

1161.26. Dispensary facilities.

(a) A dispensary may only dispense medical marijuana to a patient or caregiver in an indoor, enclosed, secure facility as approved by the Department.

(b) A dispensary may not be located:

(1) Within 1,000 feet of the property line of a public, private or parochial school, or a day-care center.

(2) At the same site used for growing and processing medical marijuana.

(3) In the same office space as a practitioner or other physician.

(c) The Department may waive or amend the prohibition under subsection (b)(1) if it is shown by clear and convincing evidence that the waiver or amendment is necessary to provide patients with adequate access to medical marijuana. A waiver or amendment by the Department under this subsection may require additional security measures, changes to the physical plant of a facility or other conditions necessary to protect individuals under 18 years of age and to prevent unauthorized access to medical marijuana.

(d) No one under 18 years of age is permitted to enter a dispensary unless the individual is a patient or accompanied by a parent, guardian or caregiver. If a dispensary facility is located adjacent to a commercial operation, the facility shall provide additional means of security satisfactory to the Department to prevent individuals under 18 years of age from entering the facility from the commercial operation unless the individual is accompanied by an adult.

(e) The following areas of a dispensary must be clearly marked with proper signage:

(1) Limited access areas. All areas of ingress and egress to a limited access area must be clearly identified by the posting of a sign which shall be not less than 12 inches wide and 12 inches long, composed of letters not less than 1/2 inch in height, which must state:

Do Not Enter—Limited Access Area—Access Limited to Authorized Personnel and Escorted Visitors.

(2) Areas that are open to patients and caregivers.

(f) A dispensary must have an enclosed, secure area out of public sight for the loading and unloading of medical marijuana into and from a transport vehicle.