



Dispensary Licensee Newsletter - August 2020

IMPORTANT UPDATES

Cachexia Update

Physicians can now issue recommendations with cachexia designated as the patient's qualifying condition. Cachexia, also known as wasting syndrome, is a condition that causes extreme weight and muscle loss and is often associated with other severe and chronic illnesses. The announcement from the State Medical Board of Ohio can be found [here](#).

Photo Identification Expansion

In June, the Board authorized physicians to accept additional forms of identification in lieu of a driver's license or other identification issued by the Ohio Bureau of Motor Vehicles to prove Ohio residency. The Board has prepared [this guidance](#) to assist physicians with registering individuals using additional forms of identification. As a reminder, patients and caregivers must present the same identification used to register when making a purchase at a dispensary.

LICENSING

Employee Badges

On June 9, 2020, the State of Ohio Board of Pharmacy adopted the following resolution regarding Employee Identification Cards – a copy of the full resolution can be found [here](#) – that waives the requirements of rules 3796:6-2-09(G) and 3796:6-3-01(J) of the Ohio Administrative Code. This resolution is effective upon the renewal of the dispensary employee's license currently set to expire December 4, 2020 and for any new employee and any replacement for a current employee identification card on or after June 9, 2020.

Badge Template Approval

Dispensaries must submit their badge template to the Board for approval – a PDF template should be submitted to the [Compliance Upload Portal](#) – selecting 'Badge Template Approval' from the drop-down menu.

During this transition and the template approval process, if the dispensary needs the Board to assist in printing employee badges, please e-mail Hope Mischka (hope.mischka@pharmacy.ohio.gov) and include the following:

- Employee Name
- Employee License Number
- Dispensary name

August Resolutions

On August 3, 2020, the Board passed the following Resolutions:

(1) Authorization of medical marijuana dispensary employees to work at multiple dispensaries.

Pursuant to rule 3796:6-2-09 (B) of the Administrative Code, a licensed medical marijuana dispensary employee is authorized to work at any dispensary that was issued a certificate of operation by the Board and is under common ownership and control by submitting a Request to Work at More than One Dispensary Form.

An employee seeking to change employment to a dispensary that is not under common ownership and control must submit a Change of Employment Request Form and will be charged the respective employee application fee pursuant to rule 3796:6-5-01 of the Administrative Code.

In addition to the authorization granted in rule 3796:6-2-09 (B) of the Administrative Code, the Board hereby authorizes a licensed dispensary employee to work at a dispensary in which the employee was already employed, that is issued a new certificate of operation following a change of ownership. The employee is not required to submit a Change of Employment Request Form or pay an application fee.

(2) Medical Marijuana Dispensary Employee Renewal

The State of Ohio Board of Pharmacy (Board) hereby waives the requirements in paragraphs (M) and (N) of rule 3796:6-2-07 and paragraph (K) of rule 3796:6-2-08 of the Administrative Code and hereby adopts the following resolution:

A renewal application for an associated key employee, key employee, or support employee license shall be submitted no later than the expiration date listed on the employee's biennial license. Renewal applications shall be accepted no earlier than ninety days prior to the expiration date on a date determined by the Board's director of licensing.

Change of Designated Representative

The proper way to submit a change in DR is through eLicense using the form found on the MMCP website, titled "Dispensary Change of Designated Representative." A DR change should not come through the portal via a Temporary Authority Form.

COMPLIANCE

Monitoring, Surveillance and Security Requirements

As a reminder, dispensaries are required to maintain security policies and procedures. A list of what shall be maintained (not limited to) is within O.A.C. 3796:6-3-16. Below is an example of some of the procedures:

- Keep all locks and security equipment in good working order and operational at all times. All security equipment must be inspected and tested at regular intervals, not to exceed thirty calendar days from the previous inspection and test to ensure the systems remain functional. A dispensary must maintain a log documenting such inspections and tests;
- Keep all safes, vaults and any other equipment or medical marijuana storage areas securely locked and protected;
- Prohibit keys, if applicable, from being left in locks or stored or placed in a location accessible to persons other than specifically authorized personnel;
- Prohibit accessibility of security measures, including combination numbers, passwords or electronic or biometric security systems to persons other than persons specifically authorized in accordance with this division.

DISPENSARY OPERATIONS

Vaporizer Device Guidance Update

The May newsletter included guidance regarding vaporizing devices that require cartridges to include the following instructions, "(1) that the device shall not be modified by the purchaser or used with batteries not specifically intended for that device rendering it unable to meter the doses, and (2) that modifying or using this device in a manner not designed or intended may result in grounds for discipline." In response to feedback from patients, the board has determined the following instructions would be sufficient, "(1) that the device shall not be modified by the purchaser or used with batteries not specifically intended for that device rendering it unable to meter the doses, and (2) that modifying or using this device in a manner not designed or intended **is inconsistent with**

program rules.”

Here are the full details on the guidance regarding vaporizing devices:

Due to recent inquires related to vaporizing devices the Board wanted to share the following guidance:

Oils for vaporization that are sold in a vaporizing device (e.g. vaporizing pen or cartridge) must be capable of meter dosing the product. If the device does not include this functionality, then the medical marijuana product will need to be sold pre-dosed (e.g. syringe, scoop, etc.).

The Board has determined that a battery timing shut off mechanism is sufficient to meet this requirement. If the product is dosed by the timing shut off mechanism from the battery, the battery is required to be sold with the cartridge. Processors are permitted to sell multiple cartridges if they are sold with a battery.

A cartridge would be permitted to be sold without a battery if the processor provides confirmation that the cartridge is unique to a certain battery and not compatible with other batteries. (There are some processors that have approved products that do not require the battery to be sold with the cartridge for this reason.)

The approval of a vaporizing device is based upon the information included in the submission, which includes the product’s intended use. Devices must include language in the instructions stating: (1) that the device shall not be modified by the purchaser or used with batteries not specifically intended for that device rendering it unable to meter the doses, and (2) that modifying or using this device in a manner not designed or intended **is inconsistent with program rules.**