



QUICK REFERENCE GUIDE: DISCOUNTS OFFERED IN ACCORDANCE WITH A WRITTEN DISCOUNT POLICY

9/28/2022

On September 5, 2022, amendments to [OAC 3796:6-3-22](#) went into effect. Among other changes, these amendments now permit employees licensed through the Ohio Medical Marijuana Control Program (MMCP) to receive discounts.

Ohio Administrative Code 3796:6-3-22 – Prohibitions.

(F) No dispensary shall offer discounts unless the discount is offered in accordance with a written policy and:

- (1) The discount is offered to all patients registered as indigent or veteran under agency 3796 of the Administrative Code; or
- (2) The discount is offered equally to all patients or caregivers registered under agency 3796 of the Administrative Code; or
- (3) The discount is offered to all patients registered under agency 3796 of the Administrative Code also licensed as an employee for a medical marijuana entity under agency 3796 of the Administrative Code and:
 - (a) The employee presents their employee identification card in addition to identification required under paragraph (C) of rule 3796:6-3-08 of the Administrative Code; and
 - (b) The discount does not exceed the discount offered in accordance with paragraph (F)(1) of this rule.

77 South High Street, 17th Floor, Columbus, Ohio 43215



If a dispensary chooses to offer employee discounts, the location must comply with 3796:6-3-22(F) and follow the FAQ/guidance below:

1. Can I give an unhappy patient a unique percentage off their purchases for customer satisfaction?

No. Staff are not permitted to offer unique patient discounts on medical marijuana due to customer satisfaction. The discounts offered to patients in accordance with 3796:6-3-22. Discounts have been approved for non-medical marijuana products (e.g., grinders).

2. Are staff who are purchasing medical marijuana permitted to “stack” employee discounts with Veteran/Indigent discounts?

No. Staff are not permitted to receive a combined discount that exceeds the discount offered by a dispensary to patients with Veteran or Indigent status in accordance with (F)(1).

3. Can staff who are purchasing product combine the price reduction of the day and an employee discount?

Yes. Staff are permitted to receive a combined discount of the price reduction of the day and the employee discount, only if the discount of the day is also offered to patients with Veteran or Indigent status, and the employee discount does not exceed the discount offered by the dispensary to patients with Veteran or Indigent status, in accordance with (F)(1).

4. Can a registered caregiver purchase on behalf of a patient who is an employee and receive the employee discount?

No. Patient/employees will be required to make their own purchases and present their active employee ID badge at the time of each purchase. The employee discount can only be applied to products purchased for the patient/employee’s own use.

5. Does the employee have to bring their ID each time to the dispensary offering employee discounts, even if the company knows the individual is a currently employed at another dispensary.

Yes. A medical marijuana patient/employee will be required to have their active employee ID badge with them each time they wish to purchase medical marijuana and receive an employee discount; per (F)(3)(a).

6. If I'm only a caregiver, and not a patient, can I use my employee discount to purchase medical marijuana for my registered patient?

No. An employee who is a caregiver only is not permitted to purchase medical marijuana and receive an employee discount.

7. Can a Medical Marijuana Dispensary opt to only give the employee discount to their company employees?

No. In accordance with 3796:6-3-22(F)(3), if a dispensary opts to offer an employee discount, the discount must be provided to all employees within the MMCP program, which include dispensaries, cultivators, processors, and testing laboratories.

8. Can a Medical Marijuana Dispensary set separate discount rates for its own employees?

Yes. a dispensary may set two employee discount rates, one for all employees within the MMCP program and one specifically for company employees, but neither rate may exceed the discount offered by the dispensary to patients with Veteran or Indigent status, in accordance with (F)(1).

9. Can a Medical Marijuana Dispensary give discounts on specific brands?

Yes, so long as the discount is offered to all patients or caregivers equally, in accordance with (F)(2).

IMPORTANT REMINDERS:

- Each dispensary is to establish a SOP prior to implementing employee discounts.
- It is not mandated the dispensary implement and provide employee discounts.
- A patient/employee who purchases medical marijuana and receives an employee discount, and then provides the medical marijuana to another person with the intent to pass along the discount, is in violation of Ohio Revised Code 2925.22, Deception to Obtain a Dangerous Drug, and 2925.03, Drug Trafficking.
- A dispensary may only print an employee ID card for an employee who holds an active license pursuant to OAC 3796. 3796:6-3-01(J)(4).

- Each dispensary designated representative shall be responsible for collecting and destroying all expired employee ID cards from employees who are no longer employed by their dispensary. 3796:6-2-09(G)(1).
- Dispensary employees should notify their designated representative if their employee identification card has been lost or stolen.