



STATE OF  
**OHIO**  
BOARD OF PHARMACY



# Ohio Medical Marijuana Control Program Dispensary Drive-Through Guidance Document

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## **I. Document Purpose, Audience and Topics Covered**

### **A. Document Purpose**

This guidance document is designed to provide information to dispensaries licensed in accordance with Chapter 3796. of the Revised Code and Chapter 3796. of the Administrative Code related to the implementation of drive through services, including security requirements.

### **B. Intended Audience**

The Board has determined the use of a drive-through at a licensed dispensary presents special security issues requiring additional safeguards. Ohio Adm.Code 3796:6-3-16(H). Accordingly, this guidance is intended to inform licensed dispensaries of the additional safeguard requirements for the use of drive-through services.

### **C. Topics Covered**

The topics covered in this guidance document include:

- Relevant legal authority related to security, monitoring, and surveillance requirements for the use of drive-through services
- Drive-through submission requirements and restrictions
- How to submit required documentation

## **II. Applicable Rules and Definitions**

### **A. Relevant Legal Authority**

Ohio Adm.Code 3796:6-3-16 requires licensed dispensaries to implement security measures to protect the premises, patients, caregivers, and employees. Dispensaries are required to develop "sufficient additional safeguards in response to any special security concerns, or as required by the state board of pharmacy." Ohio Adm.Code 3796:6-3-16(B)(16). Additionally, if dispensary premises present "special security issues," such as "unusual vulnerability to diversion, theft or loss," the Board may require additional safeguards.

The Board has determined the use of a drive-through at a licensed dispensary presents special security issues requiring additional safeguards. Ohio Adm.Code 3796:6-3-16(H). Accordingly, this guidance is intended to inform licensed dispensaries of the additional safeguard requirements for the use of drive-through services.

### **B. Definitions**

**Drive-Through:** A drive-through is a delivery method by which a patient or caregiver directly receives an order for medical marijuana from a licensed dispensary by utilizing a motor vehicle as defined in Chapter 4501. of the Revised Code.

**UL-Rated:** UL stands for Underwriter Laboratories, a third-party certification company that sets industry-wide safety standards on new products.

## **III. Drive-Through Requirements and Restrictions**

A dispensary that seeks to construct a drive-through or alters an existing drive-through system for the dispensing medical marijuana must submit the site plan and security plan to the Board for review and approval before such construction or modification may occur. The plans shall meet the following:

### **Drive-Through Requirements:**

- Weather-resistant, UL 752 Level 3 Rating bullet resistant glass.
- Weather-resistant, UL Level 3 Rating transaction drawer.
- Walls of the drive-through must be constructed of brick or utilize a UL Level 3 Rating bullet-resistant drywall system.
- Bollard poles, which must be constructed to (1) prevent damage to the dispensary building by drive-through vehicles and (2) to prevent an individual located outside the vehicle from accessing medical



marijuana being dispensed through a drive-through window.

- Electronic "Lane Open" and "Lane Closed" signage.
- Canopy or other awning to provide protection of drive-through vehicles and the occupants from inclement weather (e.g., rain, sleet, snow, ice, etc.).
- Two-way intercom or equivalent communications system.
- Video cameras recording the drive-through point-of-sale location allowing for the identification of the dispensary employee dispensing the medical marijuana and any patient or caregiver purchasing the medical marijuana. The camera or cameras shall capture the sale, the individuals and the computer monitors used for the sale.
- Video cameras covering all areas encompassing a drive-through. The drive-through area shall be well-lit to allow for the identification of any person located in the surveillance area and the rear license plate of any vehicle utilizing the drive-through. Such surveillance shall be sufficient to distinctly view the entire area under surveillance.
- Separate duress alarm, panic alarm, and holdup alarm.
- The dispensary, including a drive-through, shall otherwise comply with all MMCP regulations, including monitoring, surveillance, and security requirements set forth in rule 3796:6-3-16 of the Administrative Code and dispensing requirements set forth in rule 3796:6-3-08 of the Administrative Code.
- The drive-through shall be designed to prevent medical marijuana or ancillary devices from being visible from the exterior of the dispensary and shall prevent the vault from being visible to the public. The interior of the dispensary shall not be visible from the exterior of the dispensary, through the drive-through, at any time the drive-through is not in operations.
- The drive-through shall comply with any local zoning and/or building codes.
- The drive-through shall display a placard attached to the exterior of the dispensary building and have the following two statements: "Edible medical marijuana products were produced in a kitchen, not subject to public health inspections, that may also process common food allergens." and "Patients or caregivers with questions or concerns with medical marijuana-related inquiries or to report adverse reactions may contact the State of Ohio Board of Pharmacy's toll-free telephone line: 1-833-4OH-MMCP (1833-464-6627)." Such placard shall be no smaller than eighteen inches tall by twelve inches wide, be clearly visible, unobstructed, readable to customers and written in English. Additional languages may be added as needed.

#### Drive-Through Restrictions:

- A dispensary may implement a single-lane drive-through only.
- The use of vacuum tubes, or their equivalent, is prohibited.
- Walk-up services are prohibited.
- Dispensary drive-throughs may only be used for the dispensation of medical marijuana and any ancillary device(s) related to the medical marijuana purchase.
- No external menus may be used for drive-through transactions.
- All orders must be placed in advance using an approved online/telephone process or placed at the drive-through window in a face-to-face interaction with a dispensary employee.

#### **IV. Submission Process**

- Submit required documentation, including a product specification sheet ("spec sheet") to [mmcp@pharmacy.ohio.gov](mailto:mmcp@pharmacy.ohio.gov) and the dispensary's assigned board agent, with the following

subject line:

**[Applicant] – [Provisional Dispensary License Number MMD.#####] – Dispensary Drive-Through Plans.**

#### **Example:**

**Dispensary, Inc. – MMD.012345 – Dispensary Drive-Through Plans**

- Any questions related to a drive-through submission should be directed to the dispensary's assigned board agent.