

3796:6-3-05

Medical marijuana dispensary designated representative.

- (A) Each dispensary shall have a designated representative at all times. The designated representative must hold a dispensary associated key or key employee license. Maintaining a designated representative is a continuing requirement for a certificate of operation.
- (B) The designated representative shall be physically present at licensed dispensary premises at least twenty hours each week and must be able to be contacted by dispensary employees during a dispensary's hours of operation.
- (C) A dispensary key employee shall be the designated representative for no more than one dispensary location.
- (D) A designated representative for a licensed dispensary shall be responsible for:
- (1) Oversight of the delivery and receipt of medical marijuana and medical marijuana products to a dispensary;
 - (2) The supervision and control of medical marijuana and medical marijuana products under the custody of a dispensary;
 - (3) Adequate safeguards of medical marijuana and medical marijuana products to assure that the sale or other distribution of medical marijuana and medical marijuana products will occur only by dispensary employees licensed by the state board of pharmacy;
 - (4) Notifying the state board of pharmacy within twenty-four hours of learning of a dispensary employee's arrest for disqualifying offense;
 - (5) Ensuring that prompt, written notice is provided to the state board of pharmacy, including the date of the event, when a dispensary employee no longer serves as an associated key or key employee or is no longer employed by the dispensary;
 - (6) Maintaining all required dispensary records;
 - (7) Ensuring that the state board of pharmacy is immediately notified of a known or suspected theft, diversion or loss of medical marijuana; and
 - (8) Maintaining a current and active medical marijuana key or associated key employee license.
- (E) The designated representative and all licensed medical marijuana associated key, key, and support employees are responsible for compliance with all state laws, regulations and rules regulating the dispensing of medical marijuana.
- (F) When there is a change of designated representative, the state board of pharmacy

shall be notified within ten business days of the effective date of the appointment of a new designated representative in a manner prescribed by the state board of pharmacy.

(1) A complete inventory shall be taken of the medical marijuana and medical marijuana products on hand with the new designated representative on the effective date of the change of designated representative.

(2) The new designated representative shall be responsible for completing and maintaining this inventory record at the site of the dispensary.

(3) Upon separation of a designated representative's employment, the dispensary shall reclaim the designated representative's key employee card and promptly return it to the state board of pharmacy.

(G) If advanced notification of a change of designated representative to the state board of pharmacy is impracticable due to such events as death, incapacity, or termination, the dispensary shall immediately notify the state board of pharmacy and request a temporary certificate of authority allowing the continuing operation.

(1) The request shall include the name of an interim designated representative until a replacement is identified, or shall include the name of the replacement. If an interim designated representative is named, the interim designated representative shall be a licensed dispensary employee.

(2) The state board of pharmacy shall issue the temporary certificate of authority promptly after it receives the request.

(3) If a dispensary fails to immediately notify the state board of pharmacy and request a temporary certificate of authority after the separation of the designated representative, its certificate of operation shall become ineffective until the state board of pharmacy approves the temporary certificate of authority or registers a new designated representative.

(4) No temporary certificate of authority shall be valid for more than ninety days.

(5) The succeeding designated representative shall register with the state board of pharmacy as a dispensary key employee under this division. Once the permanent designated representative replacement is licensed as a dispensary key employee, the temporary certificate of authority is void.

(H) No designated representative for a licensed medical marijuana dispensary shall:

(1) Have ever been denied a license to prescribe, dispense, administer, supply, or sell a controlled substance by the appropriate issuing body of any state or jurisdiction, based, in whole or in part, on the inappropriate prescribing, dispensing, administering, supplying or selling a controlled substance or other

dangerous drug other than medical marijuana dispensed.

- (2) Have held a license issued by the drug enforcement administration or a state licensing agency in any jurisdiction, under which the person may prescribe, dispense, administer, supply or sell a controlled substance, that has ever been restricted or surrendered, based, in whole or in part, on the prescriber's inappropriate prescribing, dispensing, personally furnishing, diverting, administering, supplying, or selling a controlled substance or other dangerous drug.

- (3) Have been subject to disciplinary action by any licensing entity that was based, in whole or in part, on the prescribers inappropriate prescribing, dispensing, diverting, administering, personally furnishing, diverting, supplying or selling a controlled substance or other dangerous drug.

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