

Sub. H.B. 33
As Passed by the Senate

_____ moved to amend as follows:

After line 281166, insert:

"**Section 737.**____. (A) Notwithstanding division (L) of rule 3796:6-2-04 of the Ohio Administrative Code, as that rule existed before the effective date of this section, or any contrary rule adopted by the Division of Marijuana Control within the Department of Commerce pursuant to division (B) of section 525.20 of this act, a person awarded a provisional dispensary license by the State Board of Pharmacy following the Board's request for applications announced in 2022, commonly referred to as RFA II, shall have until December 31, 2023, to demonstrate compliance with the dispensary operational requirements and obtain a certificate of operation. The Board or, if the transfer of the Medical Marijuana Control Program required by section 525.20 of this Act is complete, the Division shall award a certificate of operation to such a person if the person is otherwise in compliance with Ohio law.

(B)(1) Any administrative action or appeal, notice of opportunity for hearing, settlement, discipline, fine, fee, penalty, forfeiture, or similar action related to a person described in division (A) of this section that has not, as of the effective date of this section, obtained a certificate of operation, shall be held in abeyance until the person obtains a

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certificate of operation, or January 1, 2024, whichever occurs	23
first.	24
(2) If the person obtains a certificate of operation on or	25
before December 31, 2023, any matter listed in division (B)(1) of	26
this section shall be null and void, cease to have any force or	27
effect whatsoever, and be fully discharged, dismissed, and closed.	28
(3) If the person does not obtain a certificate of operation	29
on or before December 31, 2023, any matters listed in division	30
(B)(1) of this section shall be completed by the Division of	31
Marijuana Control in the same manner, and with the same effect, as	32
if completed by the State Board of Pharmacy. No validation, cure,	33
right, privilege, remedy, obligation, or liability is lost or	34
impaired by reason of the abeyance required by division (B)(1) of	35
this section or the transfer required by section 525.20 of this	36
act.	37
(C) All of the following apply to a person described in	38
division (A) of this section that obtains a certificate of	39
operation on or before December 31, 2023:	40
(1) Such a person shall not be considered to have:	41
(a) Undergone discipline;	42
(b) Been the subject of a disciplinary action or proceeding;	43
(c) Entered into a settlement to resolve a disciplinary	44
action or proceeding;	45
(d) Been fined or otherwise penalized in any manner for not	46
having commenced operations within 270 days after being awarded a	47
provisional dispensary license.	48
(2) Such a person shall not be required to report or disclose	49
any matter listed under division (B)(1) of this section to any	50

agency, department, board, commission, official, or political 51
subdivision of this state or of any other state or jurisdiction, 52
except as specifically required to do so by a proper licensing 53
authority of another state or jurisdiction. 54

(3) Such a person shall not be deemed to be noncompliant in 55
any way by an agency, department, board, commission, official, or 56
political subdivision of this state as part of any licensing 57
determination, merely because the person did not obtain a 58
certificate of operation within 270 days after being awarded a 59
provisional dispensary license." 60

The motion was _____ agreed to.

SYNOPSIS

Provisional dispensary license deadline 61

Section 737.____ 62

Allows holders of a provisional medical marijuana dispensary 63
license who missed their initial operation deadline until December 64
31, 2023, to demonstrate compliance with dispensary operational 65
requirements and begin operations. 66

Specifies that any disciplinary actions levied against such 67
provisional license holders for failure to begin operations in a 68
timely manner are held in abeyance (i.e., temporarily suspended) 69
until January 1, 2024. 70

Specifies that any such disciplinary actions are to be 71
dismissed if the license holder obtains a certificate of operation 72
on or before the December 31, 2023, deadline. 73

Clarifies that, if the license holder does not obtain a 74
certificate of operation on or before that date, any such 75
disciplinary actions are to be completed by the Division of 76
Marijuana Control within the Department of Commerce. 77