analyze cannabinoid potency.
- **(5) Hemp-derived ingredients.** For each shipment of hemp-derived ingredients the following shall apply:
 - **(a)** 0.5% of the net weight of the shipment of the hemp-derived ingredients;
 - **(b)** Sample increments: one (1) gram; and
 - **(c)** Samples are collected according to the following chart:

Net weight (lbs)	Net weight (g)	Test sample size (g)	# sample increments
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≤6lbs	<2,722g	15	15
>6lbs – 8lbs	>2,722 – 3,629g	18	18
>8lbs – 10lbs	>3,629g – 4,536g	23	23
>10lbs – 15lbs	>4536g – 6803g	34	34
>15lbs	>6803g	57	57

• **(B) Cannabis intended for direct customer sale:**

- **(1) For raw single-serving units,** for each lot of raw, single-serving units the following shall apply:
 - **(a)** A sample increment shall be one (1) single-serving unit of cannabis plant material.
 - **(b)** Each raw single-serving unit of cannabis plant material is tested as a whole unit, in final form, complete with all components such as rolling paper;
 - **(c)** Partial, single-serving units may not be used;
 - **(d)** The amount contained within the sample must be rounded up to the nearest whole unit; and
 - **(e)** Test samples are collected according to the following chart:

Number of production units	# of sample increments (units)
≤500	3
501 – 2,000	6
2,001 – 5,000	15
5,001 – 10,000	25
10,001- 20,000	35
20,001 – 35,000	50

- **(2) For cannabis products sold by the each.** For each lot of cannabis products sold by the each the following shall apply:
 - **(a)** A sample increment shall be one production unit.
 - **(b)** Test samples are collected according to the following chart:

Number of production units	# of sample increments (units)
≤500	3
501 – 2,000	6
2,001 – 5,000	15
5,001 – 10,000	25
10,001- 20,000	35
20,001 – 35,000	50

- **(3) For lots of cannabis concentrates.** Each lot of cannabis concentrates the following shall apply:
 - **(a)** Sample size: 0.5% of the lot;
 - **(b)** Sample increments: one (1) gram; and
 - **(c)** Samples are collected according to the following chart:

Lot weight (lbs)	Lot weight (g)	Test sample size (g)	# sample increments
≤6lbs	<2,722g	15	15
>6lbs – 8lbs	>2,722 – 3,629g	18	18
>8lbs – 10lbs	>3,629g – 4,536g	23	23
>10lbs – 15lbs	>4536g – 6803g	34	34
>15lbs – 25lbs	>6803g – 11,340g	57	57

- **(4) For lots of vaporization solutions.** Each lot of cannabis vaporization solutions the following shall apply:
 - **(a)** Sample size: 0.5% of the lot;
 - **(b)** Sample increments: one (1) gram; and
 - **(c)** Samples are collected according to the following chart:

Lot weight (lbs)	Lot weight (g)	Test sample size (g)	# sample increments
≤6lbs	<2,722g	15	15
>6lbs – 8lbs	>2,722 – 3,629g	18	18
>8lbs – 10lbs	>3,629g – 4,536g	23	23
>10lbs – 15lbs	>4536g – 6803g	34	34
>15lbs – 25lbs	>6803g – 11,340g	57	57

1301:18-4-11: Transfer Manifests for Test Samples

- **(A)** Prior to transporting the cannabis test samples to the laboratory, the originating licensee shall prepare a transfer manifest utilizing the state inventory tracking system and include the following for each transfer:
 - **(1)** The names and addresses of the cannabis entities sending and receiving the shipment;
 - **(2)** The time of departure and estimated time of arrival;
 - **(3)** Within each transfer the following information for each individual package:
 - **(a)** A description of each individual test sample that is part of the transport;
 - **(b)** The total number of individual test samples;
 - **(c)** The unique identifying number generated within the state inventory tracking associated with the test sample;
 - **(d)** The units of measure as reported within the state inventory tracking system as follows:
 - **(i)** The net weight of the cannabis contained within the test sample; or
 - **(ii)** The quantity of units contained within the test sample.
 - **(e)** The unique identifying number generated within the state inventory tracking system associated with the transfer manifest; and
 - **(f)** The names of the registered employees transporting the cannabis and their respective badge certificate number as provided by rule 1301:18-3-09 of the Administrative Code;
 - **(g)** The license plate number and vehicle type that will transport the shipment; and
 - **(h)** The specific delivery route, which includes street names and distances.

- **(4)** Prior to the delivery, each licensee is to provide a copy of the transfer manifest to the test sample collector and the division.

1301:18-4-12: Minimum Testing Requirements for Cannabis Intended for Further Manufacture

- **(A)** Each licensee shall establish, maintain, and comply with written policies and procedures to ensure all cannabis cultivated, manufactured, transferred, and distributed pursuant to chapters 3780 and 3796 of the Revised Code that is **intended for further manufacture at a processor** is tested for all mandates outlined under this rule.
 - **(1) Dried Cannabis Plant Material Intended for Extraction.** Prior to any transfer or sale of dried plant material to a processor, each batch shall be tested for the following, at a minimum:
 - **(a)** Heavy metals;
 - **(b)** Pesticide and fertilizer residue;
 - **(c)** Microbial contaminants; and
 - **(d)** Mycotoxins
 - **(2) Fresh Frozen Plant Material Intended for Extraction.** A batch of fresh frozen plant material may only be sold or transfer for purposes of extraction at a processor. Prior to any transfer or sale of fresh frozen plant material to a processor, each batch shall be tested for the following, at a minimum:
 - **(a)** Heavy metals;
 - **(b)** Pesticide and fertilizer residue;
 - **(c)** Microbial contaminants; and
 - **(d)** Mycotoxins
 - **(3) Cannabis Concentrates Intended for Further Manufacture.** Prior to any transfer or sale to a processor, combining with other lots of cannabis concentrate, or use as an ingredient in a cannabis product, each lot of cannabis concentrate shall be tested for the following at a minimum:
 - **(a)** Microbial contaminants;
 - **(b)** Mycotoxins;
 - **(c)** Foreign matter;
 - **(d)** Heavy metals;
 - **(e)** Pesticide and fertilizer residue;
 - **(f)** Cannabinoid potency including, at minimum:
 - **(i)** Delta-9-tetrahydrocannabinolic acid (THCA);
 - **(ii)** Delta-9-tetrahydrocannabinol;
 - **(iii)** Delta-8-tetrahydrocannabinol;
 - **(iv)** Cannabidiolic acid (CBDA);
 - **(v)** Cannabidiol (CBD);
 - **(vi)** Tetrahydrocannabivarin (THCV);
 - **(vii)** Cannabigerol (CBG);
 - **(viii)** Cannabigerolic acid (CBGA);
 - **(ix)** CBC (Cannabichromene);
 - **(x)** Cannabichromenic acid (CBCA);
 - **(xi)** Cannabidivarin (CBDV); and
 - **(xii)** Cannabidivarinic acid (CBDVA)
 - **(g)** Terpenes, including, at a minimum:
 - **(i)** Alpha-bisabolol;

- (ii) Alpha-humulene;
- (iii) Alpha-pinene;
- (iv) Terpinolene;
- (v) Beta-caryophyllene;
- (vi) Beta-myrcene;
- (vii) Beta-pinene;
- (viii) Caryophyllene oxide;
- (ix) Limonene; and
- (x) Linalool. and
- (h) Residual solvents if the concentrate is a solvent-based extract, including solvents used during winterization.

1301:18-4-13: Minimum Testing Requirements for Cannabis Intended for Direct Customer Sale

- (A) Each licensee shall establish, maintain, and comply with written policies and procedures to ensure all cannabis cultivated, manufactured, transferred, and distributed pursuant to chapters 3780 and 3796 of the Revised Code that is **intended for direct customer sale** is tested for all mandates outlined under this rule.
 - (1) **Dried Plant Material.** A batch of plant material intended for direct customer sale must be presented for test sample collection in its final form, dried and cured with all flowers and bud manicured. Prior to any sale or transfer of dried plant material to another licensed entity, each batch shall be tested for the following, at a minimum:
 - (a) Microbial contaminants;
 - (b) Mycotoxins;
 - (c) Moisture content;
 - (d) Water activity;
 - (e) Foreign matter contamination;
 - (f) Heavy metals;
 - (g) Pesticide and fertilizer residue;
 - (h) Cannabinoid potency, including, at a minimum:
 - (i) Delta-9-tetrahydrocannabinolic acid (THCA);
 - (ii) Delta-9-tetrahydrocannabinol;
 - (iii) Delta-8-tetrahydrocannabinol;
 - (iv) Cannabidiolic acid (CBDA);
 - (v) Cannabidiol (CBD);
 - (vi) Tetrahydrocannabivarin (THCV);
 - (vii) Cannabigerol (CBG);
 - (viii) Cannabigerolic acid (CBGA);
 - (ix) CBC (Cannabichromene);
 - (x) Cannabichromenic acid (CBCA);
 - (xi) Cannabidivarin (CBDV); and
 - (xii) Cannabidivarinic acid (CBDVA). and
 - (i) Terpenes, including, at a minimum:
 - (i) Alpha-bisabolol;
 - (ii) Alpha-humulene;
 - (iii) Alpha-pinene;
 - (iv) Terpinolene;

- **(v)** Beta-caryophyllene;
 - **(vi)** Beta-myrcene;
 - **(vii)** Beta-pinene;
 - **(viii)** Caryophyllene oxide;
 - **(ix)** Limonene; and
 - **(x)** Linalool.
- **(2) Raw Single Serving Units of Cannabis Plant Material.** Prior to any transfer or sale to another licensed entity, each lot of raw single serving units of cannabis plant material shall be tested for the following, at a minimum:
- **(a)** Microbial contaminants;
 - **(b)** Mycotoxins;
 - **(c)** Moisture content;
 - **(d)** Water activity;
 - **(e)** Foreign matter contamination;
 - **(f)** Heavy metals;
 - **(g)** Pesticide and fertilizer residue;
 - **(h)** Cannabinoid potency, including, at a minimum, the following:
 - **(i)** Delta-9-tetrahydrocannabinolic acid (THCA);
 - **(ii)** Delta-9-tetrahydrocannabinol;
 - **(iii)** Delta-8-tetrahydrocannabinol;
 - **(iv)** Cannabidiolic acid (CBDA);
 - **(v)** Cannabidiol (CBD);
 - **(vi)** Tetrahydrocannabivarin (THCV);
 - **(vii)** Cannabigerol (CBG);
 - **(viii)** Cannabigerolic acid (CBGA);
 - **(ix)** CBC (Cannabichromene);
 - **(x)** Cannabichromenic acid (CBCA);
 - **(xi)** Cannabidivarin (CBDV); and
 - **(xii)** Cannabidivarinic acid (CBDVA). and
 - **(i)** Terpenes, including, at a minimum:
 - **(i)** Alpha-bisabolol;
 - **(ii)** Alpha-humulene;
 - **(iii)** Alpha-pinene;
 - **(iv)** Terpinolene;
 - **(v)** Beta-caryophyllene;
 - **(vi)** Beta-myrcene;
 - **(vii)** Beta-pinene;
 - **(viii)** Caryophyllene oxide;
 - **(ix)** Limonene; and
 - **(x)** Linalool.
- **(3) Combination Inhalable Products.** A lot of combination inhalable products may only be created using cannabis ingredients, such as dried plant material and cannabis concentrate, that have already met all standards established by the division. Prior to any transfer or sale to another licensed entity, each lot of combination inhalable products shall be tested for the following, at a minimum:
- **(a)** Microbial contaminants;

- **(b)** Foreign matter;
- **(c)** Cannabinoid potency including, at minimum:
 - **(i)** Delta-9-tetrahydrocannabinolic acid (THCA);
 - **(ii)** Delta-9-tetrahydrocannabinol;
 - **(iii)** Delta-8-tetrahydrocannabinol;
 - **(iv)** Cannabidiolic acid (CBDA);
 - **(v)** Cannabidiol (CBD);
 - **(vi)** Tetrahydrocannabivarin (THCV);
 - **(vii)** Cannabigerol (CBG);
 - **(viii)** Cannabigerolic acid (CBGA);
 - **(ix)** CBC (Cannabichromene);
 - **(x)** Cannabichromenic acid (CBCA);
 - **(xi)** Cannabidivarin (CBDV); and
 - **(xii)** Cannabidivarinic acid (CBDVA); and
- **(d)** Terpenes, including, at a minimum, the following:
 - **(i)** Alpha-bisabolol;
 - **(ii)** Alpha-humulene;
 - **(iii)** Alpha-pinene;
 - **(iv)** Terpinolene;
 - **(v)** Beta-caryophyllene;
 - **(vi)** Beta-myrcene;
 - **(vii)** Beta-pinene;
 - **(viii)** Caryophyllene oxide;
 - **(ix)** Limonene; and
 - **(x)** Linalool.
- **(4) Inhalers.** Prior to any transfer or sale to another licensed entity, each lot of inhalers shall be tested for the following, at a minimum:
 - **(a)** Microbial contaminants;
 - **(b)** Foreign matter;
 - **(c)** Cannabinoid potency including, at minimum:
 - **(i)** Delta-9-tetrahydrocannabinolic acid (THCA);
 - **(ii)** Delta-9-tetrahydrocannabinol;
 - **(iii)** Delta-8-tetrahydrocannabinol;
 - **(iv)** Cannabidiolic acid (CBDA);
 - **(v)** Cannabidiol (CBD);
 - **(vi)** Tetrahydrocannabivarin (THCV);
 - **(vii)** Cannabigerol (CBG);
 - **(viii)** Cannabigerolic acid (CBGA);
 - **(ix)** CBC (Cannabichromene);
 - **(x)** Cannabichromenic acid (CBCA);
 - **(xi)** Cannabidivarin (CBDV); and
 - **(xii)** Cannabidivarinic acid (CBDVA); and
 - **(d)** Terpenes, including, at a minimum:
 - **(i)** Alpha-bisabolol;
 - **(ii)** Alpha-humulene;
 - **(iii)** Alpha-pinene;
 - **(iv)** Terpinolene;
 - **(v)** Beta-caryophyllene;

- **(vi)** Beta-myrcene;
 - **(vii)** Beta-pinene;
 - **(viii)** Caryophyllene oxide;
 - **(ix)** Limonene; and
 - **(x)** Linalool.
- **(5) Final Form Vaporization Solution.** Prior to any transfer or sale to another licensed entity, each lot of vaporization solution shall be tested for the following, at a minimum:
 - **(a)** Microbial contaminants;
 - **(b)** Mycotoxins;
 - **(c)** Foreign matter;
 - **(d)** Heavy metals;
 - **(e)** Pesticide and fertilizer residue;
 - **(f)** Cannabinoid potency including, at minimum:
 - **(i)** Delta-9-tetrahydrocannabinolic acid (THCA);
 - **(ii)** Delta-9-tetrahydrocannabinol;
 - **(iii)** Delta-8-tetrahydrocannabinol;
 - **(iv)** Cannabidiolic acid (CBDA);
 - **(v)** Cannabidiol (CBD);
 - **(vi)** Tetrahydrocannabivarin (THCV);
 - **(vii)** Cannabigerol (CBG);
 - **(viii)** Cannabigerolic acid (CBGA);
 - **(ix)** CBC (Cannabichromene);
 - **(x)** Cannabichromenic acid (CBCA);
 - **(xi)** Cannabidivarin (CBDV) and
 - **(xii)** Cannabidivarinic acid (CBDVA); and
 - **(g)** Terpenes, including, at a minimum:
 - **(i)** Alpha-bisabolol;
 - **(ii)** Alpha-humulene;
 - **(iii)** Alpha-pinene;
 - **(iv)** Terpinolene;
 - **(v)** Beta-caryophyllene;
 - **(vi)** Beta-myrcene;
 - **(vii)** Beta-pinene;
 - **(viii)** Caryophyllene oxide;
 - **(ix)** Limonene; and
 - **(x)** Linalool; and
 - **(h)** Residual solvents if the concentrate is a solvent-based extract, including solvents used during winterization
- **(6) Final Form Cannabis Concentrates.** Prior to any transfer or sale to another licensed entity, each lot of final form cannabis concentrates shall be tested for the following, at a minimum:
 - **(a)** Microbial contaminants;
 - **(b)** Mycotoxins;
 - **(c)** Foreign matter;
 - **(d)** Heavy metals;
 - **(e)** Pesticide and fertilizer residue;
 - **(f)** Cannabinoid potency including, at minimum:
 - **(i)** Delta-9-tetrahydrocannabinolic acid (THCA);
 - **(ii)** Delta-9-tetrahydrocannabinol;

- (iii) Delta-8-tetrahydrocannabinol;
 - (iv) Cannabidiolic acid (CBDA);
 - (v) Cannabidiol (CBD);
 - (vi) Tetrahydrocannabivarin (THCV);
 - (vii) Cannabigerol (CBG);
 - (viii) Cannabigerolic acid (CBGA);
 - (ix) CBC (Cannabichromene);
 - (x) Cannabichromenic acid (CBCA);
 - (xi) Cannabidivarin (CBDV); and
 - (xii) Cannabidivarinic acid (CBDVA); and
- (g) Terpenes, including, at a minimum:
 - (i) Alpha-bisabolol;
 - (ii) Alpha-humulene;
 - (iii) Alpha-pinene;
 - (iv) Terpinolene;
 - (v) Beta-caryophyllene;
 - (vi) Beta-myrcene;
 - (vii) Beta-pinene;
 - (viii) Caryophyllene oxide;
 - (ix) Limonene; and
 - (x) Linalool; and
- (h) Residual solvents if the concentrate is a solvent-based extract, including solvents used during winterization
- **(7) Cannabis-Infused Topical Products.** Prior to any transfer or sale to another licensed entity, each lot of cannabis-infused topical products shall be tested for the following, at a minimum:
 - (a) Cannabinoid potency, including, at a minimum:
 - (i) Delta-9-tetrahydrocannabinolic acid (THCA);
 - (ii) Delta-9-tetrahydrocannabinol;
 - (iii) Delta-8-tetrahydrocannabinol;
 - (iv) Cannabidiolic acid (CBDA);
 - (v) Cannabidiol (CBD);
 - (vi) Tetrahydrocannabivarin (THCV);
 - (vii) Cannabigerol (CBG);
 - (viii) Cannabigerolic acid (CBGA);
 - (ix) CBC (Cannabichromene);
 - (x) Cannabichromenic acid (CBCA);
 - (xi) Cannabidivarin (CBDV); and
 - (xii) Cannabidivarinic acid (CBDVA)
- **(8) Cannabis-Infused Beverages.** Prior to any transfer or sale to another licensed entity, each lot of cannabis-infused beverages shall be tested for the following, at a minimum:
 - (a) Microbial contaminants;
 - (b) Foreign matter;
 - (c) Cannabinoid potency including, at minimum:
 - (i) Delta-9-tetrahydrocannabinolic acid (THCA);
 - (ii) Delta-9-tetrahydrocannabinol;
 - (iii) Delta-8-tetrahydrocannabinol;
 - (iv) Cannabidiolic acid (CBDA);
 - (v) Cannabidiol (CBD);

- **(vi)** Tetrahydrocannabivarin (THCV);
 - **(vii)** Cannabigerol (CBG);
 - **(viii)** Cannabigerolic acid (CBGA);
 - **(ix)** CBC (Cannabichromene);
 - **(x)** Cannabichromenic acid (CBCA);
 - **(xi)** Cannabidivarin (CBDV); and
 - **(xii)** Cannabidivarinic acid (CBDVA).
- **(d)** pH; and
- **(e)** Homogeneity verification, as prescribed by the division.
- **(9) Cannabis-Infused Edibles.** Prior to any transfer or sale to another license entity, each lot of cannabis-infused edibles shall be tested for the following, at a minimum:
 - **(a)** Microbial contaminants;
 - **(b)** Foreign matter;
 - **(c)** Cannabinoid potency including, at minimum:
 - **(i)** Delta-9-tetrahydrocannabinolic acid (THCA);
 - **(ii)** Delta-9-tetrahydrocannabinol
 - **(iii)** Delta-8-tetrahydrocannabinol
 - **(iv)** Cannabidiolic acid (CBDA);
 - **(v)** Cannabidiol (CBD);
 - **(vi)** Tetrahydrocannabivarin (THCV)
 - **(vii)** Cannabigerol (CBG)
 - **(viii)** Cannabigerolic acid (CBGA)
 - **(ix)** CBC (Cannabichromene)
 - **(x)** Cannabichromenic acid (CBCA)
 - **(xi)** Cannabidivarin (CBDV)
 - **(xii)** Cannabidivarinic acid (CBDVA);
 - **(d)** Water activity; and
 - **(e)** Homogeneity verification, as prescribed by the division.
- **(10) Final Form Tinctures.** Prior to any transfer or sale to another licensed entity, each lot of tincture shall be tested for the following, at a minimum:
 - **(a)** Microbial contaminants;
 - **(b)** Foreign matter;
 - **(c)** Cannabinoid potency including, at minimum:
 - **(i)** Delta-9-tetrahydrocannabinolic acid (THCA);
 - **(ii)** Delta-9-tetrahydrocannabinol;
 - **(iii)** Delta-8-tetrahydrocannabinol;
 - **(iv)** Cannabidiolic acid (CBDA);
 - **(v)** Cannabidiol (CBD);
 - **(vi)** Tetrahydrocannabivarin (THCV);
 - **(vii)** Cannabigerol (CBG);
 - **(viii)** Cannabigerolic acid (CBGA);
 - **(ix)** CBC (Cannabichromene);
 - **(x)** Cannabichromenic acid (CBCA);
 - **(xi)** Cannabidivarin (CBDV); and
 - **(xii)** Cannabidivarinic acid (CBDVA).
- **(11) Cannabis-Infused Non-Edibles.** For all other cannabis products not otherwise outlined above, prior to any transfer or sale to another licensed entity, each lot of cannabis-infused non-edibles, shall be tested for the following, at a minimum:

- **(a)** Microbial contaminants;
- **(b)** Foreign matter
- **(c)** Cannabinoid potency including, at minimum:
 - **(i)** Delta-9-tetrahydrocannabinolic acid (THCA);
 - **(ii)** Delta-9-tetrahydrocannabinol;
 - **(iii)** Delta-8-tetrahydrocannabinol;
 - **(iv)** Cannabidiolic acid (CBDA);
 - **(v)** Cannabidiol (CBD);
 - **(vi)** Tetrahydrocannabivarin (THCV);
 - **(vii)** Cannabigerol (CBG);
 - **(viii)** Cannabigerolic acid (CBGA);
 - **(ix)** CBC (Cannabichromene);
 - **(x)** Cannabichromenic acid (CBCA);
 - **(xi)** Cannabidivarin (CBDV); and
 - **(xii)** Cannabidivarinic acid (CBDVA)

1301:18-4-14: Minimum Testing Requirements for Hemp-Derived Ingredients

- **(A)** In accordance with rule 1301:18-6-02(l)(3) of the Administrative Code, except for vaporization solutions, prior to use of any extracted hemp-derived ingredient in a manufactured cannabis product, each batch of hemp-derived ingredients shall be tested for the following, at a minimum, prior to use in the cannabis product:
 - **(1)** Mycotoxins;
 - **(2)** Heavy metals;
 - **(3)** Pesticide and fertilizer residue; and
 - **(4)** Residual solvents.

1301:18-4-15: Certificates of Analysis

- **(A)** Each licensee shall ensure that all cannabis test samples maintained at the licensed premises are documented in the state inventory tracking system with an associated unique certificate of analysis for each batch or lot tested that includes the following information, at a minimum:
 - **(1)** The name and license number of the testing laboratory;
 - **(2)** The name and license number of the originating licensee;
 - **(3)** The registered name of the cannabis strain or cannabis product;
 - **(4)** A unique batch or lot number that matches the cannabis sample;
 - **(5)** The date or dates on which each test was performed;
 - **(6)** A grid or table outlining all required tests performed, and indicating "pass" or "fail" for each, as prescribed by the division;
 - **(7)** The cannabinoid potency of the sample;
 - **(8)** The signature of the laboratory manager or scientific director certifying the analysis.
 - **(9)** The certificate of analysis may contain the following:
 - **(a)** Results of quantitative analysis of additional cannabinoids for which the laboratory is able to obtain a standard for comparison;
 - **(b)** Results of quantitative analysis of terpenes for which the laboratory is able to obtain a commercially available certified reference standard for comparison; and
 - **(c)** Is recorded in the state inventory tracking system

1301:18-4-16: Research and Development Testing by Testing Laboratory Licensed Pursuant to 1301:18 of the Administrative Code

- **(A)** Prior to any sale, transfer, or distribution of cannabis to another licensed entity, a cultivator or processor may request a testing laboratory licensed pursuant to 1301:18 of the Administrative Code to conduct scientific or clinical based research or development subject to the following limitations:
 - **(1)** The research is limited to cannabis cultivated or processed as authorized by 1301:18 of the Administrative Code;
 - **(2)** The cultivator or processor does not sell, transfer, or distribute any cannabis tested pursuant to this rule to another licensee, patient, caregiver, or adult-use consumer.
 - **(3)** A cultivator may request research pertaining to:
 - **(a)** Developing new strains of cannabis; or
 - **(b)** Cultivation techniques.
 - **(4)** A processor may request validation for new matrixes pertaining to potency, or to allow a testing laboratory to obtain samples for validation of a new matrix;
 - **(5)** All tests performed on the test sample are documented in the state inventory tracking system with the accompanying certificate of analysis; and
 - **(6)** The resulting certificate of analysis is clearly marked with the phrase "For research and development only. Not for sale."
- **(B)** Any and all associated cannabis tested pursuant to this rule must be solely intended for scientific or clinical research or development.
 - **(1)** A licensee shall not utilize this rule to:
 - **(a)** Submit any test sample prior to any state-required testing.
 - **(b)** Obtain test results from more than one laboratory for purposes of comparing results.
 - **(c)** In place or a substitution of, any state-required testing as outlined under division 1301:18 of the Administrative Code.
 - **(d)** Attempt to circumvent any standards or mandates established by the division pertaining to state-required testing, including any procedures, requirements, or directives.

1301:18-4-17: Research by Testing Laboratory Licensed by Chapter 4729-13 of the Administrative Code

- **(A)** Prior to any sale, transfer, or distribution of cannabis pursuant to this rule, a licensee may request in a manner prescribed by the division to sell cannabis to a laboratory licensed under chapter 4729-13 of the Administrative Code, to possess dangerous drugs and controlled substances solely for scientific, clinical, research, or development purposes.
- **(B)** Upon receipt of a request the division may:
 - **(1)** Approve the request;
 - **(2)** Approve the request, subject to certain mandates or limitations;
 - **(3)** Deny the request; or
 - **(4)** Advise the licensee in writing that further information is needed.
- **(C)** Upon receipt of written approval by the division, a licensee may proceed and sell cannabis pursuant to this rule.
- **(D)** A licensee seeking to sell cannabis pursuant to this rule is to apply to the division for each sale of cannabis.
- **(E)** Any and all associated cannabis tested pursuant to this rule must be solely intended for scientific or clinical research or development.
 - **(1)** A licensee shall not utilize this rule to:
 - **(a)** Submit any test prior to any state-required testing.

- **(b)** In place or a substitution of, any state-required testing as outlined under division 1301:18 of the Administrative Code.
 - **(c)** Attempt to circumvent any standards or mandates established by the division pertaining to state-required testing, including any procedures, requirements, directives.
- **(F)** Unless and until a licensee receives written approval from the division, a licensee shall not transfer, sell, or distribute cannabis pursuant to this rule.
- **(G)** Pursuant to [OAC records rule], any cannabis transferred, sold, or distributed pursuant to this rule must be recorded in the state inventory tracking system.

1301:18-4-18: Packaging and Labeling for Cannabis Intended for Direct Customer Sale

- **(A)** A licensee shall not utilize any packaging or labeling without prior approval from the division of cannabis control.
 - **(1)** Each licensee shall submit on a form and in a manner prescribed by the division that clearly delineates each of the following:
 - **(a)** Documentation to evidence that the package is tamper-evident and child resistant as outlined in paragraph (C) of this rule;
 - **(b)** The container that the product will be packaged in;
 - **(c)** All statement, design, representations, pictures, illustrations, artwork, logo, branding, and any other language or claims provided within the packaging or label.
 - **(2)** The above-referenced requirements do not include or meet the mandates outlined under rule 1301:18-4-06 of the Administrative Code.
- **(B)** The following must be prominently, conspicuously, clearly, and plainly displayed in an unobstructed manner when viewing the package:
 - **(1)** The net weight or volume of contents;
 - **(2)** Registered product name as required rule 1301:18-4-06 of the Administrative Code;
 - **(3)** For cannabis flower, the strain name, which shall be consistent with the strain name used in the state inventory tracking system for the registration of the product as required by rule 1301:18-4-06 of the Administrative Code; and
 - **(4)** For edible products, the phrase “cannabis-infused” or “marijuana-infused.”
 - **(5)** THC symbol, in a contrasting color to the package or container upon which it is affixed as to ensure it is clearly visible.
 - The division of cannabis control seal, as prescribed by the division.
- **(C) Direct Customer Packaging:**
 - (1) Prior to any transfer, sale, or distribution, each licensee shall place all cannabis intended for direct customer purchase in a container that is the following:
 - (a) Child resistant pursuant to 16 CFR 1700;
 - (b) Tamper-evident; and
 - (c) Maintains the integrity and stability of the cannabis contained within.
- **(D) Labeling Requirements.** In addition to the requirements outlined in paragraph (C) of this rule, each package containing cannabis intended for direct customer sale shall be affixed with a label which shall include the following information in legible English:
 - **(1) Plant Material.**
 - **(a)** The name and license number of the cultivator that cultivated and harvested the plant material;

- **(b)** The name and license number of the licensee that packaged the plant material, if different from the cultivator that cultivated and harvested the plant material;
- **(c)** The product identifier;
- **(d)** The state inventory tracking number associated with the specific batch submitted to state-required testing as outlined under [OAC Testing Rule];
- **(e)** The cannabis strain name which shall be consistent with the strain name used in the seed-to-sale tracking system for the registration of the product as required by rule 1301:18-4-06 of the Administrative Code;
- **(f)** The date of harvest;
- **(g)** The packaging date;
- **(h)** The net weight in grams and ounces of the plant material in each package;
- **(i)** The serving size;
- **(j)** The name and license number of the licensed testing laboratory that conducted all state-required testing;
- **(k)** The date of state-required testing;
- **(l)** As prescribed by the division, the range of total THC content in accordance with rule 1301:18-4-06 of the Administrative Code;
- **(m)** The following as reflected in the associated certificate of analysis:
 - **(i)** The following cannabinoids, at a minimum:
 - **(A)** Cannabidiol (CBD);
 - **(B)** Cannabidiolic acid (CBDA);
 - **(C)** THCv; and
 - **(D)** Any other cannabinoid deemed necessary by the division.
 - **(ii)** The top 3 terpenes by percentage
 - **(iii)** The label shall not include:
 - **(A)** Total THC results other than the approved range prescribed by the division;
 - **(B)** Any sum total of terpenes or cannabinoids;
 - **(C)** Delta-9 THC results;
 - **(D)** Delta-8 THC results; or
 - **(E)** THCA results
- **(n)** A statement with the following language: "WARNING: Keep out of reach of children. This product contains cannabis. This product may cause impairment and may be habit-forming. This product may be unlawful outside the state of Ohio. Women who are, or plan to be, pregnant or breastfeeding should consult their physician prior to use."
- **(o)** If the plant material was subjected to any technological solutions, including remediation by irradiation, gas treatment such as ozone, radiofrequency, and UV light, subsequent to the allowable time period outlined in 1301:18-5-02 of the Administrative Code the following additional information: "This plant material was treated by a technology solution [name of solution utilized];" and
- **(p)** Any other requirements the division deems necessary.
- **(2) Cannabis Products**
 - **(a)** The name and license number of the processor where the cannabis was manufactured;
 - **(b)** The product identifier;

- **(c)** The state inventory tracking number associated with the specific lot submitted to state-required testing as outlined 1301:18 of the Administrative Code;
- **(d)** The manufacturing date;
- **(e)** The packaging date;
- **(f)** The net weight in grams and ounces of cannabis or volume in fluid ounces and milliliters in each package, as outlined for dosing or serving size;
- **(g)** The expiration date, which shall not exceed one calendar year from the date of manufacture;
- **(h)** The intended method of administration;
- **(i)** The serving size;
- **(j)** The name and license number of the licensed testing laboratory that conducted all state- required testing;
- **(k)** The date of state-required testing;
- **(l)** As prescribed by the division, the range of total THC content in accordance with rule 1301:18-4-06 of the Administrative Code;
 - **(i)** If the THC content is within allowable ranges but is over 90%, the licensee must indicate this as “up to 90% total THC” on the label.
- **(m)** the following as reflected in the associated certificate of analysis:
 - **(i)** The following cannabinoids:
 - **(A)** Delta-8-tetrahydrocannabinol;
 - **(B)** Delta-9-tetrahydrocannabinol;
 - **(C)** Delta-9-tetrahydrocannabinolic acid;
 - **(D)** Cannabidiol (CBD);
 - **(E)** Cannabidiolic acid (CBDA); and
 - **(F)** Any other cannabinoid determined by the division.
 - **(ii)** The top 3 terpenes by percentage
 - **(A)** The label shall not include any sum total of terpenes.
- **(n)** If the product is edible or beverage, the following additional information:
 - **(i)** A list of all ingredients and sub-ingredients, in accordance with 21 CFR 101;
 - **(ii)** A list of all major food allergens as identified in 21 USC 343; and
 - **(iii)** A statement with the following language: "Caution: When eaten or swallowed, effects and impairment may be delayed."
- **(o)** If the product is oil or solid intended for vaporization, a list of all ingredients and sub-ingredients;
- **(p)** A statement with the following language: “WARNING: Keep out of reach of children. This product may cause impairment and may be habit-forming. This product may be unlawful outside the state of Ohio. Women who are pregnant or breastfeeding, or plan to be, should consult their physician prior to use.”
- **(q)** If a cannabis extract was used in the manufacture of the product, a disclosure of the type of extraction process and any solvent, gas, or other chemical used in the extraction and manufacturing process or any other compound added to the extract;
- **(r)** If the product was manufactured using hemp-derived non-marijuana ingredients as outlined under rule 1301:18-6-02 of the Administrative Code, the following information related to the originating state-licensed and regulated source that manufactured the hemp-derived ingredients:

- (i) The legal name of the source; and
 - (ii) The type of extraction process and any solvent, gas, or other chemical used in the extraction and manufacturing process or other compound added to the extract; and
 - (s) Any other requirements the division deems necessary.
- (3) **Seeds, clones, and live plants.**
 - (a) The name and license number of the cultivator that cultivated and harvested the seeds, clones, or live plants;
 - (b) The product identifier;
 - (c) The cannabis strain name which shall be consistent with the strain name used in the state inventory tracking system for the registration of the product as required by [OAC Product Identifier Rule]
 - (d) For seeds, the date of harvest;
 - (e) For clones or live plants, the date planted;
 - (f) The packaging date;
 - (g) The net weight in grams and ounces of the seeds in each package;
 - (h) The height in inches of the clone when packaged; and
 - (i) "WARNING: Keep out of reach of children. **This product was not subjected to state-required consumer health and safety testing as outlined by 1301:18 of the Administrative Code.** This product may be unlawful outside the State of Ohio."
- (4) **Requirements for Certain Devices Used to Administer Cannabis**
 - (a) In addition to the requirements outlined under this rule, any cannabis that is contained within, or administered by, the following devices must include a list of all ingredients, including additives, if applicable:
 - (i) Vaporizing devices;
 - (ii) Inhalers;
 - (iii) Applicators; and
 - (iv) Paper or other materials intended for use in a raw single serving unit.
- (E) Any other packaging or labeling a licensee wishes to use must comply with all mandates outlined under rule 1301:18-4-19 of the Administrative Code. Furthermore, a licensee shall not create or use a package or label that is any of the following:
 - (1) False or misleading;
 - (2) Obscene or indecent;
 - (3) Attractive to children;
 - (4) Includes any image or text referencing or resembling a cartoon character, fictional character or pop culture icon whose target audience is children or youth;
 - (5) Encourages the consumption of cannabis in a manner that leads to excessive use, intoxication, overconsumption, or in combination or conjunction with other intoxicants, illegal substances, or in a method not otherwise authorized by this chapter;
 - (6) Contains a depiction of cannabis consumption or administration;
 - (7) A departure from the cannabis registered name, including, slang terms, and similar references;
 - (8) Disparaging to a competitor's products;
 - (9) Contains a health-related statement unless documentation meeting the standards set by the division demonstrates that the specific health-related statement is supported by substantial evidence or substantial clinical data;

- **(10)** Suggests, or otherwise indicates, that the advertisement has been approved or endorsed by the division, the state of Ohio or any person or entity associated with the state of Ohio, or any other person without their consent;
- **(11)** Violates state of Ohio or federal trademark or copyright law; or
- **(12)** Or otherwise violates any provision of chapter or the rules promulgated pursuant to chapters 3780 or 3796 of the Revised Code.
- **(F)** Edible cannabis products that are divided into portions shall:
 - **(1)** apply a universal symbol that denotes that the product contains cannabis to each portion of the cannabis product.
 - **(2)** If the cannabis product is presented as separate single portions, the processor shall apply the universal symbol to each single portion;
 - **(3)** If the cannabis product is presented as a single unit comprised of more than one portion, the processor shall make clearly visible lines of demarcation between portions and apply the universal symbol to each portion; and
 - **(4)** The size of the universal symbol marking shall be determined by the size of the portion instead of the overall product size, and shall not be less than one-fourth inch by one-fourth inch.
- **(G)** It is prohibited for anyone to knowingly or intentionally alter, obliterate, or otherwise destroy any container or label attached to an approved container. In the event a container or label is altered, obliterated, or otherwise destroyed, the division may act in accordance with rule [OAC Dept Enforcement Authority] of the Administrative Code.

Testing Laboratories

1301:18-7-02: Testing Laboratory Operating Procedures and Quality Assurance

- **(A)** Each testing laboratory shall establish, maintain, and comply with written policies and procedures for the daily operation and testing of cannabis. The testing laboratory's standard operating policies and procedures shall ensure the safe, secure, proper, and impartial testing of cannabis and compliance with all mandates under 1301:18 of the Administrative Code.
- **(B) Major Modifications**
 - **(1)** Any proposed major renovation or modification of the licensed premises shall be submitted to the division at least sixty calendar days prior to implementation. For purposes of this paragraph, this includes any new or changes to instrumentation.
 - **(2)** The division will review the proposed modification and may do any of the following:
 - **(a)** Approve the submission;
 - **(b)** Deny the submission; or
 - **(c)** Mandate updates to the submission to ensure compliance with this chapter.
 - **(3)** The division may inspect the licensed premises pursuant to any proposed major renovation or modification.
- **(C)** Each testing laboratory shall ensure the licensed premises:
 - **(1)** Conforms with all relevant local ordinances, zoning and planning requirements, and fire codes;
 - **(2)** Prominently displays its certificate of operation and license seal issued by the division;
 - **(3)** Contains sufficient lighting to ensure visibility, security, and proper surveillance;
 - **(4)** Maintains proper cleanliness, ventilation, temperature control, and sanitation of the facility to ensure safe and consistent testing of cannabis;

- **(5)** All chemicals, cleaning solutions, and other sanitizing agents are approved for use in testing laboratories and stored in a manner that protects against contamination;
- **(6)** Standardizes all analytical test instrumentation using commercially available reference materials traceable to reference material producers accredited to ISO/IEC 17034 "General Requirements for the Competence of Reference Material Producers" or the national metrology institute (NMI), where available;
- **(7)** Conducts routine calibration of all scales, balances, or other weight or mass measuring devices using "National Institute of Standards and Technology" (NIST)-traceable reference weights, at least annually, by an independent third party approved by the division;
- **(8)** Implements a safety program which meets all applicable requirements of Laboratory Safety Guidance published by the Occupational Safety and Health Administration of the United States Department of Labor; and
- **(9)** Documents the chain of custody of all cannabis at the licensed premises in the state inventory tracking system
- **(D) Designated Areas within the Facility.**
 - **(1)** Each testing laboratory shall designate areas within the facility that are compartmentalized based upon function and restrict movement between the different areas by personnel based on access credentials assigned by the facility.
 - **(2)** Each testing laboratory shall maintain the following designated, secure limited access areas accessible only by authorized registered employees
 - **(a)** Test sample storage areas including the following:
 - **(i)** An area for testing samples awaiting analysis;
 - **(ii)** An area for testing samples prepared for analysis;
 - **(iii)** An area for test samples that have completed all testing.
 - **(b)** Microbiology and PCR testing areas;
 - **(c)** A security area for all security and surveillance systems and equipment;
 - **(d)** A cannabis destruction and disposal area that complies with rule 1301:18-3-16 of this chapter;
 - **(e)** An area for receipt of all cannabis transported and other deliveries to the facility.
- **(E) Employees**
 - **(1)** Prior to commencing employment, each laboratory shall ensure all employees are registered with the division pursuant to rule 1301:18-3-09 of the Administrative Code and receive adequate education and training on standard operating procedures and as mandated by rule 1301:18-3-10 of the Administrative Code
 - **(2)** All registered employees are to display their employee badge at all times during working hours.
 - **(3)** A registered responsible party as outlined by rule 1301:18-3-09 of the Administrative Code is to be present at the licensed premises at least twenty hours per week.
- **(F) Testing Methodologies.**
 - **(1)** The division will publish guidance that must be followed by testing laboratories for test method selection, validation, performance, and quality control requirements.
 - **(a)** All test method validations must be submitted in a manner prescribed by the division for approval.
 - **(b)** The division may rescind approval for any test method.
 - **(2)** Each testing laboratory shall utilize analytical testing methodologies that meeting the following requirements:

- **(a)** Have been validated for cannabis testing in the relevant cannabis matrix by an independent third party;
 - **(b)** Have been certified in cannabis matrix by an internationally recognized accredited body; and
 - **(c)** Have been internally verified by the laboratory according to the requirements specified by the division.
 - **(d)** If a method that is certified in cannabis is unavailable, test methods must be chosen from standard methods that have been published by a nationally known, authoritative entity and must be fully validated in accordance with division requirements.
- **(G)** Pursuant to rule 1301:18-4-16 of the Administrative Code may collect test samples and conduct testing analyses.
 - **(1)** A testing laboratory engaged in research and development testing shall document the following in the state inventory tracking system:
 - **(a)** All test samples received;
 - **(b)** The associated tests performed; and
 - **(c)** The accompanying certificate of analysis.
- **(H)** Each licensee must adhere to all of the following and are hereby incorporated by reference:
 - **(1)** Occupational Safety and Health Administration.(2011). Laboratory Safety Guidance (OSHA Guidance 3404-11R.) Retrieved from
 - <https://www.osha.gov/sites/default/files/publications/OSHA3404laboratory-safety-guidance.pdf>.
 - **(2)** International Organization for Standardization. (2017). General requirements for the competence of testing and calibration laboratories (ISO/IEC Standard 17025.)
 - **(3)** AOAC International. (2024). Guidelines for Laboratories Performing Microbiological and Chemical Analyses of Food, Dietary Supplements, and Pharmaceuticals. An Aid to Interpretation of ISO/IEC 17025:2017.

1301:18-7-03: Testing Laboratory Accreditation

- **(A)** Within two calendar years of the date of issuance of a provisional license, each testing laboratory shall receive accreditation to the ISO/IEC 17025 "General Requirements for the Competence of Testing and Calibration Laboratories" standard by a non-profit accreditation body that is signatory to the "International Laboratory Accreditation Cooperation (ILAC) Mutual Recognition Agreement (MRA)" and which operates in accordance with ISO/IEC 17011 "General Requirements for accreditation Bodies Accrediting Conformity Assessment Bodies."
 - **(1)** Each testing laboratory shall ensure the accrediting agency provides a copy of all inspections and reports pertaining to certification and accreditation directly to the division.
- **(B)** A testing laboratory may petition the division to toll computation of the timeframes provided in paragraph (A) of this rule. Such a petition shall be in writing and provide:
 - **(1)** An explanation of the facts and circumstances that prevent the laboratory's compliance with paragraph (A) of this rule; and
 - **(2)** A written plan, outlined in specific detail with the laboratory's intended actions and projected timeline, to ensure the laboratory complies with this rule.
 - **(3)** Upon receipt of a petition under this paragraph, the division may stay the requirement of paragraph (A) of this rule for the laboratory. A division order staying the requirement of paragraph (A) of this rule will state the date upon which the stay is lifted.

1301:18-7-04: Proficiency Testing Program

- **(A)** The division of cannabis control may require a testing laboratory to participate in third-party proficiency testing programs.
 - **(1)** In the event, the division determines that proficiency testing is necessary, each testing laboratory shall adhere to all mandates outlined under this rule.
- **(B)** At least once every twelve months, each testing laboratory shall successfully participate in a proficiency testing program for all required analytes outlined under rules 1301:18-4-13 and 1301:18-4-14 of the Administrative Code.
 - **(1)** A third-party proficiency program required pursuant to paragraph (A) of this rule, must be administered by an organization accredited to ISO/IEC 17043 "Conformity Assessment - General Requirements for Proficiency Testing" and provide rigorously controlled and standardized analysis of the following:
 - **(a)** Proficiency testing samples;
 - **(b)** Reports of associated proficiency testing directly to the laboratory and the division; and
 - **(c)** Statistical evaluation of the collective demographics and results of all cannabis testing facilities.
 - **(2)** Successful participation includes an acceptable score for each and every target analyte that the testing laboratory reports to include quantitative results when applicable.
 - **(a)** Failure to provide a result for a required analyte shall be considered an unacceptable result.
- **(C)** Pursuant to third-party proficiency testing, each testing laboratory shall:
 - **(1)** Analyze proficiency testing samples utilizing the same procedures, including the number of replicate analyses, standards, testing analysts, and equipment, as used for routine required testing pursuant to these rules at the licensed premises.
 - **(2)** When possible, integrate all proficiency testing samples within the day-to-day operations of the laboratory.
- **(D)** All proficiency testing results shall be reviewed by the scientific director and appropriate employees and:
 - **(1)** Evaluate the testing laboratory's performance and perform corrective action for any unsatisfactory results received.
 - **(2)** Investigate any unsatisfactory results, to include a retrospective review of potentially affected cannabis samples whenever applicable.
 - **(3)** If applicable, document the investigation findings and any resultant corrective actions.
- **(E)** A testing laboratory who fails to achieve an acceptable score for any required test pursuant to rules 1301:18-4-13 and 1301:18-4-14 of the Administrative Code shall do the following:
 - **(1)** Notify the division in writing within 24 hours of receipt of the score;
 - **(2)** Unless authorized by the division, repeat the proficiency testing of any failed tests within 30 calendar days of the score;
 - **(3)** If the testing laboratory fails to perform satisfactorily for the same state-required testing in two consecutive proficiency testing events, or two out of three proficiency testing events, the testing laboratory may be required to cease the performance of testing for those analytes until it demonstrates to the satisfaction of the division that the nonconformances have been corrected in such a manner as to ensure that they will not recur.
- **(F)** Prior to the renewal of its certificate of operation, each testing laboratory shall ensure proficiency testing includes each matrix within the scope of their ISO accreditation.

- **(G)** A testing laboratory shall not:
 - **(1)** Communicate with another licensed laboratory about proficiency testing samples until after the deadline for submission of results to the proficiency testing provider.
 - **(2)** Refer proficiency testing samples to another testing laboratory for analysis; or
 - **(3)** Accept proficiency testing samples from other testing laboratory for analysis.

1301:18-7-05: Testing Laboratory Minimum Security and Surveillance Requirements

- **(A)** Each testing laboratory shall establish, maintain, and comply with written policies and procedures that ensure adequate security, surveillance, and control of the licensed premises that prevent diversion, theft, or loss and meet the minimum requirements outlined under this rule.
 - **(1)** Pursuant to rule 1301:18-7-02 of the Administrative Code each testing laboratory shall petition the division prior to implementing any major modification to the facility's security procedures, systems, or equipment.
- **(B)** Prior to the commencement of business, each testing laboratory shall meet the following security and surveillance requirements that ensure compliance with all standards established by the division:
 - **(1)** Designate a secure, limited access area for all equipment maintained pursuant to this rule that is accessible only by authorized registered laboratory employees with foundational training in security and surveillance;
 - **(2)** Maintain or construct fencing to prevent unauthorized entry or access to waste disposal containers, disposal areas or compost areas located outside the facility;
 - **(3)** Install a security alarm system with commercial grade equipment that includes the following:
 - **(a)** An access alarm on all entry points and windows;
 - **(b)** Motion detectors that identify unauthorized access into the facility; and
 - **(c)** A silent alarm, which may be utilized during instances of duress that sends a pre-recorded voice message to the facility's designated security personnel and law enforcement, public safety, or emergency services requesting dispatch, which includes the capability to enter a designated code into an arming station to signal that the alarm user is being forced to turn off the system.
 - **(4)** Install a video surveillance system that complies with the following:
 - **(a)** Capable of electronic monitoring of the facility and real-time access by the division;
 - **(b)** Collects twenty-four-hour live video feed with motion-activated recording capabilities for all video cameras that record in at least fifteen frames per second;
 - **(c)** Archives and retains recordings for at least forty-five calendar days;
 - **(d)** Contains a display monitor with a minimum screen size of twelve inches;
 - **(e)** Exports still images in an industry standard format that guarantees authentication and prevents alteration of the recorded images;
 - **(f)** Produces clear color still photographs that are a minimum of 600 x 600 dpi from any camera image, live or recorded;
 - **(g)** Embeds a date and time stamp on all recordings; and
 - **(h)** Includes a failure notification system that provides an audible and visual notification of any failure in the electronic monitoring system.
 - **(5)** Install unobstructed, tamper-evident cameras that capture the entirety of the licensed premises and clearly identify all individuals and activities within the surveilled area;
 - **(6)** Camera placement at all the following locations:
 - **(a)** All points of ingress and egress;

- **(b)** All secure, limited access areas;
 - **(c)** Any area where cannabis is tested, stored, or handled;
 - **(d)** Any area that stores cannabis or facility inventory;
 - **(e)** The facility's cannabis destruction and disposal area; and
 - **(f)** All areas where sales proceeds are stored or transferred.
- **(7)** Daily records of all registered employees' access to any secure, limited access areas;
- **(8)** Develop emergency policies and procedures for securing all inventory and currency in the event of diversion, theft, or loss; and
- **(9)** Any other requirements the division deems necessary to maintain proper security and surveillance and ensure public safety.
- **(C)** Each testing laboratory shall inspect and test all security and surveillance equipment at least once per thirty calendar days to ensure functionality.
 - **(1)** Pursuant to [OAC Records], each laboratory shall record and maintain of all security and surveillance equipment tests.
 - **(2)** Each laboratory shall immediately notify the division of any failure in the facility's security or surveillance system or equipment.
 - **(a)** Any necessary repair or replacement shall occur within twenty-four hours of identification.
 - **(3)** Each laboratory shall keep all security equipment in good-working order and the systems shall be inspected and all devices tested on an annual basis by a third party.
- **(D)** In the event a testing laboratory is made aware of any pending criminal, civil, or administrative investigations or legal proceedings for which a video recording may contain relevant information, the testing laboratory shall retain an unaltered copy of the recording until the investigation or proceeding is closed or the entity conducting the investigation or proceeding notifies the laboratory that it is not necessary to retain the recording.

1301:18-7-06: State-Required Test Sampling Generally

- **(A)** Each testing laboratory shall establish, maintain, and comply with written policies and procedures for safe and compliant test sample collection of cannabis and ensure the following:
 - **(1)** The following sanitary and cleanliness standards are met during the collection of a test sample:
 - **(a)** Any surface utilized for the test sample collection procedure is maintained in a clean and sanitary condition to mitigate concerns of cross-contamination or adulteration of the cannabis subject to testing;
 - **(b)** All sample equipment is:
 - **(i)** Appropriate and specific for the applicable sample matrix;
 - **(ii)** One of the following:
 - **(A)** Manufactured with stainless steel or other material that can be sterilized; and
 - **(B)** Cleaned and sanitized in between each test sample collection using ethanol, 70% or equivalent; or
 - **(C)** Sterile, individually-wrapped, and single-use per batch or lot sampled; and
 - **(iii)** If acquiring test samples from more than one licensee during any given transport, the testing laboratory registered employee is to utilize only one set of single-use or sanitized sampling equipment per facility.
 - **(c)** Any testing laboratory registered employee collecting a test sample:

- (i) Maintains appropriate personal protective equipment throughout the sample collection; and
 - (ii) Utilizes aseptic sampling techniques, including donning unused single-use, sterile gloves prior to collecting a test sample; and
- (d) Adopt sampling procedures that prevent and mitigate:
 - (i) Any damage to the batch or lot during the collection of a test sample;
 - (ii) Cross-contamination of pathogens or other organisms or substances between facilities.
- (2) All laboratory field balances comply with all mandates outlined under rule 1301:18-7-02(C)(7) and the following:
 - (a) At least once per calendar year, calibrated for the entire range of expected test sample weights;
 - (b) Calibrated using verification weights prior to collecting a test sample; and
 - (c) Capable of producing measurements up to 0.01g.
 - (d) All mandated field balance calibrations are recorded and maintained pursuant to rule 1301:3-17 of the Administrative Code.
- (3) All test samples are:
 - (a) Weighed accurately at the facility of the originating licensee and contemporaneously with the sample collection;
 - (b) Collected in a manner that prevents cross-contamination.
 - (c) Received by a testing laboratory are documented in the state inventory tracking system accompanied by the following information:
 - (i) All testing performed on each test sample; and
 - (ii) The certificate of analysis for each sample tested with all information outlined under rule 1301:18-4-15 of the Administrative Code.
 - (d) All persons handling the original samples, laboratory testing aliquots and bench extracts shall be documented.
 - (e) Adequate identification shall be provided on all sample containers throughout all phases of testing, including, but not limited to aliquots, dilutions, tubes, slides, culture plates, extracts, data files, images, and other secondary samples created during the processing or testing of a sample. The sample identifier(s) on any sample container must be indelible, legible, and able to withstand all stages of processing and conditions of storage.
 - (f) The laboratory shall document all transfers of samples, aliquots and extracts referred to another testing laboratory in the event of subcontracted testing.
- (4) For each test sample, the sample collector completes a **sampling report** on a form prescribed by the division that includes the following information:
 - (a) The unique identification associated with the sampling procedure and revision date.
 - (i) Detailed documentation of any deviation from or addition to the laboratory's sampling procedure;
 - (b) The following information associated with the testing laboratory conducting the test sample collection:
 - (i) License number for the testing laboratory;
 - (ii) The business name of the testing laboratory;
 - (iii) The sample collector's employee badge number as provided by rule 1301:18-3-09 of the Administrative Code; and

- **(iv)** The signature of sample collector
- **(c)** The following information associated with the originating licensee requesting the testing:
 - **(i)** The license number of the originating licensee;
 - **(ii)** The business name of the originating licensee;
 - **(iii)** The facility address of the originating licensee;
 - **(iv)** The employee badge number of the licensee agent assisting the sample collection process, as provided by rule 1301:18-3-09 of the Administrative Code; and
 - **(v)** The signature of the licensee agent;
- **(d)** Date and time of sample collection;
- **(e)** The following information associated with the batch or lot subject to testing:
 - **(i)** The associated state inventory tracking number;
 - **(ii)** The batch or lot number of the batch or lot, if different from the seed-to-sale tracking number.
 - **(iii)** The product identifier as assigned by rule 1301:18-4-06 of the Administrative Code;
 - **(iv)** The registered name of the cannabis product as assigned by rule 1301:18-4-06 of the Administrative Code;
 - **(v)** The type of cannabis product as submitted pursuant to rule 1301:18-4-06 of the Administrative Code;
 - **(vi)** The net weight of the cannabis contained within the batch or lot or the quantity of units contained within the batch or lot;
 - **(A)** Confirmation the sample collector verified the batch or lot size as represented by the originating licensee;
 - **(vii)** The total number of containers or trays contained within;
 - **(A)** If a container or tray in a batch or lot is not identified pursuant to this section, the laboratory sampling employee shall note this in the sample collection report and shall not collect the test sample until all containers are positively identified.
 - **(B)** If the shape of a container precludes the ability to collect sample increments from all locations within the container, this shall be documented in the sample collection report.
 - **(viii)** Number of sample increments retrieved from each container
 - **(ix)** Net weight or amount of each test sample
 - **(x)** Any signs of non-uniformity within the batch or lot, which may include:
 - **(A)** Different types or sizes of containers, or variations in marks and labels on the containers
 - **(B)** Variations in color or clarity of extract within the same batch (i.e., differences between product stored in different beakers or trays.)
 - **(C)** Visible differences in characteristics such as color, shape, size, or treatment of flowers/buds in one batch.
 - **(xi)** Description of storage area, including room temperature, humidity, and sanitary conditions of area.
- **(f)** Description of sampling equipment used.
- **(g)** For plant material, the following:

- (i) If the plant material is dried or fresh frozen.
- (ii) If flowers/buds are present. If present, the form must indicate whether the flowers/buds are manicured or unmanicured.
- (h) For cannabis concentrates, the method of extraction.
- (i) For cannabis-infused edibles and drinks, the target THC value per serving, and per item if the product contains multiple servings.
- (j) Any other observations made during the collection.
- (k) If any of the above information is unavailable to include on the sampling report form, the laboratory sampler must indicate “N/A” in the appropriate space with an explanation as to why the information is not available.

1301:18-7-07: Test Sample Collection Procedure

- (A) In addition to the mandates outlined in rule 1301:18-7-06 of the Administrative Code, each testing laboratory shall establish, maintain, and comply with written policies and procedures to ensure uniformity and consistency of all test samples collected that include the following:
 - (1) All test sample collection policies and procedures are readily available to, and maintained by, each test sample collector while conducting any test sample collection;
 - (2) Prior to collecting a test sample, a test sample collector shall do the following:
 - (a) Review all identifying information outlined on the container to ensure it coincides with the information provided by the originating licensee pursuant to rule 1301:18-4-09 of the Administrative Code;
 - (i) Each container in a batch or lot is to outline at least the state inventory tracking number and one other positive identifier that provides correlation with the batch or lot.
 - (b) In accordance with rule 1301:18-4-10 of the Administrative Code in order to ensure product is equally included from each batch or lot, determine the minimum test sample size and number of sample increments to retrieve;
 - (3) Each test sample is representative of the entire batch of lot subject to testing and ensures:
 - (a) Sample increments are retrieved from multiple areas of each container or tray (i.e., the upper, middle, and lower sections).
 - (b) In the case of large containers, bales or bags, sample increments must be taken from a depth of at least 10 cm [3.9 in.].
 - (c) Each testing laboratory shall request additional sample material in excess of the amounts listed in this if necessary for completion of any state-required test.
 - (d) Shatter, wax, or other concentrate slab(s) which demonstrate varying degrees of thickness are to be sampled such that different regions of thickness are included in a manner representative of the batch.
 - (e) Liquid cannabis concentrates are at room temperature prior to sampling.
 - (i) Liquid concentrates are mixed by inverting the container completely at least three times.
 - (ii) If the oil is too viscous or the container that holds the oil cannot be inverted, a sterile tool may be used to help with making it more homogeneous by stirring.
 - (f) If the product is tested in packaged form, the test sample collector shall:
 - (i) Take enough full packaged units to create a compliant test sample
 - (ii) No partial packages may be collected.

- **(g)** For cannabis-infused drinks and other liquid cannabis infused, if sampling occurs prior to packaging one sampling increment would be an amount equivalent to one production unit.
 - **(h)** The sample increments collected for one batch or lot are combined into one test sample.
 - **(i)** Sample increments or samples collected from different batches or lots may not be combined.
 - **(j)** The entire combined sample is homogenized prior to testing.
- **(4)** The sample collector shall seal the entire sample within a tamper-resistant package or in a package that is sealed with tamper resistant tape immediately after the sample is placed in the package.
- **(5)** The coordinating state-inventory tracking system number for the test sample shall be affixed to the sample package.
- **(6)** Unless otherwise provided, the licensed laboratory shall transport all test samples in compliance with rule 1301:18-3-13 of the Administrative Code and in a manner that prevents degradation, contamination, commingling, and tampering of any test sample during transit.
- **(B)** The laboratory sampler shall not collect the sample if:
 - **(1)** The batch or lot size outlined in the information provided by the licensee pursuant to rule 1301:18-4-09 of the Administrative Code appears inaccurate compared to visual observation.
 - **(2)** The licensee does not provide the batch or lot size.
 - **(3)** The batch or lot size exceeds the allowable amount pursuant to rule 1301:18-1-01 of the Administrative Code;
 - **(4)** If a container or tray in a batch or lot is not identified pursuant to this section, the laboratory sampling employee is to note this in the sample collection report and not collect the test sample until all containers are positively identified.
- **(C)** All procedures, and other documents required by this rule are maintained at the licensed premises and pursuant to 1301:18-3-17 of the Administrative Code and available for immediate review and duplication upon the division's request.

1301:18-7-08: State-Required Testing Analysis Generally

- **(A)** Each testing laboratory shall establish, maintain, and comply with written policies and procedures to ensure impartiality in testing in all business practices and testing operations and all cannabis cultivated, manufactured, transferred, and distributed pursuant to chapters 3780 and 3796 of the Revised Code meets the following:
 - **(1)** All cannabis intended for further process is tested for all mandates outlined under rule 1301:18-4-13 of the Administrative Code;
 - **(2)** All cannabis intended for direct customer sale is tested for all mandates outlined under rule 1301:18-4-14 of the Administrative Code;
 - **(3)** Meets all testing standards as outlined by the division of cannabis control;
 - **(4)** Complies with all applicable mandates for cannabis testing outlined under division 1301:18 of the Administrative Code;
 - **(5)** Ensures all cannabis test samples are collected pursuant to rules 1301:18-7-06 and 1301:18-7-07 and chapter 1301:18-4 of the Administrative Code; and
 - **(6)** In accordance with the requirements outlined under ISO create a unique certificate of analysis for each batch or lot tested, that includes all information outlined under and rule 1301:18-4-15 of the Administrative Code.

- **(B)** Unless otherwise authorized by the division, a testing laboratory shall:
 - **(1)** Only collect test samples and conduct testing on cannabis obtained directly from another cannabis entity licensed pursuant to division 1301:18 of the Ohio Administrative Code.
 - **(2)** Accurately record all test samples and associated testing on all cannabis received and maintained at the licensed premises; and
 - **(3)** Not conduct any state-required testing more than once on a single batch or lot.
- **(C)** Upon completion of all analysis performed on any given test sample, the testing laboratory shall immediately dispose of any cannabis waste or excess cannabis not used during the sample analysis and in accordance with rule 1301:18-03-12 of the Administrative Code.

1301:18-9-02: General Requirements

- **(A) Change of Operation.** Prior to any change in operation, each licensee shall apply in a manner prescribed by the division for review and approval prior to implementation of any proposed change.
- **(B) Duty to Report**
 - **(1)** Within twenty-four hours of discovery, each licensee shall notify the division of the following:
 - **(a)** An individual registered pursuant to rule 1301:18-3-09 of the Administrative Code is arrested for activities that, if convicted, would constitute a disqualifying offense as defined by 1301:18-1-01 of the Administrative Code;
 - **(b)** The sale, transfer, or distribution in any manner, cannabis to any unauthorized persons occurred at the licensed premises;
 - **(c)** The licensee violated any mandate outlined under 1301:18 of the Administrative Code;
 - **(d)** For the following the licensee shall also submit a written report within ten days:
 - **(i)** Any fire or other hazardous materials related incident or any incident requiring an emergency response to the licensed premises;
 - **(ii)** An alarm activation or other event that requires response by public safety personnel occurs;
 - **(iii)** A breach of security; or
 - **(iv)** The failure of the security alarm system due to a loss of electrical support or mechanical malfunction.
 - **(e)** If a licensee has reason to believe that unauthorized access to or an actual loss, theft, or diversion of cannabis occurred at the licensed premises, a designated responsible party shall provide a signed statement that details the estimated time, location, and circumstances of the event, including an accurate inventory of the quantity and type of cannabis unaccounted for due to diversion or theft.
 - **(f)** Within ten days of a report submitted under paragraph (B)(1)(d) of this rule, the licensee shall:
 - **(i)** Review and secure video surveillance footage during the time of the suspected theft or diversion;
 - **(ii)** Conduct an internal investigation to determine the cause of the loss, theft, or diversion;

- **(iii)** Conduct an audit of the facility's actual inventory maintained with the inventory reflected in the state inventory tracking system;
- **(iv)** Submit in a manner prescribed by the division the following information:
 - **(A)** The names and identification numbers of every employee at the facility at the time of the event;
 - **(B)** The findings of the internal investigation and audit conducted pursuant to this rule;
 - **(C)** A revised plan to secure the facility's inventory and measures that will be taken to prevent future loss, theft, or diversion; and
 - **(D)** Identify all the records at the facility and potential evidence outside the facility, including video surveillance footage, that will be sealed and prevented from being destroyed until a full investigation is conducted by the division or law enforcement.
- **(2)** Within ten business days of discovery, each licensee shall notify the division of the following:
 - **(a)** The licensee, or any person who is an owner, officer, board member, employee or agent of licensee, is named as a party in any pending administrative, criminal, or civil action pertaining to cannabis or any activity related to licensee's business or other activities related to licensee's business;
 - **(b)** The licensee, or any person who is an owner, officer, board member, employee or agent of licensee, is notified by the applicable state or territory of the United States or any foreign jurisdiction of a pending administrative or criminal investigation involving the licensee or above-outlined person associated with licensee.
 - **(c)** In addition to the disclosure requirements outlined under this paragraph, each licensee shall notify the division within fourteen days of the date of any final order or judgment entry pertaining to the actions outlined under this paragraph and provide the division with a copy of the final order or judgment entry.
- **(3)** Within ten business days of receipt, each licensee shall notify the division of the following:
 - **(a)** Any complaint received pertaining to the quality or efficacy of the cannabis cultivated, processed, tested, or dispensed at the licensed premises; and
 - **(b)** Any complaint received pertaining to any potential negative health effects or adverse events associated with the cannabis cultivated, processed, tested, or dispensed at the licensed premises.

1301:18-9-03: Prohibited Activities

- **(A)** Any of the following shall be considered threats to the public health, welfare, or safety and shall be sufficient cause for a provisional license, certificate of operation, or provisional employee badge or employee badge certificate of a cultivator, processor, testing laboratory, or dispensary, or any combination thereof, or employee to be denied, suspended with or without a hearing, revoked, fined, have conditions placed upon such license, or subject to other actions authorized pursuant to rule 1301:18-9-05 of the Administrative Code, or any combination of such actions necessary to ensure the division's administration, implementation, and enforcement:

- **(1)** The sale, transfer, or distribution of cannabis to a person under the age of eighteen years old at the licensed premises;
- **(2)** Selling, distributing, transferring in any manner, or giving cannabis to any person not authorized under Chapters 3780 or 3796 of the Revised Code;
- **(3)** Cannabis has been diverted across state lines in a manner prohibited by either state;
- **(4)** Trafficking of illegal drugs or illegal activities occurred on or at the licensed premises;
- **(5)** Illegal or unauthorized possession or use of a firearm at a facility;
- **(6)** Driving while drugged or otherwise intoxicated;
- **(7)** Drug or alcohol abuse;
- **(8)** Consumption or administration of cannabis in any form on or at the licensed premises;
- **(9)** Acceptance of cannabis from any person not authorized by the division,
- **(10)** Revenue from the sale of cannabis has gone to criminal enterprises;
- **(11)** Discriminating in price between different processor or dispensary facilities that are purchasing a like grade, strain, brand, quality, and quantity of cannabis
 - **(a)** Nothing herein shall prevent price differentials based on differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which the medical marijuana is sold or delivered.
- **(11)** Aiding or assisting another person in violating any provision of Chapter 3780 or 3796. of the Revised Code or the rules promulgated in accordance with Chapter 3780 or 3796. of the Revised Code;
- **(12)** Permitting another person to use the licensee's license;
- **(13)** Compliance with all mandates outlined under Chapters 3780 and 3796 of the Revised Code:
 - **(a)** Cultivating, processing, transporting, or testing cannabis in violation of Chapter 3780 or 3796. of the Revised Code or the rules promulgated in accordance with Chapter 3780 or 3796. of the Revised Code;
 - **(b)** The cultivation, processing, testing, dispensing, or sale of anything other than authorized cannabis, cannabis products, cannabis devices, and advertising materials authorized pursuant to rule [OAC advertising] of the Administrative Code.
- **(14)** Cooperation with Division of Cannabis Control
 - **(a)** Failure to cooperate or give information to the division, law enforcement authorities or any other enforcement agency upon any matter arising out of conduct at any cultivator, processor, or testing laboratory;
 - **(b)** Failure to respond to a written request for information by the division within ten business days, unless otherwise stated;
 - **(c)** Failure to comply with a subpoena issued by the division;
 - **(d)** A finding by the division that the cannabis entity, after having the license suspended or subject to mandatory corrections under any rules promulgated in accordance with Chapters 3780 or 3796. of the Revised Code, has violated the terms of the suspension or failed to perform the mandatory corrections;
- **(15)** Other licensure:
 - **(a)** Any civil or disciplinary action is taken, or has been taken, against any persons relating to a professional license;
 - **(b)** The licensee was denied a license to prescribe, dispense, administer, supply, or sell a controlled substance by the appropriate issuing body of any state or jurisdiction, based, in whole or in part, on the inappropriate prescribing

- dispensing, administering, supplying or selling a controlled substance or other dangerous drug other than medical marijuana dispensed;
- **(c)** Discipline, including, but not limited to, denial, suspension or revocation of a license, by any state or any territory of the United States or any foreign jurisdiction;
- **(d)** Failure to report to the division within fourteen days of any adverse final action taken against a license in any state or any territory of the United States or any foreign jurisdiction, any governmental agency, any law enforcement agency or any court;
- **(e)** Division of remuneration during the cultivation, processing, testing, dispensing, purchase or sale of medical marijuana with any licensed health professional certified to recommend medical marijuana;
- **(f)** Sharing office space with, compensate, receive compensation from, or refer patients to a physician holding a certificate to recommend issued by the state medical board under section 4731.30 of the Revised Code.
- **(g)** Recommending physician to conduct a physical examination or follow up care on dispensary premises;
- **(16) Testing Laboratories**
 - **(a)** Maintaining or transporting cannabis in quantities greater than that which is necessary to perform required analysis;
 - **(b)** Conducting analyses on any cannabis that is not obtained from a cultivator, processor, or dispensary licensed pursuant to division 1301:18 of the Administrative Code;
 - **(c)** Performing analyses on any cannabis that is not accurately recorded and identified in the state inventory tracking system;
 - **(d)** Certifying, endorsing, advertising, or making any claims on behalf of any cultivator, processor, dispensary, brand, or strain of cannabis, or brand or type of cannabis product;
 - **(e)** Publishing or releasing to the public any results of any tests performed pursuant to division 1301:18 of the Administrative Code, except aggregate data obtained as part of a research plan approved by the division;
 - **(f)** Offering different fee schedules, refunds, rebates, waiver of payment, or return of payment in the form of alternate compensation in the event of failing or otherwise undesirable test results;
 - **(g)** A physician certified by, or who has applied for certification to, the state of Ohio medical board under section 4731.30 of the Revised Code to recommend medical cannabis:
 - **(i)** Maintains a direct or indirect financial interest in a testing laboratory; or
 - **(ii)** Serves as an officer, board member, administrator, employee, agent, or other person who may control the activities of a testing laboratory.
- **(17) Dispensaries**
 - **(a)** The sale, transfer, or distribution of cannabis to a person under the age of twenty-one years old, or eighteen years old for registered patients, at a dispensary's licensed premises;
 - **(b)** Allowing a recommending physician to conduct a physical examination or follow up care on or at the dispensary's licensed premises;

- (c) A dispensary shall not allow intoxicating liquor or beer as defined in section 4301.01 of the Revised Code onto its licensed premises.
- (18) Licensing
 - (a) Failure to immediately notify the division in writing of a change of any of the following for any person affiliated with a licensee:
 - (i) Full legal name;
 - (ii) Telephone number that may be utilized during normal business hours;
 - (iii) Electronic mail address; and
 - (iv) Mailing address.
 - (v) All information provided must be in working order and readily available to receive voice messages, electronic messages, or other communication as applicable.
 - (b) Failure to adhere to any and all mandates outlined in an application, as prescribed by the division;
 - (c) False or misleading statements in or involving any application submitted to the division;
- (19) Compliance
 - (a) A finding by the division of a substantial discrepancy in a division inspection of any records and the subject matter of any records that are required under any rules promulgated in accordance with Chapters 3780 and 3796. of the Revised Code;
 - (b) Failure to maintain effective controls and security measures designed to ensure compliance with the law or protect the facility, patients, caregivers, consumers, employees, and cannabis;
 - (c) Knowing material misstatements or omissions in the inventory tracking system, where, in the exercise of reasonable diligence, the person should have obtained such knowledge prior to the misstatement or omission;
 - (d) Falsifying, changing, modifying, or otherwise altering in any way the results of quantitative or other analyses performed on cannabis test samples or the corresponding certificates of analysis.
 - (e) Cultivating, manufacturing, processing, testing, or maintaining cannabis in excess of the quantity required for normal, efficient operation based on population and consumption reported in the inventory tracking system.
 - (f) Cultivating, manufacturing, processing, testing, selling, or distributing cannabis outside the appropriate designated area(s) at the licensed premises;
 - (g) Failure to continuously escort an otherwise unauthorized person within an area designated by the facility as a controlled access area, unless that person is an investigator or employee of the division, authorities from local licensing authority or any state or law enforcement agency;
 - (h) Allowing cannabis, or cannabis byproduct or scrap, to be used or disposed of in a manner not consistent with Chapter 3796. of the Revised Code or the rules promulgated in accordance with Chapter 3796. of the Revised Code;
 - (i) Failure to keep accurate records in accordance with any rules promulgated in accordance with Chapters 3780 or 3796. of the Revised Code;
 - (j) Disclosed patient, caregiver, or customer names, personal information or protected health information in violation of these rules or any state or federal law;

- **(k)** Discontinuance of business for more than ninety days, unless the division approves an expansion of such period for good cause shown, upon a written request.
- **(20)** Misc.
 - **(a)** Operating in a manner inconsistent with the public health, safety, and welfare standards of the local governmental authority;
 - **(b)** A fraudulent or deceptive practice, transaction, representation or omission to the public, law enforcement or a representative of the division, regardless whether anyone relied on such practice, transaction, representation or omission;
 - **(c)** Operational failures that endanger public health, create a likelihood of contamination or diversion, or a pattern of deviation of standard operating procedures; or
 - **(d)** Failure to maintain a good business repute. For purposes of this rule and making a determination of a failure to maintain good business repute, the division shall consider if the person has engaged in any conduct which would reflect on the reputation for honesty, integrity, and competence in business and personal dealings of the person. These would include, but not limited to, if the person has been determined to have engaged in forgery, embezzlement, nondisclosure, incomplete disclosure, misstatement of material facts, and manipulative or deceptive practices, or if the person has established a reputation for honesty, integrity, and competence.

Ohio Administrative Code 1301:18
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