

131st General Assembly
Regular Session
2015-2016

Sub. H. B. No. 523

A BILL

To amend sections 109.572, 519.21, 4123.54, 4729.75, 1
4729.80, 4729.81, 4729.82, 4729.83, 4729.84, 2
4729.85, and 4729.86 and to enact sections 3
3796.01, 3796.02, 3796.03, 3796.04, 3796.06, 4
3796.07, 3796.10, 3796.11, 3796.12, 3796.13, 5
3796.14, 3796.15, 3796.18, 3796.19, 3796.20, 6
3796.21, 3796.22, 3796.23, 3796.24, 3796.26, 7
3796.27, 3796.28, 3796.29, 3796.30, 4729.771, and 8
4731.283 of the Revised Code to authorize the use 9
of marijuana for medical purposes and to establish 10
the Medical Marijuana Control Program. 11

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 109.572, 519.21, 4123.54, 4729.75, 12
4729.80, 4729.81, 4729.82, 4729.83, 4729.84, 4729.85, and 4729.86 13
be amended and sections 3796.01, 3796.02, 3796.03, 3796.04, 14
3796.06, 3796.07, 3796.10, 3796.11, 3796.12, 3796.13, 3796.14, 15
3796.15, 3796.18, 3796.19, 3796.20, 3796.21, 3796.22, 3796.23, 16
3796.24, 3796.26, 3796.27, 3796.28, 3796.29, 3796.30, 4729.771, 17
and 4731.283 of the Revised Code be enacted to read as follows: 18

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 19
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 20
a completed form prescribed pursuant to division (C)(1) of this 21

section, and a set of fingerprint impressions obtained in the 22
manner described in division (C)(2) of this section, the 23
superintendent of the bureau of criminal identification and 24
investigation shall conduct a criminal records check in the manner 25
described in division (B) of this section to determine whether any 26
information exists that indicates that the person who is the 27
subject of the request previously has been convicted of or pleaded 28
guilty to any of the following: 29

(a) A violation of section 2903.01, 2903.02, 2903.03, 30
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 31
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 32
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 33
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 34
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 35
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 36
2925.06, or 3716.11 of the Revised Code, felonious sexual 37
penetration in violation of former section 2907.12 of the Revised 38
Code, a violation of section 2905.04 of the Revised Code as it 39
existed prior to July 1, 1996, a violation of section 2919.23 of 40
the Revised Code that would have been a violation of section 41
2905.04 of the Revised Code as it existed prior to July 1, 1996, 42
had the violation been committed prior to that date, or a 43
violation of section 2925.11 of the Revised Code that is not a 44
minor drug possession offense; 45

(b) A violation of an existing or former law of this state, 46
any other state, or the United States that is substantially 47
equivalent to any of the offenses listed in division (A)(1)(a) of 48
this section; 49

(c) If the request is made pursuant to section 3319.39 of the 50
Revised Code for an applicant who is a teacher, any offense 51
specified in section 3319.31 of the Revised Code. 52

(2) On receipt of a request pursuant to section 3712.09 or 53

3721.121 of the Revised Code, a completed form prescribed pursuant 54
to division (C)(1) of this section, and a set of fingerprint 55
impressions obtained in the manner described in division (C)(2) of 56
this section, the superintendent of the bureau of criminal 57
identification and investigation shall conduct a criminal records 58
check with respect to any person who has applied for employment in 59
a position for which a criminal records check is required by those 60
sections. The superintendent shall conduct the criminal records 61
check in the manner described in division (B) of this section to 62
determine whether any information exists that indicates that the 63
person who is the subject of the request previously has been 64
convicted of or pleaded guilty to any of the following: 65

(a) A violation of section 2903.01, 2903.02, 2903.03, 66
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 67
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 68
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 69
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 70
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 71
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 72
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 73
2925.22, 2925.23, or 3716.11 of the Revised Code; 74

(b) An existing or former law of this state, any other state, 75
or the United States that is substantially equivalent to any of 76
the offenses listed in division (A)(2)(a) of this section. 77

(3) On receipt of a request pursuant to section 173.27, 78
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 5123.081, 79
or 5123.169 of the Revised Code, a completed form prescribed 80
pursuant to division (C)(1) of this section, and a set of 81
fingerprint impressions obtained in the manner described in 82
division (C)(2) of this section, the superintendent of the bureau 83
of criminal identification and investigation shall conduct a 84
criminal records check of the person for whom the request is made. 85

The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of, has pleaded guilty to, or (except in the case of a request pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised Code) has been found eligible for intervention in lieu of conviction for any of the following, regardless of the date of the conviction, the date of entry of the guilty plea, or (except in the case of a request pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised Code) the date the person was found eligible for intervention in lieu of conviction:

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code;

(b) Felonious sexual penetration in violation of former

section 2907.12 of the Revised Code; 118

(c) A violation of section 2905.04 of the Revised Code as it 119
existed prior to July 1, 1996; 120

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 121
the Revised Code when the underlying offense that is the object of 122
the conspiracy, attempt, or complicity is one of the offenses 123
listed in divisions (A)(3)(a) to (c) of this section; 124

(e) A violation of an existing or former municipal ordinance 125
or law of this state, any other state, or the United States that 126
is substantially equivalent to any of the offenses listed in 127
divisions (A)(3)(a) to (d) of this section. 128

(4) On receipt of a request pursuant to section 2151.86 of 129
the Revised Code, a completed form prescribed pursuant to division 130
(C)(1) of this section, and a set of fingerprint impressions 131
obtained in the manner described in division (C)(2) of this 132
section, the superintendent of the bureau of criminal 133
identification and investigation shall conduct a criminal records 134
check in the manner described in division (B) of this section to 135
determine whether any information exists that indicates that the 136
person who is the subject of the request previously has been 137
convicted of or pleaded guilty to any of the following: 138

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 139
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 140
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 141
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 142
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 143
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 144
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 145
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 146
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 147
of the Revised Code, a violation of section 2905.04 of the Revised 148

Code as it existed prior to July 1, 1996, a violation of section 149
2919.23 of the Revised Code that would have been a violation of 150
section 2905.04 of the Revised Code as it existed prior to July 1, 151
1996, had the violation been committed prior to that date, a 152
violation of section 2925.11 of the Revised Code that is not a 153
minor drug possession offense, two or more OVI or OVUAC violations 154
committed within the three years immediately preceding the 155
submission of the application or petition that is the basis of the 156
request, or felonious sexual penetration in violation of former 157
section 2907.12 of the Revised Code; 158

(b) A violation of an existing or former law of this state, 159
any other state, or the United States that is substantially 160
equivalent to any of the offenses listed in division (A)(4)(a) of 161
this section. 162

(5) Upon receipt of a request pursuant to section 5104.013 of 163
the Revised Code, a completed form prescribed pursuant to division 164
(C)(1) of this section, and a set of fingerprint impressions 165
obtained in the manner described in division (C)(2) of this 166
section, the superintendent of the bureau of criminal 167
identification and investigation shall conduct a criminal records 168
check in the manner described in division (B) of this section to 169
determine whether any information exists that indicates that the 170
person who is the subject of the request has been convicted of or 171
pleaded guilty to any of the following: 172

(a) A violation of section 2151.421, 2903.01, 2903.02, 173
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 174
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 175
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 176
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 177
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 178
2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 179
2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 180

2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 181
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 182
2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.22, 183
2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 184
2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 2923.161, 185
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the 186
Revised Code, felonious sexual penetration in violation of former 187
section 2907.12 of the Revised Code, a violation of section 188
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 189
violation of section 2919.23 of the Revised Code that would have 190
been a violation of section 2905.04 of the Revised Code as it 191
existed prior to July 1, 1996, had the violation been committed 192
prior to that date, a violation of section 2925.11 of the Revised 193
Code that is not a minor drug possession offense, a violation of 194
section 2923.02 or 2923.03 of the Revised Code that relates to a 195
crime specified in this division, or a second violation of section 196
4511.19 of the Revised Code within five years of the date of 197
application for licensure or certification. 198

(b) A violation of an existing or former law of this state, 199
any other state, or the United States that is substantially 200
equivalent to any of the offenses or violations described in 201
division (A)(5)(a) of this section. 202

(6) Upon receipt of a request pursuant to section 5153.111 of 203
the Revised Code, a completed form prescribed pursuant to division 204
(C)(1) of this section, and a set of fingerprint impressions 205
obtained in the manner described in division (C)(2) of this 206
section, the superintendent of the bureau of criminal 207
identification and investigation shall conduct a criminal records 208
check in the manner described in division (B) of this section to 209
determine whether any information exists that indicates that the 210
person who is the subject of the request previously has been 211
convicted of or pleaded guilty to any of the following: 212

(a) A violation of section 2903.01, 2903.02, 2903.03, 213
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 214
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 215
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 216
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 217
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 218
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 219
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 220
felonious sexual penetration in violation of former section 221
2907.12 of the Revised Code, a violation of section 2905.04 of the 222
Revised Code as it existed prior to July 1, 1996, a violation of 223
section 2919.23 of the Revised Code that would have been a 224
violation of section 2905.04 of the Revised Code as it existed 225
prior to July 1, 1996, had the violation been committed prior to 226
that date, or a violation of section 2925.11 of the Revised Code 227
that is not a minor drug possession offense; 228

(b) A violation of an existing or former law of this state, 229
any other state, or the United States that is substantially 230
equivalent to any of the offenses listed in division (A)(6)(a) of 231
this section. 232

(7) On receipt of a request for a criminal records check from 233
an individual pursuant to section 4749.03 or 4749.06 of the 234
Revised Code, accompanied by a completed copy of the form 235
prescribed in division (C)(1) of this section and a set of 236
fingerprint impressions obtained in a manner described in division 237
(C)(2) of this section, the superintendent of the bureau of 238
criminal identification and investigation shall conduct a criminal 239
records check in the manner described in division (B) of this 240
section to determine whether any information exists indicating 241
that the person who is the subject of the request has been 242
convicted of or pleaded guilty to a felony in this state or in any 243
other state. If the individual indicates that a firearm will be 244

carried in the course of business, the superintendent shall 245
require information from the federal bureau of investigation as 246
described in division (B)(2) of this section. Subject to division 247
(F) of this section, the superintendent shall report the findings 248
of the criminal records check and any information the federal 249
bureau of investigation provides to the director of public safety. 250

(8) On receipt of a request pursuant to section 1321.37, 251
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 252
Code, a completed form prescribed pursuant to division (C)(1) of 253
this section, and a set of fingerprint impressions obtained in the 254
manner described in division (C)(2) of this section, the 255
superintendent of the bureau of criminal identification and 256
investigation shall conduct a criminal records check with respect 257
to any person who has applied for a license, permit, or 258
certification from the department of commerce or a division in the 259
department. The superintendent shall conduct the criminal records 260
check in the manner described in division (B) of this section to 261
determine whether any information exists that indicates that the 262
person who is the subject of the request previously has been 263
convicted of or pleaded guilty to any of the following: a 264
violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 265
2925.03 of the Revised Code; any other criminal offense involving 266
theft, receiving stolen property, embezzlement, forgery, fraud, 267
passing bad checks, money laundering, or drug trafficking, or any 268
criminal offense involving money or securities, as set forth in 269
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 270
the Revised Code; or any existing or former law of this state, any 271
other state, or the United States that is substantially equivalent 272
to those offenses. 273

(9) On receipt of a request for a criminal records check from 274
the treasurer of state under section 113.041 of the Revised Code 275
or from an individual under section 4701.08, 4715.101, 4717.061, 276

4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 277
4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 278
4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4755.70, 279
4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 280
4762.06, 4776.021, 4779.091, or 4783.04 of the Revised Code, 281
accompanied by a completed form prescribed under division (C)(1) 282
of this section and a set of fingerprint impressions obtained in 283
the manner described in division (C)(2) of this section, the 284
superintendent of the bureau of criminal identification and 285
investigation shall conduct a criminal records check in the manner 286
described in division (B) of this section to determine whether any 287
information exists that indicates that the person who is the 288
subject of the request has been convicted of or pleaded guilty to 289
any criminal offense in this state or any other state. Subject to 290
division (F) of this section, the superintendent shall send the 291
results of a check requested under section 113.041 of the Revised 292
Code to the treasurer of state and shall send the results of a 293
check requested under any of the other listed sections to the 294
licensing board specified by the individual in the request. 295

(10) On receipt of a request pursuant to section 1121.23, 296
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 297
Code, a completed form prescribed pursuant to division (C)(1) of 298
this section, and a set of fingerprint impressions obtained in the 299
manner described in division (C)(2) of this section, the 300
superintendent of the bureau of criminal identification and 301
investigation shall conduct a criminal records check in the manner 302
described in division (B) of this section to determine whether any 303
information exists that indicates that the person who is the 304
subject of the request previously has been convicted of or pleaded 305
guilty to any criminal offense under any existing or former law of 306
this state, any other state, or the United States. 307

(11) On receipt of a request for a criminal records check 308

from an appointing or licensing authority under section 3772.07 of 309
the Revised Code, a completed form prescribed under division 310
(C)(1) of this section, and a set of fingerprint impressions 311
obtained in the manner prescribed in division (C)(2) of this 312
section, the superintendent of the bureau of criminal 313
identification and investigation shall conduct a criminal records 314
check in the manner described in division (B) of this section to 315
determine whether any information exists that indicates that the 316
person who is the subject of the request previously has been 317
convicted of or pleaded guilty or no contest to any offense under 318
any existing or former law of this state, any other state, or the 319
United States that is a disqualifying offense as defined in 320
section 3772.07 of the Revised Code or substantially equivalent to 321
such an offense. 322

(12) On receipt of a request pursuant to section 2151.33 or 323
2151.412 of the Revised Code, a completed form prescribed pursuant 324
to division (C)(1) of this section, and a set of fingerprint 325
impressions obtained in the manner described in division (C)(2) of 326
this section, the superintendent of the bureau of criminal 327
identification and investigation shall conduct a criminal records 328
check with respect to any person for whom a criminal records check 329
is required under that section. The superintendent shall conduct 330
the criminal records check in the manner described in division (B) 331
of this section to determine whether any information exists that 332
indicates that the person who is the subject of the request 333
previously has been convicted of or pleaded guilty to any of the 334
following: 335

(a) A violation of section 2903.01, 2903.02, 2903.03, 336
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 337
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 338
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 339
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 340

2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 341
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 342
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 343
2925.22, 2925.23, or 3716.11 of the Revised Code; 344

(b) An existing or former law of this state, any other state, 345
or the United States that is substantially equivalent to any of 346
the offenses listed in division (A)(12)(a) of this section. 347

(13) On receipt of a request pursuant to section 3796.13 of 348
the Revised Code, a completed form prescribed pursuant to division 349
(C)(1) of this section, and a set of fingerprint impressions 350
obtained in a manner described in division (C)(2) of this section, 351
the superintendent of the bureau of criminal identification and 352
investigation shall conduct a criminal records check in the manner 353
described in division (B) of this section to determine whether any 354
information exists that indicates that the person who is the 355
subject of the request previously has been convicted of or pleaded 356
guilty to a disqualifying offense, as specified in rules adopted 357
under section 3796.04 of the Revised Code. 358

(B) Subject to division (F) of this section, the 359
superintendent shall conduct any criminal records check to be 360
conducted under this section as follows: 361

(1) The superintendent shall review or cause to be reviewed 362
any relevant information gathered and compiled by the bureau under 363
division (A) of section 109.57 of the Revised Code that relates to 364
the person who is the subject of the criminal records check, 365
including, if the criminal records check was requested under 366
section 113.041, 121.08, 173.27, 173.38, 173.381, 1121.23, 367
1155.03, 1163.05, 1315.141, 1321.37, 1321.53, 1321.531, 1322.03, 368
1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 369
3701.881, 3712.09, 3721.121, 3772.07, 3796.13, 4749.03, 4749.06, 370
4763.05, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 371
5123.169, or 5153.111 of the Revised Code, any relevant 372

information contained in records that have been sealed under 373
section 2953.32 of the Revised Code; 374

(2) If the request received by the superintendent asks for 375
information from the federal bureau of investigation, the 376
superintendent shall request from the federal bureau of 377
investigation any information it has with respect to the person 378
who is the subject of the criminal records check, including 379
fingerprint-based checks of national crime information databases 380
as described in 42 U.S.C. 671 if the request is made pursuant to 381
section 2151.86 or 5104.013 of the Revised Code or if any other 382
Revised Code section requires fingerprint-based checks of that 383
nature, and shall review or cause to be reviewed any information 384
the superintendent receives from that bureau. If a request under 385
section 3319.39 of the Revised Code asks only for information from 386
the federal bureau of investigation, the superintendent shall not 387
conduct the review prescribed by division (B)(1) of this section. 388

(3) The superintendent or the superintendent's designee may 389
request criminal history records from other states or the federal 390
government pursuant to the national crime prevention and privacy 391
compact set forth in section 109.571 of the Revised Code. 392

(4) The superintendent shall include in the results of the 393
criminal records check a list or description of the offenses 394
listed or described in division (A)(1), (2), (3), (4), (5), (6), 395
(7), (8), (9), (10), (11), ~~or (12)~~, or (13) of this section, 396
whichever division requires the superintendent to conduct the 397
criminal records check. The superintendent shall exclude from the 398
results any information the dissemination of which is prohibited 399
by federal law. 400

(5) The superintendent shall send the results of the criminal 401
records check to the person to whom it is to be sent not later 402
than the following number of days after the date the 403
superintendent receives the request for the criminal records 404

check, the completed form prescribed under division (C)(1) of this 405
section, and the set of fingerprint impressions obtained in the 406
manner described in division (C)(2) of this section: 407

(a) If the superintendent is required by division (A) of this 408
section (other than division (A)(3) of this section) to conduct 409
the criminal records check, thirty; 410

(b) If the superintendent is required by division (A)(3) of 411
this section to conduct the criminal records check, sixty. 412

(C)(1) The superintendent shall prescribe a form to obtain 413
the information necessary to conduct a criminal records check from 414
any person for whom a criminal records check is to be conducted 415
under this section. The form that the superintendent prescribes 416
pursuant to this division may be in a tangible format, in an 417
electronic format, or in both tangible and electronic formats. 418

(2) The superintendent shall prescribe standard impression 419
sheets to obtain the fingerprint impressions of any person for 420
whom a criminal records check is to be conducted under this 421
section. Any person for whom a records check is to be conducted 422
under this section shall obtain the fingerprint impressions at a 423
county sheriff's office, municipal police department, or any other 424
entity with the ability to make fingerprint impressions on the 425
standard impression sheets prescribed by the superintendent. The 426
office, department, or entity may charge the person a reasonable 427
fee for making the impressions. The standard impression sheets the 428
superintendent prescribes pursuant to this division may be in a 429
tangible format, in an electronic format, or in both tangible and 430
electronic formats. 431

(3) Subject to division (D) of this section, the 432
superintendent shall prescribe and charge a reasonable fee for 433
providing a criminal records check under this section. The person 434
requesting the criminal records check shall pay the fee prescribed 435

pursuant to this division. In the case of a request under section 436
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 437
2151.412, or 5164.34 of the Revised Code, the fee shall be paid in 438
the manner specified in that section. 439

(4) The superintendent of the bureau of criminal 440
identification and investigation may prescribe methods of 441
forwarding fingerprint impressions and information necessary to 442
conduct a criminal records check, which methods shall include, but 443
not be limited to, an electronic method. 444

(D) The results of a criminal records check conducted under 445
this section, other than a criminal records check specified in 446
division (A)(7) of this section, are valid for the person who is 447
the subject of the criminal records check for a period of one year 448
from the date upon which the superintendent completes the criminal 449
records check. If during that period the superintendent receives 450
another request for a criminal records check to be conducted under 451
this section for that person, the superintendent shall provide the 452
results from the previous criminal records check of the person at 453
a lower fee than the fee prescribed for the initial criminal 454
records check. 455

(E) When the superintendent receives a request for 456
information from a registered private provider, the superintendent 457
shall proceed as if the request was received from a school 458
district board of education under section 3319.39 of the Revised 459
Code. The superintendent shall apply division (A)(1)(c) of this 460
section to any such request for an applicant who is a teacher. 461

(F)(1) All information regarding the results of a criminal 462
records check conducted under this section that the superintendent 463
reports or sends under division (A)(7) or (9) of this section to 464
the director of public safety, the treasurer of state, or the 465
person, board, or entity that made the request for the criminal 466
records check shall relate to the conviction of the subject 467

person, or the subject person's plea of guilty to, a criminal 468
offense. 469

(2) Division (F)(1) of this section does not limit, restrict, 470
or preclude the superintendent's release of information that 471
relates to the arrest of a person who is eighteen years of age or 472
older, to an adjudication of a child as a delinquent child, or to 473
a criminal conviction of a person under eighteen years of age in 474
circumstances in which a release of that nature is authorized 475
under division (E)(2), (3), or (4) of section 109.57 of the 476
Revised Code pursuant to a rule adopted under division (E)(1) of 477
that section. 478

(G) As used in this section: 479

(1) "Criminal records check" means any criminal records check 480
conducted by the superintendent of the bureau of criminal 481
identification and investigation in accordance with division (B) 482
of this section. 483

(2) "Minor drug possession offense" has the same meaning as 484
in section 2925.01 of the Revised Code. 485

(3) "OVI or OVUAC violation" means a violation of section 486
4511.19 of the Revised Code or a violation of an existing or 487
former law of this state, any other state, or the United States 488
that is substantially equivalent to section 4511.19 of the Revised 489
Code. 490

(4) "Registered private provider" means a nonpublic school or 491
entity registered with the superintendent of public instruction 492
under section 3310.41 of the Revised Code to participate in the 493
autism scholarship program or section 3310.58 of the Revised Code 494
to participate in the Jon Peterson special needs scholarship 495
program. 496

Sec. 519.21. (A) Except as otherwise provided in ~~division~~ 497

divisions (B) and (D) of this section, sections 519.02 to 519.25 498
of the Revised Code confer no power on any township zoning 499
commission, board of township trustees, or board of zoning appeals 500
to prohibit the use of any land for agricultural purposes or the 501
construction or use of buildings or structures incident to the use 502
for agricultural purposes of the land on which such buildings or 503
structures are located, including buildings or structures that are 504
used primarily for vinting and selling wine and that are located 505
on land any part of which is used for viticulture, and no zoning 506
certificate shall be required for any such building or structure. 507

(B) A township zoning resolution, or an amendment to such 508
resolution, may in any platted subdivision approved under section 509
711.05, 711.09, or 711.10 of the Revised Code, or in any area 510
consisting of fifteen or more lots approved under section 711.131 511
of the Revised Code that are contiguous to one another, or some of 512
which are contiguous to one another and adjacent to one side of a 513
dedicated public road, and the balance of which are contiguous to 514
one another and adjacent to the opposite side of the same 515
dedicated public road regulate: 516

(1) Agriculture on lots of one acre or less; 517

(2) Buildings or structures incident to the use of land for 518
agricultural purposes on lots greater than one acre but not 519
greater than five acres by: set back building lines; height; and 520
size; 521

(3) Dairying and animal and poultry husbandry on lots greater 522
than one acre but not greater than five acres when at least 523
thirty-five per cent of the lots in the subdivision are developed 524
with at least one building, structure, or improvement that is 525
subject to real property taxation or that is subject to the tax on 526
manufactured and mobile homes under section 4503.06 of the Revised 527
Code. After thirty-five per cent of the lots are so developed, 528
dairying and animal and poultry husbandry shall be considered 529

nonconforming use of land and buildings or structures pursuant to 530
section 519.19 of the Revised Code. 531

Division (B) of this section confers no power on any township 532
zoning commission, board of township trustees, or board of zoning 533
appeals to regulate agriculture, buildings or structures, and 534
dairying and animal and poultry husbandry on lots greater than 535
five acres. 536

(C) Such sections confer no power on any township zoning 537
commission, board of township trustees, or board of zoning appeals 538
to prohibit in a district zoned for agricultural, industrial, 539
residential, or commercial uses, the use of any land for: 540

(1) A farm market where fifty per cent or more of the gross 541
income received from the market is derived from produce raised on 542
farms owned or operated by the market operator in a normal crop 543
year. However, a board of township trustees, as provided in 544
section 519.02 of the Revised Code, may regulate such factors 545
pertaining to farm markets as size of the structure, size of 546
parking areas that may be required, set back building lines, and 547
egress or ingress, where such regulation is necessary to protect 548
the public health and safety. 549

(2) Biodiesel production, biomass energy production, or 550
electric or heat energy production if the land on which the 551
production facility is located qualifies as land devoted 552
exclusively to agricultural use under sections 5713.30 to 5713.37 553
of the Revised Code for real property tax purposes. As used in 554
division (C)(2) of this section, "biodiesel," "biomass energy," 555
and "electric or heat energy" have the same meanings as in section 556
5713.30 of the Revised Code. 557

(3) Biologically derived methane gas production if the land 558
on which the production facility is located qualifies as land 559
devoted exclusively to agricultural use under sections 5713.30 to 560

5713.37 of the Revised Code for real property tax purposes and if 561
the facility that produces the biologically derived methane gas 562
does not produce more than seventeen million sixty thousand seven 563
hundred ten British thermal units, five megawatts, or both. 564

As used in division (C)(3) of this section, "biologically 565
derived methane gas" has the same meaning as in section 5713.30 of 566
the Revised Code. 567

(D) Nothing in this section prohibits a township zoning 568
commission, board of township trustees, or board of zoning appeals 569
from regulating the location of retail dispensaries of medical 570
marijuana or from prohibiting such dispensaries from being located 571
in the unincorporated territory of the township. 572

Sec. 3796.01. (A) As used in this chapter: 573

(1) "Medical marijuana" means marihuana, as defined in 574
section 3719.01 of the Revised Code, that is cultivated, 575
processed, dispensed, tested, possessed, or used for a medical 576
purpose. 577

(2) "Physician" means an individual authorized under Chapter 578
4731. of the Revised Code to practice medicine and surgery or 579
osteopathic medicine and surgery. 580

(3) "Qualifying medical condition" means any of the 581
following: 582

(a) Acquired immune deficiency syndrome; 583

(b) Amyotrophic lateral sclerosis; 584

(c) Cancer; 585

(d) Chronic traumatic encephalopathy; 586

(e) Crohn's disease; 587

(f) Epilepsy or another seizure disorder; 588

<u>(g) Glaucoma;</u>	589
<u>(h) Hepatitis C;</u>	590
<u>(i) Inflammatory bowel disease;</u>	591
<u>(j) Multiple sclerosis;</u>	592
<u>(k) Pain that is chronic, severe, or intractable;</u>	593
<u>(l) Parkinson's disease;</u>	594
<u>(m) Positive status for HIV;</u>	595
<u>(n) Post-traumatic stress disorder;</u>	596
<u>(o) Sickle cell anemia;</u>	597
<u>(p) Spinal cord disease or injury;</u>	598
<u>(q) Tourette's syndrome;</u>	599
<u>(r) Traumatic brain injury;</u>	600
<u>(s) Ulcerative colitis;</u>	601
<u>(t) Any other disease or condition specified in a rule</u>	602
<u>adopted by the department of commerce under section 3796.04 of the</u>	603
<u>Revised Code.</u>	604
<u>(B) Notwithstanding section 3719.41 of the Revised Code, for</u>	605
<u>purposes of this chapter, medical marijuana is a schedule II</u>	606
<u>controlled substance.</u>	607
<u>Sec. 3796.02. (A) The medical marijuana control commission is</u>	608
<u>hereby created in the department of commerce. The commission shall</u>	609
<u>consist of the following:</u>	610
<u>(1) A member who is a practicing physician;</u>	611
<u>(2) A member who represents local law enforcement;</u>	612
<u>(3) A member who represents employers;</u>	613
<u>(4) A member who represents labor;</u>	614

(5) A member who represents persons involved in the treatment of alcohol and drug addiction; 615
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(6) A member who represents persons involved in mental health treatment; 617
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(7) A member who is a pharmacist; 619

(8) A member who represents persons supporting the legalization of marijuana use for medical purposes; 620
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(9) A member who represents patients. 622

(B) The governor shall appoint the members described in divisions (A)(1), (2), and (3) of this section. The president of the senate shall appoint the members described in divisions (A)(4), (7), and (9) of this section. The speaker of the house of representatives shall appoint the members described in divisions (A)(5), (6), and (8) of this section. Not more than four members shall be of the same political party. 623
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(C) Appointments to the commission shall be made not later than thirty days after the effective date of this section. The initial members appointed by the governor shall be appointed for five-year terms; those appointed by the speaker of the house shall be appointed for four-year terms; and those appointed by the senate president shall be appointed for three-year terms. Thereafter, all terms shall be three years. 630
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(D) Each member of the commission shall hold office from the date of appointment until the end of the term for which the member was appointed, except that members serve at the pleasure of the appointing authority. Vacancies shall be filled in the same manner as original appointments. A member appointed to fill a vacancy occurring prior to the expiration date of the term for which the member's predecessor was appointed shall hold office for the remainder of such term. A member shall continue in office subsequent to the expiration date of the member's term until the 637
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member's successor takes office, or until a period of sixty days 646
has elapsed, whichever occurs first. There is no limit on the 647
number of terms a member may serve. 648

(E) The governor shall select a member of the commission to 649
serve as its chairperson. 650

(F) Each member of the commission shall receive a per diem 651
compensation determined in accordance with division (J) of section 652
124.15 of the Revised Code. In addition, each member shall receive 653
actual and necessary travel expenses in connection with commission 654
hearings and business. 655

(G) The commission shall hold its initial meeting not later 656
than thirty days after the last member of the commission is 657
appointed. The commission shall adopt internal management rules 658
pursuant to section 111.15 of the Revised Code. 659

(H) The commission is not subject to sections 101.82 to 660
101.87 of the Revised Code. 661

Sec. 3796.03. (A) The medical marijuana control commission 662
shall establish a medical marijuana control program to provide for 663
the registration of physicians who recommend treatment with 664
medical marijuana, the registration of patients who seek treatment 665
with medical marijuana and their caregivers, the licensure of 666
medical marijuana cultivators, processors, and retail 667
dispensaries, the licensure of laboratories that test medical 668
marijuana, and the regulation of other activities under this 669
chapter relating to medical marijuana. The commission shall 670
administer the program and may take any action, in accordance with 671
rules adopted by the department of commerce, necessary to 672
implement and enforce this chapter. 673

(B)(1) The commission shall develop recommendations regarding 674
standards and procedures for a medical marijuana control program 675

as described in division (B) of section 3796.04 of the Revised Code. When developing recommendations under this section, the commission shall do all of the following: 676
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(a) Consider standards and procedures that have been found to be best practices relative to the use and regulation of medical marijuana; 679
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(b) With respect to standards and procedures involving retail dispensaries, consult and cooperate with the state board of pharmacy; 682
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(c) With respect to standards and procedures involving qualifying physicians or qualifying medical conditions, consult and cooperate with the state medical board; 685
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(d) With respect to the number of cultivator and retail dispensary licenses that will be permitted at any one time, consider all of the following: 688
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(i) The population of this state; 691

(ii) The number of patients seeking to use medical marijuana; 692

(iii) In the case of retail dispensary licenses, the geographic distribution of dispensary sites in an effort to ensure patient access to medical marijuana. 693
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(2) The commission shall submit the recommendations described in division (B)(1) of this section to the department of commerce as necessary for the department to fulfill its duty to adopt rules under section 3796.04 of the Revised Code. The commission may develop and submit any other recommendations it considers necessary for the program's administration and the implementation and enforcement of this chapter. This may include recommendations providing that certain criminal offenses for which an applicant was convicted of or pleaded guilty to more than five years before the date the application for licensure was filed are not 696
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disqualifying offenses. 706

(3) At the department's request, the commission shall 707
reconsider a recommendation it has submitted and shall resubmit 708
the recommendation to the department accordingly. 709

Sec. 3796.04. (A) Not later than one year after the date of 710
the medical marijuana control commission's initial meeting, the 711
department of commerce shall adopt rules establishing standards 712
and procedures for the medical marijuana control program. The 713
rules shall be consistent with the recommendations the department 714
receives from the commission pursuant to section 3796.03 of the 715
Revised Code. All rules adopted under this section shall be 716
adopted in accordance with Chapter 119. of the Revised Code. 717

(B) The rules shall do all of the following: 718

(1) Establish application procedures and fees for licenses 719
and registrations issued under this chapter; 720

(2) Specify the criminal offenses for which an applicant will 721
be disqualified from licensure; 722

(3) Specify the conditions that must be met to be eligible 723
for licensure; 724

(4) Establish the number of cultivator and retail dispensary 725
licenses that will be permitted at any one time; 726

(5) Establish a license or registration renewal schedule, 727
renewal procedures, and renewal fees; 728

(6) Specify reasons for which a license or registration may 729
be suspended or revoked; 730

(7) Establish standards under which a license or registration 731
suspension may be lifted; 732

(8) Establish procedures for registration of physicians 733
seeking to recommend medical marijuana for treatment and 734

requirements that must be met to be eligible for registration; 735

(9) Establish procedures for registration of patients and 736
caregivers and requirements that must be met to be eligible for 737
registration; 738

(10) Establish training requirements for employees of retail 739
dispensaries; 740

(11) Specify when testing of medical marijuana must be 741
conducted by a laboratory licensed under this chapter; 742

(12) Specify if a cultivator, processor, retail dispensary, 743
or laboratory that is licensed under this chapter and that existed 744
at a location before a school, church, public library, public 745
playground, or public park became established within one thousand 746
feet of the cultivator, processor, retail dispensary, or 747
laboratory, may remain in operation or shall relocate or have its 748
license revoked by the commission; 749

(13) Establish a program to assist patients who are veterans 750
or indigent in obtaining medical marijuana in accordance with this 751
chapter. 752

(C) In addition to the rules described in division (B) of 753
this section, the department may adopt any other rules, consistent 754
with commission recommendations, it considers necessary for the 755
program's administration and the implementation and enforcement of 756
this chapter. The rules may specify additional diseases or 757
conditions for which treatment with medical marijuana may be 758
recommended. 759

Sec. 3796.06. (A) Only the following forms of medical 760
marijuana may be dispensed under this chapter: 761

(1) Oils; 762

(2) Tinctures; 763

<u>(3) Plant material;</u>	764
<u>(4) Edibles;</u>	765
<u>(5) Patches.</u>	766
<u>(B) With respect to the methods of using medical marijuana,</u>	767
<u>both of the following apply:</u>	768
<u>(1) The smoking or combustion of medical marijuana is</u>	769
<u>prohibited.</u>	770
<u>(2) The vaporization of medical marijuana is permitted.</u>	771
<u>(C) Any form or method that is considered attractive to</u>	772
<u>children is prohibited.</u>	773
<u>(D) With respect to tetrahydrocannabinol content, all of the</u>	774
<u>following apply:</u>	775
<u>(1) Plant material shall have a tetrahydrocannabinol content</u>	776
<u>of not less than three per cent and not more than thirty-five per</u>	777
<u>cent.</u>	778
<u>(2) Extracts shall have a tetrahydrocannabinol content of not</u>	779
<u>more than seventy per cent.</u>	780
<u>Sec. 3796.07. (A)(1) The medical marijuana control commission</u>	781
<u>shall establish and maintain a medical marijuana informational</u>	782
<u>database. The database shall contain the following information:</u>	783
<u>(a) The number of patients for whom treatment with medical</u>	784
<u>marijuana has been recommended in accordance with this chapter;</u>	785
<u>(b) The types of diseases or conditions for which treatment</u>	786
<u>with medical marijuana has been recommended;</u>	787
<u>(c) The reasons that treatment with medical marijuana was</u>	788
<u>recommended rather than recommending another form of treatment;</u>	789
<u>(d) The forms of or methods of using medical marijuana</u>	790
<u>recommended to patients.</u>	791

(2) The commission shall not make public any information reported to or collected by the commission under division (A)(1) of this section that identifies or would tend to identify any specific patient. 792
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(B)(1) The commission shall establish and maintain an electronic database to monitor medical marijuana from its seed source through its cultivation, processing, testing, and dispensing. The commission may contract with a separate entity to establish and maintain the electronic database on behalf of the commission. 796
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(2) The electronic database shall allow for information regarding medical marijuana to be updated instantaneously. All persons designated by the commission shall submit to the commission any information the commission determines is necessary for maintaining the electronic database. 802
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(3) The commission and any entity under contract with the commission shall not make public any information reported to or collected by the commission under this division that identifies or would tend to identify any specific patient. 807
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(C) The commission shall establish a toll-free telephone line to respond to inquiries from patients, caregivers, and health professionals regarding adverse reactions to medical marijuana and to provide information about available services and assistance. 811
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Sec. 3796.10. (A)(1) A physician seeking to recommend treatment with medical marijuana shall apply to the medical marijuana control commission for registration as a qualifying physician. An application shall be submitted in the manner established in rules adopted under section 3796.04 of the Revised Code. 815
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(2) The commission shall register an applicant as a 821

<u>qualifying physician if both of the following conditions are met:</u>	822
<u>(a) The application is complete and meets the requirements established in rules.</u>	823 824
<u>(b) The applicant demonstrates that the applicant does not have an ownership or investment interest in or compensation arrangement with an entity licensed under this chapter or an applicant for licensure.</u>	825 826 827 828
<u>(3) A registration expires according to the renewal schedule established in rules adopted under section 3796.04 of the Revised Code and may be renewed in accordance with the procedures established in those rules.</u>	829 830 831 832
<u>(B)(1) A qualifying physician may recommend that a patient be treated with medical marijuana if the patient has been diagnosed with a qualifying medical condition and a physician-patient relationship has been established through all of the following:</u>	833 834 835 836
<u>(a) A physical examination of the patient by the physician;</u>	837
<u>(b) A review of the patient's medical history by the physician;</u>	838 839
<u>(c) An expectation of providing care and receiving care on an ongoing basis.</u>	840 841
<u>(2) In the case of a patient who is a minor, the qualifying physician may recommend treatment with medical marijuana only after obtaining the consent of the patient's parent or other person responsible for providing consent to treatment.</u>	842 843 844 845
<u>(C)(1) When issuing a recommendation to a patient, the qualifying physician shall specify the following:</u>	846 847
<u>(a) The one or more forms of medical marijuana that may be dispensed to the patient;</u>	848 849
<u>(b) The amount of tetrahydrocannabinol allowed in medical marijuana dispensed to the patient;</u>	850 851

(c) The one or more methods by which the patient may use 852
medical marijuana. 853

The qualifying physician may also specify on the 854
recommendation the disease or condition for which treatment with 855
medical marijuana was recommended. The physician may use a 856
classification included in the "International Statistical 857
Classification of Diseases and Related Health Problems" when 858
specifying the disease or condition. 859

(2) A recommendation issued to a patient under this section 860
is valid for a period of not more than ninety days. The physician 861
may renew the recommendation for an additional period of not more 862
than ninety days after an in-person follow-up appointment with the 863
patient. During the one-year period beginning on the date of the 864
follow-up appointment, the physician may renew the recommendation 865
for not more than three additional periods of not more than ninety 866
days each. Thereafter, the physician may issue another 867
recommendation to the patient only upon a physical examination of 868
the patient at least annually. 869

(D) When recommending treatment with medical marijuana, a 870
qualifying physician shall maintain a record for each patient that 871
includes all of the following: 872

(1) The disease or condition for which treatment with medical 873
marijuana has been recommended; 874

(2) The one or more reasons that treatment with medical 875
marijuana was recommended for the patient rather than recommending 876
another form of treatment; 877

(3) The one or more forms of or methods of using medical 878
marijuana recommended for the patient. 879

(E) Except as provided in division (E)(3) of this section, 880
each qualifying physician shall submit reports to the commission 881
and state medical board as follows: 882

(1) At intervals not exceeding ninety days, the physician shall submit a report that includes all of the following for the period covered by the report: 883
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(a) The number of patients for whom the physician has recommended treatment with medical marijuana; 886
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(b) The diseases or conditions for which the treatment has been recommended; 888
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(c) The reasons that treatment with medical marijuana was recommended rather than recommending other forms of treatment; 890
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(d) The forms of and methods of using medical marijuana recommended to patients. 892
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(2) Annually, the physician shall submit a report that describes the physician's observations regarding the effectiveness of medical marijuana in treating the physician's patients during the year covered by the report. 894
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When submitting reports to the commission and board as required by divisions (E)(1) and (2) of this section, a qualifying physician shall not submit any information that identifies or would tend to identify any specific patient. 898
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(3) With respect to the reporting of diseases or conditions required by division (E)(1)(b) of this section, a qualifying physician may satisfy the requirement if each recommendation the physician issues includes classifications from the "International Statistical Classification of Diseases and Related Health Problems" and the retail dispensaries that dispense medical marijuana for the physician's patients include the classifications in the reports required by section 4729.771 of the Revised Code. 902
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(F) Each qualifying physician shall complete the number of hours of continuing medical education in medical marijuana specified by the state medical board in rules adopted under 910
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section 4731.283 of the Revised Code. 913

(G) A qualifying physician shall not do any of the following: 914

(1) Personally furnish or otherwise dispense medical marijuana; 915
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(2) Issue a recommendation for the qualifying physician's self. 917
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Sec. 3796.11. (A) A patient seeking to use medical marijuana or a caregiver seeking to assist a patient in the use of medical marijuana shall apply to the medical marijuana control commission for registration. The patient or caregiver shall submit the application in the manner established in rules adopted under section 3796.04 of the Revised Code and shall provide a copy of the recommendation issued by a qualifying physician registered under this chapter. In the case of a caregiver, the application shall include the name of the patient that the caregiver seeks to assist in the use of medical marijuana. If the application is complete and meets the requirements established in rules, the commission shall register the patient or caregiver and issue to the patient or caregiver an identification card. 919
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(B) The commission shall not make public any information reported to or collected by the commission under this section that identifies or would tend to identify any specific patient. 932
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(C) A registration expires according to the renewal schedule established in rules adopted under section 3796.04 of the Revised Code and may be renewed in accordance with procedures established in those rules. 935
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Sec. 3796.12. (A) An entity that seeks a license to cultivate, process, or dispense at retail medical marijuana or to conduct laboratory testing of medical marijuana shall file an application with the medical marijuana control commission. The 939
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application shall be submitted in accordance with rules adopted 943
under section 3796.04 of the Revised Code. 944

(B) The commission shall issue a license to an applicant if 945
all of the following conditions are met: 946

(1) The report of each criminal records check conducted 947
pursuant to section 3796.13 of the Revised Code with respect to 948
the application demonstrates that the person subject to the 949
criminal records check requirement has not been convicted of or 950
pleaded guilty to any of the disqualifying offenses specified in 951
rules adopted under section 3796.04 of the Revised Code. 952

(2) The applicant demonstrates that it does not have an 953
ownership or investment interest in or compensation arrangement 954
with any of the following: 955

(a) A laboratory licensed under this chapter; 956

(b) An applicant for a license to conduct laboratory testing. 957

(3) The applicant demonstrates that it will not be located 958
within one thousand feet of a school, church, public library, 959
public playground, or public park. 960

(4) The applicant meets all other licensure eligibility 961
conditions established in rules adopted under section 3796.04 of 962
the Revised Code. 963

(C) The commission shall issue not less than fifteen per cent 964
of cultivator, processor, retail dispensary, or laboratory 965
licenses to entities that are owned and controlled by United 966
States citizens who are residents of this state and are members of 967
one of the following economically disadvantaged groups: Blacks or 968
African Americans, American Indians, Hispanics or Latinos, and 969
Asians. If no applications or an insufficient number of 970
applications are submitted by such entities that meet the 971
conditions set forth in division (B) of this section, the licenses 972

shall be issued according to usual procedures. 973

As used in this division, "owned and controlled" means that 974
at least fifty-one per cent of the business, including corporate 975
stock if a corporation, is owned by persons who belong to one or 976
more of the groups set forth in this division, and that those 977
owners have control over the management and day-to-day operations 978
of the business and an interest in the capital, assets, and 979
profits and losses of the business proportionate to their 980
percentage of ownership. 981

(D) A license expires according to the renewal schedule 982
established in rules adopted under section 3796.04 of the Revised 983
Code and may be renewed in accordance with the procedures 984
established in those rules. 985

Sec. 3796.13. (A) As used in this section, "criminal records 986
check" has the same meaning as in section 109.572 of the Revised 987
Code. 988

(B)(1) As part of the application process for a license 989
issued under this chapter, the medical marijuana control 990
commission shall require each of the following to complete a 991
criminal records check: 992

(a) An administrator or other person responsible for the 993
daily operation of the entity seeking the license; 994

(b) An owner or prospective owner, officer or prospective 995
officer, or board member or prospective board member of the entity 996
seeking the license. 997

(2) If a person subject to the criminal records check 998
requirement does not present proof of having been a resident of 999
this state for the five-year period immediately prior to the date 1000
the criminal records check is requested or provide evidence that 1001
within that five-year period the superintendent of the bureau of 1002

criminal identification and investigation has requested 1003
information about the person from the federal bureau of 1004
investigation in a criminal records check, the commission shall 1005
request that the person obtain through the superintendent a 1006
criminal records request from the federal bureau of investigation 1007
as part of the criminal records check of the person. Even if a 1008
person presents proof of having been a resident of this state for 1009
the five-year period, the commission may request that the person 1010
obtain information through the superintendent from the federal 1011
bureau of investigation in the criminal records check. 1012

(C) The commission shall provide the following to each person 1013
who is subject to the criminal records check requirement: 1014

(1) Information about accessing, completing, and forwarding 1015
to the superintendent of the bureau of criminal identification and 1016
investigation the form prescribed pursuant to division (C)(1) of 1017
section 109.572 of the Revised Code and the standard impression 1018
sheet to obtain fingerprint impressions prescribed pursuant to 1019
division (C)(2) of that section; 1020

(2) Written notification that the person is to instruct the 1021
superintendent to submit the completed report of the criminal 1022
records check directly to the commission. 1023

(D) Each person who is subject to the criminal records check 1024
requirement shall pay to the bureau of criminal identification and 1025
investigation the fee prescribed pursuant to division (C)(3) of 1026
section 109.572 of the Revised Code for the criminal records check 1027
conducted of the person. 1028

(E) The report of any criminal records check conducted by the 1029
bureau of criminal identification and investigation in accordance 1030
with section 109.572 of the Revised Code and pursuant to a request 1031
made under this section is not a public record for the purposes of 1032
section 149.43 of the Revised Code and shall not be made available 1033

<u>to any person other than the following:</u>	1034
<u>(1) The person who is the subject of the criminal records check or the person's representative;</u>	1035
<u>(2) The members and staff of the commission;</u>	1036
<u>(3) A court, hearing officer, or other necessary individual involved in a case dealing with either of the following:</u>	1037
<u>(a) A license denial resulting from the criminal records check;</u>	1038
<u>(b) A civil or criminal action regarding the medical marijuana control program or any violation of this chapter.</u>	1039
<u>(F) The commission shall deny a license if, after receiving the information and notification required by this section, a person subject to the criminal records check requirement fails to do either of the following:</u>	1040
<u>(1) Access, complete, or forward to the superintendent of the bureau of criminal identification and investigation the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code or the standard impression sheet prescribed pursuant to division (C)(2) of that section;</u>	1041
<u>(2) Instruct the superintendent to submit the completed report of the criminal records check directly to the commission.</u>	1042
<u>Sec. 3796.14. (A) The medical marijuana control commission may suspend or revoke a license or registration issued under this chapter or may impose on a license holder a civil penalty in an amount to be determined by the commission for any of the reasons specified in rules adopted under section 3796.04 of the Revised Code. The commission's actions under this division shall be taken in accordance with Chapter 119. of the Revised Code.</u>	1043
<u>(B) The commission may inspect the premises of a holder of a</u>	1044

current, valid cultivator, processor, retail dispensary, or 1063
laboratory license issued under this chapter without prior notice 1064
to the license holder. 1065

Sec. 3796.15. (A)(1) The medical marijuana control commission 1066
shall attempt in good faith to negotiate and enter into a 1067
reciprocity agreement with any other state under which a medical 1068
marijuana registry identification card or equivalent authorization 1069
that is issued by the other state is recognized in this state, if 1070
the commission determines that both of the following apply: 1071

(a) The eligibility requirements imposed by the other state 1072
for that authorization are substantially comparable to the 1073
eligibility requirements for a patient or caregiver registration 1074
and identification card issued under section 3796.11 of the 1075
Revised Code. 1076

(b) The other state recognizes a patient or caregiver 1077
registration and identification card issued under section 3796.11 1078
of the Revised Code. 1079

(2) The commission shall not negotiate any agreement with any 1080
other state under which an authorization issued by the other state 1081
is recognized in this state other than as provided in division 1082
(A)(1) of this section. 1083

(B) If a reciprocity agreement is entered into in accordance 1084
with division (A) of this section, the authorization issued by the 1085
other state shall be recognized in this state, shall be accepted 1086
and valid in this state, and grants the patient or caregiver the 1087
same right to use, possess, obtain, or administer medical 1088
marijuana in this state as a patient or caregiver who was 1089
registered and issued an identification card under section 3796.11 1090
of the Revised Code. 1091

(C) The department of commerce, consistent with commission 1092

recommendations, may adopt any rules as necessary to implement 1093
this section. 1094

Sec. 3796.18. (A) Notwithstanding any conflicting provision 1095
of the Revised Code and except as provided in division (B) of this 1096
section, the holder of a current, valid cultivator license issued 1097
under this chapter may do either of the following: 1098

(1) Cultivate medical marijuana; 1099

(2) Deliver medical marijuana to a processor. 1100

(B) A cultivator license holder shall not cultivate medical 1101
marijuana for personal, family, or household use. 1102

Sec. 3796.19. (A) Notwithstanding any conflicting provision 1103
of the Revised Code, the holder of a current, valid processor 1104
license issued under this chapter may do any of the following: 1105

(1) Obtain medical marijuana from one or more licensed 1106
cultivators; 1107

(2) Subject to division (B) of this section, process medical 1108
marijuana obtained from one or more licensed cultivators into a 1109
form described in section 3796.06 of the Revised Code; 1110

(3) Deliver processed medical marijuana to one or more 1111
licensed retail dispensaries. 1112

(B) When processing medical marijuana, a licensed processor 1113
shall do both of the following: 1114

(1) Package the medical marijuana in accordance with 1115
child-resistant effectiveness standards described in 16 C.F.R. 1116
1700.15(b) on the effective date of this section; 1117

(2) Label the medical marijuana packaging with the product's 1118
tetrahydrocannabinol and cannabidiol content. 1119

<u>Sec. 3796.20. (A) Notwithstanding any conflicting provision</u>	1120
<u>of the Revised Code, the holder of a current, valid retail</u>	1121
<u>dispensary license issued under this chapter may do both of the</u>	1122
<u>following:</u>	1123
<u>(1) Obtain medical marijuana from one or more processors;</u>	1124
<u>(2) Dispense medical marijuana in accordance with division</u>	1125
<u>(B) of this section.</u>	1126
<u>(B) When dispensing medical marijuana, a licensed retail</u>	1127
<u>dispensary shall do all of the following:</u>	1128
<u>(1) Dispense only upon a showing of a current, valid</u>	1129
<u>identification card and in accordance with a recommendation issued</u>	1130
<u>by a qualifying physician registered under section 3796.10 of the</u>	1131
<u>Revised Code;</u>	1132
<u>(2) Comply with the requirements of section 4729.771 of the</u>	1133
<u>Revised Code;</u>	1134
<u>(3) Use only employees who have met the training requirements</u>	1135
<u>established in rules adopted under section 3796.04 of the Revised</u>	1136
<u>Code;</u>	1137
<u>(4) Label the package containing medical marijuana with the</u>	1138
<u>following information:</u>	1139
<u>(a) The name and address of the licensed processor and retail</u>	1140
<u>dispensary;</u>	1141
<u>(b) The name of the patient and caregiver, if any;</u>	1142
<u>(c) The name of the qualifying physician who recommended</u>	1143
<u>treatment with medical marijuana;</u>	1144
<u>(d) The directions for use as recommended by the qualifying</u>	1145
<u>physician;</u>	1146
<u>(e) The date on which the medical marijuana was dispensed;</u>	1147

(f) The quantity, strength, kind, and form of medical marijuana contained in the package. 1148
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(C) A licensed retail dispensary shall not make public any information it collects that identifies or would tend to identify any specific patient. 1150
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Sec. 3796.21. (A) Notwithstanding any conflicting provision of the Revised Code, the holder of a current, valid laboratory license issued under this chapter may do both of the following: 1153
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(1) Obtain medical marijuana from cultivators, processors, and retail dispensaries licensed under this chapter; 1156
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(2) Conduct medical marijuana testing. 1158

(B) When testing medical marijuana, a licensed laboratory shall do both of the following: 1159
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(1) Test the marijuana for potency, homogeneity, and contamination; 1161
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(2) Prepare a report of the test results. 1163

Sec. 3796.22. (A) Notwithstanding any conflicting provision of the Revised Code, a patient registered under this chapter who obtains medical marijuana from a retail dispensary licensed under this chapter may do both of the following: 1164
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(1) Use medical marijuana; 1168

(2) Possess medical marijuana, subject to division (B) of this section. 1169
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(B) The amount of medical marijuana possessed by a registered patient shall not exceed a ninety-day supply, as determined by the qualifying physician. 1171
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(C) A registered patient shall not be subject to arrest or criminal prosecution for obtaining, using, or possessing medical 1174
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marijuana in accordance with this chapter. 1176

(D) This section does not authorize a registered patient to operate a vehicle, streetcar, trackless trolley, watercraft, or aircraft while under the influence of medical marijuana. 1177
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Sec. 3796.23. (A) Notwithstanding any conflicting provision of the Revised Code, a caregiver registered under this chapter who obtains medical marijuana from a retail dispensary licensed under this chapter may do both of the following: 1180
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(1) Possess medical marijuana on behalf of a registered patient under the caregiver's care, subject to division (B) of this section; 1184
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(2) Assist a registered patient under the caregiver's care in the use or administration of medical marijuana. 1187
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(B) The amount of medical marijuana possessed by a registered caregiver on behalf of a registered patient shall not exceed a ninety-day supply, as determined by the qualifying physician. If a caregiver provides care to more than one registered patient, the caregiver shall maintain separate inventories of medical marijuana for each patient. 1189
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(C) A registered caregiver shall not be subject to arrest or criminal prosecution for any of following actions done in accordance with this chapter: 1195
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(1) Obtaining or possessing medical marijuana on behalf of a registered patient; 1198
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(2) Assisting a registered patient in the use or administration of medical marijuana. 1200
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(D) This section does not permit a registered caregiver to personally use medical marijuana, unless the caregiver is also a registered patient. 1202
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Sec. 3796.24. (A) The holder of a license, as defined in 1205
section 4776.01 of the Revised Code, is not subject to 1206
professional disciplinary action solely for engaging in 1207
professional or occupational activities related to medical 1208
marijuana. 1209

(B) Unless there is clear and convincing evidence that a 1210
child is unsafe, the use, possession, or administration of medical 1211
marijuana in accordance with section 3796.22 of the Revised Code 1212
shall not be the sole or primary basis for any of the following: 1213

(1) An adjudication under section 2151.28 of the Revised Code 1214
determining that a child is an abused, neglected, or dependent 1215
child; 1216

(2) An allocation of parental rights and responsibilities 1217
under section 3109.04 of the Revised Code; 1218

(3) A parenting time order under section 3109.051 or 3109.12 1219
of the Revised Code. 1220

Sec. 3796.26. A qualifying physician registered under this 1221
chapter or cultivator, processor, laboratory, or retail dispensary 1222
licensed under this chapter shall not advertise any services 1223
related to medical marijuana on a radio or television broadcast. 1224

Sec. 3796.27. (A) As used in this section: 1225

(1) "Financial institution" means any of the following: 1226

(a) Any bank, trust company, savings and loan association, 1227
savings bank, or credit union or any affiliate, agent, or employee 1228
of a bank, trust company, savings and loan association, savings 1229
bank, or credit union; 1230

(b) Any money transmitter licensed under sections 1315.01 to 1231
1315.18 of the Revised Code or any affiliate, agent, or employee 1232

of such a licensee. 1233

(2) "Financial services" means services that a financial institution is authorized to provide under Title XI, sections 1315.01 to 1315.18, or Chapter 1733. of the Revised Code, as applicable. 1234
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(B) A financial institution that provides financial services to any cultivator, processor, retail dispensary, or laboratory licensed under this chapter shall be exempt from any criminal law of this state an element of which may be proven by substantiating that a person provides financial services to a person who possesses, delivers, or manufactures marijuana or marijuana derived products, including section 2925.05 of the Revised Code and sections 2923.01 and 2923.03 of the Revised Code as those sections apply to violations of Chapter 2925. of the Revised Code, if the cultivator, processor, retail dispensary, or laboratory is in compliance with this chapter and the applicable tax laws of this state. 1238
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(C)(1) Notwithstanding section 149.43 of the Revised Code or any other public records law to the contrary, upon the request of a financial institution, the medical marijuana control commission shall provide to the financial institution all of the following information: 1250
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(a) Whether a person with whom the financial institution is seeking to do business is a cultivator, processor, retail dispensary, or laboratory licensed under this chapter; 1255
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(b) The name of any other business or individual affiliated with the person; 1258
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(c) A copy of the application for a license under this chapter, and any supporting documentation, that was submitted by the person; 1260
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(d) If applicable, information relating to sales and volume 1263

<u>of product sold by the person;</u>	1264
<u>(e) Whether the person is in compliance with this chapter;</u>	1265
<u>(f) Any past or pending violation by the person of this</u>	1266
<u>chapter, and any penalty imposed on the person for such a</u>	1267
<u>violation.</u>	1268
<u>(2) The commission may charge a financial institution a</u>	1269
<u>reasonable fee to cover the administrative cost of providing the</u>	1270
<u>information.</u>	1271
<u>(D)(1) Notwithstanding section 149.43 of the Revised Code or</u>	1272
<u>any other public records law to the contrary or any law relating</u>	1273
<u>to the confidentiality of tax return information, upon the request</u>	1274
<u>of a financial institution, the department of taxation shall</u>	1275
<u>provide to the financial institution all of the following</u>	1276
<u>information:</u>	1277
<u>(a) Whether a cultivator, processor, retail dispensary, or</u>	1278
<u>laboratory licensed under this chapter with whom the financial</u>	1279
<u>institution is seeking to do business is in compliance with the</u>	1280
<u>applicable tax laws of this state;</u>	1281
<u>(b) Any past or pending violation by the person of those tax</u>	1282
<u>laws, and any penalty imposed on the person for such a violation.</u>	1283
<u>(2) The department may charge a financial institution a</u>	1284
<u>reasonable fee to cover the administrative cost of providing the</u>	1285
<u>information.</u>	1286
<u>(E) Information received by a financial institution under</u>	1287
<u>division (C) or (D) of this section is confidential. Except as</u>	1288
<u>otherwise permitted by other state law or federal law, a financial</u>	1289
<u>institution shall not make the information available to any person</u>	1290
<u>other than the customer to whom the information applies and any</u>	1291
<u>trustee, conservator, guardian, personal representative, or agent</u>	1292
<u>of that customer.</u>	1293

<u>Sec. 3796.28. (A) Nothing in this chapter does any of the</u>	1294
<u>following:</u>	1295
<u>(1) Requires an employer to permit or accommodate an</u>	1296
<u>employee's use, possession, or distribution of medical marijuana;</u>	1297
<u>(2) Prohibits an employer from refusing to hire, discharging,</u>	1298
<u>disciplining, or otherwise taking an adverse employment action</u>	1299
<u>against a person with respect to hire, tenure, terms, conditions,</u>	1300
<u>or privileges of employment because of that person's use,</u>	1301
<u>possession, or distribution of medical marijuana;</u>	1302
<u>(3) Prohibits an employer from establishing and enforcing a</u>	1303
<u>drug testing policy, drug-free workplace policy, or zero-tolerance</u>	1304
<u>drug policy;</u>	1305
<u>(4) Interferes with any federal restrictions on employment,</u>	1306
<u>including the regulations adopted by the United States department</u>	1307
<u>of transportation in Title 49 of the Code of Federal Regulations,</u>	1308
<u>as amended;</u>	1309
<u>(5) Permits a person to commence a cause of action against an</u>	1310
<u>employer for refusing to hire, discharging, disciplining,</u>	1311
<u>discriminating, retaliating, or otherwise taking an adverse</u>	1312
<u>employment action against a person with respect to hire, tenure,</u>	1313
<u>terms, conditions, or privileges of employment related to medical</u>	1314
<u>marijuana;</u>	1315
<u>(6) Affects the authority of the administrator of workers'</u>	1316
<u>compensation to grant rebates or discounts on premium rates to</u>	1317
<u>employers that participate in a drug-free workplace program</u>	1318
<u>established in accordance with rules adopted by the administrator</u>	1319
<u>under Chapter 4123. of the Revised Code.</u>	1320
<u>(B) A person who is discharged from employment because of</u>	1321
<u>that person's use of medical marijuana shall be considered to have</u>	1322
<u>been discharged for just cause for purposes of division (D) of</u>	1323

section 4141.29 of the Revised Code. 1324

Sec. 3796.29. The legislative authority of a municipal corporation may adopt an ordinance, or a board of township trustees may adopt a resolution, to prohibit, or limit the number of, retail dispensaries of medical marijuana licensed under this chapter within the municipal corporation or within the unincorporated territory of the township, respectively. 1325
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Sec. 3796.30. (A) No medical marijuana cultivator, processor, retail dispensary, or laboratory that tests medical marijuana shall be located within one thousand feet of the boundaries of a parcel of real estate having situated on it a school, church, public library, public playground, or public park. 1331
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If the relocation of a cultivator, processor, retail dispensary, or laboratory licensed under this chapter results in the cultivator, processor, retail dispensary, or laboratory being located within one thousand feet of the boundaries of a parcel of real estate having situated on it a school, church, public library, public playground, or public park, the medical marijuana control commission shall revoke the license previously issued to the cultivator, processor, retail dispensary, or laboratory. 1336
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(B) As used in this section and sections 3796.04 and 3796.12 of the Revised Code: 1344
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"Church" has the meaning defined in section 1710.01 of the Revised Code. 1346
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"Public library" means a library provided for under Chapter 3375. of the Revised Code. 1348
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"Public park" means a park established by the state or a political subdivision of the state including a county, township, municipal corporation, or park district. 1350
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"Public playground" means a playground established by the 1353
state or a political subdivision of the state including a county, 1354
township, municipal corporation, or park district. 1355

"School" means a child day-care center as defined under 1356
section 5104.01 of the Revised Code, a preschool as defined under 1357
section 2950.034 of the Revised Code, or a public or nonpublic 1358
primary school or secondary school. 1359

Sec. 4123.54. (A) Except as otherwise provided in this 1360
division or divisions (I) and (K) of this section, every employee, 1361
who is injured or who contracts an occupational disease, and the 1362
dependents of each employee who is killed, or dies as the result 1363
of an occupational disease contracted in the course of employment, 1364
wherever ~~such~~ the injury has occurred or occupational disease has 1365
been contracted, ~~provided the same were not:~~ 1366

~~(1) Purposely self-inflicted; or~~ 1367

~~(2) Caused by the employee being intoxicated or under the~~ 1368
~~influence of a controlled substance not prescribed by a physician~~ 1369
~~where the intoxication or being under the influence of the~~ 1370
~~controlled substance not prescribed by a physician was the~~ 1371
~~proximate cause of the injury, is entitled to receive, either~~ 1372
~~directly from the employee's self-insuring employer as provided in~~ 1373
~~section 4123.35 of the Revised Code, or from the state insurance~~ 1374
~~fund, the compensation for loss sustained on account of the~~ 1375
injury, occupational disease, or death, and the medical, nurse, 1376
and hospital services and medicines, and the amount of funeral 1377
expenses in case of death, as are provided by this chapter. The 1378
compensation and benefits shall be provided, as applicable, 1379
directly from the employee's self-insuring employer as provided in 1380
section 4123.35 of the Revised Code or from the state insurance 1381
fund. An employee or dependent is not entitled to receive 1382
compensation or benefits under this division if the employee's 1383

injury or occupational disease is either of the following: 1384

(1) Purposely self-inflicted; 1385

(2) Caused by the employee being intoxicated, under the 1386
influence of a controlled substance not prescribed by a physician, 1387
or under the influence of marihuana if being intoxicated, under 1388
the influence of a controlled substance not prescribed by a 1389
physician, or under the influence of marihuana was the proximate 1390
cause of the injury. 1391

 (B) For the purpose of this section, provided that an 1392
employer has posted written notice to employees that the results 1393
of, or the employee's refusal to submit to, any chemical test 1394
described under this division may affect the employee's 1395
eligibility for compensation and benefits pursuant to this chapter 1396
and Chapter 4121. of the Revised Code, there is a rebuttable 1397
presumption that an employee is intoxicated ~~or~~, under the 1398
influence of a controlled substance not prescribed by the 1399
employee's physician, or under the influence of marihuana and that 1400
being intoxicated ~~or~~, under the influence of a controlled 1401
substance not prescribed by the employee's physician, or under the 1402
influence of marihuana is the proximate cause of an injury under 1403
either of the following conditions: 1404

 (1) When any one or more of the following is true: 1405

 (a) The employee, through a qualifying chemical test 1406
administered within eight hours of an injury, is determined to 1407
have an alcohol concentration level equal to or in excess of the 1408
levels established in divisions (A)(1)(b) to (i) of section 1409
4511.19 of the Revised Code; 1410

 (b) The employee, through a qualifying chemical test 1411
administered within thirty-two hours of an injury, is determined 1412
to have one of the following controlled substances not prescribed 1413
by the employee's physician or marihuana in the employee's system 1414

that tests above the following levels in an enzyme multiplied	1415
immunoassay technique screening test and above the levels	1416
established in division (B)(1)(c) of this section in a gas	1417
chromatography mass spectrometry test:	1418
(i) For amphetamines, one thousand nanograms per milliliter	1419
of urine;	1420
(ii) For cannabinoids, fifty nanograms per milliliter of	1421
urine;	1422
(iii) For cocaine, including crack cocaine, three hundred	1423
nanograms per milliliter of urine;	1424
(iv) For opiates, two thousand nanograms per milliliter of	1425
urine;	1426
(v) For phencyclidine, twenty-five nanograms per milliliter	1427
of urine.	1428
(c) The employee, through a qualifying chemical test	1429
administered within thirty-two hours of an injury, is determined	1430
to have one of the following controlled substances not prescribed	1431
by the employee's physician <u>or marijuana</u> in the employee's system	1432
that tests above the following levels by a gas chromatography mass	1433
spectrometry test:	1434
(i) For amphetamines, five hundred nanograms per milliliter	1435
of urine;	1436
(ii) For cannabinoids, fifteen nanograms per milliliter of	1437
urine;	1438
(iii) For cocaine, including crack cocaine, one hundred fifty	1439
nanograms per milliliter of urine;	1440
(iv) For opiates, two thousand nanograms per milliliter of	1441
urine;	1442
(v) For phencyclidine, twenty-five nanograms per milliliter	1443
of urine.	1444

(d) The employee, through a qualifying chemical test 1445
administered within thirty-two hours of an injury, is determined 1446
to have barbiturates, benzodiazepines, methadone, or propoxyphene 1447
in the employee's system that tests above levels established by 1448
laboratories certified by the United States department of health 1449
and human services. 1450

(2) When the employee refuses to submit to a requested 1451
chemical test, on the condition that that employee is or was given 1452
notice that the refusal to submit to any chemical test described 1453
in division (B)(1) of this section may affect the employee's 1454
eligibility for compensation and benefits under this chapter and 1455
Chapter 4121. of the Revised Code. 1456

(C)(1) For purposes of division (B) of this section, a 1457
chemical test is a qualifying chemical test if it is administered 1458
to an employee after an injury under at least one of the following 1459
conditions: 1460

(a) When the employee's employer had reasonable cause to 1461
suspect that the employee may be intoxicated ~~or~~, under the 1462
influence of a controlled substance not prescribed by the 1463
employee's physician, or under the influence of marihuana; 1464

(b) At the request of a police officer pursuant to section 1465
4511.191 of the Revised Code, and not at the request of the 1466
employee's employer; 1467

(c) At the request of a licensed physician who is not 1468
employed by the employee's employer, and not at the request of the 1469
employee's employer. 1470

(2) As used in division (C)(1)(a) of this section, 1471
"reasonable cause" means, but is not limited to, evidence that an 1472
employee is or was using alcohol ~~or~~, a controlled substance, or 1473
marihuana drawn from specific, objective facts and reasonable 1474
inferences drawn from these facts in light of experience and 1475

training. These facts and inferences may be based on, but are not 1476
limited to, any of the following: 1477

(a) Observable phenomena, such as direct observation of use, 1478
possession, or distribution of alcohol ~~or~~ a controlled substance, 1479
or marihuana, or of the physical symptoms of being under the 1480
influence of alcohol ~~or~~ a controlled substance, or marihuana, 1481
such as but not limited to slurred speech; dilated pupils; odor 1482
of alcohol ~~or~~ a controlled substance, or marihuana; changes in 1483
affect; or dynamic mood swings; 1484

(b) A pattern of abnormal conduct, erratic or aberrant 1485
behavior, or deteriorating work performance such as frequent 1486
absenteeism, excessive tardiness, or recurrent accidents, that 1487
appears to be related to the use of alcohol ~~or~~ a controlled 1488
substance, or marihuana, and does not appear to be attributable to 1489
other factors; 1490

(c) The identification of an employee as the focus of a 1491
criminal investigation into unauthorized possession, use, or 1492
trafficking of a controlled substance or marihuana; 1493

(d) A report of use of alcohol ~~or~~ a controlled substance, or 1494
marihuana provided by a reliable and credible source; 1495

(e) Repeated or flagrant violations of the safety or work 1496
rules of the employee's employer, that are determined by the 1497
employee's supervisor to pose a substantial risk of physical 1498
injury or property damage and that appear to be related to the use 1499
of alcohol ~~or~~ a controlled substance, or marihuana and that do 1500
not appear attributable to other factors. 1501

(D) Nothing in this section shall be construed to affect the 1502
rights of an employer to test employees for alcohol or controlled 1503
substance abuse. 1504

(E) For the purpose of this section, laboratories certified 1505
by the United States department of health and human services or 1506

laboratories that meet or exceed the standards of that department 1507
for laboratory certification shall be used for processing the test 1508
results of a qualifying chemical test. 1509

(F) The written notice required by division (B) of this 1510
section shall be the same size or larger than the proof of 1511
workers' compensation coverage furnished by the bureau of workers' 1512
compensation and shall be posted by the employer in the same 1513
location as the proof of workers' compensation coverage or the 1514
certificate of self-insurance. 1515

(G) If a condition that pre-existed an injury is 1516
substantially aggravated by the injury, and that substantial 1517
aggravation is documented by objective diagnostic findings, 1518
objective clinical findings, or objective test results, no 1519
compensation or benefits are payable because of the pre-existing 1520
condition once that condition has returned to a level that would 1521
have existed without the injury. 1522

(H)(1) Whenever, with respect to an employee of an employer 1523
who is subject to and has complied with this chapter, there is 1524
possibility of conflict with respect to the application of 1525
workers' compensation laws because the contract of employment is 1526
entered into and all or some portion of the work is or is to be 1527
performed in a state or states other than Ohio, the employer and 1528
the employee may agree to be bound by the laws of this state or by 1529
the laws of some other state in which all or some portion of the 1530
work of the employee is to be performed. The agreement shall be in 1531
writing and shall be filed with the bureau of workers' 1532
compensation within ten days after it is executed and shall remain 1533
in force until terminated or modified by agreement of the parties 1534
similarly filed. If the agreement is to be bound by the laws of 1535
this state and the employer has complied with this chapter, then 1536
the employee is entitled to compensation and benefits regardless 1537
of where the injury occurs or the disease is contracted and the 1538

rights of the employee and the employee's dependents under the 1539
laws of this state are the exclusive remedy against the employer 1540
on account of injury, disease, or death in the course of and 1541
arising out of the employee's employment. If the agreement is to 1542
be bound by the laws of another state and the employer has 1543
complied with the laws of that state, the rights of the employee 1544
and the employee's dependents under the laws of that state are the 1545
exclusive remedy against the employer on account of injury, 1546
disease, or death in the course of and arising out of the 1547
employee's employment without regard to the place where the injury 1548
was sustained or the disease contracted. If an employer and an 1549
employee enter into an agreement under this division, the fact 1550
that the employer and the employee entered into that agreement 1551
shall not be construed to change the status of an employee whose 1552
continued employment is subject to the will of the employer or the 1553
employee, unless the agreement contains a provision that expressly 1554
changes that status. 1555

(2) If an employee or the employee's dependents receive an 1556
award of compensation or benefits under this chapter or Chapter 1557
4121., 4127., or 4131. of the Revised Code for the same injury, 1558
occupational disease, or death for which the employee or the 1559
employee's dependents previously pursued or otherwise elected to 1560
accept workers' compensation benefits and received a decision on 1561
the merits as defined in section 4123.542 of the Revised Code 1562
under the laws of another state or recovered damages under the 1563
laws of another state, the claim shall be disallowed and the 1564
administrator or any self-insuring employer, by any lawful means, 1565
may collect from the employee or the employee's dependents any of 1566
the following: 1567

~~(i)~~(a) The amount of compensation or benefits paid to or on 1568
behalf of the employee or the employee's dependents by the 1569
administrator or a self-insuring employer pursuant to this chapter 1570

or Chapter 4121., 4127., or 4131. of the Revised Code for that 1571
award; 1572

~~(ii)~~(b) Any interest, attorney's fees, and costs the 1573
administrator or the self-insuring employer incurs in collecting 1574
that payment. 1575

(3) If an employee or the employee's dependents receive an 1576
award of compensation or benefits under this chapter or Chapter 1577
4121., 4127., or 4131. of the Revised Code and subsequently pursue 1578
or otherwise elect to accept workers' compensation benefits or 1579
damages under the laws of another state for the same injury, 1580
occupational disease, or death the claim under this chapter or 1581
Chapter 4121., 4127., or 4131. of the Revised Code shall be 1582
disallowed. The administrator or a self-insuring employer, by any 1583
lawful means, may collect from the employee or the employee's 1584
dependents or other-states' insurer any of the following: 1585

~~(i)~~(a) The amount of compensation or benefits paid to or on 1586
behalf of the employee or the employee's dependents by the 1587
administrator or the self-insuring employer pursuant to this 1588
chapter or Chapter 4121., 4127., or 4131. of the Revised Code for 1589
that award; 1590

~~(ii)~~(b) Any interest, costs, and attorney's fees the 1591
administrator or the self-insuring employer incurs in collecting 1592
that payment; 1593

~~(iii)~~(c) Any costs incurred by an employer in contesting or 1594
responding to any claim filed by the employee or the employee's 1595
dependents for the same injury, occupational disease, or death 1596
that was filed after the original claim for which the employee or 1597
the employee's dependents received a decision on the merits as 1598
described in section 4123.542 of the Revised Code. 1599

(4) If the employee's employer pays premiums into the state 1600
insurance fund, the administrator shall not charge the amount of 1601

compensation or benefits the administrator collects pursuant to 1602
division (H)(2) or (3) of this section to the employer's 1603
experience. If the administrator collects any costs incurred by an 1604
employer in contesting or responding to any claim pursuant to 1605
division (H)(2) or (3) of this section, the administrator shall 1606
forward the amount collected to that employer. If the employee's 1607
employer is a self-insuring employer, the self-insuring employer 1608
shall deduct the amount of compensation or benefits the 1609
self-insuring employer collects pursuant to this division from the 1610
paid compensation the self-insuring employer reports to the 1611
administrator under division (L) of section 4123.35 of the Revised 1612
Code. 1613

(5) If an employee is a resident of a state other than this 1614
state and is insured under the workers' compensation law or 1615
similar laws of a state other than this state, the employee and 1616
the employee's dependents are not entitled to receive compensation 1617
or benefits under this chapter, on account of injury, disease, or 1618
death arising out of or in the course of employment while 1619
temporarily within this state, and the rights of the employee and 1620
the employee's dependents under the laws of the other state are 1621
the exclusive remedy against the employer on account of the 1622
injury, disease, or death. 1623

(6) An employee, or the dependent of an employee, who elects 1624
to receive compensation and benefits under this chapter or Chapter 1625
4121., 4127., or 4131. of the Revised Code for a claim may not 1626
receive compensation and benefits under the workers' compensation 1627
laws of any state other than this state for that same claim. For 1628
each claim submitted by or on behalf of an employee, the 1629
administrator or, if the employee is employed by a self-insuring 1630
employer, the self-insuring employer, shall request the employee 1631
or the employee's dependent to sign an election that affirms the 1632
employee's or employee's dependent's acceptance of electing to 1633

receive compensation and benefits under this chapter or Chapter 1634
4121., 4127., or 4131. of the Revised Code for that claim that 1635
also affirmatively waives and releases the employee's or the 1636
employee's dependent's right to file for and receive compensation 1637
and benefits under the laws of any state other than this state for 1638
that claim. The employee or employee's dependent shall sign the 1639
election form within twenty-eight days after the administrator or 1640
self-insuring employer submits the request or the administrator or 1641
self-insuring employer shall dismiss that claim. 1642

In the event a workers' compensation claim has been filed in 1643
another jurisdiction on behalf of an employee or the dependents of 1644
an employee, and the employee or dependents subsequently elect to 1645
receive compensation, benefits, or both under this chapter or 1646
Chapter 4121., 4127., or 4131. of the Revised Code, the employee 1647
or dependent shall withdraw or refuse acceptance of the workers' 1648
compensation claim filed in the other jurisdiction in order to 1649
pursue compensation or benefits under the laws of this state. If 1650
the employee or dependents were awarded workers' compensation 1651
benefits or had recovered damages under the laws of the other 1652
state, any compensation and benefits awarded under this chapter or 1653
~~Chapters~~ Chapter 4121., 4127., or 4131. of the Revised Code shall 1654
be paid only to the extent to which those payments exceed the 1655
amounts paid under the laws of the other state. If the employee or 1656
dependent fails to withdraw or to refuse acceptance of the 1657
workers' compensation claim in the other jurisdiction within 1658
twenty-eight days after a request made by the administrator or a 1659
self-insuring employer, the administrator or self-insuring 1660
employer shall dismiss the employee's or employee's dependents' 1661
claim made in this state. 1662

(I) If an employee who is covered under the federal 1663
"Longshore and Harbor Workers' Compensation Act," 98 Stat. 1639, 1664
33 U.S.C. 901 et seq., is injured or contracts an occupational 1665

disease or dies as a result of an injury or occupational disease, 1666
and if that employee's or that employee's dependents' claim for 1667
compensation or benefits for that injury, occupational disease, or 1668
death is subject to the jurisdiction of that act, the employee or 1669
the employee's dependents are not entitled to apply for and shall 1670
not receive compensation or benefits under this chapter and 1671
Chapter 4121. of the Revised Code. The rights of such an employee 1672
and the employee's dependents under the federal "Longshore and 1673
Harbor Workers' Compensation Act," 98 Stat. 1639, 33 U.S.C. 901 et 1674
seq., are the exclusive remedy against the employer for that 1675
injury, occupational disease, or death. 1676

(J) Compensation or benefits are not payable to a claimant 1677
during the period of confinement of the claimant in any state or 1678
federal correctional institution, or in any county jail in lieu of 1679
incarceration in a state or federal correctional institution, 1680
whether in this or any other state for conviction of violation of 1681
any state or federal criminal law. 1682

(K) An employer, upon the approval of the administrator, may 1683
provide for workers' compensation coverage for the employer's 1684
employees who are professional athletes and coaches by submitting 1685
to the administrator proof of coverage under a league policy 1686
issued under the laws of another state under either of the 1687
following circumstances: 1688

(1) The employer administers the payroll and workers' 1689
compensation insurance for a professional sports team subject to a 1690
collective bargaining agreement, and the collective bargaining 1691
agreement provides for the uniform administration of workers' 1692
compensation benefits and compensation for professional athletes. 1693

(2) The employer is a professional sports league, or is a 1694
member team of a professional sports league, and all of the 1695
following apply: 1696

(a) The professional sports league operates as a single 1697
entity, whereby all of the players and coaches of the sports 1698
league are employees of the sports league and not of the 1699
individual member teams. 1700

(b) The professional sports league at all times maintains 1701
workers' compensation insurance that provides coverage for the 1702
players and coaches of the sports league. 1703

(c) Each individual member team of the professional sports 1704
league, pursuant to the organizational or operating documents of 1705
the sports league, is obligated to the sports league to pay to the 1706
sports league any workers' compensation claims that are not 1707
covered by the workers' compensation insurance maintained by the 1708
sports league. 1709

If the administrator approves the employer's proof of 1710
coverage submitted under division (K) of this section, a 1711
professional athlete or coach who is an employee of the employer 1712
and the dependents of the professional athlete or coach are not 1713
entitled to apply for and shall not receive compensation or 1714
benefits under this chapter and Chapter 4121. of the Revised Code. 1715
The rights of such an athlete or coach and the dependents of such 1716
an athlete or coach under the laws of the state where the policy 1717
was issued are the exclusive remedy against the employer for the 1718
athlete or coach if the athlete or coach suffers an injury or 1719
contracts an occupational disease in the course of employment, or 1720
for the dependents of the athlete or the coach if the athlete or 1721
coach is killed as a result of an injury or dies as a result of an 1722
occupational disease, regardless of the location where the injury 1723
was suffered or the occupational disease was contracted. 1724

Sec. 4729.75. The state board of pharmacy may establish and 1725
maintain a drug database. The board shall use the drug database to 1726
monitor the misuse and diversion of the following: controlled 1727

substances, as defined in section 3719.01 of the Revised Code; medical marijuana, as authorized under Chapter 3796. of the Revised Code; and other dangerous drugs the board includes in the database pursuant to rules adopted under section 4729.84 of the Revised Code. In establishing and maintaining the database, the board shall electronically collect information pursuant to sections 4729.77, 4729.771, and 4729.79 of the Revised Code and shall disseminate information as authorized or required by sections 4729.80 and 4729.81 of the Revised Code. The board's collection and dissemination of information shall be conducted in accordance with rules adopted under section 4729.84 of the Revised Code.

Sec. 4729.771. (A) If the state board of pharmacy establishes and maintains a drug database pursuant to section 4729.75 of the Revised Code, each retail dispensary licensed under Chapter 3796. of the Revised Code by the medical marijuana control commission shall submit to the board the following information regarding medical marijuana dispensed to a patient:

(1) Retail dispensary identification;

(2) Patient identification;

(3) Recommending physician identification;

(4) Date of physician recommendation;

(5) If provided to the retail dispensary, the "International Statistical Classification of Diseases and Related Health Problems" classification specified on the recommendation issued by the qualifying physician as described in section 3796.10 of the Revised Code;

(6) Date marijuana was dispensed;

(7) Form, quality, and clinical strength of marijuana dispensed;

<u>(8) Quantity of marijuana dispensed;</u>	1758
<u>(9) Number of days' supply of marijuana dispensed;</u>	1759
<u>(10) Source of payment for the marijuana dispensed.</u>	1760
<u>(B)(1) The information shall be transmitted as specified by</u>	1761
<u>the board in rules adopted under section 4729.84 of the Revised</u>	1762
<u>Code.</u>	1763
<u>(2) The information shall be submitted in accordance with any</u>	1764
<u>time limits specified by the board, except that the board may</u>	1765
<u>grant an extension if either of the following occurs:</u>	1766
<u>(a) The retail dispensary's transmission system suffers a</u>	1767
<u>mechanical or electronic failure or the retail dispensary cannot</u>	1768
<u>meet the deadline for other reasons beyond the dispensary's</u>	1769
<u>control.</u>	1770
<u>(b) The board is unable to receive electronic submissions.</u>	1771
<u>(C) The information required to be submitted under division</u>	1772
<u>(A) of this section may be submitted on behalf of the retail</u>	1773
<u>dispensary by a delegate approved by that dispensary.</u>	1774
Sec. 4729.80. (A) If the state board of pharmacy establishes	1775
and maintains a drug database pursuant to section 4729.75 of the	1776
Revised Code, the board is authorized or required to provide	1777
information from the database in accordance with the following:	1778
(1) On receipt of a request from a designated representative	1779
of a government entity responsible for the licensure, regulation,	1780
or discipline of health care professionals with authority to	1781
prescribe, administer, or dispense drugs, the board may provide to	1782
the representative information from the database relating to the	1783
professional who is the subject of an active investigation being	1784
conducted by the government entity.	1785
(2) On receipt of a request from a federal officer, or a	1786

state or local officer of this or any other state, whose duties 1787
include enforcing laws relating to drugs, the board shall provide 1788
to the officer information from the database relating to the 1789
person who is the subject of an active investigation of a drug 1790
abuse offense, as defined in section 2925.01 of the Revised Code, 1791
being conducted by the officer's employing government entity. 1792

(3) Pursuant to a subpoena issued by a grand jury, the board 1793
shall provide to the grand jury information from the database 1794
relating to the person who is the subject of an investigation 1795
being conducted by the grand jury. 1796

(4) Pursuant to a subpoena, search warrant, or court order in 1797
connection with the investigation or prosecution of a possible or 1798
alleged criminal offense, the board shall provide information from 1799
the database as necessary to comply with the subpoena, search 1800
warrant, or court order. 1801

(5) On receipt of a request from a prescriber or the 1802
prescriber's delegate approved by the board, the board shall 1803
provide to the prescriber a report of information from the 1804
database relating to a patient who is either a current patient of 1805
the prescriber or a potential patient of the prescriber based on a 1806
referral of the patient to the prescriber, if all of the following 1807
conditions are met: 1808

(a) The prescriber certifies in a form specified by the board 1809
that it is for the purpose of providing medical treatment to the 1810
patient who is the subject of the request; 1811

(b) The prescriber has not been denied access to the database 1812
by the board. 1813

(6) On receipt of a request from a pharmacist or the 1814
pharmacist's delegate approved by the board, the board shall 1815
provide to the pharmacist information from the database relating 1816
to a current patient of the pharmacist, if the pharmacist 1817

certifies in a form specified by the board that it is for the 1818
purpose of the pharmacist's practice of pharmacy involving the 1819
patient who is the subject of the request and the pharmacist has 1820
not been denied access to the database by the board. 1821

(7) On receipt of a request from an individual seeking the 1822
individual's own database information in accordance with the 1823
procedure established in rules adopted under section 4729.84 of 1824
the Revised Code, the board may provide to the individual the 1825
individual's own database information. 1826

(8) On receipt of a request from a medical director or a 1827
pharmacy director of a managed care organization that has entered 1828
into a contract with the department of medicaid under section 1829
5167.10 of the Revised Code and a data security agreement with the 1830
board required by section 5167.14 of the Revised Code, the board 1831
shall provide to the medical director or the pharmacy director 1832
information from the database relating to a medicaid recipient 1833
enrolled in the managed care organization, including information 1834
in the database related to prescriptions for the recipient that 1835
were not covered or reimbursed under a program administered by the 1836
department of medicaid. 1837

(9) On receipt of a request from the medicaid director, the 1838
board shall provide to the director information from the database 1839
relating to a recipient of a program administered by the 1840
department of medicaid, including information in the database 1841
related to prescriptions for the recipient that were not covered 1842
or paid by a program administered by the department. 1843

(10) On receipt of a request from a medical director of a 1844
managed care organization that has entered into a contract with 1845
the administrator of workers' compensation under division (B)(4) 1846
of section 4121.44 of the Revised Code and a data security 1847
agreement with the board required by section 4121.447 of the 1848
Revised Code, the board shall provide to the medical director 1849

information from the database relating to a claimant under Chapter 1850
4121., 4123., 4127., or 4131. of the Revised Code assigned to the 1851
managed care organization, including information in the database 1852
related to prescriptions for the claimant that were not covered or 1853
reimbursed under Chapter 4121., 4123., 4127., or 4131. of the 1854
Revised Code, if the administrator of workers' compensation 1855
confirms, upon request from the board, that the claimant is 1856
assigned to the managed care organization. 1857

(11) On receipt of a request from the administrator of 1858
workers' compensation, the board shall provide to the 1859
administrator information from the database relating to a claimant 1860
under Chapter 4121., 4123., 4127., or 4131. of the Revised Code, 1861
including information in the database related to prescriptions for 1862
the claimant that were not covered or reimbursed under Chapter 1863
4121., 4123., 4127., or 4131. of the Revised Code. 1864

(12) On receipt of a request from a prescriber or the 1865
prescriber's delegate approved by the board, the board shall 1866
provide to the prescriber information from the database relating 1867
to a patient's mother, if the prescriber certifies in a form 1868
specified by the board that it is for the purpose of providing 1869
medical treatment to a newborn or infant patient diagnosed as 1870
opioid dependent and the prescriber has not been denied access to 1871
the database by the board. 1872

(13) On receipt of a request from the director of health, the 1873
board shall provide to the director information from the database 1874
relating to the duties of the director or the department of health 1875
in implementing the Ohio violent death reporting system 1876
established under section 3701.93 of the Revised Code. 1877

(14) On receipt of a request from a requestor described in 1878
division (A)(1), (2), (5), or (6) of this section who is from or 1879
participating with another state's prescription monitoring 1880
program, the board may provide to the requestor information from 1881

the database, but only if there is a written agreement under which 1882
the information is to be used and disseminated according to the 1883
laws of this state. 1884

(15) On receipt of a request from a delegate of a retail 1885
dispensary licensed under Chapter 3796. of the Revised Code who is 1886
approved by the board to serve as the dispensary's delegate, the 1887
board shall provide to the delegate a report of information from 1888
the database relating to a patient, if both of the following 1889
conditions are met: 1890

(a) The delegate certifies in a form specified by the board 1891
that it is for the purpose of distributing medical marijuana for 1892
use in accordance with Chapter 3796. of the Revised Code. 1893

(b) The retail dispensary or delegate has not been denied 1894
access to the database by the board. 1895

(16) On receipt of a request from a designated representative 1896
of the medical marijuana control commission, the board shall 1897
provide to the representative information from the database 1898
relating to the "International Statistical Classification of 1899
Diseases and Related Health Problems" classifications used by 1900
qualifying physicians as reported to the board pursuant to section 1901
4729.771 of the Revised Code. 1902

(B) The state board of pharmacy shall maintain a record of 1903
each individual or entity that requests information from the 1904
database pursuant to this section. In accordance with rules 1905
adopted under section 4729.84 of the Revised Code, the board may 1906
use the records to document and report statistics and law 1907
enforcement outcomes. 1908

The board may provide records of an individual's requests for 1909
database information to the following: 1910

(1) A designated representative of a government entity that 1911
is responsible for the licensure, regulation, or discipline of 1912

health care professionals with authority to prescribe, administer, 1913
or dispense drugs who is involved in an active investigation being 1914
conducted by the government entity of the individual who submitted 1915
the requests for database information; 1916

(2) A federal officer, or a state or local officer of this or 1917
any other state, whose duties include enforcing laws relating to 1918
drugs and who is involved in an active investigation being 1919
conducted by the officer's employing government entity of the 1920
individual who submitted the requests for database information. 1921

(C) Information contained in the database and any information 1922
obtained from it is not a public record. Information contained in 1923
the records of requests for information from the database is not a 1924
public record. Information that does not identify a person may be 1925
released in summary, statistical, or aggregate form. 1926

(D) A pharmacist or prescriber shall not be held liable in 1927
damages to any person in any civil action for injury, death, or 1928
loss to person or property on the basis that the pharmacist or 1929
prescriber did or did not seek or obtain information from the 1930
database. 1931

Sec. 4729.81. If the state board of pharmacy establishes and 1932
maintains a drug database pursuant to section 4729.75 of the 1933
Revised Code, the board shall review the information in the drug 1934
database. If the board determines from the review that a violation 1935
of law may have occurred, it shall notify the appropriate law 1936
enforcement agency or a government entity responsible for the 1937
licensure, regulation, or discipline of licensed health 1938
professionals authorized to prescribe drugs and supply information 1939
required by the agency or entity for an investigation of the 1940
violation of law that may have occurred. The board ~~also~~ shall 1941
notify the medicaid director if the board determines that the 1942
violation may have been committed by a provider of services under 1943

a program administered by the department of medicaid. The board 1944
shall notify the medical marijuana control commission if the board 1945
determines that a violation may have been committed by a retail 1946
dispensary licensed under Chapter 3796. of the Revised Code by the 1947
medical marijuana control commission. 1948

Sec. 4729.82. If the state board of pharmacy establishes a 1949
drug database pursuant to section 4729.75 of the Revised Code, the 1950
information collected for the database shall be retained in the 1951
database for at least three years. Any information that identifies 1952
a patient shall be destroyed after it has been retained for three 1953
years unless a law enforcement agency ~~or~~, a government entity 1954
responsible for the licensure, regulation, or discipline of 1955
licensed health professionals authorized to prescribe drugs, or 1956
the medical marijuana control commission has submitted a written 1957
request to the board for retention of the information in 1958
accordance with rules adopted by the board under section 4729.84 1959
of the Revised Code. 1960

Sec. 4729.83. (A) If the state board of pharmacy establishes 1961
and maintains a drug database pursuant to section 4729.75 of the 1962
Revised Code, the board may use, for the purpose of establishing 1963
or maintaining the database, any portion of the fees collected 1964
under section 4729.15, 4729.52, or 4729.54 of the Revised Code for 1965
the licensing or registration of pharmacists, pharmacy interns, 1966
wholesale distributors of dangerous drugs, or terminal 1967
distributors of dangerous drugs. The board shall not increase the 1968
amount of any of those fees solely for the purpose of establishing 1969
or maintaining the database. 1970

The board shall not impose any charge on a prescriber for the 1971
establishment or maintenance of the database. The board shall not 1972
impose any charge for the establishment or maintenance of the 1973
database on a retail dispensary licensed under Chapter 3796. of 1974

the Revised Code by the medical marijuana control commission. 1975

The board shall not charge any fees for the transmission of 1976
data to the database or for the receipt of information from the 1977
database, except that the board may charge a fee in accordance 1978
with rules adopted under section 4729.84 of the Revised Code to an 1979
individual who requests the individual's own database information 1980
under section 4729.80 of the Revised Code. 1981

(B) The board may accept grants, gifts, or donations for 1982
purposes of the drug database. Any money received shall be 1983
deposited into the state treasury to the credit of the drug 1984
database fund, which is hereby created. Money in the fund shall be 1985
used solely for purposes of the drug database. 1986

Sec. 4729.84. For purposes of establishing and maintaining a 1987
drug database pursuant to section 4729.75 of the Revised Code, the 1988
state board of pharmacy shall adopt rules in accordance with 1989
Chapter 119. of the Revised Code to carry out and enforce sections 1990
4729.75 to 4729.83 of the Revised Code. The rules shall specify 1991
all of the following: 1992

(A) A means of identifying each patient, each terminal 1993
distributor of dangerous drugs, ~~and~~ each purchase at wholesale of 1994
dangerous drugs, and each retail dispensary licensed under Chapter 1995
3796. of the Revised Code by the medical marijuana control 1996
commission about which information is entered into the drug 1997
database; 1998

(B) Requirements for the transmission of information from 1999
terminal distributors of dangerous drugs, wholesale distributors 2000
of dangerous drugs, ~~and~~ prescribers, and retail dispensaries; 2001

(C) An electronic format for the submission of information 2002
from terminal distributors, wholesale distributors, ~~and~~ 2003
prescribers, and retail dispensaries; 2004

(D) A procedure whereby a terminal distributor—, wholesale distributor, ~~or~~ prescriber, or retail dispensary unable to submit information electronically may obtain a waiver to submit information in another format;

(E) A procedure whereby the board may grant a request from a law enforcement agency ~~or, from~~ a government entity responsible for the licensure, regulation, or discipline of licensed health professionals authorized to prescribe drugs, or from the medical marijuana control commission that information that has been stored for three years be retained when the information pertains to an open investigation being conducted by the agency or entity;

(F) A procedure whereby a terminal distributor, wholesale distributor, ~~or~~ prescriber, or retail dispensary may apply for an extension to the time by which information must be transmitted to the board;

(G) A procedure whereby a person or government entity to which the board is authorized to provide information may submit a request to the board for the information and the board may verify the identity of the requestor;

(H) A procedure whereby the board can use the database request records required by division (B) of section 4729.80 of the Revised Code to document and report statistics and law enforcement outcomes;

(I) A procedure whereby an individual may request the individual's own database information and the board may verify the identity of the requestor;

(J) A reasonable fee that the board may charge under section 4729.83 of the Revised Code for providing an individual with the individual's own database information pursuant to section 4729.80 of the Revised Code;

(K) The other specific dangerous drugs that, in addition to

controlled substances, must be included in the database; 2036

(L) The types of pharmacies licensed as terminal distributors 2037
of dangerous drugs that are required to submit prescription 2038
information to the board pursuant to section 4729.77 of the 2039
Revised Code. 2040

Sec. 4729.85. If the state board of pharmacy establishes and 2041
maintains a drug database pursuant to section 4729.75 of the 2042
Revised Code, the board shall prepare reports regarding the 2043
database and present or submit them in accordance with both of the 2044
following: 2045

(A) The board shall present a biennial report to the standing 2046
committees of the house of representatives and the senate that are 2047
primarily responsible for considering health and human services 2048
issues. Each 2049

~~Each~~ report shall include all of the following: 2050

(1) The cost to the state of establishing and maintaining the 2051
database; 2052

(2) Information from the board, terminal distributors of 2053
dangerous drugs, prescribers, and ~~the board~~ retail dispensaries
licensed under Chapter 3796. of the Revised Code by the medical 2054
marijuana control commission regarding the board's effectiveness 2055
in providing information from the database; 2056
2057

(3) The board's timeliness in transmitting information from 2058
the database. 2059

(B) The board shall submit a semiannual report to the 2060
governor, the president of the senate, the speaker of the house of 2061
representatives, the attorney general, the chairpersons of the 2062
standing committees of the house of representatives and the senate 2063
that are primarily responsible for considering health and human 2064
services issues, the department of public safety, the medical 2065

marijuana control commission, the state dental board, the board of 2066
nursing, the state board of optometry, the state medical board, 2067
and the state veterinary medical licensing board. The state board 2068
of pharmacy shall make the report available to the public on its 2069
internet web site. Each report submitted shall include all of the 2070
following for the period covered by the report: 2071

(1) An aggregate of the information submitted to the board 2072
under section 4729.77 of the Revised Code regarding prescriptions 2073
for controlled substances containing opioids, including all of the 2074
following: 2075

(a) The number of prescribers who issued the prescriptions; 2076

(b) The number of patients to whom the controlled substances 2077
were dispensed; 2078

(c) The average quantity of the controlled substances 2079
dispensed per prescription; 2080

(d) The average daily morphine equivalent dose of the 2081
controlled substances dispensed per prescription. 2082

(2) An aggregate of the information submitted to the board 2083
under section 4729.79 of the Revised Code regarding controlled 2084
substances containing opioids that have been personally furnished 2085
to a patient by a prescriber, other than a prescriber who is a 2086
veterinarian, including all of the following: 2087

(a) The number of prescribers who personally furnished the 2088
controlled substances; 2089

(b) The number of patients to whom the controlled substances 2090
were personally furnished; 2091

(c) The average quantity of the controlled substances that 2092
were furnished at one time; 2093

(d) The average daily morphine equivalent dose of the 2094
controlled substances that were furnished at one time. 2095

<u>(3) An aggregate of the information submitted to the board</u>	2096
<u>under section 4729.771 of the Revised Code regarding medical</u>	2097
<u>marijuana, including all of the following:</u>	2098
<u>(a) The number of retail dispensaries that dispensed</u>	2099
<u>marijuana;</u>	2100
<u>(b) The number of patients to whom marijuana was dispensed;</u>	2101
<u>(c) The average supply of marijuana dispensed at one time;</u>	2102
<u>(d) The average daily dose of marijuana dispensed;</u>	2103
<u>(e) The types of diseases or conditions for which treatment</u>	2104
<u>with medical marijuana was recommended.</u>	2105
Sec. 4729.86. If the state board of pharmacy establishes and	2106
maintains a drug database pursuant to section 4729.75 of the	2107
Revised Code, all of the following apply:	2108
(A)(1) No person identified in divisions (A)(1) to (13),	2109
<u>(A)(15), (A)(16),</u> or (B) of section 4729.80 of the Revised Code	2110
shall disseminate any written or electronic information the person	2111
receives from the drug database or otherwise provide another	2112
person access to the information that the person receives from the	2113
database, except as follows:	2114
(a) When necessary in the investigation or prosecution of a	2115
possible or alleged criminal offense;	2116
(b) When a person provides the information to the prescriber	2117
<u>or, pharmacist, or retail dispensary licensed under Chapter 3796.</u>	2118
<u>of the Revised Code</u> for whom the person is approved by the board	2119
to serve as a delegate of the prescriber <u>or, pharmacist, or retail</u>	2120
<u>dispensary</u> for purposes of requesting and receiving information	2121
from the drug database under division (A)(5) <u>or, (6), or (15)</u> of	2122
section 4729.80 of the Revised Code;	2123
(c) When a prescriber <u>or, pharmacist, or retail dispensary</u>	2124

licensed under Chapter 3796. of the Revised Code provides the 2125
information to a person who is approved by the board to serve as 2126
such a delegate of the prescriber ~~or~~, pharmacist, or retail 2127
dispensary; 2128

(d) When a prescriber or pharmacist includes the information 2129
in a medical record, as defined in section 3701.74 of the Revised 2130
Code. 2131

(2) No person shall provide false information to the state 2132
board of pharmacy with the intent to obtain or alter information 2133
contained in the drug database. 2134

(3) No person shall obtain drug database information by any 2135
means except as provided under section 4729.80 or 4729.81 of the 2136
Revised Code. 2137

(B) A person shall not use information obtained pursuant to 2138
division (A) of section 4729.80 of the Revised Code as evidence in 2139
any civil or administrative proceeding. 2140

(C)(1) Except as provided in division (C)(2) of this section, 2141
after providing notice and affording an opportunity for a hearing 2142
in accordance with Chapter 119. of the Revised Code, the board may 2143
restrict a person from obtaining further information from the drug 2144
database if any of the following is the case: 2145

(a) The person violates division (A)(1), (2), or (3) of this 2146
section; 2147

(b) The person is a requestor identified in division (A)(14) 2148
of section 4729.80 of the Revised Code and the board determines 2149
that the person's actions in another state would have constituted 2150
a violation of division (A)(1), (2), or (3) of this section; 2151

(c) The person fails to comply with division (B) of this 2152
section, regardless of the jurisdiction in which the failure to 2153
comply occurred; 2154

(d) The person creates, by clear and convincing evidence, a threat to the security of information contained in the database.

(2) If the board determines that allegations regarding a person's actions warrant restricting the person from obtaining further information from the drug database without a prior hearing, the board may summarily impose the restriction. A telephone conference call may be used for reviewing the allegations and taking a vote on the summary restriction. The summary restriction shall remain in effect, unless removed by the board, until the board's final adjudication order becomes effective.

(3) The board shall determine the extent to which the person is restricted from obtaining further information from the database.

Sec. 4731.283. (A) The state medical board shall approve one or more continuing medical education courses of study that assist qualifying physicians registered with the medical marijuana control commission under Chapter 3796. of the Revised Code in both of the following:

(1) Diagnosing qualifying medical conditions as defined in Chapter 3796. of the Revised Code;

(2) Treating qualifying medical conditions with medical marijuana.

(B) The board shall adopt rules in accordance with Chapter 119. of the Revised Code specifying the number of hours of continuing medical education in medical marijuana approved by the board that a qualifying physician registered under Chapter 3796. of the Revised Code must complete biennially.

(C) The board shall adopt rules in accordance with Chapter 119. of the Revised Code establishing for qualifying physicians

registered under Chapter 3796. of the Revised Code the minimal 2185
standards of care when recommending treatment with medical 2186
marijuana. 2187

Section 2. That existing sections 109.572, 519.21, 4123.54, 2188
4729.75, 4729.80, 4729.81, 4729.82, 4729.83, 4729.84, 4729.85, and 2189
4729.86 of the Revised Code are hereby repealed. 2190

Section 3. The Department of Commerce and the Medical 2191
Marijuana Control Commission shall take all actions necessary to 2192
ensure that the Medical Marijuana Control Program established 2193
under Chapter 3796. of the Revised Code, as enacted by this act, 2194
is fully operational not later than two years after the effective 2195
date of this act. 2196

Section 4. The General Assembly may enact law levying an 2197
excise tax on each transaction by which medical marijuana is 2198
dispensed to a patient in accordance with Chapter 3796. of the 2199
Revised Code, as enacted by this act. In addition to levying the 2200
tax, the law shall subject persons dispensing medical marijuana to 2201
all customary nondiscriminatory fees, taxes, and other charges 2202
that are applied to, levied against, or otherwise imposed 2203
generally upon other Ohio businesses, their gross or net revenues, 2204
their operations, their owners, and their property. 2205

The Medical Marijuana Control Commission shall determine for 2206
each fiscal year an amount the Commission considers necessary to 2207
fund drug abuse prevention programs. That amount shall be 2208
appropriated for that purpose from revenue arising from the excise 2209
tax and revenue from license application and renewal fees imposed 2210
under Chapter 3796. of the Revised Code, as enacted by this act. 2211

Section 5. The General Assembly hereby declares that it 2212
intends to recommend that the United States Congress, the Attorney 2213

General of the United States, and the United States Drug 2214
Enforcement Administration take actions as necessary to classify 2215
marijuana as a schedule II controlled substance in an effort to 2216
ease the regulatory burdens associated with research on its 2217
potential medical benefits. 2218

Section 6. The General Assembly hereby declares that it 2219
intends to establish a program to provide incentives or otherwise 2220
encourage institutions of higher education and medical facilities 2221
within this state to conduct academic and medical research 2222
regarding medical marijuana. 2223