Division of Cannabis Control Rule Package 7

Definitions

OAC 1301:18-1-01: Definitions

(A) For purposes of division 1301:18 of the Administrative Code, the following definitions apply throughout.

- **(1) Abandoned application** means an application submitted pursuant to division 1301:18 of the Administrative Code which does not meet the minimum eligibility requirements for review or is otherwise deemed abandoned pursuant to division 1301:18 of the Administrative Code and is removed from the application process.
- **(2) Adult-use consumer** means an individual who is at least twenty-one years of age.
- **(3) Adulterated cannabis** means marijuana as defined by division (A)(1) of section 3796.01 of the Revised Code in which any of the following applies:
    - **(a)** A substance has been mixed or packed with the cannabis so as to reduce the quality or strength or the substance has been substituted wholly or in part for the cannabis;
    - **(b)** It consists, in whole or in part, of any filthy, putrid, or decomposed substance, including mold, mildew, and other contaminants;
    - **(c)** It has been produced, processed, prepared, packed, or held under unsanitary conditions whereby it may have been contaminated with filth, or whereby it may have been rendered injurious to health; or
    - **(d)** Its container is composed, in whole or in part, of any poisonous or deleterious substance that may render the contents injurious to health.
- **(4) Advertisement or advertising** means any written or verbal statement, illustration, or depiction created, intended, or otherwise calculated to induce sales, through a combination of letters, pictures, objects, lighting effects, illustrations, or other similar means, regardless of form, location, or medium.
- **(5) Batch** means **cannabis plant material** obtained from 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 and adhere to the following:
    - **(a)** For **final form flower or buds**:
        - **(i)** The batch must be created using cannabis plants of the same exact strain; and
        - **(ii)** The net weight shall not exceed fifteen (15) pounds which must be dried and manicured immediately prior to testing.
    - **(b)** For **fresh frozen** cannabis plant material:
        - **(i)** The batch must be created using cannabis plants of the same exact strain and may only be destined for extraction at a licensed processor.
        - **(ii)** The net weight shall not exceed one hundred and twenty-five (125) pounds
    - **(c)** For **shake and trim**, the batch may contain more than one cannabis strain and include shake, trim, and other resinous trichomes obtained incidental to the trimming and manicuring process.
        - **(i)** For **final form** shake and trim destined solely for **direct customer sale, t**he net weight shall not exceed twenty-five (25) pounds; and

    - **(ii)** For shake and trim destined solely for **extraction,** the net weight shall not exceed fifty (50) pounds.
- **(6) Batch number** means a unique numeric or alphanumeric identifier assigned prior to testing to allow for inventory tracking and traceability.
- **(7) Bona fide physician-patient relationship** has the same meaning as used in the rule promulgated by the state medical board of Ohio under section 4731.301 of the Revised Code.
- **(8) Bulk cannabis distillate** means cannabis distillate of the same exact type, produced using the same ingredients, extraction methods, standard operating procedures, and batches of plant material that is destined for use as an ingredient in a final form cannabis product and shall not exceed fifty (50) pounds.
- **(9) Bulk cannabis extract** cannabis extract of the same exact type produced using the same ingredients, extraction methods, standard operating procedures, and batches of plant material that is destined for use as an ingredient in a final form cannabis product and shall not exceed fifty (50) pounds.
- **(10) Bulk cannabis plant material** means dried cannabis plant material obtained from 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 and does not exceed fifty (50) pounds. A batch of bulk dried plant material created pursuant to this subsection may only contain unmanicured flower or buds if the entire batch is destined **solely for further extraction.**
- **(11) Cannabis clone** means a non-flowering cannabis plant cut from a mother plant that is no taller than twelve (12) inches and is capable of developing into a new cannabis plant.
- **(12) Cannabis container** means the innermost wrapping, packaging, or vessel in direct contact with a final form cannabis product in which the final form cannabis product is enclosed for retail sale to customers, such as a jar, bottle, bag, box, packet, can, carton, or cartridge. “Container” does not include:
    - **(a)** In accordance with rule 1301:18-3-18 of the Administrative Code, for cannabis packaged for direct customer sale, bulk packaging utilized for business-to-business transfer; or
    - **(b)** Outer wrappings that are not essential for final retail delivery or sale to an end patient or consumer for personal or household use.
- **(13) Cannabis distillate** means a product of cannabis extract that is highly refined to isolate desired compounds through a series of heating, vacuuming, or condensation steps.
- **(14) Cannabis device** means any portable, hand-held mechanism sold with a cannabis product utilized for administering the cannabis and other materials contained within. This includes a vaporizer, cannabis inhaler, or oral syringe used to administer oil for cannabis concentrates intended for oral administration.
- **(15) Cannabis extract** means a form of cannabis obtained by separating or concentrating cannabinoids, terpenes, or other compounds from any part of the cannabis plant by physical, mechanical, or chemical means, so as to provide a product that contains a higher concentration of the desired compounds than the cannabis plant material itself. Cannabis extract shall be utilized solely as an ingredient for further refinement in a final form cannabis product.
- **(16) Cannabis inhaler** means a device to administer aerosolized cannabis concentrate and does not further decarboxylate THCA by heated vaporization or combustion.

- **(17) Cannabis product** means any product manufactured by a cannabis processor that is in the final form intended for consumption. A cannabis product contains cannabis extract or dried cannabis plant material, which may be in combination with other approved ingredients to create the final product. This includes oils, tinctures, edibles, patches, single serving units, combination inhalable products, vaporization solutions, and any forms approved under rule 1301:18-4-02 of the Administrative Code.
- **(18) Certificate of operation** means a certificate issued to the person maintaining a provisional license that authorizes that person to engage in all applicable activities provided in sections 3796.18, 3796.19, 3796.20, or 3796.21 of the Revised Code and in accordance with division 1301:18 of the Administrative Code. Unless otherwise authorized by division 1301:18 of the Administrative Code, each certificate of operation shall be limited to one person and one licensed premises, as approved by the Ohio division of cannabis control.
- **(19) Church** means a church as defined by section 1710.01 of the Revised Code.
- **(20) 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 passed all state-required testing just prior to use as a component.
- **(21) Complete registration:** means the following
    - **(a)** Patient full name;
    - **(b)** Patient residential address;
    - **(c)** Patient telephone number;
    - **(d)** Patient date of birth;
    - **(e)** Patient qualifying condition;
    - **(f)** State-issued identification number (such as driver's license number) or other identification approved by the division;
    - **(g)** Patient registration number;
    - **(h)** Recommending physician's full name (first name and last name);
    - **(i)** Recommending physician's drug enforcement administration identification number;
    - **(j)** Recommending physician's medical license number issued by the state medical board;
    - **(k)** Recommending physician's certificate to recommend identification issued by the state medical board;
    - **(l)** Date recommendation was issued by the recommending physician;
    - **(m)** Recommending physician's business address, telephone number, and email address;
    - **(n)** Indication whether the recommendation is new or a refill;
    - **(o)** Number of the refill being dispensed; and
    - **(p)** Date order written, which shall be the date the written recommendation was issued.
- **(22) Control** means the ability to make or significantly influence the strategic policies or management decisions ordinarily reserved for the majority owners or board of directors of a “person” as defined under these rules. Control may be established through ownership, contract, or otherwise; provided control will not be imputed on a bank or licensed lending

institution that holds a mortgage or other lien on the person acquired in the ordinary course of business.

- **(a)** When determining whether a person is exercising control, or has the ability to exercise control, over another, the division may consider, among other factors, whether, and to what extent, the person has any power to do the following on behalf of another:
  - **(i)** Adopt or amend governance documents, including articles of incorporation, articles of organization, bylaws, operating agreements, or buy-sell agreements.
  - **(ii)** Cause or prevent a merger, dissolution, equity sale, or asset sale.
  - **(iii)** Elect or remove directors or officers; or elect or remove other positions that exercise authority similar to those of a director or an officer in an Ohio corporation.
  - **(iv)** Exercise voting power similar to a shareholder in an Ohio corporation.
  - **(v)** Exercise voting power similar to a director in an Ohio corporation.
  - **(vi)** Call meetings of the directors or owners.
  - **(vii)** Regulate the authority of the owners, directors, or officers.
  - **(viii)** Issue shares, membership interest, or similar equity.
  - **(ix)** Declare dividends or distributions.
  - **(x)** Enter into contractually binding agreements.
  - **(xi)** Authorize a mortgage, pledge, lien or deed of trust on any real property or personal property.
  - **(xii)** Hire or fire organizations that manage day-to-day operations.
- **(b)** In addition to the listed factors, the division may consider any other factors listed under paragraph (1) it deems relevant. Control may be established whether one, any or none of the factors listed are present.

- **(23) Cultivate** means to plant, water, grow, fertilize, till, or harvest a cannabis plant. "Cultivating" includes possessing or storing a cannabis plant at a cultivator's licensed premises, prior to transfer or distribution to another licensed entity.
- **(24) Cultivation area** means the boundaries of the enclosed areas in which cannabis is cultivated during the vegetative stage and flowering stage of the cultivation process. For purposes of calculating the cultivation area square footage, enclosed areas used solely for the storage and maintenance of mother plants, clones, or seedlings shall not be included.
- **(25) Customer** means an adult-use consumer or registered medical patient or caregiver within the context of purchasing cannabis at a licensed dispensary.
- **(26) Disqualifying offense** means a conviction or plea of guilty, including conspiracy to commit, attempt to commit, or aiding and abetting another in committing, the following:
  - **(a)** Any offense set forth in Chapters 2925, 3719, or 4729. of the Revised Code, the violation of which constitutes a felony or a misdemeanor of the first degree;
  - **(b)** Any theft offense set forth under division (K) in section 2913.01 of the Revised Code, the violation of which constitutes a felony;
    - **(i)** Any violation for which a penalty was imposed under section 3715.99 of the Revised Code;
    - **(ii)** A crime of moral turpitude as defined in section 4776.10 of the Revised Code; or

        - **(iii)** A violation of any former law of this state, any existing or former law of another state, any existing or former law applicable in a military court or Indian tribal court, or any existing or former law of any nation other than the United States that is or was substantially equivalent to any of the offenses listed in paragraphs (a)(iv) to (a)(iv) of this definition.
    - **(c)** Any first-degree misdemeanor offense listed in paragraphs (a)(i) to (a)(v) of this definition will not automatically disqualify an applicant from licensure if the applicant was convicted of or pleaded guilty to the offense more than five years before the date the application for licensure is filed.
    - **(d)** Notwithstanding paragraph (1) or (2) of this definition, no misdemeanor offense, including misdemeanors of the first degree, related to cannabis possession, cannabis trafficking, illegal cultivation of cannabis, illegal use or possession of drug paraphernalia or cannabis drug paraphernalia, or other cannabis related crimes shall be considered a disqualifying offense.
- **(27) Dual-use license** means a license issued by the division that allows:
    - **(a)** A cultivator to engage in all permissible activities outlined under sections 3796.18, 3780.12, and 3780.13 of the Revised Code.
    - **(b)** A processor to engage in all permissible activities outlined under sections 3796.19 and 3780.14 of the Revised Code.
    - **(c)** A testing laboratory to engage in all permissible activities outlined under sections 3796.21 and 3780.16 of the Revised Code.
    - **(d)** A dispensary to engage in all permissible activities outlined under sections 3796.20 and 3780.15 of the Revised Code.
- **(28) Facility visitor** means any individual seeking to enter the premises of a licensed entity who does not maintain a valid employee badge pursuant to rule 1301:18-3-09 of the Administrative Code and is not a registered patient, caregiver, or adult-use consumer within a dispensary's retail area.
- **(29) Final Form** means the form of cannabis as manicured, trimmed, manufactured, or processed and intended for direct customer sale. The final mean is 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 final compliance testing. For purposes of submission of final form cannabis for any state-required testing, final form cannabis may, but is not mandated to be, placed in a container or package.
- **(30) Financial interest** means any actual or future right to ownership, or investment, with another person, either directly or indirectly, through business, investment, spouse, parent, or child, in licensed cannabis business. Financial interest does not include ownership of investment securities in a publicly-held corporation that is traded on a national securities exchange or over-the-counter market in the United States, provided the investment securities held by the person and the person's spouse, parent, or child, in the aggregate, do not exceed ten percent ownership in the licensed cannabis entity.
- **(31) Flowering stage** means the stage of cultivation where and when a cannabis plant is cultivated to produce plant material for products. This includes mature plants which are identified by:
    - **(a)** If greater than two stigmas are visible at each internode of the plant; or
    - **(b)** If the cannabis plant is in an area that has been intentionally deprived of light for a period of time intended to produce flower buds and induce maturation, from

the exact moment the light deprivation has started to occur and for the remainder of the cannabis plant growth cycle in such area.

- **(32) Health or therapeutic benefit claim** means any statement, term, reference, or claim related to health and includes statements of a curative or therapeutic nature that, expressly or by implication, suggest a relationship between the consumption or administration of cannabis, or any compound, ingredient, additive, or any combination thereof, found within a cannabis product, and health benefits or effects on health. This includes both specific health claims and general references to alleged health benefits or effects on health associated with the consumption of cannabis. This also includes anything that implies a physical, physiological, or psychological sensation or effect resulting from the consumption or administration of cannabis. Health-related statement also includes statements, symbols, vignettes, or other forms of communication that suggest, within the context in which they are presented, that a relationship exists between the consumption or administration of cannabis and any alleged health benefit.
- **(33) Hemp** means the plant Cannabis sativa L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a total tetrahydrocannabinols concentration, including tetrahydrocannabinolic acid, of not more than three-tenths per cent on a dry weight basis. “Hemp" includes industrial hemp. "Hemp" does not include any of the following:
    - **(a)** Any viable seeds from a Cannabis sativa L. plant that exceeds a total tetrahydrocannabinols concentration, including tetrahydrocannabinolic acid, of three-tenths per cent in the plant on a dry weight basis;
    - **(b)** Any intermediate hemp-derived cannabinoid product containing any of the following:
        - **(i)** Cannabinoids that are not capable of being naturally produced by a Cannabis sativa L. plant;
        - **(ii)** Cannabinoids that are capable of being naturally produced by a Cannabis sativa L. plant and were synthesized or manufactured outside the plant;
        - **(iii)** More than three-tenths per cent combined total of total tetrahydrocannabinols, including tetrahydrocannabinolic acid, and any other cannabinoids that have similar effects or are marketed to have similar effects on humans or animals as a tetrahydrocannabinol as established by the superintendent of cannabis control in lists adopted under section 928.031 of the Revised Code.
    - **(c)** Any intermediate hemp-derived cannabinoid product that is marketed or sold as a final product or directly to an end consumer for personal or household use;
    - **(d)** Any final hemp-derived cannabinoid product containing any of the following:
        - **(i)** Cannabinoids that are not capable of being naturally produced by a Cannabis sativa L. plant;
        - **(ii)** Cannabinoids that are capable of being naturally produced by a Cannabis sativa L. plant and were synthesized or manufactured outside the plant;
        - **(iii)** Greater than four-tenths of a milligram combined total per container of total tetrahydrocannabinols, including tetrahydrocannabinolic acid, and any other cannabinoids that have similar effects, or are marketed to have

similar effects, on humans or animals as a tetrahydrocannabinol as established by the superintendent of cannabis control in lists adopted under section 928.031 of the Revised Code.

- **(34) Hemp-derived cannabinoid product** means any intermediate or final product derived from hemp, other than industrial hemp, that contains cannabinoids in any form and is intended for human or animal use through the means of application or administration, such as inhalation, ingestion, or topical application. “Hemp-derived cannabinoid product” does not include a drug that is the subject of an application approved under subsection (c) or (j) of 21 USC 355.
- **(35) Indigent status** means an individual enrolled in the federal "Social Security Disability Income" (SSDI) or the "Supplemental Security Income" (SSI) disability programs, a copy of a letter or other documentation from the United States social security administration with the individual’s identification or other documentation as determined by the division.
- **(36) Industrial hemp** means hemp to which any of the following apply:
  - **(a)** It is grown for the use of the stalk of the plant, fiber produced from such a stalk, or any other non-cannabinoid derivative, mixture, preparation, or manufacture of such a stalk;
  - **(b)** It is grown for the use of the whole grain, oil, cake, nut, hull, or any other non-cannabinoid compound, derivative, mixture, preparation, or manufacture of the seeds of such plant;
  - **(c)** It is grown for purposes of producing microgreens or other edible hemp leaf products intended for human consumption that are derived from an immature hemp plant that is grown from seeds that do not exceed the threshold for total tetrahydrocannabinols concentration specified in section X of this rule;
  - **(d)** It is a plant that does not enter the stream of commerce and is intended to support hemp research at a university or an independent research institute as the term “independent research institute” is defined by the director under section 928.031 of the Revised Code;
  - **(e)** It is grown for the use of a viable seed of the plant produced solely for the production or manufacture of any material described in paragraph X of this rule.
- **(37) Intermediate hemp-derived cannabinoid product** means a hemp-derived cannabinoid product that is either of the following:
  - **(a)** Not yet in the final form or preparation marketed or intended to be used or consumed by a human or animal;
  - **(b)** A powder, liquid, tablet, oil, or other product form that is intended or marketed to be mixed, dissolved, formulated, or otherwise added to or prepared with or into any substance prior to administration or consumption.
- **(38) Infused single serving unit** is a combination inhalable product that consists of dried plant material and cannabis extract, wrapped in rolling paper and may include a filter. The cannabis extract may be included in the product by combining with the dried plant material, applying to the rolling paper, or both.
- **(39) Licensed cultivator** means the person who maintains a current, valid license issued pursuant to Chapter 3796. of the Revised Code and rule 1301:18-5-01 of the Administrative Code, and is authorized to engage in all applicable activities at the licensed premises outlined under the same.
- **(40) Licensed dispensary** means the person who maintains a current, valid license issued pursuant to Chapter 3796. of the Revised Code and rule 1301:18-8-01 of the

Administrative Code, and is authorized to engage in all applicable activities at the licensed premises outlined under the same.

- **(41) Licensed laboratory** means the person who maintains a current, valid license issued pursuant to Chapter 3796 of the Revised Code and rule 1301:18-7-01 of the Administrative Code, and is authorized to engage in all applicable activities at the licensed premises outlined under the same.
- **(42) Licensed premises** means the real property, including any facility, building, storage areas, parking lot or areas, and any surrounding curtilage, to which any person licensed pursuant to 1301:18 of the Administrative Code maintains ownership or control over via a valid lease or other formal written agreement and as represented to the division of cannabis control pursuant to an application for a license to cultivate, process, test, or dispense cannabis and reflected on the person's certificate of operation.
- **(43) Licensed processor** means the person who maintains a current, valid license issued pursuant to Chapter 3796 of the Revised Code and rule 1301:18-6-01 of the Administrative Code and is authorized to engage in all applicable activities at the licensed premises outlined under the same.
- **(44) Live plants** means cannabis plants that are no greater than five feet in height and are still in the vegetative state and not flowering.
- **(45) Lot means except as otherwise outlined by this rule,** all cannabis products of the same exact type produced using the same ingredients, extraction methods, standard operating procedures, and batches of plant material or cannabis extract. For purposes of this definition, a change in the employees conducting the standard operating procedure requires the creation of a new lot.
    - **(a)** A lot of cannabis products which is sold in uniform units shall not contain more than 10,000 production units.
    - **(b)** For **cannabis-infused edibles**, processors may produce multi-flavor packs if only the colorant and flavoring ingredients differ among the lot.
    - **(c)** For final **form cannabis concentrates**, each lot shall not exceed ten pounds (4536g) of cannabis extract created using the same extraction method, same operating procedures, and same batch or batches of starting plant material.
- **(46) Manufacture** means the process of converting harvested plant material into cannabis extract by physical or chemical means for use as an ingredient in a final form cannabis product.
- **(47) Mother plant** means a cannabis plant that is cultivated or maintained for the purpose of generating clones, and that will not be used to produce plant material for sale to a processor or dispensary.
- **(48) Non-solvent-based cannabis concentrate** means a final form cannabis extract destined solely for direct customer sale that does not involve an approved solvent, including bubble hash, rosin press, and other approved non-solvent-based methods.
- **(50) Ownership** means a person's, direct or indirect, present ownership interest in a person, including membership interest in a limited liability company, shares of stock in a corporation, or similar equity interests in any other corporate person; or a person's beneficial interest or proprietary interest in an individual or group of individuals. The definition of ownership does not include passive equity interest of less than ten percent in a licensed cannabis business which is for investment purposes only.

- **(51) Packaging intended for direct customer sale:** the final cannabis packaging as presented, displayed, and sold to customers at a licensed dispensary. Packaging for direct customer sale, may include a cannabis container and secondary packaging, depending on the product type. All packaging for direct customer shall adhere to all mandates outlined for rule 1301:18-4-20 of the Administrative Code.
- **(52) Person** includes, but is not limited to, an individual or a combination of individuals; a sole proprietorship, a firm, a company, a joint venture, a partnership of any type, a joint-stock company, a corporation of any type, a corporate subsidiary of any type, a limited liability company, a business trust, or any other business entity or organization; an assignee; a receiver; a trustee in bankruptcy; an unincorporated association, club, society, or other unincorporated entity or organization; entities that are disregarded for federal income tax purposes; and any other nongovernmental, artificial, legal entity that is capable of engaging in business.
- **(53) Prohibited facility** means a school, church, public library, public playground, or public park, as defined by this rule.
- **(54) Product alert** means a notice issued from the division to the public when it is determined that a cannabis product is not compliant with Chapters 3780 or 3796. of the Revised Code, or these rules, and has been sold to the public, but the deficiency does not reasonably constitute the product being unfit for consumption or a risk to public health and safety.
- **(55) Product recall** means a notice issued from the division to the public when it is determined that a cannabis product which is not compliant with Chapters 3780 or 3796. of the Revised Code, or these rules, has been sold to the public, and the deficiency may cause serious adverse health consequences.
- **(56) Production unit** means the package that contains the final form cannabis intended for direct customer sale.
- **(57) Provisional license** means a temporary license issued to a license applicant that establishes certain conditions that must be met by the provisional licensee before it may be issued a cultivator, processor, testing laboratory, or dispensary certificate of operation and engage in any authorized activity outlined under division 1301:18 of the Administrative Code. Unless otherwise authorized by division 1301:18 of the Administrative Code, each provisional license shall be issued to one person and one licensed premises.
- **(58) Public library** means a library provided for under Chapter 3375. of the Revised Code.
- **(59) Public park** means a park established by the state or a political subdivision of the state including a county, township, municipal corporation, or park district.
- **(60) Public playground** means a playground established by the state or a political subdivision of the state including a county, township, municipal corporation, or park district.
- **(61) Range of total THC Content** means within 10% of the total THC content as defined by rule 1301:18-1-01 of the Administrative Code as reflected by the associated certificate of analysis.
- **(62) Raw single serving unit** means a unit that is packed with dried cannabis plant material (such as trim, shake, or ground flower) and wrapped in rolling paper and may include a filter. A raw single serving unit contains only dried cannabis plant material.
- **(63) Recommending physician** means a physician, as defined by division (A)(5) of section 3796.01 of the Revised Code, that holds a valid certificate to recommend medical

cannabis issued by the state medical board of Ohio under section 4731.30 of the Revised Code.

- **(64) Remediation** means the process of neutralization or removal of dangerous substances or other contaminants from cannabis that fail to meet all requirements for state-required testing.
- **(65) Representative sample** means a sample that is comprised of several sample increments of cannabis or cannabis products that are collected from a batch or lot for testing.
- **(66) Secondary Packaging means** if applicable, packaging that holds the cannabis container and does not come into direct contact with any cannabis. The packaging as presented for direct customer sale.
- **(67) School** means a public or nonpublic primary school or secondary school and includes a childcare center as defined under section 5104.01 of the Revised Code, and a preschool, as defined section 2950.034 of the Revised Code.
- **(68) Shake** means the loose, fragmented pieces of cannabis plant material 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.
- **(69) Single day supply** means up to 2.5 ounces of plant material and cannabis products with a total THC content of no more than 15,000 milligrams for purposes of calculation of days and days' supply pursuant to division (B)(1) of section 3796.03 of the Revised Code.
- **(70) Solvent-based Cannabis Concentrate** means a final form cannabis extract destined for direct customer sale that is created through solvent-based extraction, including butanes, propane, heptane, carbon dioxide, ethanol, and other solvents as approved by the division of cannabis control. A solvent-based cannabis concentrate does not include any cannabis extract that is created through a water-based extraction method.
- **(71) Stale registration** means a submission to register as a patient or caregiver where the submitter fails to complete all submission requirements within ninety calendar days of the initiation of a registration by a physician, and after being notified by the division of cannabis control, subject to the factors that would otherwise remove the submitter from consideration under Chapter 3796. of the Revised Code or this division. If the registration is stale, the registration will be considered abandoned and the submitter shall be required to reapply for registration in accordance with Chapter 3796. of the Revised Code and this division, in effect at the time of resubmission.
- **(72) Technology Solution** means any technological remediation process and includes x-ray, UV, ozone, photonic, or other similar technology that's purpose is to remove, mitigate, decontaminate, or sterilize cannabis.
- **(73) Test Sample Collector** means an individual who is a registered employee pursuant to rule 1301:18-3-09 of the Administrative Code who retrieves test samples from a licensed entity, conducts all required test sample collection, and adheres to all mandates pertaining to test sample collection on behalf of a testing laboratory licensed pursuant to division 1301:18 of the Administrative Code.
- **(74) Topical cannabis product** means a final form non-edible cannabis product that is intended to be applied topically and absorbed through the skin, including salves, creams, lotions, and balms.

- **(75) 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.
- **(76) Vaporization Solution** means the final form cannabis product manufactured from one or more lots of cannabis extracts, distillate, or concentrate that is combined with terpenes or non-marijuana ingredients that meet all requirements set forth in rule 1301:18-6-07 of the Administrative Code and is administered via inhalation and sold to a customer within a cartridge, pod, or cannabis device.
- **(77) Veteran status** means an individual that may provide the following:
    - (a) Department of defense identification card (active, retired, temporary disability retirement list (TDRL);
    - (b) DD214, DD215, or national guard bureau (NGB) military discharge certificate indicating disposition of discharge;
    - (c) Report of separation from the national archives national personnel records center in St. Louis, Missouri;
    - (d) Veterans identification card from the department of veterans affairs; or
    - (e) Other documentation as determined by the division.
- **(78) Vegetative stage** means the stage of cultivation where and when a cannabis plant is propagated to produce additional cannabis plants or reach a sufficient size for production. This includes "seedlings," "clones," "mothers," and other immature cannabis plants identified by:
    - (a) having no more than two stigmas visible at each internode of the cannabis plant and if the cannabis plant is in an area that has not been intentionally deprived of light for a period of time intended to produce flower buds and induce maturation; or
    - (b) any cannabis plant that is cultivated solely for the purpose of propagating clones and is never used to produce any cannabis intended for direct customer sale.
- **(79) Water activity** means the measure of the quantity of water in a product that is available and therefore capable of supporting bacteria, yeasts, and fungi and which is reported in units Aw.

Consumer Protection and Product Safety

OAC 1301:18-2-09: Fee Schedule – amended

- **(A)** The following non-refundable fees shall be paid to the division of cannabis control
    - **(1)** Initial applications
        - **(a)** Level I cultivators: twenty thousand dollars
        - **(b)** Level II cultivators: two thousand dollars
        - **(c)** Processors: ten thousand dollars
        - **(d)** Testing laboratories: two thousand dollars
        - **(e)** Dispensaries: five thousand dollars
    - **(2)** Issuance of a certificate of operation
        - **(a)** Level I cultivators: one hundred eighty thousand dollars
        - **(b)** Level II cultivators: eighteen thousand dollars
        - **(c)** Processors: forty thousand dollars

        - **(d)** Testing laboratories: eighteen thousand dollars
        - **(e)** Dispensaries: ~~seventy~~ **one hundred** thousand dollars
    - **(3)** Renewal of certificate of operation
        - **(a)** Level I cultivators: two hundred thousand dollars
        - **(b)** Level II cultivators: twenty thousand dollars
        - **(c)** Processors: fifty thousand dollars
        - **(d)** Testing laboratories: twenty thousand dollars per year, which may be paid in one sum of forty-thousand dollars prior to renewal.
        - **(e)** Dispensaries: ~~thirty-five~~ **fifty** thousand dollars per year, which may be paid in one sum of ~~seventy~~ **one hundred** thousand dollars prior to renewal.
    - **(4)** Employees
        - **(a)** Initial applications:
            - **(i)** Responsible party badge: one hundred dollars
            - **(ii)** Owner or officer badge: one hundred dollars
            - **(iii)** Employee badge: one hundred dollars
        - **(b)** Renewal of badge certificate:
            - **(i)** Responsible party badge: one hundred dollars
            - **(ii)** Owner or officer badge: one hundred dollars
            - **(iii)** Employee badge: one hundred dollars
    - **(5)** Change of ownership: one thousand dollars
    - **(6)** Change of business or trade name: five hundred dollars
    - **(7)** Change of location: one thousand dollars
    - **(8)** Major modification: one thousand dollars
    - **(9)** Product registration: one hundred dollars
    - **(10) Advertising review: one hundred dollars**
- **(B)** Any fees due and payable to the division shall be submitted via credit card, electronic transfer utilizing the automated clearing house network (ACH), a certified check or money order payable to the "Treasurer, State of Ohio," or by such other means as approved by the division.

OAC 1301:18-3-17: Business-to-Business Transfers – cannabis intended for further production, manufacture, or extraction

- The following rule applies only to transfers of **bulk cannabis intended for further production at a cultivator or processor**. The cannabis transferred pursuant to this rule applies only to cannabis **not** already contained within the **packaging intended for direct customer sale.** The following rule applies solely to cannabis placed in a **cannabis container** and subsequently within **bulk packaging.**
- **(A)** Unless otherwise authorized by the division of cannabis control, a cultivator or processor may transfer, sell, and distribute bulk cannabis to another entity licensed pursuant to division 1301:18 of the Administrative Code and in accordance with this rule.
    - **(1)** A cultivator or processor **may** distribute more than one package of bulk cannabis per transfer to another licensee.
    - **(2)** All cannabis transferred between licensees must adhere to all standards for state-required testing as outlined under rule 1301:18-4-13 of the Administrative Code.

- **(3)** All cannabis transferred between licensees must adhere to all requirements outlined under rule 1301:18-3-16 of the Administrative Code pertaining to bulk packaging, labeling, and transfer manifests.

- **(B) Allowable Bulk Cannabis Transfers**.
  - **(1)** A **cultivator** may transfer packages of bulk cannabis to another **cultivator** licensed pursuant to division 1301:18 of the Administrative Code, that shall not exceed:
    - **(a)** 100 seeds;
    - **(b)** For dried cannabis plant material:
      - **(i)** 15 pounds of final form flower and buds; and
      - **(ii)** 25 pounds of final form shake and trim; and
    - **(c)** Notwithstanding any other provision, any transfer of cannabis clones or cannabis live plants must ensure public health and safety during transport.
      - **(i)** Unless otherwise limited by paragraph (B)(1)(c) of this rule, each transfer shall not exceed 100 clones; and
      - **(ii)** Unless otherwise limited by paragraph (B)(1)(c) of this rule, each transfer shall not exceed 12 live plants.
  - **(2)** A **cultivator** may transfer packages of bulk cannabis to a **processor** licensed pursuant to division 1301:18 of the Administrative Code, that shall not exceed:
    - **(a)** For dried cannabis plant material:
      - **(i)** 15 pounds of final form flower and buds;
      - **(ii)** 25 pounds of final form shake and trim; and
      - **(iii)** 50 pounds of any dried plant material intended solely for extraction, including shake, trim, and unmanicured flower; and
    - **(b)** 125 pounds of fresh frozen cannabis plant material.
  - **(3)** A **processor** may transfer packages of bulk cannabis to a **cultivator** licensed pursuant to division 1301:18 of the Administrative Code, that shall not exceed:
    - **(a)** For dried cannabis plant material:
      - **(i)** 15 pounds of final form flower and buds; and
      - **(ii)** 25 pounds of final form shake and trim.
  - **(4)** A **processor** may transfer packages of bulk cannabis to a **processor** licensed pursuant to division 1301:18 of the Administrative Code, that shall not exceed:
    - **(a)** For dried cannabis plant material:
      - **(i)** 15 pounds of final form flower and buds;
      - **(ii)** 25 pounds of final form shake and trim; and
      - **(iii)** 50 pounds of any dried plant material intended solely for extraction, including shake, trim, and unmanicured flower;
    - **(b)** 125 pounds of fresh frozen cannabis plant material;
    - **(c)** 50 pounds of bulk cannabis **distillate**;
    - **(d)** 50 pounds of bulk **cannabis extract**;
    - **(e)** 132 pounds of bulk **vaporization solution;**
    - **(f)** 110 pounds of **raw single serving units;**
    - **(g)** 66 pounds or 30,000 grams of **infused single serving units;**
    - **(h)** 10 pounds of final form **cannabis concentrate;**
    - **(i)** 187 pounds or 85,000 grams of final form **cannabis topicals;**

- **(j)** 44 pounds, 20,000 grams, or 10,000 production units of **combination inhalable products**, whichever is smaller;
- **(k)** 300,000mL or 10,000 production units of final form **oral spray**, whichever is smaller;
- **(l)** 300,000mL or 10,000 product units of final form **tincture**, whichever is smaller; and
- **(m)** 10,000 production units for all **other final form cannabis products**.

OAC 1301:18-4-11 Voluntary in-process testing, remediation, re-testing

- **(A)** Each cultivator and processor shall establish, maintain, and comply with written policies and procedures to ensure all voluntary in-process testing, remediation, and re-testing adheres to all limitations outlined in this rule.
- **(B)** The following requirements apply to all cannabis submitted to testing analysis at a licensed testing laboratory, including:
  - **(1)** In accordance with rules 1301:18-3-16, 1301:18-3-17, and 1301:18-3-18 of the Administrative Code, any cannabis tested prior to transfer to another licensed entity;
  - **(2)** In accordance with rules 1301:18-4-13 and 1301:18-4-14 of the Administrative Code, any state-required final compliance testing; and
  - **(3)** In accordance with rule 1301:18-4-17, any research and development testing.
- **(C) Except as provided by this rule,** each cultivator and processor shall not submit any cannabis to any testing analysis prior to submitting the batch or lot of cannabis to all state-required testing for final compliance purposes.
- **(D)** In accordance with rules 1301:18-3-12 and 1301:18-3-14 of the Administrative Code, any licensee that chooses to conduct voluntary in-process testing, remediation, or re-testing, shall maintain records of all such testing and document the following within the state inventory tracking system, as applicable:
  - **(1)** The date the licensee submitted the cannabis to voluntary in-process testing;
  - **(2)** For any cannabis that will be remediated, the following:
    - **(a)** The date the licensee conducted any remediation; and
    - **(b)** The type of remediation performed on the cannabis; and
  - **(3)** The date the licensee re-tested the cannabis.
- **(E)** In accordance with rules 1301:18-3-16, 1301:18-3-17, and 1301:18-3-18 of the Administrative Code, any single batch or lot of cannabis may be submitted to voluntary in-process testing one time by:
  - **(1)** The originating licensee prior to transfer; and
  - **(2)** The recipient licensee after receipt of the transferred cannabis.
  - **(3)** Additionally, in the event a licensee chooses to conduct voluntary in-process testing for any of the following analytes, the licensee must submit the cannabis for all desired voluntary in-process testing at the same time.
  - **(4)** In accordance with this paragraph, voluntary in-process may be conducted on any of the following, as applicable:
    - **(a)** Microbial contaminants;
    - **(b)** Mycotoxins;
    - **(c)** Foreign matter contamination;
    - **(d)** Heavy metals;
    - **(e)** Pesticides, herbicides, and growth regulators;

        - **(f)** Moisture Content;
        - **(g)** Water activity;
        - **(h)** Residual solvents;
        - **(i)** pH;
        - **(j)** Cannabinoid potency; and
        - **(k)** Terpenes.
    - **(5) Notwithstanding any other provision of division 1301:18 of the Administrative Code,** any cannabis that fails to meet the standards for any analytes outlined in paragraphs (F) and (G) of this of this rule shall adhere to all procedural requirements and **shall not be:**
        - **(a)** Submitted to, or undergo, any technology solution;
        - **(b)** Remediated or retested;
        - **(c)** Further produced, manufactured, or extracted;
        - **(d)** Used as an ingredient in a cannabis product;
        - **(e)** Transferred or sold to another licensed entity; or
        - **(f)** Sold to a customer.
    - **(6)** Any cannabis that fails to meet the standards for all state-required testing may be remediated and re-tested, solely in accordance with paragraph (H) of this rule.
- **(F) Immediate Destruction Required.** Notwithstanding any other provision of division 1301:18 of the Administrative Code, any batch or lot of cannabis that fails to meet all standards for state-required testing for the following analytes must be immediately destroyed in accordance with rule 1301:18-3-12 of the Administrative Code:
    - **(1)** Microbial contaminants, including:
        - **(a)** Salmonella;
        - **(b)** Shiga toxin-producing E. Coli (STEC); or
        - **(c)** Any other microbial contaminant the division deems necessary.
    - **(2)** Mycotoxins;
    - **(3)** Foreign matter contamination;
    - **(4)** Heavy metals; and
    - **(5)** Pesticides, herbicides, and growth regulators, **approved** by the division of cannabis control in accordance with rule 1301:18-5-03 of the Administrative Code.
    - **(6)** In the event cannabis fails to meet the standards for any of these analytes, the licensee shall ensure all such failures are immediately and accurately recorded within the state-inventory tracking system.
- **(G) Notification and Quarantine Required.** Notwithstanding any other provision of division 1301:18 of the Administrative Code, a batch or lot of cannabis that when tested indicates the presence of any of the following analytes shall adhere to the following requirements:
    - **(1)** Any pesticide, growth regulator, or herbicide that is **not approved** by the division in accordance with rule 1301:18-5-03 of the Administrative Code; or
    - **(2)** Any solvent or similar chemical utilized during the extraction process that is **not** approved by the division in accordance with rule 1301:18-6-06 of the Administrative Code.
    - **(3)** Upon determination that a batch or lot of cannabis fails for any of these analytes, each licensee shall immediately do the following:
        - **(a)** The testing laboratory shall:

- **(i)** Upload the results for the test sample in the state inventory tracking system;
- **(ii)** Quarantine the remainder of the test sample; and
- **(iii)** Submit written notification in a manner prescribed by the division.

▪ **(b)** The originating licensee shall:

- **(i)** Quarantine the associated batch or lot of cannabis; and
- **(ii)** Submit written notification in a manner prescribed by the division.

○ **(4)** Upon receipt of such notification, the division will provide further guidance to both licensees on how to proceed.

▪ **(a)** Each licensee shall adhere to all guidance and directives issued by the division on requisite procedure.

▪ **(b)** The division may proceed with further action as provided in rule 1301:18-9-05 of the Administrative Code, including requiring the licensee to destroy the material.

- **(H) Limitations on Remediation and Re-testing.**
  - **(1)** In the event a licensee fails to meet the standards established by the division for any analyte, the licensee may remediate and re-test the cannabis in accordance with the following requirements. These limitations apply to all cannabis tested and as provided in paragraph (B) of this rule.
  - **(2)** Each licensee shall ensure that all cannabis maintained at the licensed premises is remediated not more than one time prior to submitting the associated batch or lot to all state-required final compliance testing.
  - **(3)** Subsequent to remediating any cannabis, the licensee shall re-test the associated batch or lot in accordance with the following:
    - **(a)** The licensee shall submit the cannabis to the same testing laboratory that conducted the initial testing for final compliance testing;
    - **(b)** The licensee shall test the cannabis only one additional time;
    - **(c)** The associated batch or lot shall be re-tested for all state-required analytes, as outlined in rules 1301:18-4-13 and 1301:18-4-14 of the Administrative Code;
    - **(d)** In accordance with rule 1301:18-4-16 of the Administrative Code, the final certificate of analysis for the cannabis shall only reflect the testing results from the final compliance testing.
  - **(4) Cultivators** may remediate a batch of plant material that does not meet the standards established by the division for:
    - **(a)** Moisture content or water activity, the cultivator may remediate the batch by drying the plant material for additional time.
    - **(b)** Microbial contaminants **other than** shiga toxin-producing E. Coli (STEC) or Salmonella, the plant material may be sold to a processor only for extraction via a solvent-based extraction method to create lot of bulk cannabis distillate or extract.
    - **(c)** In accordance with rule 1301:18-3-14 of the Administrative Code, the recipient processor shall submit the associated lot for all state-required testing prior to use in a final cannabis product.

- **(5) Processors** may remediate a lot of cannabis that does not meet the standards established by the division as follows:
  - **(a)** A processor may reformulate the categories of manufactured cannabis products provided in paragraph (H)(5)(b) of this rule, if:
    - **(i)** The product does not comport with the target cannabinoid potency as provided by rule 1301:18-4-09 of the Administrative Code; or
    - **(ii)** The product fails to meet the standards for state-required testing in accordance with rules 1301:18-4-13 or 1301:18-4-14 of the Administrative Code for cannabinoid potency.
  - **(b)** In accordance with paragraph (H)(5)(a) of this rule, a processor may only reformulate the following categories of manufactured cannabis products for cannabinoid potency:
    - **(i)** Bulk cannabis distillate;
    - **(ii)** Bulk cannabis extract;
    - **(iii)** Final form vaporization solution;
    - **(iv)** Final form cannabis concentrates;
    - **(v)** Final form cannabis beverages; and
    - **(vi)** Final form cannabis infused topicals.
    - **(vii)** A processor may reformulate these categories of cannabis products only if they are not already contained within their package for direct customer sale.
  - **(c)** If a lot of solvent-based bulk cannabis distillate, bulk cannabis extract, or final form concentrate contains levels of excess approved residual solvents, the processor may remediate the associated lot by purging excess allowable solvents.

- **(I)** Unless otherwise provided in paragraphs (F), (G), or (H) of this rule, a licensee seeking to re-test any cannabis shall adhere to the following procedure:
  - **(1)** A licensee seeking to re-test a batch or lot of cannabis shall submit the request in a manner prescribed by the division, and include the following:
    - **(a)** The associated certificate of analysis for the batch or lot tested;
    - **(b)** The state-inventory tracking number;
    - **(c)** The specific state-required test that did not pass testing;
    - **(d)** If applicable, any remediation performed on the cannabis;
    - **(e)** The extenuating circumstances, including quality control, or other equipment malfunction, which give rise to such request; and
    - **(f)** Any other information requested by the division.
  - **(2)** Upon receipt of a request pursuant to this paragraph, the division may:
    - **(a)** In accordance with rule 1301:18-9-01 of the Administrative Code, conduct an inspection at the licensed premises of the originating licensee requesting the re-testing or the testing laboratory;
    - **(b)** Approve the request;
    - **(c)** Approve the request subject to certain mandates or limitations, including submission of the failed batch or lot to a specific testing laboratory to complete the re-testing as determined by the division;

        - **(d)** Advise the licensee in writing that the licensee failed to meet all requirements of the request and require submission of additional information; or
        - **(e)** Deny the request.
    - **(3)** A licensee shall not re-test any batch or lot of cannabis unless and until receipt of written approval by the division to proceed.

OAC 1301:18-4-13: Minimum state-required testing for cannabis and hemp-derived ingredients intended for further production, manufacture, or extraction

- **(A)** In accordance with rule 1301:18-3-17 of the Administrative Code and all applicable guidance, mandates, and directives provided by the division of cannabis control, **each cultivator and processor** shall establish, maintain, and comply with written policies and procedures to ensure all cannabis meets all standards for state-required testing and division 1301:18 of the Administrative Code.
- **(B)** In addition to the requirements of this rule, upon determination by the division that any additional tests are necessary, each licensee is required to comply with such guidance, mandate, or directive.
- **(C)** Notwithstanding any other provision of division 1301:18 of the Administrative Code, in order to comply with all mandates and testing methodology for state-required testing, the minimum test sample size may be in excess of the requirements below.
- **(D)** Laboratories may request additional sample material for any analyte in excess of the following amounts depending on the associated net weight of the cannabis contained within the batch or lot and if necessary for completion of any state-required test.
- **(E) Dried cannabis plant material – prior to submission to technology solution.**
    - **(1)** Each batch shall adhere to all mandates outlined under rule 1301:18-1-01 of the Administrative Code shall not exceed the following amounts:
        - **(a)** Final form flower and buds: fifteen (15) pounds;
        - **(b)** Final form shake and trim: twenty-five (25) pounds; and
        - **(c)** Any dried plant material intendeds solely for extraction, including shake, trim, and unmanicured flower: fifty (50) pounds.
    - **(2)** Prior to subjecting a batch of cannabis plant material to a technology solution, each **cultivator** shall test the batch of plant material for the following microbial contaminants, at a minimum:
        - **(a)** Salmonella;
        - **(b)** Shiga toxin-producing E. Coli (STEC); and
        - **(c)** Any other contaminant the division deems necessary.
    - **(3)** The minimum allowable sample size for each batch is 0.5% of the net weight of the batch of plant material, or fifteen (15) grams, whichever is **larger**.
    - **(4)** Each sample increment shall be collected in accordance with Appendix A and each increment equals three (3) grams.
    - **(5)** If the certificate of analysis demonstrates the presence of shiga toxin-producing E. Coli (STEC) or Salmonella, the batch **shall not** be treated using technological solutions and shall be immediately destroyed in accordance with rule 1301:18-3-12 of the Administrative Code.
- **(F) Dried cannabis plant material.** Unless otherwise provided by this rule, each batch of **cannabis plant material** intended for further **production, manufacture, or extraction**

must be **tested by the originating licensee** prior to transfer, sale, or distribution and in accordance with the following:

- **(1)** Each batch shall adhere to all mandates outlined under rule 1301:18-1-01 of the Administrative Code shall not exceed the following amounts:
  - **(a)** Final form flower and buds: fifteen (15) pounds;
  - **(b)** Final form shake and trim: twenty-five (25) pounds; and
  - **(c)** Any dried plant material intended solely for extraction, including shake, trim, and unmanicured flower: fifty (50) pounds.
- **(2)** Prior to any transfer, sale, or distribution, each batch shall be tested as follows:
  - **(a)** Each batch shall be tested for the following, at a minimum:
    - **(i)** Microbial contaminants, as follows:
      - **(A)** Salmonella;
      - **(B)** Shiga toxin-producing E. Coli (STEC); and
      - **(C)** Any other contaminant the division deems necessary; and
    - **(ii)** Pesticides, herbicides, and growth regulators.
  - **(b)** The minimum allowable sample size for each batch is 0.5% of the net weight of the batch of plant material, or fifteen (15) grams, whichever is **larger**.
  - **(c)** Each sample increment shall be collected in accordance with Appendix A.
  - **(d)** Each sample increment shall be three grams.
- **(3)** In accordance with rule 1301:18-6-08 of the Administrative Code, a processor shall ensure that all plant material is tested in accordance with this paragraph prior to submission to extraction.

- **(G) Fresh frozen cannabis plant material.** Each batch of fresh frozen cannabis plant material intended solely for extraction at a processor must be **tested by the originating licensee** prior to transfer, sale, or distribution and in accordance with the following:
  - **(1)** Each batch shall meet all requirements outlined under rule 1301:18-1-01 of the Administrative Code and shall not exceed one hundred twenty-five (125) pounds.
  - **(2)** Each batch of fresh frozen cannabis plant material shall be tested as follows:
    - **(a)** Each batch shall be tested for the following, at a minimum:
      - **(i)** Microbial contaminants as follows:
        - **(A)** Salmonella;
        - **(B)** Shiga toxin-producing E. Coli (STEC); and
        - **(C)** Any other contaminant the division deems necessary; and
      - **(ii)** Pesticides, herbicides, and growth regulators.
    - **(b)** The minimum allowable test sample size for each batch is 0.5% of the net weight of the fresh frozen cannabis plant material, or fifty-five (55) grams, whichever is **larger**.
    - **(c)** Each sample increment shall be collected in accordance with Appendix A and each increment equals five (5) grams.
- **(H) Bulk cannabis distillate and bulk cannabis extract for transfer to another processor.** Unless otherwise outlined by this rule, each lot of **bulk cannabis distillate** and **bulk cannabis extract** intended solely for transfer to another licensed processor must

be **tested by the originating licensee prior to** transfer or distribution in accordance with the following:

- **(1)** Each lot of bulk cannabis distillate and each lot of bulk cannabis extract shall adhere to all mandates under rule 1301:18-1-01 of the Administrative Code and shall not exceed fifty (50) pounds.
- **(2)** Each lot shall be tested as follows:
  - **(a)** Each lot intended solely for further production into **final form cannabis-infused edibles or cannabis-infused beverages** shall be tested for the following analytes, at a minimum:
    - **(i)** Microbial contaminants as follows:
      - **(A)** Salmonella;
      - **(B)** Shiga toxin-producing E. Coli (STEC); and
      - **(C)** Any other contaminant the division deems necessary;
    - **(ii)** Mycotoxins;
    - **(iii)** Heavy metals;
    - **(iv)** Pesticides, herbicides, and growth regulators; and
    - **(v)** If the lot was created utilizing a solvent-based extraction method, residual solvents.
  - **(b)** Each lot intended for further production or manufacture into **any other final form cannabis products** shall be tested for the following analytes, at a minimum,
    - **(i)** Microbial contaminants as follows:
      - **(A)** Salmonella;
      - **(B)** Shiga toxin-producing E. Coli (STEC); and
      - **(C)** Any other contaminant the division deems necessary; and
    - **(ii)** Pesticides, herbicides, and growth regulators.
  - **(c)** The minimum allowable test sample size is 0.5% of the net weight of the lot, or fifteen (15) grams, whichever is **larger**.
  - **(d)** Each sample increment shall be collected in accordance with Appendix A and each increment equals three (3) grams.

- **(l) Bulk distillate and bulk extract intended for further production at the licensed premises.** Each lot of bulk cannabis distillate and bulk cannabis extract intended for further production at the licensed premises to create a lot of **final form cannabis-infused edibles or cannabis-infused beverages** shall be tested in accordance with the following:
  - **(1)** Each lot of bulk cannabis distillate and each lot of bulk cannabis extract shall adhere to all mandates under rule 1301:18-1-01 of the Administrative Code and shall not exceed fifty (50) pounds.
  - **(2)** Each lot shall be tested as follows:
    - **(a)** Each lot intended solely for further production into **final form cannabis-infused edibles or cannabis-infused beverages** shall be tested for the following analytes, at a minimum:
      - **(i)** Microbial contaminants as follows:
        - **(A)** Salmonella;
        - **(B)** Shiga toxin-producing E. Coli (STEC); and
        - **(C)** Any other contaminant the division deems necessary;
      - **(ii)** Mycotoxins;

- **(iii)** Heavy metals;
- **(iv)** Pesticides, herbicides, and growth regulators; and
- **(v)** If the lot was created utilizing a solvent-based extraction method, residual solvents.

- **(b)** The minimum allowable test sample size is 0.5% of the net weight of the lot, or fifteen (15) grams, whichever is **larger**.
- **(c)** Each sample increment shall be collected in accordance with Appendix A and each increment equals three (3) grams.

- **(J) Solvent-based bulk distillate and bulk extract created in accordance with rule 1301:18-4-11 of the Administrative Code:**
  - **(1)** In accordance with rule 1310:18-4-11 of the Administrative Code, a processor shall ensure that all plant material is tested in accordance with paragraphs (E) and (F) of this rule prior to extraction.
  - **(2)** Each lot of **bulk solvent-based cannabis distillate** and **bulk solvent-based cannabis extract** created in accordance with rule 1301:18-4-11 of the Administrative Code must be tested by the originating licensee prior to any of the following:
    - **(a)** Further production;
    - **(b)** Further manufacture;
    - **(c)** Transfer; or
    - **(d)** Distribution
    - **(e)** Testing must occur prior to use in a final form cannabis product in accordance with the following requirements.
  - **(3)** Each lot shall adhere to all mandates under rule 1301:18-1-01 of the Administrative Code and shall not exceed fifty (50) pounds.
  - **(4)** Each lot shall be tested as follows:
    - **(a)** Each lot intended solely for further production into **final form cannabis-infused edibles or cannabis-infused beverages** shall be tested for the following analytes, at a minimum:
      - **(i)** Microbial contaminants as follows:
        - **(A)** Total yeast and mold;
        - **(B)** Total Enterobacteriaceae;
        - **(C)** Salmonella;
        - **(D)** Shiga toxin-producing E. Coli (STEC); and
        - **(E)** Any other contaminant the division deems necessary;
      - **(ii)** Mycotoxins;
      - **(iii)** Heavy metals;
      - **(iv)** Pesticides, herbicides, and growth regulators; and
      - **(v)** Residual solvents.
    - **(b)** Each lot intended for further production or manufacture into **any other final form cannabis products** shall be tested for the following analytes, at a minimum,
      - **(i)** Microbial contaminants as follows:
        - **(A)** Total yeast and mold;
        - **(B)** Total Enterobacteriaceae;
        - **(C)** Salmonella;
        - **(D)** Shiga toxin-producing E. Coli (STEC); and

        - **(E)** Any other contaminant the division deems necessary; and
    - **(ii)** Pesticides, herbicides, and growth regulators.
  - **(c)** The minimum allowable test sample size is 0.5% of the net weight of the lot, or fifteen (15) grams, whichever is **larger**.
  - **(d)** Each sample increment shall be collected in accordance with Appendix A and each increment equals three (3) grams.
- **(K) Hemp-Derived Ingredients.** In accordance with rule 1301:18-6-06 of the Administrative Code,—prior to use of any extracted hemp-derived ingredient in a manufactured cannabis product, each lot of hemp-derived ingredients shall be tested for the following, at a minimum, prior to use in a cannabis product:
  - **(1)** The test sample size for each shipment of hemp-derived ingredient received is one (1) gram;
  - **(2)** Each test sample shall be tested for the following analytes, at a minimum:
    - **(a)** Mycotoxins;
    - **(b)** Heavy metals;
    - **(c)** Pesticides, herbicides, and growth regulators;
    - **(d)** 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)** Cannabinold (CBN);
      - **(viii)** Cannabigerolic acid (CBGA);
      - **(ix)** Cannabigerol (CBG);
      - **(x)** Cannabichromenic acid (CBCA);
      - **(xi)** Cannabichromene (CBC);
      - **(xii)** Cannabidivarinic acid (CBDVA);
      - **(xiii)** Cannabidivarin (CBDV); and
      - **(xiv)** Any other cannabinoid determined by the division.
    - **(e)** Residual solvents; and
    - **(f)** Any other analyte that the division deems necessary.
- **(L) Bulk cannabis products intended for further production.**
  - **(1)** In accordance with rule 1301:18-4-18 of the Administrative Code, the following testing requirements apply to the follow categories of bulk cannabis and shall not exceed the following limits:
    - **(a)** 132 pounds of bulk **vaporization solution;**
    - **(b)** 110 pounds of **raw single serving units;**
    - **(c)** 66 pounds or 30,000 grams of **infused single serving units;**
    - **(d)** 10 pounds of final form **cannabis concentrate;**
    - **(e)** 187 pounds or 85,000 grams of final form **cannabis topicals;**
    - **(f)** 44 pounds, 20,000 grams, or 10,000 production units of **combination inhalable products**, whichever is smaller;

        - **(g)** 300,000mL or 10,000 production units of final form **oral spray**, whichever is smaller;
        - **(h)** 300,000mL or 10,000 product units of final form **tincture**, whichever is smaller; and
        - **(i)** 10,000 production units for all **other final form cannabis products**.
    - **(2)** Each lot shall be tested for the following analytes, at a minimum,
        - **(a)** Microbial contaminants as follows:
            - **(i)** Salmonella;
            - **(ii)** Shiga toxin-producing E. Coli (STEC); and
            - **(iii)** Any other contaminant the division deems necessary; and
        - **(b)** Pesticides, herbicides, and growth regulators.
    - **(3)** The minimum allowable test sample size shall be the test sample size for each cannabis product, as required in rules 1301:18-4-14 and 1301:18-4-23 of the Administrative Code.
    - **(4)** The test sample increments shall adhere to all requirements outlined in rules 1301:18-4-14 and 1301:18-4-23 and Appendix A of the Administrative Code.

OAC 1301:18-4-14: Minimum state-required final compliance testing for cannabis intended for direct customer sale

- **(A)** In accordance with all applicable guidance, mandates, and directives provided by the division of cannabis control, **each cultivator and processor** shall establish, maintain, and comply with written policies and procedures to ensure all cannabis meets all standards for state-required testing and division 1301:18 of the Administrative Code.
    - **(1)** In accordance with rule 1301:18-3-18 of the Administrative Code, for any cannabis that met all standards for state-required final compliance testing and is packaged for direct customer sale, a licensee is not required to test cannabis again prior to transferring to another licensee so long as it complies with the following:
        - **(a)** The cannabis met all standards established by the division of cannabis control, rule 1301:18-4-13 of the Administrative Code, and as provided by this rule, for all state-required final compliance testing; and
        - **(b)** The cannabis is contained within the unopened, sealed package direct customer sale in accordance with rule 1301:18-4-20 of the Administrative Code.
    - **(2)** Except as permitted by rule 1301:18-6-08 of the Administrative Code, any cannabis that is packaged **for direct customer sale** and subsequently removed is considered **adulterated** shall be immediately destroyed pursuant to rule 1301:18-3-12 of the Administrative Code.
- **(B)** In addition to the requirements of this rule, upon determination by the division that any additional tests are necessary, each licensee is required to comply with such guidance, mandate, or directive.
- **(C)** Notwithstanding any other provision of division 1301:18 of the Administrative Code, in order to comply with all mandates and testing methodology for state-required testing, the minimum test sample size may be in excess of the requirements below depending on the total number of units contained within the lot and the associated net weight of the cannabis utilized to create the final form cannabis products.
- **(D)** Laboratories may request additional sample material for any analyte in excess of the following amounts if necessary for completion of any state-required test.

- **(E) Final form dried cannabis plant material.** Each batch of dried cannabis plant material intended solely for **direct customer sale** must be tested by the **originating licensee** prior to transfer, sale, or distribution to a dispensary licensed pursuant to division 1301:18 of the Administrative Code:
    - **(1)** Each batch shall be submitted to all state-required testing in **final form**, adhere to all mandates under rule 1301:18-1-01 of the Administrative Code, and shall not exceed the following amounts:
        - **(a)** Final form flower and buds: fifteen (15) pounds; and
        - **(b)** Final form shake and trim: twenty-five (25) pounds
    - **(2)** Each batch shall adhere to all applicable state-required testing, in accordance with rule 1301:18-4-13 of the Administrative Code.
    - **(3)** Each batch of final form dried cannabis plant material shall be tested as follows:
        - **(a)** Each batch shall be tested for the following analytes, at a minimum:
            - **(i)** Microbial contaminants, including:
                - **(A)** Total yeast and mold;
                - **(B)** Total Enterobacteriaceae;
                - **(C)** Salmonella;
                - **(D)** Shiga toxin-producing E. Coli (STEC); and
                - **(E)** Any other contaminant the division deems necessary;
            - **(ii)** Mycotoxins;
            - **(iii)** Moisture content;
            - **(iv)** Water activity;
            - **(v)** Foreign matter contamination;
            - **(vi)** Heavy metals;
            - **(vii)** Pesticides, herbicides, and growth regulators;
            - **(viii)** Cannabinoid potency, including, at a minimum:
                - **(A)** Delta-9-tetrahydrocannabinolic acid (THCA);
                - **(B)** Delta-9-tetrahydrocannabinol;
                - **(C)** Delta-8-tetrahydrocannabinol;
                - **(D)** Cannabidiolic acid (CBDA);
                - **(E)** Cannabidiol (CBD);
                - **(F)** Tetrahydrocannabivarin (THCV);
                - **(G)** Cannabinold (CBN);
                - **(H)** Cannabigerolic acid (CBGA);
                - **(I)** Cannabigerol (CBG);
                - **(J)** Cannabichromenic acid (CBCA);
                - **(K)** Cannabichromene (CBC);
                - **(L)** Cannabidivarinic acid (CBDVA);
                - **(M)** Cannabidivarin (CBDV); and
                - **(N)** Any other cannabinoid determined by the division.
            - **(ix)** Terpenes, including, at a minimum:
                - **(A)** Alpha-bisabolol;
                - **(B)** Alpha-humulene;
                - **(C)** Alpha-pinene;
                - **(D)** Terpinolene;
                - **(E)** Beta-caryophyllene;
                - **(F)** Beta-myrcene;

        - **(G)** Beta-pinene;
        - **(H)** Caryophyllene oxide;
        - **(I)** Limonene; and
        - **(J)** Linalool;
    - **(b)** For each batch with a net weight of cannabis plant material which is less than thirteen (13) pounds, the minimum allowable test sample size shall be thirty (30) grams;
    - **(c)** For each lot with a net weight of cannabis of more than thirteen (13) pounds, the minimum allowable test sample size shall be 0.5% of the net weight of the cannabis plant material, or thirty (30) grams, whichever is **larger**; and
    - **(d)** Each sample increment shall be collected in accordance with Appendix A and each increment equals three (3) grams.
- **(F) Final form combination inhalable products.** Each lot of **combination inhalable products** intended for direct customer sale, must be tested in **final form** by the **originating licensee prior to** transfer, sale, or distribution to a dispensary licensed pursuant to division 1301:18 of the Administrative Code and in accordance with the following:
    - **(1)** Prior to creating the final form combination inhalable products, the **processor** is to ensure:
        - **(a)** Each batch of cannabis plant material adheres to the batch size limitations outlined under rule 1301:18-1-01 of the Administrative Code and meets all applicable standards for state-required testing as provided by rule 1301:18-4-13 of the Administrative Code;
        - **(b)** Each lot of bulk cannabis distillate or cannabis extract meets all applicable standards for state-required testing as outlined under rule 1301:18-4-13; and
        - **(c)** All non-marijuana ingredients meet all standards as outlined under rules 1301:18-4-13 and 1301:18-6-07 of the Administrative Code prior to use as an ingredient in the final form combination inhalable product.
    - **(2)** Each lot shall adhere to all mandates outlined under rule 1301:18-1-01 of the Administrative Code and shall not exceed the following amounts:
        - **(a)** Final form flower and buds: fifteen (15) pounds; and
        - **(b)** Final form shake and trim: twenty-five (25) pounds.
    - **(3)** Each lot of combination inhalable products shall be tested as follows:
        - **(a)** Each lot shall be tested for the following analytes, at a minimum:
            - **(i)** Microbial contaminants, including:
                - **(A)** Total yeast and mold;
                - **(B)** Total Enterobacteriaceae;
                - **(C)** Salmonella;
                - **(D)** Shiga toxin-producing E. Coli (STEC); and
                - **(E)** Any other contaminant the division deems necessary;
            - **(ii)** Mycotoxins;
            - **(iii)** Moisture content;
            - **(iv)** Water activity;
            - **(v)** Foreign matter contamination;
            - **(vi)** Heavy metals;

- **(vii)** Pesticides, herbicides, and growth regulators;
- **(viii)** Cannabinoid potency, including, at a minimum:
  - **(A)** Delta-9-tetrahydrocannabinolic acid (THCA);
  - **(B)** Delta-9-tetrahydrocannabinol;
  - **(C)** Delta-8-tetrahydrocannabinol;
  - **(D)** Cannabidiolic acid (CBDA);
  - **(E)** Cannabidiol (CBD);
  - **(F)** Tetrahydrocannabivarin (THCV);
  - **(G)** Cannabinold (CBN);
  - **(H)** Cannabigerolic acid (CBGA);
  - **(I)** Cannabigerol (CBG);
  - **(J)** Cannabichromenic acid (CBCA);
  - **(K)** Cannabichromene (CBC);
  - **(L)** Cannabidivarinic acid (CBDVA);
  - **(M)** Cannabidivarin (CBDV); and
  - **(N)** Any other cannabinoid determined by the division.
- **(ix)** Terpenes, including, at a minimum:
  - **(A)** Alpha-bisabolol;
  - **(B)** Alpha-humulene;
  - **(C)** Alpha-pinene;
  - **(D)** Terpinolene;
  - **(E)** Beta-caryophyllene;
  - **(F)** Beta-myrcene;
  - **(G)** Beta-pinene;
  - **(H)** Caryophyllene oxide;
  - **(I)** Limonene; and
  - **(J)** Linalool;
- **(x)** Residual solvents if a **solvent-based extract** is used as an ingredient in the combination inhalable product, including solvents used during winterization.

- **(b)** For each lot with a net weight of cannabis which is less than thirteen (13) pounds, the minimum allowable test sample size shall be thirty (30) grams;
- **(c)** For each lot with a net weight of cannabis of more than thirteen (13) pounds, the minimum allowable test sample size shall be 0.5% of the net weight of the lot, or thirty (30) grams, whichever is **larger;** and
- **(d)** Each test **sample increment shall be three (3) grams.**

- **(G) Final form cannabis-infused edibles:** Each lot of cannabis-infused edibles intended solely for direct customer sale, must be tested in **final form** and tested by the **originating licensee prior to transfer** or distribution to a dispensary licensed pursuant to division 1301:18 of the Administrative Code in accordance with the following:
  - **(1)** Prior to creating the final form cannabis-infused edibles, the **processor** is to ensure:
    - **(a)** Each batch of cannabis plant material adheres to the batch size limitations outlined under rule 1301:18-1-01 of the Administrative Code and meets all applicable standards for state-required testing as provided by rule 1301:18-4-13 of the Administrative Code;

- **(b)** Each lot of bulk cannabis distillate or cannabis extract adheres to the lot size limitations outlined under rule 1301:18-1-01 of the Administrative Code and meets all applicable standards for state-required testing as outlined under rule 1301:18-4-13; and
- **(c)** All non-marijuana ingredients meet all standards as outlined under rules 1301:18-4-13 and 1301:18-6-07 of the Administrative Code prior to use as an ingredient in the final form cannabis-infused edibles.

- **(2)** Each lot shall meet all requirements outlined under rule 1301:18-1-01 of the Administrative Code and shall not exceed 10,000 production units.
- **(3)** Each lot of final form cannabis-infused edibles shall be tested as follows:
  - **(a)** Each lot shall be tested for the following analytes, at a minimum:
    - **(i)** Microbial contaminants, including:
      - **(A)** Total Aerobic Bacteria;
      - **(B)** Total Enterobacteriaceae;
      - **(C)** Salmonella;
      - **(D)** Shiga toxin-producing E. Coli (STEC); and
      - **(E)** Any other contaminant the division deems necessary;
    - **(ii)** Water activity;
    - **(iii)** Foreign Matter Contamination;
    - **(iv)** Cannabinoid potency including, at minimum:
      - **(A)** Delta-9-tetrahydrocannabinolic acid (THCA);
      - **(B)** Delta-9-tetrahydrocannabinol;
      - **(C)** Delta-8-tetrahydrocannabinol;
      - **(D)** Cannabidiolic acid (CBDA);
      - **(E)** Cannabidiol (CBD);
      - **(F)** Tetrahydrocannabivarin (THCV);
      - **(G)** Cannabinold (CBN);
      - **(H)** Cannabigerolic acid (CBGA);
      - **(I)** Cannabigerol (CBG);
      - **(J)** Cannabichromenic acid (CBCA);
      - **(K)** Cannabichromene (CBC);
      - **(L)** Cannabidivarinic acid (CBDVA);
      - **(M)** Cannabidivarin (CBDV); and
      - **(N)** Any other cannabinoid determined by the division; and
    - **(v)** Homogeneity verification.
  - **(b)** In addition to the state-required test panels and associated analysis outlined in this paragraph, a licensee **may** also submit the test sample for terpene testing, including:
    - **(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.

▪ **(c)** In accordance with sections 1301:18-4-13(H) and (I) of the Administrative Code, for purposes of final compliance testing, a processor may utilize the testing results for the following analytes, as reflected in the bulk distillate or bulk extract:

- **(i)** Mycotoxins;
- **(ii)** Heavy metals;
- **(iii)** Pesticides, herbicides, and growth regulators; and
- **(iv)** If applicable, residual solvents.
- **(v)** All such results shall be properly recorded in the state inventory tracking system and readily and intuitively traceable to the final product.
- **(vi)** In the event a processor receives bulk distillate or bulk extract from another licensed processor that was not tested for all applicable analytes, as required by sections 1301:18-3-14(H) and (I) of the Administrative Code, the recipient processor shall also test the lot of final form cannabis-infused edibles for the required analyte(s) with those outlined under section (G)(3)(a) of this rule.

▪ **(d)** The minimum allowable test sample size for each lot is fifteen (15) grams, or three (3) production units, whichever is **larger**.

▪ **(e)** Each sample increment shall be collected in accordance with Appendix A and each increment equals one production unit.

○ **(4)** In the event the final form cannabis-infused edibles fail to meet all standards for state-required testing, the licensee shall not remediate the associated lot. The licensee shall immediately destroy the associated lot of cannabis-infused edibles in accordance with rule 1301:18-3-12 of the Administrative Code.

- **(H) Final form cannabis-infused beverages.** Each lot of cannabis-infused beverages intended solely for direct customer sale, must be tested in **final form** and tested by the **originating licensee prior to transfer** or distribution to a dispensary licensed pursuant to division 1301:18 of the Administrative Code in accordance with the following:
  - **(1)** Prior to creating the final form cannabis-infused beverages, the **processor** must ensure:
    - **(a)** Each batch of cannabis plant material adheres to the batch size limitations outlined under rule 1301:18-1-01 of the Administrative Code and meets all applicable standards for state-required testing as provided by rule 1301:18-4-13 of the Administrative Code;
    - **(b)** Each lot of bulk cannabis distillate or cannabis extract adheres to the lot size limitations outlined under rule 1301:18-1-01 of the Administrative Code and meets all applicable standards for state-required testing as outlined under rule 1301:18-4-13; and
    - **(c)** All non-marijuana ingredients meet all standards as outlined under rules 1301:18-4-13 and 1301:18-6-07 of the Administrative Code prior to use as an ingredient in the final form cannabis-infused beverages.
  - **(2)** Each lot shall meet all requirements outlined under rule 1301:18-1-01 of the Administrative Code and shall not exceed 10,000 production units.
  - **(3)** Each lot of final form cannabis-infused beverages shall be tested as follows:

- **(a)** Each lot shall be tested for the following, at a minimum:
  - **(i)** Microbial contaminants, including:
    - **(A)** Total Aerobic Bacteria;
    - **(B)** Total Enterobacteriaceae;
    - **(C)** Salmonella;
    - **(D)** Shiga toxin-producing E. Coli (STEC); and
    - **(E)** Any other contaminant the division deems necessary;
  - **(ii)** Foreign Matter Contamination;
  - **(iii)** Cannabinoid potency including, at minimum:
    - **(A)** Delta-9-tetrahydrocannabinolic acid (THCA);
    - **(B)** Delta-9-tetrahydrocannabinol;
    - **(C)** Delta-8-tetrahydrocannabinol;
    - **(D)** Cannabidiolic acid (CBDA);
    - **(E)** Cannabidiol (CBD);
    - **(F)** Tetrahydrocannabivarin (THCV);
    - **(G)** Cannabinold (CBN);
    - **(H)** Cannabigerolic acid (CBGA);
    - **(I)** Cannabigerol (CBG);
    - **(J)** Cannabichromenic acid (CBCA);
    - **(K)** Cannabichromene (CBC);
    - **(L)** Cannabidivarinic acid (CBDVA);
    - **(M)** Cannabidivarin (CBDV); and
    - **(N)** Any other cannabinoid determined by the division;
  - **(iv)** pH; and
  - **(v)** Homogeneity verification.
- **(b)** In addition to the state-required test panels and associated analysis outlined in this paragraph, a licensee **may** also submit the test sample for terpene testing, including:
  - **(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.
- **(c)** In accordance with sections 1301:18-4-13(H) and (I) of the Administrative Code, for purposes of final compliance testing, a processor may utilize the testing results for the following analytes, as reflected in the bulk distillate or bulk extract:
  - **(i)** Mycotoxins;
  - **(ii)** Heavy metals;
  - **(iii)** Pesticides, herbicides, and growth regulators; and
  - **(iv)** If applicable, residual solvents.

- **(v)** All such results shall be properly recorded in the state inventory tracking system and readily and intuitively traceable to the final product.
- **(vi)** In the event a processor receives bulk distillate or bulk extract from another licensed processor that was not tested for all applicable analytes, as required by sections 1301:18-3-14(H) and (I) of the Administrative Code, the recipient processor shall also test the lot of final form cannabis-infused edibles for the required analyte(s) with those outlined under section (G)(3)(a) of this rule.

▪ **(d)** The minimum allowable test sample size for each lot is fifteen (15) grams, or three (3) production units, whichever is larger.
▪ **(e)** Each sample increment shall be collected in accordance with Appendix A and each increment equals one production unit.

- **(I) Final form vaporization solution.** Each lot of vaporization solution intended for direct customer sale, must be tested in **final form** and tested by the **originating licensee prior to transfer** or distribution to a dispensary licensed pursuant to division 1301:18 of the Administrative Code and in accordance with the following:
  - **(1)** Prior to creating the final form vaporization solution, the **processor** is to ensure:
    ▪ **(a)** Each batch of cannabis plant material adheres to the batch size limitations outlined under rule 1301:18-1-01 of the Administrative Code and meets all applicable standards for state-required testing as provided by rule 1301:18-4-13 of the Administrative Code;
    ▪ **(b)** Each lot of bulk cannabis distillate or cannabis extract adheres to the lot size limitations outlined under rule 1301:18-1-01 of the Administrative Code and meets all applicable standards for state-required testing as outlined under rule 1301:18-4-13; and
    ▪ **(c)** All non-marijuana ingredients meet all standards as outlined under rules 1301:18-4-13 and 1301:18-6-07 of the Administrative Code prior to use as an ingredient in the final form vaporization solution.
  - **(2)** Each lot shall meet all requirements outlined under rule 1301:18-1-01 of the Administrative Code and shall not exceed 10,000 production units. The net weight of the lot of vaporization solution shall not exceed 60,000 grams.
  - **(3)** Each lot of final form vaporization solution shall be tested as follows:
    ▪ **(a)** Each lot of final form vaporization shall be tested for the following analytes, at a minimum:
      - **(i)** Microbial contaminants, including:
        - **(A)** Total yeast and mold;
        - **(B)** Total Enterobacteriaceae;
        - **(C)** Salmonella;
        - **(D)** Shiga toxin-producing E. Coli (STEC); and
        - **(E)** Any other contaminant the division deems necessary;
      - **(ii)** Mycotoxins;
      - **(iii)** Foreign matter contamination;
      - **(iv)** Heavy metals;
      - **(v)** Pesticides, herbicides, and growth regulators;
      - **(vi)** Cannabinoid potency including, at minimum:
        - **(A)** Delta-9-tetrahydrocannabinolic acid (THCA);

- **(B)** Delta-9-tetrahydrocannabinol;
- **(C)** Delta-8-tetrahydrocannabinol;
- **(D)** Cannabidiolic acid (CBDA);
- **(E)** Cannabidiol (CBD);
- **(F)** Tetrahydrocannabivarin (THCV);
- **(G)** Cannabinold (CBN);
- **(H)** Cannabigerolic acid (CBGA);
- **(I)** Cannabigerol (CBG);
- **(J)** Cannabichromenic acid (CBCA);
- **(K)** Cannabichromene (CBC);
- **(L)** Cannabidivarinic acid (CBDVA);
- **(M)** Cannabidivarin (CBDV); and
- **(N)** Any other cannabinoid determined by the division.

- **(vii)** Terpenes, including, at a minimum:
  - **(A)** Alpha-bisabolol;
  - **(B)** Alpha-humulene;
  - **(C)** Alpha-pinene;
  - **(D)** Terpinolene;
  - **(E)** Beta-caryophyllene;
  - **(F)** Beta-myrcene;
  - **(G)** Beta-pinene;
  - **(H)** Caryophyllene oxide;
  - **(I)** Limonene; and
  - **(J)** Linalool;
- **(viii)** Residual solvents if a **solvent-based extract** is used as an ingredient in the final form vaporization solution, including solvents used during winterization.

- **(4)** In accordance with Appendix A, the minimum allowable test sample size for each lot is dependent upon the total number of production units, 0.5% of the net weight of the lot of final form cannabis vaporization solution, or fifteen (15) grams, whichever is **larger**. Each sample increment equals one (1) gram.

- **(J) Final form cannabis concentrates.** Each lot of cannabis concentrates intended solely for direct customer sale must be tested in **final form** and tested by the **originating licensee prior to transfer** or distribution to a dispensary licensed pursuant to division 1310:18 of the Administrative Code and in accordance with the following:
  - **(1)** Prior to creating the final form cannabis concentrates intended for direct customer sale, the **processor** is to ensure:
    - **(a)** Each batch of cannabis plant material adheres to the batch size limitations outlined under rule 1301:18-1-01 of the Administrative Code and meets all applicable standards for state-required testing as provided by rule 1301:18-4-13 of the Administrative Code;
    - **(b)** Each lot of bulk cannabis distillate or cannabis extract adheres to the lot size limitations outlined under rule 1301:18-1-01 of the Administrative Code and meets all applicable standards for state-required testing as outlined under rule 1301:18-4-13; and

- **(c)** All non-marijuana ingredients meet all standards as outlined under rules 1301:18-4-13 and 1301:18-6-07 of the Administrative Code prior to use as an ingredient in the final form cannabis concentrate.

- **(2)** Each lot shall meet all requirements outlined under rule 1301:18-1-01 of the Administrative Code and cannot exceed ten pounds or 4536 grams.
- **(3)** Each lot of final form cannabis concentrates shall be tested as follows:
  - **(a)** Each lot shall be tested for the following analytes, at a minimum:
    - **(i)** Microbial contaminants, including:
      - **(A)** Total yeast and mold;
      - **(B)** Total Enterobacteriaceae;
      - **(C)** Salmonella;
      - **(D)** Shiga toxin-producing E. Coli (STEC); and
      - **(E)** Any other contaminant the division deems necessary;
    - **(ii)** Mycotoxins;
    - **(iii)** Foreign matter contamination;
    - **(iv)** Heavy metals;
    - **(v)** Pesticides, herbicides, and growth regulators;
    - **(vi)** Cannabinoid potency including, at minimum:
      - **(A)** Delta-9-tetrahydrocannabinolic acid (THCA);
      - **(B)** Delta-9-tetrahydrocannabinol;
      - **(C)** Delta-8-tetrahydrocannabinol;
      - **(D)** Cannabidiolic acid (CBDA);
      - **(E)** Cannabidiol (CBD);
      - **(F)** Tetrahydrocannabivarin (THCV);
      - **(G)** Cannabinold (CBN);
      - **(H)** Cannabigerolic acid (CBGA);
      - **(I)** Cannabigerol (CBG);
      - **(J)** Cannabichromenic acid (CBCA);
      - **(K)** Cannabichromene (CBC);
      - **(L)** Cannabidivarinic acid (CBDVA);
      - **(M)** Cannabidivarin (CBDV); and
      - **(N)** Any other cannabinoid determined by the division.
    - **(vii)** Terpenes, including, at a minimum:
      - **(A)** Alpha-bisabolol;
      - **(B)** Alpha-humulene;
      - **(C)** Alpha-pinene;
      - **(D)** Terpinolene;
      - **(E)** Beta-caryophyllene;
      - **(F)** Beta-myrcene;
      - **(G)** Beta-pinene;
      - **(H)** Caryophyllene oxide;
      - **(I)** Limonene; and
      - **(J)** Linalool; and
    - **(viii)** Residual solvents if a **solvent-based extract** is used as an ingredient in the final form cannabis concentrate, including solvents used during winterization.

        - **(4)** The minimum allowable test sample size is 0.5% of the net weight of the lot, or fifteen (15) grams, whichever is **larger**.
        - **(5)** Each sample increment shall be collected in accordance with Appendix A and each increment equals one (1) gram.
- **(K) Final form topical cannabis products.** Each lot of topical cannabis products intended solely for direct customer sale, must be tested in **final form** and tested by the **originating licensee prior to transfer** or distribution to a dispensary licensed pursuant to division 1301:18 of the Administrative Code in accordance with the following:
    - **(1)** Prior to creating the final form cannabis topicals, the **processor** is to ensure:
        - **(a)** Each batch of cannabis plant material adheres to the batch size limitations outlined under rule 1301:18-1-01 of the Administrative Code and meets all applicable standards for state-required testing as provided by rule 1301:18-4-13 of the Administrative Code;
        - **(b)** Each lot of bulk cannabis distillate or cannabis extract adheres to the lot size limitations outlined under rule 1301:18-1-01 of the Administrative Code and meets all applicable standards for state-required testing as outlined under rule 1301:18-4-13; and
        - **(c)** All non-marijuana ingredients meet all standards as outlined under rules 1301:18-4-13 and 1301:18-6-07 of the Administrative Code prior to use as an ingredient in the final form topical cannabis product.
    - **(2)** Each lot shall meet all requirements outlined under rule 1301:18-1-01 of the Administrative Code and shall not exceed 10,000 production units. The net weight of the lot shall not exceed 85,000 grams.
    - **(3)** Each lot of final form topical cannabis products shall be tested as follows:
        - **(a)** Each lot shall be tested for the following analytes, at a minimum:
            - **(i)** Microbial contaminants, including:
                - **(A)** Total yeast and mold;
                - **(B)** Total Enterobacteriaceae;
                - **(C)** Salmonella;
                - **(D)** Shiga toxin-producing E. Coli (STEC); and
                - **(E)** Any other contaminant the division deems necessary;
            - **(ii)** Heavy metals;
            - **(iii)** Water activity;
            - **(iv)** Foreign matter contamination;
            - **(v)** Pesticides, herbicides, and growth regulators;
            - **(vi)** Cannabinoid potency, including, at a minimum:
                - **(A)** Delta-9-tetrahydrocannabinolic acid (THCA);
                - **(B)** Delta-9-tetrahydrocannabinol;
                - **(C)** Delta-8-tetrahydrocannabinol;
                - **(D)** Cannabidiolic acid (CBDA);
                - **(E)** Cannabidiol (CBD);
                - **(F)** Tetrahydrocannabivarin (THCV);
                - **(G)** Cannabinold (CBN);
                - **(H)** Cannabigerolic acid (CBGA);
                - **(I)** Cannabigerol (CBG);
                - **(J)** Cannabichromenic acid (CBCA);
                - **(K)** Cannabichromene (CBC);

        - **(L)** Cannabidivarinic acid (CBDVA);
        - **(M)** Cannabidivarin (CBDV); and
      - **(vii)** Residual solvents if a **solvent-based extract** is used as an ingredient in the final form topical product, including solvents used during winterization.
    - **(b)** The minimum allowable test sample size is 0.5% of the net weight of the lot, or fifteen (15) grams, whichever is **larger**.
    - **(c)** Each sample increment shall be collected in accordance with Appendix A and each increment equals five (5) grams.
    - **(d)** In addition to the state-required test panels and associated analysis outlined in this paragraph, a licensee **may** also submit the test sample for terpene testing, including:
      - **(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.
- **(L) Final form oral sprays.** Each lot of oral sprays intended solely for direct customer sale, must be tested in **final form** and tested by the **originating licensee prior to transfer**, sale, or distribution to a dispensary licensed pursuant to division 1301:18 of the Administrative Code in accordance with the following:
  - **(1)** Prior to creating the final form oral spray, the **processor** must ensure:
    - **(a)** Each batch of cannabis plant material adheres to the batch size limitations outlined under rule 1301:18-1-01 of the Administrative Code and meets all applicable standards for state-required testing as provided by rule 1301:18-4-13 of the Administrative Code;
    - **(b)** Each lot of bulk cannabis distillate or cannabis extract adheres to the lot size limitations outlined under rule 1301:18-1-01 of the Administrative Code and meets all applicable standards for state-required testing as outlined under rule 1301:18-4-13; and
    - **(c)** All non-marijuana ingredients meet all standards as outlined under rules 1301:18-4-13 and 1301:18-6-07 of the Administrative Code prior to use as an ingredient in the final form oral sprays.
  - **(2)** Each lot shall meet all requirements outlined under rule 1301:18-1-01 of the Administrative Code and cannot exceed 10,000 production units. The net weight of the lot cannot exceed 300,000 milliliters.
  - **(3)** Each lot shall be tested in accordance with the following:
    - **(a)** Each lot shall be tested for the following analytes, at a minimum:
      - **(i)** Microbial contaminants, including:
        - **(A)** Total yeast and mold;
        - **(B)** Total Enterobacteriaceae;

        - **(C)** Salmonella;
        - **(D)** Shiga toxin-producing E. Coli (STEC); and
        - **(E)** Any other contaminant the division deems necessary;
    - **(ii)** Mycotoxins;
    - **(iii)** Foreign matter contamination;
    - **(iv)** Heavy metals;
    - **(v)** Pesticides, herbicides, and growth regulators;
    - **(vi)** Cannabinoid potency, including, at a minimum:
        - **(A)** Delta-9-tetrahydrocannabinolic acid (THCA);
        - **(B)** Delta-9-tetrahydrocannabinol;
        - **(C)** Delta-8-tetrahydrocannabinol;
        - **(D)** Cannabidiolic acid (CBDA);
        - **(E)** Cannabidiol (CBD);
        - **(F)** Tetrahydrocannabivarin (THCV);
        - **(G)** Cannabinold (CBN);
        - **(H)** Cannabigerolic acid (CBGA);
        - **(I)** Cannabigerol (CBG);
        - **(J)** Cannabichromenic acid (CBCA);
        - **(K)** Cannabichromene (CBC);
        - **(L)** Cannabidivarinic acid (CBDVA);
        - **(M)** Cannabidivarin (CBDV); and
        - **(N)** Any other cannabinoid determined by the division.
    - **(vii)** Residual solvents if a **solvent-based extract** is used as an ingredient in the final form oral spray, including solvents used during winterization.
- **(b)** In addition to the state-required test panels and associated analysis outlined in this paragraph, a licensee **may** also submit the test sample for terpene testing, including:
    - **(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.
- **(c)** The minimum allowable test sample size for each lot is fifteen (15) grams.
- **(d)** Each sample increment shall be collected in accordance with Appendix A and each sample increment equals one production unit.

- **(M) Final form tinctures.** Each lot of tinctures intended solely for direct customer sale, must be tested in **final form** and tested by the **originating licensee prior to transfer** or distribution to a dispensary licensed pursuant to division 1301:18 of the Administrative Code in accordance with the following:

- **(1)** Prior to creating the final form tincture, the **processor** must ensure:
  - **(a)** Each batch of cannabis plant material adheres to the batch size limitations outlined under rule 1301:18-1-01 of the Administrative Code and meets all applicable standards for state-required testing as provided by rule 1301:18-4-13 of the Administrative Code;
  - **(b)** Each lot of bulk cannabis distillate or cannabis extract adheres to the lot size limitations outlined under rule 1301:18-1-01 of the Administrative Code and meets all applicable standards for state-required testing as outlined under rule 1301:18-4-13; and
  - **(c)** All non-marijuana ingredients meet all standards as outlined under rules 1301:18-4-13 and 1301:18-6-07 of the Administrative Code prior to use as an ingredient in the final form tincture.
- **(2)** Each lot shall meet all requirements outlined under rule 1301:18-1-01 of the Administrative Code and shall not exceed 10,000 production units. The net weight of the lot shall not exceed 300,000 milliliters.
- **(3)** Each lot shall be tested in accordance with the following:
  - **(a)** Each lot shall be tested for the following analytes, at a minimum:
    - **(i)** Microbial contaminants, including:
      - **(A)** Total yeast and mold;
      - **(B)** Total Enterobacteriaceae;
      - **(C)** Salmonella;
      - **(D)** Shiga toxin-producing E. Coli (STEC); and
      - **(E)** Any other contaminant the division deems necessary;
    - **(ii)** Mycotoxins;
    - **(iii)** Foreign matter contamination;
    - **(iv)** Heavy metals;
    - **(v)** Pesticides, herbicides, and growth regulators;
    - **(vi)** Cannabinoid potency, including, at a minimum:
      - **(A)** Delta-9-tetrahydrocannabinolic acid (THCA);
      - **(B)** Delta-9-tetrahydrocannabinol;
      - **(C)** Delta-8-tetrahydrocannabinol;
      - **(D)** Cannabidiolic acid (CBDA);
      - **(E)** Cannabidiol (CBD);
      - **(F)** Tetrahydrocannabivarin (THCV);
      - **(G)** Cannabinold (CBN);
      - **(H)** Cannabigerolic acid (CBGA);
      - **(I)** Cannabigerol (CBG);
      - **(J)** Cannabichromenic acid (CBCA);
      - **(K)** Cannabichromene (CBC);
      - **(L)** Cannabidivarinic acid (CBDVA);
      - **(M)** Cannabidivarin (CBDV); and
      - **(N)** Any other cannabinoid determined by the division; and
    - **(vii)** Residual solvents if a **solvent-based extract** is used as an ingredient in the final form tincture, including solvents used during winterization.

        - **(b)** In addition to the state-required test panels and associated analysis outlined in this paragraph, a licensee **may** also submit the test sample for 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.
        - **(c)** The minimum allowable test sample size for each lot is fifteen (15) grams.
        - **(d)** Each sample increment shall be collected in accordance with Appendix A and each increment equals one production unit.
- **(N) Final form cannabis products.** Unless otherwise specified by this rule, each lot of final form cannabis products intended solely for direct customer sale at a dispensary shall adhere to the following:
    - **(1)** Prior to creating the final form cannabis-infused edibles, the **processor** is to ensure:
        - **(a)** Each batch of cannabis plant material adheres to the batch size limitations outlined under rule 1301:18-1-01 of the Administrative Code and meets all applicable standards for state-required testing as provided by rule 1301:18-4-13 of the Administrative Code;
        - **(b)** Each lot of bulk cannabis distillate or cannabis extract adheres to the lot size limitations outlined under rule 1301:18-1-01 of the Administrative Code and meets all applicable standards for state-required testing as outlined under rule 1301:18-4-13; and
        - **(c)** All non-marijuana ingredients meet all standards as outlined under rules 1301:18-4-13 and 1301:18-6-07 of the Administrative Code prior to use as an ingredient in the final form cannabis product.
    - **(2)** Each lot shall meet all requirements outlined under rule 1301:18-1-01 of the Administrative Code and shall not exceed 10,000 production units. The net weight of the lot shall not exceed the net weight of 10,000 production units of the final form cannabis products intended solely for direct customer sale.
    - **(3)** The minimum allowable test sample size for each lot is 0.5% of the net weight of the lot of cannabis products, or fifteen (15) grams, whichever is larger; and
    - **(4)** Each sample increment shall be collected in accordance with Appendix A and each increment equals one production unit.
    - **(5)** For final form cannabis products administered **via inhalation**, each lot shall be tested for the following analytes, at a minimum:
        - **(a)** Microbial contaminants, including:
            - **(i)** Total yeast and mold;
            - **(ii)** Total Enterobacteriaceae;

- **(iii)** Salmonella;
- **(iv)** Shiga toxin-producing E. Coli (STEC); and
- **(v)** Any other contaminant the division deems necessary;

- **(b)** Mycotoxins;
- **(c)** Foreign matter contamination;
- **(d)** Heavy metals;
- **(e)** Pesticides, herbicides, and growth regulators;
- **(f)** 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)** Cannabinold (CBN);
  - **(viii)** Cannabigerolic acid (CBGA);
  - **(ix)** Cannabigerol (CBG);
  - **(x)** Cannabichromenic acid (CBCA);
  - **(xi)** Cannabichromene (CBC);
  - **(xii)** Cannabidivarinic acid (CBDVA);
  - **(xiii)** Cannabidivarin (CBDV); and
  - **(xiv)** Any other cannabinoid determined by the division.
- **(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.
- **(h)** Residual solvents if a **solvent-based extract** is used as an ingredient in the final form cannabis products, including solvents used during winterization.

- **(6)** Unless otherwise required by these rules or authorized by the division, **for all other final form cannabis products**, each lot shall be tested for the following analytes, at a minimum:
  - **(a)** Microbial contaminants, including:
    - **(i)** Total yeast and mold;
    - **(ii)** Total Enterobacteriaceae;
    - **(iii)** Salmonella;
    - **(iv)** Shiga toxin-producing E. Coli (STEC); and
    - **(v)** Any other contaminant the division deems necessary;

- **(b)** Mycotoxins;
- **(c)** Foreign matter contamination;
- **(d)** Heavy metals;
- **(e)** Pesticides, herbicides, and growth regulators;
- **(f)** 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)** Cannabinold (CBN);
    - **(viii)** Cannabigerolic acid (CBGA);
    - **(ix)** Cannabigerol (CBG);
    - **(x)** Cannabichromenic acid (CBCA);
    - **(xi)** Cannabichromene (CBC);
    - **(xii)** Cannabidivarinic acid (CBDVA);
    - **(xiii)** Cannabidivarin (CBDV); and
    - **(xiv)** Any other cannabinoid deemed necessary by the division.
- **(g)** Residual solvents if a **solvent-based extract** is used as an ingredient in the final form cannabis products, including solvents used during winterization.
- **(h)** In addition to the state-required test panels and associated analysis outlined in this paragraph, a licensee **may** also submit the test sample for 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.

OAC 1301:18-4-22 Advertising – amended/new file

- The state of Ohio has a compelling state interest to ensure that any advertisement, or marketing campaign related to cannabis, does not encourage or promote excessive use, intoxication, overconsumption, or use of cannabis in a manner not authorized by division 1301:18 of the Administrative Code or Chapter 3796 of the Revised Code, and is not attractive to children.
- **(A) Pre-approval Required.**
    - **(1)** No licensee shall create, use, or disseminate, or cause to be created, used, or disseminated, any advertisement prior to submitting the advertisement to the division of cannabis control for review.

- **(2)** Upon receipt of an advertisement, the division may do any of the following:
  - **(a)** Approve the advertisement;
  - **(b)** Deny the advertisement;
  - **(c)** Deny the advertisement, but permit re-submission to allow for modifications which would cause the division to approve the advertisement. Such modifications must be made and submitted to the division within ten (10) business days of the division's request; or
  - **(d)** Approve the advertisement, subject to certain amendments, modifications, or conditions.
- **(3)** No licensee shall create, use, or disseminate, or cause to be created, used or disseminated, any advertisement unless and until the division provides written approval to utilize the advertisement.

- **(B**) No licensee shall create, use, or disseminate, or cause to be created, used, or disseminated, an advertisement 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 division 1301:18 of the Administrative Code;
  - **(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;
  - ~~e~~ **(9)** Asserts or suggests that cannabis has any health or therapeutic benefits;
  - **(10)** Unless otherwise required by division 1301:18 of the Administrative Code, suggests, or otherwise indicates, that the advertisement has been approved or endorsed by the division of cannabis control, 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)** Otherwise violates any provision of Chapter 3796. of the Revised Code or division 1301:18 of the Administrative Code.
- **(C)** No licensee shall place or maintain, or cause to be placed or maintained, an advertisement for cannabis, whether medical or adult-use, cannabis products, or cannabis-related paraphernalia, in any form or through any of the following medium:
  - **(1)** On a medium with a high likelihood of reaching persons under the age of twenty-one years of age;
  - **(2)** Within five hundred feet of the end boundaries of a parcel of real estate having situated on it a prohibited facility as defined by section 3796.01 of the Revied Code. This provision does not apply to signage on the facility of a licensee;
  - **(3)** Anywhere near, on, or at, any location whose intended audience is for children or individuals under the age of twenty-one, or to which is not restricted to persons aged twenty-one years or older, or any other location where the placement of the advertisement targets or is attractive to children, as determined by the division of

cannabis control. This provision does not apply to signage on the facility of a licensee;
    - **(4)** On a billboard;
    - **(5)** On a radio or television broadcast or internet programming;
    - **(6)** Left upon any private property without the consent of the property owner;
    - **(7)** On or in a public transit vehicle or public transit shelter;
    - **(8)** On or in a stadium or arena;
    - **(9)** On or in a publicly owned or operated property; or
    - **(10)** At any scheduled event, which includes conferences, trade shows, or similar events, which a licensee plans to attend, participate, or sponsor, whether it be educational or otherwise, unless the licensee provides written notification to the division of its intent to attend at least ten business days prior to the event.
- **(D)** No licensee shall market, distribute, offer, sell, license, or cause to be marketed, distributed, offered, sold, or licensed any merchandise related to any entity licensed under division 1301:18 of the Administrative Code, or cannabis, to an individual under twenty-one years of age.
- **(E)** No licensee shall market, distribute, offer, sell, license, or cause to be marketed, distributed, offered, sold, or licensed any cannabis paraphernalia, to a patient under eighteen years of age or to an individual under twenty-one years of age.
- **(F)** As used in this rule, **"promotion"** means a drawing, contest, raffle, game, or other similar activity that grants a person the chance to win a gift, prize, or item from a licensee. The use of promotions is prohibited.
- **(G)** Each licensee must ensure all advertising contains the following, as prescribed by the division:
    - **(1)** The universal THC symbol in any advertisement that is on, or is a depiction of, any of the following:
        - **(a)** A cannabis product;
        - **(b)** A cannabis container;
        - **(c)** A cannabis package;
        - **(d)** A cannabis label; or
        - **(e)** Any other medium which is capable of storing cannabis;
        - **(f)** In accordance with this paragraph, the universal THC symbol must be outlined in a contrasting color to the surface or background upon which it is placed to ensure it is clearly visible;
        - **(g)** As it relates to cannabis devices, each licensee must adhere to rule 1301:18-4-04 of the Administrative Code; and
    - **(2)** If an advertisement depicts any cannabis packaging or labeling, it must accurately depict the universal THC symbol and Ohio division of cannabis control seal accurately, and in the precise location and as displayed on the respective packaging and labeling presented in the advertisement.
- **(H)** A licensee may develop a website or otherwise establish a web presence advertising the name, business address, contact information, and services provided by the licensee. A licensee that chooses to develop a website or other web presence must comply with all of the following requirements:
    - **(1)** The website or other web presence must prominently and conspicuously displays the Ohio division of cannabis control seal; and

- **(2)** The website or other web presence shall require age affirmation of at least eighteen years of age by registered patients and at least twenty-one years of age by adult-use consumers, before gaining access to licensee's website.
- **(3)** A licensee operating a website shall not do any of the following:
  - **(1)** Provide a medium for website users to transmit website content to individuals under the age of eighteen for registered patients or under the age of twenty-one for consumers; or
  - **(2)** Display or otherwise post content that violates Chapter 3796 of the Revised Code. or division 1301:18 of the Administrative Code.

- **(I)** For the purpose of identifying the location of a licensee, a licensee may utilize a sign that is located within the external boundaries of the parcel of real estate or may utilize a monument sign or other trade fixture associated with the leased or owned premises.
- **(J)** A licensee may photograph, record, or create other media depicting the licensed premises so long as the licensee ensures:
  - **(1)** The confidentiality of all patients, caregivers, and adult-use consumers;
  - **(2)** No media compromises the safety and security of the licensed premises; and
  - **(3)** Unless authorized by the division, the media will not depict any secure, limited access area.
  - **(4)** For cultivators, processors, and testing laboratories, secure limited access areas may be depicted so long as they do not include areas where final packaged products are stored or otherwise compromise the safety and security of the licensed premises.
- **(K)** In accordance with rule 1301:18-9-05X of the Administrative Code, no licensee shall license, encourage, or otherwise authorize any affiliated or third party to use or advertise in a manner prohibited by 1301:18 of the Administrative Code.
- **(L)** Should the division determine that a licensee's advertisement violates any of the requirements outlined under division 1301:18 of the Administrative Code, the division may:
  - **(1)** Require a specific disclosure be made in the advertisement in a clear and conspicuous manner if the advertisement would be false or misleading without such a disclosure;
  - **(2)** Make recommendations with respect to changes that are necessary to protect the health, safety, or welfare of the public;
  - **(3)** Prohibit the use of the advertisement; or
  - **(4)** Investigate and proceed with any action as permitted by chapter 1301:18-9 of the Administrative Code.

Processor Rules

OAC 1301:18-6-06 Manufacturing cannabis products

- **(A)** Unless otherwise authorized by the division of cannabis control, each processor shall establish, maintain, and comply with written policies and procedures to ensure that all cannabis products are manufactured, extracted, processed, and distributed in accordance with this rule.
- **(B)** Prior to the issuance or renewal of a certificate of operation, each processor must complete an inspection with the Ohio department of agriculture, or an equivalent body, evidencing compliance with the manufacturing standards established by the division and rule 1301:18-4-01 of the Administrative Code.

- **(C)** Except as expressly permitted by Chapter 3796. of the Revised Code or division 1301:18 of the Administrative Code, a processor shall not manufacture potentially hazardous foods, as defined by section 3715.01 of the Revised Code, at the licensed premises.
- **(D)** Each processor shall only utilize intoxicating cannabinoids in the production and manufacture of cannabis products that are derived solely from cannabis plant material harvested and cultivated by a cultivator licensed pursuant to Chapter 3796 of the Revised Code.
- **(E)** Each processor shall utilize only the following methods, equipment, chemicals, solvents, and gases in the manufacture of cannabis products:
    - **(1)** Hydrocarbon solvent-based extraction methods in a spark-free and properly ventilated environment, isolated from any open flame or ignition source, using one of the following solvents, at a minimum of ninety-nine per cent purity, in a professional grade, closed-loop extraction system designed to recover the solvents:
        - **(a)** Propane;
        - **(b)** N-butane;
        - **(c)** Isobutane;
        - **(d)** Heptane; or
        - **(e)** Other solvents exhibiting minimal potential toxicity to humans with written approval of the division in accordance with rule 1301:18-9-02 of the Administrative Code;
    - **(2)** Carbon dioxide-based extraction methods using food grade carbon dioxide at a minimum of ninety-nine per cent purity in a professional grade, closed-loop system in which each vessel is rated to a minimum pressure to accommodate the specific extraction protocol, including supercritical, liquid, and subcritical;
    - **(3)** Ethanol, at a minimum of ninety-nine per cent purity to produce extracts for use in the manufacture of cannabis products;
    - **(4)** Food grade glycerin, ethanol, and propylene glycol in the manufacture of cannabis products; or
    - **(5)** Non-solvent-based extraction methods involving the mechanical separation of cannabinoids from plant material to produce **cannabis extracts** for use in the manufacture of cannabis products or to create **final form non-solvent-based concentrates intended for direct customer sale**.
- **(F)** A processor that utilizes cannabis vaporizing **devices** to produce final form cannabis vaporizers for direct customer sale must ensure the following:
    - **(1)** The design of each vaporizing device does not place cannabis in direct contact with the device's heating element;
    - **(2)** Each device is not capable of being heated to temperatures at which cannabis may burn or combust; and
    - **(3)** Each device must contain a battery that automatically shuts off to ensure safety.
- **(G)** Any cannabis product that is divided into portions, serving sizes, or units, shall adhere to the following:
    - **(1)** Each portion of cannabis is clearly demarked in a way that enables a reasonable person to intuitively determine the amount of product that constitutes a single portion;

- **(2)** In accordance with rule 1301:18-4-04 of the Administrative Code, compliance with the following requirements for the universal THC symbol;
  - **(a)** If the cannabis product is presented as a single unit comprised of more than one portion, the processor shall create clearly visible lines of demarcation between portions and apply the universal THC symbol to each portion.
  - **(b)** Each portion of the cannabis product shall be permanently affixed with a clear stamp or mold outlining or embossing the universal THC symbol;
  - **(c)** If the cannabis product is presented as separate single portions, the processor shall apply the universal THC symbol to each single portion;
  - **(d)** If each portion is individually wrapped prior to placement within the package intended for direct customer sale, a processor may place the universal THC symbol on each individual wrapping for compliance purposes; and
- **(5)** Unless otherwise approved, the size of the universal THC symbol:
  - **(a)** Must be readily discernable when viewing the cannabis product;
  - **(b)** Is determined by the size of the portion instead of the overall product size and
  - **(c)** Shall not be less than one-fourth inch by one- fourth inch.

- **(H)** In accordance with rule 1301:18-4-06 of the Administrative Code, each package of cannabis intended for direct customer sale shall not contain less than ninety per cent or more than one hundred ten per cent of the concentration of **total target tetrahydrocannabinol content** as provided in the product registration pursuant to rule 1301:18-4-09 of the Administrative Code.

OAC 1301:18-6-07: Non-Marijuana Ingredients.

- **(A)** In accordance with section 3796.03(A)(17) of the Revised Code, each processor shall establish, maintain, and comply with written policies and procedures to ensure all non-marijuana ingredients conform with all standards outlined in this rule.
- **(B)** Notwithstanding any other provision, the division of cannabis control may revoke, amend the permissible scope, or prohibit a non-marijuana ingredient, if the division determines there is reasonable probability that the ingredient, exposure, or use thereof fails to comply with any requirement outlined under this rule or any directive, guidance, standard, or mandate as established by the division.
- **(C)** Each processor shall only utilize non-marijuana ingredients that:
  - **(1)** Are obtained from a licensed and regulated source that complies with all applicable requirements of federal and state laws and regulations;
  - **(2)** Meet applicable criteria set by the federal food and drug administration for ingredients, vitamins, or supplements;
  - **(3)** Account for industry best practices;
  - **(4)** For cannabis products that are intended for ingestion, the non-marijuana ingredient must be generally recognized as safe (GRAS) as defined by 21 CFR 170.30(c) and 170.3(f)
  - **(5)** Comply with all requirements outlined under this rule;
  - **(6)** Comply with all requirements of Chapter 3796. of the Revised Code, and division 1301:18 of the Administrative Code; and
  - **(7)** Comply with any other requirement the division deems necessary.

- **(D)** Each processor shall not utilize any non-marijuana ingredients that are:
  - **(1)** Toxic or unsafe for human consumption or constitutes a risk to public health or safety;
  - **(2)** Prepared or stored in a private residence; or
  - **(3)** In violation of any other requirement established by the division.
- **(E)** Each processor shall not utilize any non-marijuana ingredient that would, or is advertised or marketed to, increase potency, toxicity, or addictive potential, would create an unsafe combination with another, intoxicating, psychoactive, or similar substances, including the following:
  - **(1)** Nicotine;
  - **(2)** Caffeine;
  - **(3)** Melatonin;
  - **(4)** As defined by Chapter 4303 of the Revised Code, any beer, wine, or intoxicating liquor;
  - **(5)** As defined by section 201 of 21 USC 321, a dietary supplement, including functional mushrooms and multivitamins;
  - **(6)** As defined by section 201 of 21 USC 321, dietary ingredients, including vitamins;
  - **(7)** Vitamin E acetate;
  - **(8)** Propylene glycol, unless solely intended for use in a cannabis inhaler;
  - **(9)** Polyethylene glycol, unless solely intended for use in one of the following:
    - **(a)** Salves, balms, lotions, or other similar cosmetic products; or
    - **(b)** Suppositories;
  - **(10)** In addition to the prohibitions above, the following ingredients shall not be utilized in the production or manufacture of any cannabis intended for smoking, combustion, or vaporization:
    - **(a)** Triglycerides, including medium-chain triglyceride (MCT) oil;
    - **(b)** Squalene; or
    - **(c)** Squalane
- **(F)** In accordance with rule 1301:18-4-09 of the Administrative Code, prior to utilizing any non-marijuana ingredient, each processor shall submit a request to the division.
  - **(1)** A processor shall not utilize any non-marijuana ingredient unless and until it receives written approval by the division to proceed; and
  - **(2)** A processor shall utilize all non-marijuana ingredients solely in accordance with any limitations, amendments, modifications, or remediations, as required by the division.
- **(G)** In accordance with rule 1301:18-6-05 of the Administrative Code, upon receipt of the ingredient at the licensed premises, each processor must ensure the outermost package of the ingredient is affixed with a label containing the following information in legible English:
  - **(1)** The processor's name and license number;
  - **(2)** The name of the originating entity that manufactured the ingredient;
  - **(3)** The name of the ingredient;
  - **(4)** The date the processor received the ingredient; and
  - **(5)** The net weight and volume of the ingredient, as received.
- **(H)** In the event a processor determines after receipt of a non-marijuana ingredient it fails to meet any mandates outlined under this rule, the processor shall immediately:

- **(1)** Provide written notification in a manner prescribed by the division;
- **(2)** Quarantine and separate the ingredient from all other viable ingredients, cannabis, and inventory;
- **(3)** Preclude use of the ingredient in any cannabis product; and
- **(4)** Maintain the ingredient in an unaltered state at the licensed premises pending further written direction by the division.
- **(5)** The division may require the licensee to destroy the ingredient, in accordance with rule 1301:18-3-12 of the Administrative Code.

- **(I) Specific Requirements for Hemp-Derived Ingredients.** Unless otherwise prohibited by this rule, a processor may utilize a **hemp-derived ingredient** in the manufacture of cannabis products provided it meets the following requirements:
  - **(1)** Prior to receipt of the ingredient at the licensed premises, the processor must ensure the following:
    - **(a)** The ingredient adheres to all other requirements outlined under this rule;
    - **(b)** The ingredient constitutes hemp, as defined by rule 1301:18-1-01 of the Administrative Code;
    - **(c)** The ingredient is contemporaneously and accurately recorded in the state inventory tracking system and categorized as hemp;
    - **(d)** The processor will receive the ingredient solely in final extracted form; and
    - **(e)** The ingredient contains an accompanying certificate of analysis evidencing compliance with all standards for state-required testing as outlined under rule 1301:18-4-13 of the Administrative Code from an accredited testing laboratory; **OR**
    - **(f)** Within forty-eight hours of receipt at the licensed premises, the processor:
      - **(i)** Submits the ingredient to a testing laboratory licensed pursuant to division 1301:18 of the Administrative Code;
      - **(ii)** Ensures the ingredient complies with all standards for state-required testing as outlined under rule 1301:18-4-13 of the Administrative Code; **and**
      - **(iii)** The associated certificate of analysis is uploaded in the state inventory tracking system.
    - **(g)** In the event a hemp-derived ingredient fails to meet the standards for state-required testing, the processor shall not remediate or re-test the ingredient and shall adhere to all requirements outlined under paragraph (H) of this rule.

OAC 1301:18-6-08 Packaged Cannabis for Direct Customer Sale

- **(A)** Each processor may remove **cannabis plant material** packaged for direct customer sale for further extraction solely as permitted by this rule.
- **(B)** A processor that chooses to extract cannabis pursuant to paragraph X of this rule, must establish, maintain, and comply with written policies and procedures to ensure compliance with all requirements of this rule.

- **(C)** Notwithstanding any other provision of the Administrative Code, a processor may remove plant material packaged for direct customer sale if the **plant material** meets the following requirements:
    - **(1)** Upon receipt by the processor, it is not damaged, defective, or adulterated;
    - **(2)** The plant material is then submitted to all applicable standards for state-required testing, as outlined under paragraphs (B) and (C) of rule 1301:18-4-13 of the Administrative Code, prior to submission to extraction;
    - **(3)** All of the plant material is subsequently extracted and only utilized to create the following:
        - **(a)** Bulk cannabis distillate;
        - **(b)** Bulk cannabis extract; or
        - **(c)** Final form processed cannabis products; and
    - **(4)** The distillate, extract, or final form cannabis products meet all applicable standards for state-required testing, as outlined under rules 1301:18-4-13 and 1301:18-4-14 of the Administrative Code prior to sale to a customer.

Testing Laboratory Rules

OAC 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 standards, directives, and guidance established by the division of cannabis control and all applicable requirements outlined under division 1301:18 of the Administrative Code.
- **(B) Major Modifications**
    - **(1)** Prior to proceeding with any proposed major renovation or modification at the licensed premises, each testing laboratory shall submit an application in a form and manner prescribed by the division, for review.
    - **(2)** Upon receipt, 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 division 1301:18 of the Administrative Code.
    - **(3)** The division may inspect the licensed premises pursuant to any proposed major modification.
    - **(4)** A testing laboratory shall not proceed with any major modification unless and until the division provides the testing laboratory written approval to do so.
    - **(5)** For purposes of this paragraph, a major modification includes any new instrumentation or changes to instrumentation already maintained at the licensed premises but does not include the purchase of a duplicate instrument that has been previously approved in writing by the division.
- **(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)** Retains all test instrumentation data and any other associated information for five calendar years;
- **(8)** 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 in accordance with all applicable ISO requirements, or as approved by the division;
- **(9)** Implements a safety program which meets all applicable mandates of the Laboratory Safety Guidance published by the Occupational Safety and Health Administration of the United States Department of Labor;
- **(10)** In accordance with OAC 1301:18-4-12 of the Administrative Code, documents the chain of custody of all cannabis at the licensed premises in the state inventory tracking system;
- **(11)** For each test sample, the sub-sample weight shall be documented in the state-inventory tracking system.

- **(D) General Sanitary Requirements**
  - **(1)** Each facility must provide employees with adequate, readily accessible toilet facilities. Toilet facilities are to be kept clean and cannot be a potential source of contamination of cannabis.
  - **(2)** Each facility is to contain a sink fully stocked with the following:
    - **(a)** Disposable, single-use paper towels in a mounted dispenser;
    - **(b)** Hand washing soap contained in a dispenser; and
    - **(c)** A trash can conveniently located near the sink.
  - **(3)** In accordance with rule 1301:18-3-12 of the Administrative Code, waste is to be so conveyed, stored, and disposed of as to minimize the development of odor, minimize the potential for the waste becoming an attractant and harborage or breeding place for pests, and protect against contamination of cannabis.
- **(E) 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; and

        - **(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 1301:18-3-12 of the Administrative Code; and
    - **(e)** An area for receipt of all cannabis transported and other deliveries to the facility.
- **(F) Testing Methodologies.**
    - **(1)** The division may publish guidance for all state-required testing, including requirements for test method selection, validation, verification, performance, and quality control standards, as applicable. Each testing laboratory shall adhere to, and comply with, any and all requirements established by the division.
    - **(2)** Prior to implementation, each testing laboratory must submit in a manner prescribed by the division, any and all test methodologies for review.
    - **(3)** A testing laboratory shall not utilize a test methodology unless and until the division provides written approval to do so.
    - **(4)** The division may at any time amend, modify, or rescind approval of any test methodology.
    - **(5)** Each testing laboratory shall only utilize testing methodologies that meet the following requirements:
        - **(a)** AOAC Official Methods of Analysis shall be utilized if available and where the testing laboratory has the means to perform the method as written; **OR**
        - **(b)** In the event an Official Method does not exist for a certain analyte mandated for state-required testing, then the testing laboratory shall utilize a test method that adheres to all of the following:
            - **(i)** Validated for cannabis testing in the relevant cannabis matrix by an independent third party;
            - **(ii)** Certified in cannabis matrix by an internationally recognized standards and methods organization; and
            - **(iii)** Internally verified by the laboratory according to the requirements specified by the division.
        - **(c)** 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, standards and methods organization and must be fully validated in accordance with division requirements.
    - **(6)** Each testing laboratory shall maintain all records and any other associated information related to testing methodologies for the life of the method or five calendar years, whichever is longer.
- **(G)** Each licensee shall 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, Pharmaceuticals, and Cannabis. An Aid to Interpretation of ISO/IEC 17025:2017.

OAC 1301:18-7-03 Testing Laboratory Employee Training Requirements

- **(A)** Prior to commencing employment, each testing laboratory shall ensure all employees are registered with the division of cannabis control pursuant to rule 1301:18-3-09 of the Administrative Code and receive adequate education and training as required by rule 1301:18-3-10 of the Administrative Code.
- **(B)** In addition to the requirements outlined under rules 1301:18-3-09 and 1301:18-3-10 of the Administrative Code, each testing laboratory shall establish, maintain, and comply with written policies and procedures to ensure compliance with this rule and as follows:
  - **(1)** All registered employees display their employee badge at all times during working hours;
  - **(2)** A registered responsible party as outlined by rule 1301:18-3-09 of the Administrative Code is present at the licensed premises at least twenty hours per week;
  - **(3)** Each testing laboratory employs a scientific director responsible for supervising all laboratory employees and ensuring that the laboratory achieves and maintains quality standards of practice;
    - **(a)** Each testing laboratory's scientific director is to meet the following minimum qualifications:
      - **(i)** A doctorate degree in chemical, environmental, or biological sciences from an accredited college or university and two years of post-degree laboratory experience;
      - **(ii)** A master's degree in chemical, environmental, or biological sciences from an accredited college or university and four years of post-degree laboratory experience; or
      - **(iii)** A bachelor's degree in chemical, environmental, or biological sciences from an accredited college or university and eight years of post-degree laboratory experience.
  - **(4)** All individuals employed at a testing laboratory meet the education and experience guidelines pursuant to ASTM D8347 21a: "Standard Guide for Requirements for Analytical Laboratory Related Professions Within the Cannabis and Hemp Industries" and is hereby incorporated by reference;
  - **(5)** Each testing analyst demonstrates acceptable performance on precision, accuracy, specificity, reportable ranges, blanks, and unknown challenge samples (proficiency samples or internally generated quality controls) as part of their competency assessment.
    - **(a)** Determination of competency is to be evaluated for each test performed and documented for all analysts, including backup analysts, according to the following schedule:
      - **(i)** Prior to testing independently;
      - **(ii)** At least every six months during the first year of employment;

- **(iii)** At least annually thereafter; and
- **(iv)** Any time there is reason to question competency.

- **(b)** If the scientific director also participates in testing, the scientific director is to be included in competency assessment for each test they may perform.

OAC 1301:18-7-07: State-required testing analysis generally

- **(A)** Each testing laboratory shall establish, maintain, and comply with written policies and procedures to ensure all business practices and testing operations lead to safe, compliant, and impartial testing. A testing laboratory's written policies and procedures for state-required testing shall apply to all cannabis cultivated, produced, manufactured, extracted, transferred, sold, and distributed pursuant to Chapter 3796. of the Revised Code and division 1301:18 of the Administrative Code and this rule.
- **(B)** Each testing laboratory shall ensure all cannabis meets all applicable requirements for state-required testing, as outlined under rules 1301:18-4-13 and 1301:18-4-14 of the Administrative Code, division 1301:18 of the Administrative Code and any and all testing guidance, directives, mandates, and standards as established or prescribed by the division of cannabis control.
- **(C)** All cannabis shall be tested for all test panels and analytes as outlined by rules 1301:18-4-13 and 1301:18-4-14 of the Administrative Code, division 1301:18 of the Administrative Code and any and all testing guidance, directives, mandates, and standards as established or prescribed by the division of cannabis control.
- **(D)** All cannabis test samples shall be collected in accordance with rules 1301:18-7-08 and 1301:18-7-09 of the Administrative Code and Chapters 1301:18-4 and 1301:18-7 of the Administrative Code.
- **(E)** Notwithstanding any other provision of Chapter 3796 of the Revised Code or division 1301:18 of the Administrative Code, each testing laboratory shall collect test sample sizes in excess of the minimum requirements outlined in rules 1301:18-4-13 and 1301:18-4-14 and Appendix A of the Administrative Code in order to comply with all state requirements and each testing laboratory's testing methodologies.
- **(F)** In accordance with rule 1301:18-4-12 of the Administrative Code, each testing laboratory shall accurately record all test samples and tests performed on all cannabis received and maintained at the licensed premises in the state inventory tracking system.
- **(G)** In accordance with the requirements outlined under ISO and rule 1301:18-4-16 of the Administrative Code, each testing laboratory shall create a unique certificate of analysis for each batch or lot tested.
- **(H)** Each testing laboratory shall only collect test samples and conduct testing on cannabis obtained directly from a cultivator or processor licensed pursuant to division 1301:18 of the Administrative Code.
- **(I)** Except as provided by rules 1301:18-4-11 and 1310:18-7-10 of the Administrative Code, each testing laboratory shall test a single batch or lot for all state-required final compliance testing only one time.
- **(J)** In the event a testing laboratory subcontracts with another testing laboratory licensed by division 1301:18 of the Administrative Code, the originating testing laboratory shall:
  - **(1)** In accordance with rule 1301:18-4-12 of the Administrative Code, document the transfer in the state inventory tracking system, prior to the transfer; and

- **(2)** Document all of the following subject to the transfer, including: aliquots, dilutions, tubes, slides, culture plates, extracts, data files, images, and other secondary samples created during the processing or testing of a sample.

- **(K)** Within thirty calendar days of completion of all analysis performed on any given test sample, the testing laboratory shall dispose of any cannabis waste or excess cannabis not used during the sample analysis and in accordance with rule 1301:18-3-12 of the Administrative Code.
- **(L)** Notwithstanding paragraph (J) of this rule, a testing laboratory may maintain cannabis waste for purposes of quality control or proficiency testing and shall record all such packages accurately within the state inventory tracking system.

OAC 1301:18-7-08: Test sample collection generally

- **(A)** Each testing laboratory shall establish, maintain, and comply with written policies and procedures to ensure all test samples are collected in a safe, consistent, impartial, and compliant manner. A testing laboratory's written policies and procedures for test sample collection shall ensure:
  - **(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)** Sampling procedures prevent and mitigate:
    - **(a)** Damage to the batch or lot during the collection of a test sample;
    - **(b)** Cross-contamination of pathogens or other organisms or substances between facilities; and
    - **(c)** Cross-contamination between test samples;
  - **(3)** 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;
  - **(4)** All sample equipment shall be:
    - **(a)** Appropriate and specific for the applicable sample matrix;
    - **(b)** One of the following:
      - **(i)** Manufactured with stainless steel or other material that can be sterilized; **and**
      - **(ii)** Cleaned and sanitized in between each test sample collection using ethanol, 70% or equivalent; **or**
      - **(iii)** Sterile, individually wrapped, and single-use per batch or lot sampled; and
    - **(c)** If a test sample collector is obtaining test samples from more than one licensee during any given transport, the test sample collector shall utilize only one set of single-use or sanitized sampling equipment per facility;
  - **(5)** Each test sample collector:
    - **(a)** Maintains appropriate personal protective equipment throughout test sample collection; and
    - **(b)** Utilizes aseptic sampling techniques, including donning unused single-use gloves prior to collecting a test sample;
  - **(6)** All laboratory field balances comply with all mandates outlined under rule 1301:18-7-02(C)(8) of the Administrative Code 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 with a precision of 0.01g.
        - **(d)** All mandated field balance calibrations must be recorded and maintained pursuant to rule 1301:18-3-14 of the Administrative Code;
    - **(7)** All test samples are weighed by the test sample collector at the facility of the originating licensee and contemporaneously with the sample collection;
    - **(8)** Upon receipt of a test sample, a laboratory employee immediately:
        - **(a)** In accordance with rule 1301:18-4-16 of the Administrative Code, captures a photograph of each test sample to be included on the corresponding certificate of analysis; and
        - **(b)** Documents each test sample in the state inventory tracking system;
    - **(9)** Adequate identification is provided on all test sample containers throughout all phases of testing. The sample identifier(s) on any sample container shall be indelible, legible, and able to withstand all stages of processing and conditions of storage; and
    - **(10)** After conducting any testing pursuant to these rules, a laboratory employee immediately:
        - **(a)** Documents any and all tests performed on each test sample; and
        - **(b)** Uploads the certificate of analysis for each sample tested with all information outlined under section 1301:18-4-16(A)(9) of the Administrative Code in the state inventory tracking system.
- **(B)** In accordance with rule 1301:18-3-14 of the Administrative Code, all procedures, and other documents required by this rule shall be maintained at the licensed premises and be readily available for immediate review and duplication upon the division's request.

OAC 1301:18-7-09: Test sample collection procedure

- **(A)** In addition to, and in accordance with, the requirements outlined in rule 1301:18-7-08 of the Administrative Code, each testing laboratory's test sampling procedure shall adhere to the following protocol:
- **(B)** Prior to collecting a test sample, the test sample collector shall:
    - **(1)** Review all identifying information outlined on the container of cannabis to ensure it coincides with the information provided by the originating licensee pursuant to rule 1301:18-4-10 of the Administrative Code;
        - **(a)** Each container in a batch or lot must outline at least the state inventory tracking number and one other positive identifier that correlates with the batch or lot.
        - **(b)** If a container or tray in a batch or lot is not identified, the test sample collector is to document this in writing and not collect the test sample until all containers are positively identified.
    - **(2)** The test sample collector shall not proceed and collect a test sample if:
        - **(a)** The batch or lot size or appearance outlined in the information provided by the licensee pursuant to rule 1301:18-4-10 of the Administrative Code appears inaccurate compared to visual observation;
        - **(b)** The originating licensee does not provide the batch or lot size; or

    - **(c)** The batch or lot size exceeds the allowable weight or number of product units pursuant to rules 1301:18-1-01, 1301:18-4-13, and 1301:18-4-14 of the Administrative Code.
- **(C)** In accordance with Appendix A of division 1301:18 of the Administrative Code, the test sample collector next determines the minimum test sample size and number of sample increments to retrieve a representative test sample from each batch or lot and as follows:
    - **(1)** In order to create a representative sample of the batch or lot and comply with all mandates for state-required testing, the total test sample size is dependent upon the net weight of the batch or total number of production units contained within the lot; and
    - **(2)** In order to determine the representative test sample size necessary to complete all state-required testing, the test sample collector is required to adhere to Appendix A of division 1301:18 of the Administrative Code and the guidance established by the division and retrieve the appropriate number of sample increments.
- **(D)** To achieve a representative sample, the test sample collector is to acquire each test sample in a manner to ensure:
    - **(1)** Sample increments are taken from multiple areas of each container (i.e., the upper, middle, and lower sections). 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;
    - **(2)** For large containers, bales, or bags, sample increments are taken from a depth of at least ten centimeters or 3.9 inches;
    - **(3)** 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 lot; and
    - **(4)** Liquid cannabis concentrates are:
        - **(a)** Brought to at least room temperature prior to sampling; and
        - **(b)** Mixed by inverting the container completely at least three times. 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.
- **(E)** The test sample collector then combines all sample increments collected for one batch or lot into one test sample. The entire combined test sample shall be homogenized prior to testing.
    - **(1)** Sample increments or samples collected from different batches or lots may not be combined.
    - **(2) Unless additional cannabis is needed to complete all state-required testing for microbial contaminants**, the test sample collector may allocate one half of the combined test sample into another sterile container for the purposes of microbial testing.
- **(F)** 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.
- **(G)** The coordinating state-inventory tracking system number for the test sample is to be affixed to the exterior of the test sample package.

- **(H)** The test sample collector then transports 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.

OAC 1301:18-7-10 Testing laboratory limitations on in-process testing, remediation, and re-testing

- **(A)** Each testing laboratory shall establish, maintain, and comply with written policies and procedures to ensure all in-process testing and re-testing is performed solely in accordance with, and adheres to, all requirements outlined in this rule.
- **(B)** The following requirements apply to all cannabis submitted to testing analysis at a licensed testing laboratory, prior to submitting the cannabis to all state-required testing for final compliance purposes, including:
    - **(1)** In accordance with rules 1301:18-3-16, 1301:18-3-17, and 1301:18-3-18 of the Administrative Code, any cannabis tested prior to transfer to another licensed entity;
    - **(2)** In accordance with rules 1301:18-4-13 and 1301:18-4-14 of the Administrative Code, any state-required final compliance testing; and
    - **(3)** In accordance with rule 1301:18-4-17, any research and development testing.
- **(C) Except as provided by this rule,** each testing laboratory shall not test any cannabis prior to testing the cannabis for all state-required testing for final compliance purposes.
- **(D)** In accordance with rules 1301:18-3-12 and 1301:18-3-14 of the Administrative Code, a testing laboratory that conducts voluntary in-process testing or re-testing, shall maintain records of all such testing and document the following within the state inventory tracking system, as applicable:
    - **(1)** The date the received the cannabis for voluntary in-process testing;
    - **(2)** The date the testing laboratory re-tested the cannabis; and
    - **(3)** The test results for each analyte tested.
- **(E)** In accordance with rule 1301:18-4-11 of the Administrative Code, each testing laboratory may conduct voluntary in-process testing for a cultivator or process only one time on any batch or lot of cannabis by:
    - **(1)** The originating licensee prior to transfer; and
    - **(2)** The recipient licensee after receipt of the transferred cannabis.
    - **(3)** Additionally, in the event a licensee chooses to conduct voluntary in-process testing for any of the following analytes, the testing laboratory must test the cannabis for all desired voluntary in-process testing at the same time.
    - **(4)** In accordance with paragraph (E) of this rule, a testing laboratory may conduct voluntary in-process testing on any of the following, as applicable:
        - **(a)** Microbial contaminants;
        - **(b)** Mycotoxins;
        - **(c)** Foreign matter contamination;
        - **(d)** Heavy metals;
        - **(e)** Pesticides, herbicides, and growth regulators;
        - **(f)** Moisture Content;
        - **(g)** Water activity;
        - **(h)** Residual solvents;
        - **(i)** pH;
        - **(j)** Cannabinoid potency; and

        - **(k)** Terpenes.
    - **(5)** Notwithstanding any other provision of division 1301:18 of the Administrative Code, any cannabis that fails to meet the standards for any analytes outlined in paragraphs (F) or (G) of this of this rule shall adhere to all procedural requirements and shall not be re-tested by the testing laboratory.
    - **(6)** Any cannabis that fails to meet the standards for all state-required testing may be remediated and re-tested, solely in accordance with paragraph (H) of this rule.
- **(F) Immediate Destruction Required.** Notwithstanding any other provision of division 1301:18 of the Administrative Code, any batch or lot of cannabis that fails to meet all standards for state-required testing for the following analytes must be immediately destroyed in accordance with rule 1301:18-3-12 of the Administrative Code:
    - **(1)** Microbial contaminants, including:
        - **(a)** Salmonella;
        - **(b)** Shiga toxin-producing E. Coli (STEC); or
        - **(c)** Any other microbial contaminant the division deems necessary.
    - **(2)** Mycotoxins;
    - **(3)** Foreign matter contamination;
    - **(4)** Heavy metals; and
    - **(5)** Pesticides, herbicides, and growth regulators, **approved** by the division of cannabis control in accordance with rule 1301:18-5-03 of the Administrative Code.
    - **(6)** In the event a testing laboratory tests cannabis and it fails to meet the standards for any of these analytes, the testing laboratory shall immediately and accurately record such failures within the state-inventory tracking system.
- **(G) Notification and Quarantine Required.** Notwithstanding any other provision of division 1301:18 of the Administrative Code, a batch or lot of cannabis submitted to testing analysis and indicates the presence of any of the following analytes shall adhere to the following requirements:
    - **(1)** Any pesticide, growth regulator, or herbicide that is **not approved** by the division in accordance with rule 1301:18-5-03 of the Administrative Code; or
    - **(2)** Any solvent or similar chemical utilized during the extraction process that is **not** approved by the division in accordance with rule 1301:18-6-06 of the Administrative Code.
    - **(3)** Upon determination that a batch or lot of cannabis fails for any of these analytes, each licensee shall immediately do the following:
        - **(a)** The testing laboratory shall:
            - **(i)** Upload the results for the test sample in the state inventory tracking system;
            - **(ii)** Quarantine the remainder of the test sample; and
            - **(iii)** Submit written notification in a manner prescribed by the division.
        - **(b)** The originating licensee shall:
            - **(i)** Quarantine the associated batch or lot of cannabis; and
            - **(ii)** Submit written notification in a manner prescribed by the division.
    - **(4)** Upon receipt of such notification, the division will provide further guidance to both licensees on how to proceed.

        - **(a)** Each licensee shall adhere to all guidance and directives issued by the division on requisite procedure.
        - **(b)** The division may proceed with further action as provided in rule 1301:18-9-05 of the Administrative Code, including requiring the licensee to destroy the material.
- **(G) Limitations on Remediation and Re-testing.**
    - **(1)** In the event a licensee fails to meet the standards established by the division for any analyte, the licensee may only remediate and re-test the cannabis in accordance with the requirements and limitations outlined in rule 1301:18-4-11 of the Administrative Code.
    - **(2)** Subsequent to the cultivator or processor remediating any cannabis, the testing laboratory shall re-test the associated batch or lot in accordance with the following:
        - **(a)** Unless otherwise required by the division, the testing laboratory shall only re-test the cannabis if it was the same testing laboratory that conducted the initial testing;
        - **(b)** The testing laboratory shall test the cannabis only one additional time;
        - **(c)** The associated batch or lot shall be re-tested for all state-required analytes, as outlined in rules 1301:18-4-13 and 1301:18-4-14 of the Administrative Code; and
        - **(d)** In accordance with rule 1301:18-4-16 of the Administrative Code, the final certificate of analysis for the cannabis shall only reflect the testing results from the final compliance testing.
- **(H)** In accordance with section 1301:18-4-11(I) of the Administrative Code, unless otherwise permitted by this rule, each testing laboratory shall ensure the following:
    - **(1)** The testing laboratory does not re-test any cannabis unless and until the originating licensee receives written approval by the division to proceed; and
    - **(2)** The testing laboratory adheres to any mandates or limitations for re-testing, as provided by the division.
    - **(3)** In accordance with rule 1301:18-9-01 of the Administrative Code, the division may conduct an inspection at the licensed premises of the testing laboratory pursuant to a written request to re-test cannabis.

OAC 1301:18-7-11 Testing Laboratory Prohibited Activities

- In addition to the prohibitions outlined under rule 1301:18-9-03 of the Administrative Code, each testing laboratory shall establish, maintain, and comply with written policies and procedures to ensure it does not violate any provision of this rule.
- **(A)** Each testing laboratory shall not maintain a direct or indirect financial interest with 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.
- **(B)** Each testing laboratory shall not maintain 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 as an officer, board member, administrator, employee, agent, or other person who may control the activities of a testing laboratory.
- **(C)** Each testing laboratory shall not share its licensed premises with a cultivator, processor, or dispensary licensed under Chapter 3796. of the Revised Code.

- **(D)** Each testing laboratory shall not falsify, change, modify, or otherwise alter in any way the results of quantitative or other analyses performed on cannabis samples or the corresponding certificates of analysis.
- **(E)** Each testing laboratory shall not maintain or transport cannabis in quantities greater than that which is necessary to perform required testing analysis.
- **(F)** Each testing laboratory shall not perform analyses on any cannabis that has not been obtained from a cultivator or processor licensed under Chapter 3796. of the Revised Code.
- **(G)** Each testing laboratory shall not certify, endorse, advertise, or make any claims on behalf of any cultivator, processor, dispensary, brand, or strain of cannabis, or brand or type of cannabis product.
- **(H)** Each testing laboratory shall not publish or release 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.
- **(I)** Offer a different fee schedule, refund, rebate, waiver of payment, or return of payment in the form of alternate compensation in the event of failing or otherwise undesirable test results.

Dispensary Rules

OAC 1301:18-8-13 Dispensary Prohibited Activities

- **(A)** In addition to the prohibitions outlined under rule 1301:18-9-03 of the Administrative Code, each dispensary shall establish, maintain, and comply with written policies and procedures to ensure it does not violate any provision of this rule.
- **(B)** Each dispensary shall not sell, transfer, or distribute cannabis to a person under the age of twenty-one years old, or eighteen years old for registered patients.
- **(C)** Each dispensary shall not allow a recommending physician to conduct a physical examination or follow up care on or at the dispensary's licensed premises.
- **(D)** Each dispensary, and all affiliated owners, officers, board members, employees, agents, and controllers of the licensee, shall not misuse or gain unauthorized access to the Ohio automated RX reporting system (OARRS), Ohio prescription drug monitoring program (PDMP) or Ohio's patient and caregiver registry.
- **(E)** Each dispensary shall not allow intoxicating liquor, wine, or beer as defined in section 4301.01 of the Revised Code onto, or the consumption thereof at, the licensed premises.
- **(F)** In accordance with section 3796.10 of the Revised Code, the licensed premises of each dispensary facility shall not maintain a permit under Chapter 4303 of the Revised Code to sell beer, wine, or intoxicating liquor, as defined by section 4301.01 of the Revised Code.
- **(G)** Each dispensary shall not dispense expired, damaged, deteriorated, misbranded, mislabeled, adulterated, or opened cannabis.
- **(H)** Except as expressly permitted by Chapter 3796. of the Revised Code or division 1301:18 of the Administrative Code, each dispensary shall not possess or dispense potentially hazardous foods, as defined by section 3715.01 of the Revised Code, at the licensed premises.
- **(I)** Each dispensary shall not maintain, possess, transfer, sell, or dispense any cannabis requiring refrigeration or hot-holding.

- **(J)** No person at a dispensary shall provide cannabis samples or engage in compounding as defined under section 4729.01 of the Revised Code.

Enforcement Rules

OAC 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) Contact Information.**
  - **(1)** Each licensee shall ensure that all owners, officers, board members, employees, agents, and any person that controls the licensee, provides in a manner prescribed by the division accurate contact information, including mailing addresses, electronic mail addresses, and telephone is valid and capable of receiving correspondence and communication from the division.
  - **(2)** Each licensee shall provide written notification in a manner prescribed by the division within **ten business days** of any amendments, modifications, or updates to the information outlined under paragraph (B)(1) of this rule.
- **(C) Duty to Report.**
  - **(1) Within twenty-four hours of discovery**, each licensee shall provide written notification in a manner prescribed by the division of either 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 rule 1301:18-1-01 of the Administrative Code; or
    - **(b)** The licensee violated any requirement outlined under Chapter 3796 of the Revised Code or division 1301:18 of the Administrative Code.
  - **(2)** In the event any of the following occurs at or on the licensed premises, each licensee shall adhere to the procedure outlined in paragraph (C)(3) of this rule:
    - **(a)** The sale, transfer, or distribution in any manner, of cannabis to any unauthorized person occurred at the licensed premises;
    - **(b)** Any incident of theft, loss, or diversion occurred at the licensed premises;
    - **(c)** Any fire or other hazardous materials related incident or any incident requiring an emergency response to the licensed premises;
    - **(d)** An alarm activation or other event that requires response by public safety personnel occurs;
    - **(e)** A breach of security;
    - **(f)** Any unauthorized access occurs at the licensed premises; or
    - **(g)** The failure of the security alarm or video surveillance system occurs due to a loss of electrical support or mechanical malfunction.
  - **(3)** In the event any incident outlined under paragraph (C)(2) of this rule occurs at or on the licensed premises, each licensee shall adhere to the following procedure:
    - **(a)** A designated responsible party **shall immediately:**
      - **(i)** Report the incident to local law enforcement; and
      - **(ii)** Ensure all the records at the licensed premises and any potential evidence, including video surveillance footage, will be maintained,

preserved, sealed, and not destroyed until a full investigation is conducted by the division or local law enforcement.

- **(b) Within twenty-four hours of discovery,** a designated responsible party shall provide a written incident report in a manner prescribed by the division outlining the following:
  - **(i)** A signed statement that details the estimated time, location, and circumstances of the event; and
  - **(ii)** If applicable, an accurate inventory of the quantity and type of cannabis unaccounted for at the licensed premises.
- **(c)** Within **ten business days** of written notification to the division under paragraph (C)(3)(b) of this rule, the licensee shall:
  - **(i)** Review and secure video surveillance footage during the time of the event;
  - **(ii)** Conduct an internal investigation to determine the cause of the event;
  - **(iii)** Conduct an audit of the actual inventory maintained at the licensed premises with the inventory reflected in the state inventory tracking system;
  - **(iv)** Submit a written report in a manner prescribed by the division outlining all of the following information:
    - **(A)** The names and employee badge certificate 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)** The specific measures the licensee shall take to:
      - **(1)** Adequately address any issues resulting from the event to ensure the licensee is in compliance with Chapter 3796 of the Revised Code and division 1301:18 of the Administrative Code; and
      - **(2)** Prevent similar future events; and
    - **(D)** The licensee's updated standard operating procedures to prevent similar future events.

- **(4) Adverse Events.** Within **ten business days** of receipt, each licensee shall notify in a manner prescribed by the division of a complaint received alleging the cannabis cultivated, processed, tested, or dispensed at the licensed premises, directly caused a negative health or adverse event resulting in serious bodily harm to the complainant.
- **(5) Pending Investigations or Actions.** 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, agent of licensee, or any person that controls the 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.
  - **(b)** The licensee, or any person who is an owner, officer, board member, employee or agent of licensee, or any person that controls the 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 **ten business 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.

OAC 1301:18-9-03: General Prohibited Activities

- Any of the following shall be considered threats to the public health, welfare, or safety and shall be sufficient cause for a provisional license or certificate of operation of a cultivator, processor, testing laboratory, or dispensary, or any provisional employee badge or employee badge certificate any owner, officer, board member, employee, agent, or controller of a licensee, or any combination thereof, to be denied, suspended with or without a hearing, revoked, fined, have conditions placed upon such license or registration, or subject the person to any other action authorized pursuant to Chapter 3796. of the Revised Code or the rules promulgated thereunder, or any combination of such actions necessary to ensure the Ohio division of cannabis control's administration, implementation, and enforcement of Chapter 3796. of the Revised Code and the rules promulgated thereunder:
  - **()** Except as permitted under Chapter 1301:18-10 of the Administrative Code, the sale, transfer, or distribution of cannabis to a patient under the age of eighteen years old, or any person under the age of twenty-one years old;
  - **()** Selling, distributing, or transferring in any manner cannabis to any person not authorized under Chapter 3796. of the Revised Code;
  - **()** Providing, receiving, or transferring any cannabis for free, or gifting cannabis, to any person at or on the licensed premises;
  - **()** Smoking, combusting, vaporizing, consuming, or administrating, cannabis in any form on or at the licensed premises;
  - **()** Transferring or diverting cannabis across state lines in a manner prohibited by either state;
  - **()** Trafficking of illegal drugs or illegal activities occurred on or at the licensed premises;
  - **()** Any criminal activity occurs at or on the licensed premises, as prohibited by Chapter 29 of the Revised Code;
  - **()** Illegal or unauthorized possession or use of a firearm on or at the licensed premises;
  - **()** Driving while drugged or otherwise intoxicated at or on the licensed premises or within the scope an individual's employment, including any owners, officers, board members, employees, agents, or controllers of the licensee;
  - **()** Drug or alcohol abuse at or on the licensed premises or within the scope an individual's employment, including any owners, officers, board members, employees, agents, or controllers of the licensee;
  - **()** Acceptance of cannabis in a manner not authorized by the division;
  - **()** Revenue from the sale of cannabis has gone to criminal enterprises, including any corrupt activity, as provided under the Ohio Revised Code;

- **()** Discriminating in price between different licensees that are purchasing a like grade, strain, brand, quality, and quantity of cannabis. 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 cannabis is sold or delivered;
- **()** Offering a different fee schedule, refund, rebate, waiver of payment, or return of payment in the form of alternate compensation in the event of failing or otherwise undesirable test results;
- **()** Exchange, or offer to exchange, **anything of value** with another licensee, or any owner, officer, board member, employee, agent, representative, or controller of the licensee, directly or indirectly, in an effort to induce or reward their business or referral of business;
- **()** Provide, or offer to provide, any licensee or its owners, officers, board members, employees, agents, or controllers of the licensee rebates, discounts, or other incentives, monetary or otherwise, to transfer, purchase, or sell cannabis from the particular person or licensed entity;
- **()** Aiding, assisting, or conspiring with, another person in violating any provision of Chapter 3796. of the Revised Code or the rules promulgated in accordance with Chapter 3796. of the Revised Code;
- **()** Permitting another person to use the licensee's license;
- **()** Failure to comply with all mandates outlined under Chapter 3796. of the Revised Code and the rules promulgated thereunder;
- **()** In accordance with rule 1301:18-9-02 of the Administrative Code, failure to immediately notify the division of any violation of any requirement outlined under Chapter 3796. of the Revised Code, or division 1301:18 of the Administrative Code;
- **()** Possessing, maintaining, cultivating, manufacturing, producing, processing, packaging, labeling, advertising, transporting, testing, distributing, transferring, or selling cannabis in violation of Chapter 3796. of the Revised Code or the rules promulgated in accordance with Chapter 3796. of the Revised Code;
- **() Cooperation with the Ohio Division of Cannabis Control.**
  - **()** Failure to cooperate or give information, including documents or records, to the division, law enforcement authorities or any other enforcement agency or government entity upon any matter arising out of conduct at or on the licensed premises of any cultivator, processor, testing laboratory, or dispensary;
  - **()** Interference with any ongoing inspection or investigation conducted by the Ohio division of cannabis control, applicable law enforcement agency, or other state agency with appropriate jurisdiction.
  - () Unless required by division 1301:18 of the Administrative Code, tampering with, destroying, or disposing of any evidence of non-compliance with any requirement under Chapter 3796 of the Revised Code or the rules promulgated in accordance with Chapter 3796 of the Revised Code.
  - () Failure to properly adhere to any notification requirement outlined under division 1301:18 of the Administrative Code;
  - **()** Failure to comply with, adhere to, or fully address any deficiencies or required remediations, as provided by the division;

- **()** Failure to respond to a written request for information by the division within ten business days, unless otherwise stated;
- **()** Failure to comply with an administrative hold, as provided by the division;
- **()** Failure to comply with any recall or product alert, as provided by the division;
- **()** Failure to abide by any guidance, directive, standard, or mandate by the division;
- **()** Failure to comply with a subpoena issued by the division;
- **()** Failure to abide by any order of the division;
- **()** A finding by the division that a licensee, after having the license suspended or subject to mandatory corrections under any rules promulgated in accordance with Chapter 3796. of the Revised Code, has violated the terms of the suspension or failed to perform the mandatory corrections;

- **() 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 or any owner, officer, board members, employee, agent, or controller of 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;
  - **(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 ten business days of any adverse final action taken against a licensee in any state or any territory of the United States or any foreign jurisdiction, any governmental agency, any law enforcement agency or any court, as required by rule 1301:18-9-03 of the Administrative Code;
  - **(e)** Division of remuneration derived, directly or indirectly, from the cultivation, processing, testing, dispensing, purchase or sale of cannabis 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;
- **() Licensing.**
  - **(a)** Failure to notify the division in writing of a change of any of the following for any person affiliated with a licensee, as required by rule 1301:18-9-03 of the Administrative Code:
    - **(i)** 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 or request submitted to the division;

- **() Compliance.**
  - **()** 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 Chapter 3796. of the Revised Code;
  - **()** Failure to maintain effective controls and security measures designed to ensure compliance with the law or protect the licensed premises, facility, patients, caregivers, consumers, employees, and cannabis;
  - **()** Knowing material misstatements or omissions in the state inventory tracking system, where, in the exercise of reasonable diligence, the person should have obtained such knowledge prior to the misstatement or omission;
  - **()** Failure to properly tag all cannabis in the state inventory tracking system;
  - **()** 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;
  - **()** 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;
  - **()** Cultivating, manufacturing, processing, testing, selling, or distributing cannabis outside the appropriate designated area(s) at the licensed premises;
  - **()** Knowingly or intentionally altering, obliterating, or otherwise destroying any cannabis container, package intended for direct customer sale, or label attached to a container or package;
  - **()** 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;
  - **()** 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;
  - **()** Failure to keep accurate records in accordance with any rules promulgated in accordance with Chapter 3796. of the Revised Code;
  - **()** Disclosure of patient, caregiver, or customer names, personal information or protected health information in violation of these rules or any state or federal law;

- **()** Discontinuance of business for more than ninety business days, unless the division approves an expansion of such period for good cause shown, upon a written request;

- **() Misc.**
  - **()** Operating in a manner inconsistent with public health, safety, and welfare standards;
  - **()** A fraudulent or deceptive practice, transaction, representation, or omission to the public, law enforcement or a representative of the division, regardless of whether anyone relied on such practice, transaction, representation, or omission;
  - **()** Operational failures that endanger public health or safety, violate any requirement outlined under Chapter 3796 of the Revised Code or division 1301:18 of the Administrative Code, or a deviation from standard operating procedures; or
  - **()** Failure to maintain a good business repute.

Appendix A
Test Sample Increments for all State-Required Testing

OAC 1301:18-4-13(D) and (E): Sample increments for bulk dried cannabis plant material

- Prior to submission to a technology solution for required microbial contaminant testing
- Prior to any transfer, sale, or distribution for further production, manufacture, or extraction

Batch weight (lbs)	Batch weight (g)	Test sample size (g)	# of sample increments
≤10lbs	≤4,536g	15	5
>10lbs – 15lbs	>4,536g – 6,803g	21-36	7
>15lbs – 20lbs	>6,804g – 9,072g	36-48	12
>20lbs – 25lbs	>9,072g – 11,340g	48-57	16
>25lbs – 30lbs	>11,340g – 13,608g	57-69	19
>30lbs – 35lbs	>13,608g – 15,876g	69-78	23
>35lbs – 40lbs	>15,876g – 18,144g	78-90	26
>40lbs – 45lbs	>18,144g – 20,412g	90-102	30
>45lbs – 50lbs	>20,412g – 22,680g	102-114	34

OAC 1301:18-4-13: Sample increments for fresh frozen cannabis plant material

- Prior to transfer, sale or distribution for further extraction

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

OAC 1301:18-4-13 Bulk cannabis distillate and bulk extract

- For further production or manufacture into edibles or beverages
- For further production or manufacture into any final form cannabis product
- OAC 1301:18-4-11 Includes bulk distillate/extract created post remediation

Batch weight (lbs)	Batch weight (g)	Test sample size (g)	# of sample increments
≤10lbs	≤4,536g	15	5
>10lbs – 15lbs	>4,536g – 6,803g	21-36	7
>15lbs – 20lbs	>6,804g – 9,072g	36-48	12
>20lbs – 25lbs	>9,072g – 11,340g	48-57	16
>25lbs – 30lbs	>11,340g – 13,608g	57-69	19
>30lbs – 35lbs	>13,608g – 15,876g	69-78	23
>35lbs – 40lbs	>15,876g – 18,144g	78-90	26
>40lbs – 45lbs	>18,144g – 20,412g	90-102	30
>45lbs – 50lbs	>20,412g – 22,680g	102-114	34

OAC 1301:18-4-14: Final form plant material for direct customer sale

Batch weight (lbs)	Batch weight (g)	Test sample size (g)	# of sample increments
≤13lbs	≤5,896g	30g	10
>13lbs-15	>5,896g-6,804g	30g-36g	11
>15-18	>6,804g – 8,165g	36g-39g	12
>18-21	>8,165g – 9,525g	39g-48g	15
>21-25	>9,525g -11,340g	48g-57g	17

OAC 1301:18-4-14: Final form combination inhalable products

Batch weight (lbs)	Batch weight (g)	Test sample size (g)	# of sample increments
≤13lbs	≤5,896g	30g	10
>13lbs-15	>5,896g-6,804g	30g-36g	11
>15-18	>6,804g – 8,165g	36g-39g	12
>18-21	>8,165g – 9,525g	39g-48g	15
>21-25	>9,525g -11,340g	48g-57g	17

OAC 1301:18-4-14 Final form cannabis-infused edibles

Number of production units	# production units
≤ 500	3 or 15grams, whichever is larger
501 – 2,000	6
2,001 – 4,000	10
4,001 – 6,000	15
6,001 – 8,000	20
8,001- 10,000	25

OAC 1301:18-4-14 Final form cannabis-infused beverages

Number of production units	# production units
≤ 500	3 or 15grams, whichever is larger
501 – 2,000	6
2,001 – 4,000	10
4,001 – 6,000	15
6,001 – 8,000	20
8,001- 10,000	25

OAC 1301:18-4-14 Final form vaporization solution

Lot weight (lbs)	Lot weight (g)	Test sample size (g)	Minimum # of sample increments
≤6.5lbs	≤ 2,948g	15g	15
>6.5lbs – 10lbs	> 2,948g – 4,536g	15g-23g	15-23
>10-20	> 4,536g – 9,072g	23g-45g	23-45
>20-40	> 9,072g - 18,144g	45g-90g	45-90
>40-60	> 18,144g - 27,251g	90g-135g	90-135
>60-80	> 27,251g - 36,287g	135g-181g	135-181
>80-100	> 36,287g - 45,359g	181-226g	181-226
>100-132lbs	> 45,359g - 60,000g	226g-300g	226-300

OAC 1301:18-4-14: Final form cannabis concentrates

Lot weight (lbs)	Lot weight (g)	Test sample size (g)	# sample increments
≤6.5lbs	≤ 2,948g	15g	15
>6.5lbs – 10lbs	> 2,948g – 4,536g	15g-23g	15-23

OAC 1301:18-4-14 Final form topical sprays, topicals salves, lotions, or other similar cannabis-infused cosmetic products

Lot weight (lbs)	Lot weight (g)	Test sample size (g)	Minimum # of sample increments
≤6.5lbs	≤ 2,948g	15g	3
>6.5lbs – 10lbs	> 2,948g – 4,536g	15g-23g	4
>10-20	> 4,536g – 9,072g	23g-45g	7
>20-40	> 9,072g - 18,144g	45g-90g	10
>40-60	> 18,144g - 27,251g	90g-135g	20
>60-80	> 27,251g - 36,287g	135g-181g	30
>80-100	> 36,287g - 45,359g	181g-226g	40
>100-120lbs	> 45,359g – 54,431g	226g-272g	50
>120-140lbs	> 54,431g – 63,502g	272g-318g	60
>140-160lbs	> 63,502g – 72,575g	318g-363g	70
>160- 187lbs	> 72,575g - 85,000g	363g-425g	80

OAC 1301:18-4-14 Final form oral sprays

Number of production units in final form lot	# production units
≤ 500	3 or 15grams, whichever is larger
501 – 2,000	6
2,001 – 4,000	10
4,001 – 6,000	15
6,001 – 8,000	20
8,001- 10,000	25

OAC 1301:18-4-14 Final form tinctures

Number of production units in final form lot	# production units
≤500	3 or 15grams, whichever is larger
501 – 2,000	6
2,001 – 4,000	10
4,001 – 6,000	15
6,001 – 8,000	20
8,001- 10,000	25

OAC 1301:18-4-14: All other final form cannabis products

- Patches
- Suppositories
- Inhalers
- Lozenges
- Pills
- Oral pouches
- Oral strips

Number of production units in final form lot	# production units
≤500	3 or 15grams, whichever is larger
501 – 2,000	6
2,001 – 4,000	10
4,001 – 6,000	15
6,001 – 8,000	20
8,001- 10,000	25

OAC 1301:18-4-23: Final form single serving units – raw

- For each lot with a net weight of cannabis which is less than thirteen (13) pounds, the minimum allowable test sample size shall be thirty (30) grams;
    - **The number of sample increments collected must ultimately meet or exceed the minimum test sample size of 30g for any lot with a net weight that is 13 pounds or less.**
- For each lot with a net weight of cannabis of more than thirteen (13) pounds, the minimum allowable test sample size shall be 0.5% of the net weight of the lot, or thirty (30) grams, whichever is **larger.**
    - **The number of sample increments collected must ultimately meet or exceed the minimum test sample size of 0.5% for any lot with a net weight in excess of 13 pounds.**
- Each test sample increment **shall consist only of whole units, rounding up to the next whole unit**

Lot weight (lbs)	Lot weight (g)	Test sample size (g)	Minimum # of sample increments
≤ 13lbs	≤ 5,896g	30g	30
>13-20	> 5,896g – 9,072g	30g-45g	30-45
>20-40	> 9,072g - 18,144g	45g-90g	45-90
>40-60	> 18,144g - 27,251g	90g-135g	90-135
>60-80	> 27,251g - 36,287g	135g-181g	135-181
>80-100	> 36,287g - 45,359g	181-226g	181-226
>100-110lbs	> 45,359g - 50,000g	226g-250g	226-250

OAC 1301:18-4-23: Final form single serving units – infused

- For each lot with a net weight of cannabis which is less than thirteen (13) pounds, the minimum allowable test sample size shall be thirty (30) grams;
    - **The number of sample increments collected must ultimately meet or exceed the minimum test sample size of 30g for any lot with a net weight that is 13 pounds or less.**
- For each lot with a net weight of cannabis of more than thirteen (13) pounds, the minimum allowable test sample size shall be 0.5% of the net weight of the lot, or thirty (30) grams, whichever is **larger.**
    - **The number of sample increments collected must ultimately meet or exceed the minimum test sample size of 0.5% for any lot with a net weight in excess of 13 pounds.**
- Each test sample increment **shall consist only of whole units, rounding up to the next whole unit**

Lot weight (lbs)	Lot weight (g)	Test sample size (g)	Minimum # of sample increments
≤ 13lbs	≤ 5,896g	30g	30
>13-20	> 5,896g – 9,072g	30g-45g	30-45
>20-40	> 9,072g - 18,144g	45g-90g	45-90
>40-60	> 18,144g - 27,251g	90g-135g	90-135
>60-66	> 27,251g - 30,000g	135g-150g	135-150