



Dispensary Licensee Newsletter - July 2021

IMPORTANT UPDATES

Adverse Events

All adverse events should be reported to the Board of Pharmacy via the Medical Marijuana Control Program Toll-Free Helpline at 1-833-464-6627. If a patient is unable to report the event themselves, and does not have a caregiver or family member to report the event, a dispensary's designated representative may report the adverse event on the patient's behalf.

Helpline

The Medical Marijuana Control Program Toll-Free Helpline serves as a resource to answer general program questions and record adverse event reports. The Helpline staff **DOES NOT** have direct access to patient information contained in the Registry. If a patient is seeking assistance regarding a specific issue with their Registry profile or payment, the patient should email the Board directly at MMCPRegistry@pharmacy.ohio.gov.

Registering as Registrant & Dispenser

Dispensary employees who are also a patient or caregiver in the Medical Marijuana Control Program CANNOT use the same email address to register for both a registrant and dispenser account in the Registry. Using the same email address for both accounts will prevent the individual from gaining access to their patient/caregiver profile. Separate email addresses must be used when registering a new account.

Turning Patients Away

If a patient is turned away from a dispensary and unable to make a purchase, dispensary staff shall provide the patient with a specific reason as to why they are being turned away. For example, if a patient is turned away due to an expired recommendation, the employee should explain the situation to the patient and encourage them to contact their physician.

LICENSING

Term of Dispensary Employee Licenses

In June, the Board passed a resolution to permanently change the expiration dates and renewal cycle for all Medical Marijuana Dispensary Employee Licenses to July 1st of odd-numbered years. Currently, all renewed employee licenses reflect an expiration date of December 4, 2022. These expiration dates will be updated soon and will reflect a new expiration date of July 1, 2023. Licensees will receive additional communication when the dates are changed. Any new license issued after July 1st will receive an expiration date of July 1, 2023.

Key & Support Employee Reinstatement

Any dispensary key or support employee who failed to renew their license before the deadline earlier this month must apply for a reinstatement if they would like to continue working at a dispensary.

COMPLIANCE

Third-Party Applications

The Board has been made aware of dispensaries utilizing third-party applications to share discounts with patients and/or enter patients into a loyalty program provided by the third-party vendor. As a reminder, pursuant to [OAC 3796:6-3-22](#):

No dispensary shall offer coupons except in the case of coupons intended to benefit patients registered as indigent or as a veteran.

The Board has approved third-party vendors to link with a dispensary's point of sale to provide notification of when product is available for pick up. These vendors have signed an agreement to not collect, utilize or maintain pertinent patient information and to protect the confidentiality of the patient. It is the responsibility of each dispensary to ensure the third-party vendor they choose to do business with has been approved by the Board and meets all the necessary requirements set forth by the Board. It is also the dispensary's responsibility to deactivate any features within the third-party vendor's software that may request information from a patient that is prohibited. As per [OAC 3796:6-3-17 \(B\)\(1\)](#):

(B) Any dispensary that uses an electronic system for the storage and retrieval of patient information or other medical marijuana records, shall use a system that:

(1) Guarantees the confidentiality of the information contained within.

Denial of Sales Reports

Dispensaries are required to maintain records of denials of sales, which shall contain what is listed below. This same information must be made available upon request of an agent. Please ensure you are maintaining all records pursuant to applicable rules, such as [OAC 3796:6-3-20](#):

(C)(3) Records of the sale or dispensing of medical marijuana and denials of such sales, which shall contain:

(a) A description of the products including the quantity, strain, variety and batch number of each product dispensed;

(b) The name and license number of the licensed dispensary employee selling, dispensing, or denying the sale or dispensing of the medical marijuana;

(c) The date of dispensing; and

(d) The name and registration number of the patient and, if applicable, the caregiver.

DISPENSARY OPERATIONS

SpringBig Texting Platform

SpringBig has been determined to be compliant as a texting platform, but not as a rewards tracking program. Be sure to only use the platform for texting patients. The content of the text messages is still required to be submitted to the advertising portal. Also, SpringBig has not been approved as an online sales platform like I Heart Jane.

Product Names

The names of products on dispensary menus are to be reflect the name of the product as it was Approved for Product ID Assignment. References to prohibited terms are not permitted on product menus.

Product names are not permitted to have references that are considered attractive toward children. Pursuant to [ORC 3796.06\(C\)](#) and [OAC 3796:8-2-03](#), any product commonly recognized as

appealing to children is prohibited. For manufactured products for vaping, a Product ID that has any references to fruit, fruit flavors, cake, cookie or candy may be denied by the State of Ohio Board of Pharmacy on this basis.

Additionally, product names are not permitted to include references that create the impression that the product is for recreational purposes. The state of Ohio has a compelling interest in ensuring that any advertisement or marketing campaigns related to or involving medical marijuana does not encourage, promote, or otherwise create any impression that marijuana is legal or acceptable to use in a manner except as specifically authorized by [ORC 3796](#) or the rules promulgated in accordance with [ORC 3796](#); or that recreational marijuana use has any potential health or therapeutic benefits; or that recreational marijuana use or possession is legal. An example of a non-complaint reference would be the name of a cocktail.