

I_133_0456-7

133rd General Assembly
Regular Session
2019-2020

Sub. S. B. No. 57

A BILL

To amend sections 109.572, 924.01, 3719.01, 1
3719.41, 4729.01, 4776.01, and 5713.30, to enact 2
sections 924.212, 928.01, 928.02, 928.03, 3
928.04, 928.05, 928.06, 928.07, and 928.99 of 4
the Revised Code to establish conditions and 5
requirements governing the regulation of hemp 6
and hemp products, to amend the version of 7
section 109.572 that is scheduled to take effect 8
on September 20, 2019, and the versions of 9
sections 3719.01, 3719.41, and 4729.01 of the 10
Revised Code that are scheduled to take effect 11
on March 22, 2020, to continue the provisions of 12
this act on and after those dates. 13

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

Section 1. That sections 109.572, 924.01, 3719.01, 14
3719.41, 4729.01, 4776.01, and 5713.30 be amended and sections 15
924.212, 928.01, 928.02, 928.03, 928.04, 928.05, 928.06, 928.07, 16
and 928.99 of the Revised Code be enacted to read as follows: 17

Sec. 109.572. (A) (1) Upon receipt of a request pursuant to 18



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section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, a completed form prescribed pursuant to division (C) (1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C) (2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a 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 or pleaded guilty to any of the following:

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

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

(c) If the request is made pursuant to section 3319.39 of 49
the Revised Code for an applicant who is a teacher, any offense 50
specified in section 3319.31 of the Revised Code. 51

(2) On receipt of a request pursuant to section 3712.09 or 52
3721.121 of the Revised Code, a completed form prescribed 53
pursuant to division (C)(1) of this section, and a set of 54
fingerprint impressions obtained in the manner described in 55
division (C)(2) of this section, the superintendent of the 56
bureau of criminal identification and investigation shall 57
conduct a criminal records check with respect to any person who 58
has applied for employment in a position for which a criminal 59
records check is required by those sections. The superintendent 60
shall conduct the criminal records check in the manner described 61
in division (B) of this section to determine whether any 62
information exists that indicates that the person who is the 63
subject of the request previously has been convicted of or 64
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, 70
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 71
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 72
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 73
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 74

(b) An existing or former law of this state, any other 75
state, or the United States that is substantially equivalent to 76
any of the offenses listed in division (A)(2)(a) of this 77
section. 78

(3) On receipt of a request pursuant to section 173.27, 79
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 80
5123.081, or 5123.169 of the Revised Code, a completed form 81
prescribed pursuant to division (C) (1) of this section, and a 82
set of fingerprint impressions obtained in the manner described 83
in division (C) (2) of this section, the superintendent of the 84
bureau of criminal identification and investigation shall 85
conduct a criminal records check of the person for whom the 86
request is made. The superintendent shall conduct the criminal 87
records check in the manner described in division (B) of this 88
section to determine whether any information exists that 89
indicates that the person who is the subject of the request 90
previously has been convicted of, has pleaded guilty to, or 91
(except in the case of a request pursuant to section 5164.34, 92
5164.341, or 5164.342 of the Revised Code) has been found 93
eligible for intervention in lieu of conviction for any of the 94
following, regardless of the date of the conviction, the date of 95
entry of the guilty plea, or (except in the case of a request 96
pursuant to section 5164.34, 5164.341, or 5164.342 of the 97
Revised Code) the date the person was found eligible for 98
intervention in lieu of conviction: 99

(a) A violation of section 959.13, 959.131, 2903.01, 100
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 101
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 102
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 103
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 104
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 105
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 106
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 107
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 108
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 109

2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 110
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 111
2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 112
2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 113
2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 114
2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 115
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 116
2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 117
2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code; 118

(b) Felonious sexual penetration in violation of former 119
section 2907.12 of the Revised Code; 120

(c) A violation of section 2905.04 of the Revised Code as 121
it existed prior to July 1, 1996; 122

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 123
the Revised Code when the underlying offense that is the object 124
of the conspiracy, attempt, or complicity is one of the offenses 125
listed in divisions (A) (3) (a) to (c) of this section; 126

(e) A violation of an existing or former municipal 127
ordinance or law of this state, any other state, or the United 128
States that is substantially equivalent to any of the offenses 129
listed in divisions (A) (3) (a) to (d) of this section. 130

(4) On receipt of a request pursuant to section 2151.86 of 131
the Revised Code, a completed form prescribed pursuant to 132
division (C) (1) of this section, and a set of fingerprint 133
impressions obtained in the manner described in division (C) (2) 134
of this section, the superintendent of the bureau of criminal 135
identification and investigation shall conduct a criminal 136
records check in the manner described in division (B) of this 137
section to determine whether any information exists that 138

indicates that the person who is the subject of the request 139
previously has been convicted of or pleaded guilty to any of the 140
following: 141

(a) A violation of section 959.13, 2903.01, 2903.02, 142
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 143
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 144
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 145
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 146
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 147
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 148
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 149
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 150
2927.12, or 3716.11 of the Revised Code, a violation of section 151
2905.04 of the Revised Code as it existed prior to July 1, 1996, 152
a violation of section 2919.23 of the Revised Code that would 153
have been a violation of section 2905.04 of the Revised Code as 154
it existed prior to July 1, 1996, had the violation been 155
committed prior to that date, a violation of section 2925.11 of 156
the Revised Code that is not a minor drug possession offense, 157
two or more OVI or OVUAC violations committed within the three 158
years immediately preceding the submission of the application or 159
petition that is the basis of the request, or felonious sexual 160
penetration in violation of former section 2907.12 of the 161
Revised Code; 162

(b) A violation of an existing or former law of this 163
state, any other state, or the United States that is 164
substantially equivalent to any of the offenses listed in 165
division (A) (4) (a) of this section. 166

(5) Upon receipt of a request pursuant to section 5104.013 167
of the Revised Code, a completed form prescribed pursuant to 168

division (C) (1) of this section, and a set of fingerprint 169
impressions obtained in the manner described in division (C) (2) 170
of this section, the superintendent of the bureau of criminal 171
identification and investigation shall conduct a criminal 172
records check in the manner described in division (B) of this 173
section to determine whether any information exists that 174
indicates that the person who is the subject of the request has 175
been convicted of or pleaded guilty to any of the following: 176

(a) A violation of section 2151.421, 2903.01, 2903.02, 177
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 178
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 179
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 180
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 181
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 182
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 183
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 184
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 185
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 186
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 187
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 188
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 189
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 190
3716.11 of the Revised Code, felonious sexual penetration in 191
violation of former section 2907.12 of the Revised Code, a 192
violation of section 2905.04 of the Revised Code as it existed 193
prior to July 1, 1996, a violation of section 2919.23 of the 194
Revised Code that would have been a violation of section 2905.04 195
of the Revised Code as it existed prior to July 1, 1996, had the 196
violation been committed prior to that date, a violation of 197
section 2925.11 of the Revised Code that is not a minor drug 198
possession offense, a violation of section 2923.02 or 2923.03 of 199

the Revised Code that relates to a crime specified in this 200
division, or a second violation of section 4511.19 of the 201
Revised Code within five years of the date of application for 202
licensure or certification. 203

(b) A violation of an existing or former law of this 204
state, any other state, or the United States that is 205
substantially equivalent to any of the offenses or violations 206
described in division (A) (5) (a) of this section. 207

(6) Upon receipt of a request pursuant to section 5153.111 208
of the Revised Code, a completed form prescribed pursuant to 209
division (C) (1) of this section, and a set of fingerprint 210
impressions obtained in the manner described in division (C) (2) 211
of this section, the superintendent of the bureau of criminal 212
identification and investigation shall conduct a criminal 213
records check in the manner described in division (B) of this 214
section to determine whether any information exists that 215
indicates that the person who is the subject of the request 216
previously has been convicted of or pleaded guilty to any of the 217
following: 218

(a) A violation of section 2903.01, 2903.02, 2903.03, 219
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 220
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 221
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 222
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 223
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 224
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 225
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 226
Code, felonious sexual penetration in violation of former 227
section 2907.12 of the Revised Code, a violation of section 228
2905.04 of the Revised Code as it existed prior to July 1, 1996, 229

a violation of section 2919.23 of the Revised Code that would 230
have been a violation of section 2905.04 of the Revised Code as 231
it existed prior to July 1, 1996, had the violation been 232
committed prior to that date, or a violation of section 2925.11 233
of the Revised Code that is not a minor drug possession offense; 234

(b) A violation of an existing or former law of this 235
state, any other state, or the United States that is 236
substantially equivalent to any of the offenses listed in 237
division (A) (6) (a) of this section. 238

(7) On receipt of a request for a criminal records check 239
from an individual pursuant to section 4749.03 or 4749.06 of the 240
Revised Code, accompanied by a completed copy of the form 241
prescribed in division (C) (1) of this section and a set of 242
fingerprint impressions obtained in a manner described in 243
division (C) (2) of this section, the superintendent of the 244
bureau of criminal identification and investigation shall 245
conduct a criminal records check in the manner described in 246
division (B) of this section to determine whether any 247
information exists indicating that the person who is the subject 248
of the request has been convicted of or pleaded guilty to a 249
felony in this state or in any other state. If the individual 250
indicates that a firearm will be carried in the course of 251
business, the superintendent shall require information from the 252
federal bureau of investigation as described in division (B) (2) 253
of this section. Subject to division (F) of this section, the 254
superintendent shall report the findings of the criminal records 255
check and any information the federal bureau of investigation 256
provides to the director of public safety. 257

(8) On receipt of a request pursuant to section 1321.37, 258
1321.53, or 4763.05 of the Revised Code, a completed form 259

prescribed pursuant to division (C)(1) of this section, and a 260
set of fingerprint impressions obtained in the manner described 261
in division (C)(2) of this section, the superintendent of the 262
bureau of criminal identification and investigation shall 263
conduct a criminal records check with respect to any person who 264
has applied for a license, permit, or certification from the 265
department of commerce or a division in the department. The 266
superintendent shall conduct the criminal records check in the 267
manner described in division (B) of this section to determine 268
whether any information exists that indicates that the person 269
who is the subject of the request previously has been convicted 270
of or pleaded guilty to any of the following: a violation of 271
section 2913.02, 2913.11, 2913.31, 2913.51, or 2925.03 of the 272
Revised Code; any other criminal offense involving theft, 273
receiving stolen property, embezzlement, forgery, fraud, passing 274
bad checks, money laundering, or drug trafficking, or any 275
criminal offense involving money or securities, as set forth in 276
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 277
the Revised Code; or any existing or former law of this state, 278
any other state, or the United States that is substantially 279
equivalent to those offenses. 280

(9) On receipt of a request for a criminal records check 281
from the treasurer of state under section 113.041 of the Revised 282
Code or from an individual under section 928.03, 4701.08, 283
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 284
4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 285
4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 286
4734.202, 4740.061, 4741.10, 4747.051, 4753.061, 4755.70, 287
4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 288
4762.06, 4774.031, 4774.06, 4776.021, 4778.04, 4778.07, 289
4779.091, or 4783.04 of the Revised Code, accompanied by a 290

completed form prescribed under division (C) (1) of this section 291
and a set of fingerprint impressions obtained in the manner 292
described in division (C) (2) of this section, the superintendent 293
of the bureau of criminal identification and investigation shall 294
conduct a criminal records check in the manner described in 295
division (B) of this section to determine whether any 296
information exists that indicates that the person who is the 297
subject of the request has been convicted of or pleaded guilty 298
to any criminal offense in this state or any other state. 299
Subject to division (F) of this section, the superintendent 300
shall send the results of a check requested under section 301
113.041 of the Revised Code to the treasurer of state and shall 302
send the results of a check requested under any of the other 303
listed sections to the licensing board specified by the 304
individual in the request. 305

(10) On receipt of a request pursuant to section 124.74, 306
1121.23, 1315.141, 1733.47, or 1761.26 of the Revised Code, a 307
completed form prescribed pursuant to division (C) (1) of this 308
section, and a set of fingerprint impressions obtained in the 309
manner described in division (C) (2) of this section, the 310
superintendent of the bureau of criminal identification and 311
investigation shall conduct a criminal records check in the 312
manner described in division (B) of this section to determine 313
whether any information exists that indicates that the person 314
who is the subject of the request previously has been convicted 315
of or pleaded guilty to any criminal offense under any existing 316
or former law of this state, any other state, or the United 317
States. 318

(11) On receipt of a request for a criminal records check 319
from an appointing or licensing authority under section 3772.07 320
of the Revised Code, a completed form prescribed under division 321

(C) (1) of this section, and a set of fingerprint impressions 322
obtained in the manner prescribed in division (C) (2) of this 323
section, the superintendent of the bureau of criminal 324
identification and investigation shall conduct a criminal 325
records check in the manner described in division (B) of this 326
section to determine whether any information exists that 327
indicates that the person who is the subject of the request 328
previously has been convicted of or pleaded guilty or no contest 329
to any offense under any existing or former law of this state, 330
any other state, or the United States that is a disqualifying 331
offense as defined in section 3772.07 of the Revised Code or 332
substantially equivalent to such an offense. 333

(12) On receipt of a request pursuant to section 2151.33 334
or 2151.412 of the Revised Code, a completed form prescribed 335
pursuant to division (C) (1) of this section, and a set of 336
fingerprint impressions obtained in the manner described in 337
division (C) (2) of this section, the superintendent of the 338
bureau of criminal identification and investigation shall 339
conduct a criminal records check with respect to any person for 340
whom a criminal records check is required under that section. 341
The superintendent shall conduct the criminal records check in 342
the manner described in division (B) of this section to 343
determine whether any information exists that indicates that the 344
person who is the subject of the request previously has been 345
convicted of or pleaded guilty to any of the following: 346

(a) A violation of section 2903.01, 2903.02, 2903.03, 347
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 348
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 349
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 350
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 351
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 352

2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 353
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 354
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 355

(b) An existing or former law of this state, any other 356
state, or the United States that is substantially equivalent to 357
any of the offenses listed in division (A)(12)(a) of this 358
section. 359

(13) On receipt of a request pursuant to section 3796.12 360
of the Revised Code, a completed form prescribed pursuant to 361
division (C)(1) of this section, and a set of fingerprint 362
impressions obtained in a manner described in division (C)(2) of 363
this section, the superintendent of the bureau of criminal 364
identification and investigation shall conduct a criminal 365
records check in the manner described in division (B) of this 366
section to determine whether any information exists that 367
indicates that the person who is the subject of the request 368
previously has been convicted of or pleaded guilty to the 369
following: 370

(a) A disqualifying offense as specified in rules adopted 371
under division (B)(2)(b) of section 3796.03 of the Revised Code 372
if the person who is the subject of the request is an 373
administrator or other person responsible for the daily 374
operation of, or an owner or prospective owner, officer or 375
prospective officer, or board member or prospective board member 376
of, an entity seeking a license from the department of commerce 377
under Chapter 3796. of the Revised Code; 378

(b) A disqualifying offense as specified in rules adopted 379
under division (B)(2)(b) of section 3796.04 of the Revised Code 380
if the person who is the subject of the request is an 381
administrator or other person responsible for the daily 382

operation of, or an owner or prospective owner, officer or 383
prospective officer, or board member or prospective board member 384
of, an entity seeking a license from the state board of pharmacy 385
under Chapter 3796. of the Revised Code. 386

(14) On receipt of a request required by section 3796.13 387
of the Revised Code, a completed form prescribed pursuant to 388
division (C)(1) of this section, and a set of fingerprint 389
impressions obtained in a manner described in division (C)(2) of 390
this section, the superintendent of the bureau of criminal 391
identification and investigation shall conduct a criminal 392
records check in the manner described in division (B) of this 393
section to determine whether any information exists that 394
indicates that the person who is the subject of the request 395
previously has been convicted of or pleaded guilty to the 396
following: 397

(a) A disqualifying offense as specified in rules adopted 398
under division (B)(8)(a) of section 3796.03 of the Revised Code 399
if the person who is the subject of the request is seeking 400
employment with an entity licensed by the department of commerce 401
under Chapter 3796. of the Revised Code; 402

(b) A disqualifying offense as specified in rules adopted 403
under division (B)(14)(a) of section 3796.04 of the Revised Code 404
if the person who is the subject of the request is seeking 405
employment with an entity licensed by the state board of 406
pharmacy under Chapter 3796. of the Revised Code. 407

(15) On receipt of a request pursuant to section 4768.06 408
of the Revised Code, a completed form prescribed under division 409
(C)(1) of this section, and a set of fingerprint impressions 410
obtained in the manner described in division (C)(2) of this 411
section, the superintendent of the bureau of criminal 412

identification and investigation shall conduct a criminal 413
records check in the manner described in division (B) of this 414
section to determine whether any information exists indicating 415
that the person who is the subject of the request has been 416
convicted of or pleaded guilty to a felony in this state or in 417
any other state. 418

(16) On receipt of a request pursuant to division (B) of 419
section 4764.07 of the Revised Code, a completed form prescribed 420
under division (C) (1) of this section, and a set of fingerprint 421
impressions obtained in the manner described in division (C) (2) 422
of this section, the superintendent of the bureau of criminal 423
identification and investigation shall conduct a criminal 424
records check in the manner described in division (B) of this 425
section to determine whether any information exists indicating 426
that the person who is the subject of the request has been 427
convicted of or pleaded guilty to any crime of moral turpitude, 428
a felony, or an equivalent offense in any other state or the 429
United States. 430

(B) Subject to division (F) of this section, the 431
superintendent shall conduct any criminal records check to be 432
conducted under this section as follows: 433

(1) The superintendent shall review or cause to be 434
reviewed any relevant information gathered and compiled by the 435
bureau under division (A) of section 109.57 of the Revised Code 436
that relates to the person who is the subject of the criminal 437
records check, including, if the criminal records check was 438
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 439
173.381, 928.03, 1121.23, 1315.141, 1321.37, 1321.53, 1733.47, 440
1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 441
3721.121, 3772.07, 3796.12, 3796.13, 4729.071, 4729.53, 4729.90, 442

4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 4768.06, 5104.013, 443
5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 5153.111 of 444
the Revised Code, any relevant information contained in records 445
that have been sealed under section 2953.32 of the Revised Code; 446

(2) If the request received by the superintendent asks for 447
information from the federal bureau of investigation, the 448
superintendent shall request from the federal bureau of 449
investigation any information it has with respect to the person 450
who is the subject of the criminal records check, including 451
fingerprint-based checks of national crime information databases 452
as described in 42 U.S.C. 671 if the request is made pursuant to 453
section 2151.86 or 5104.013 of the Revised Code or if any other 454
Revised Code section requires fingerprint-based checks of that 455
nature, and shall review or cause to be reviewed any information 456
the superintendent receives from that bureau. If a request under 457
section 3319.39 of the Revised Code asks only for information 458
from the federal bureau of investigation, the superintendent 459
shall not conduct the review prescribed by division (B) (1) of 460
this section. 461

(3) The superintendent or the superintendent's designee 462
may request criminal history records from other states or the 463
federal government pursuant to the national crime prevention and 464
privacy compact set forth in section 109.571 of the Revised 465
Code. 466

(4) The superintendent shall include in the results of the 467
criminal records check a list or description of the offenses 468
listed or described in division (A) (1), (2), (3), (4), (5), (6), 469
(7), (8), (9), (10), (11), (12), (13), (14), (15), or (16) of 470
this section, whichever division requires the superintendent to 471
conduct the criminal records check. The superintendent shall 472

exclude from the results any information the dissemination of 473
which is prohibited by federal law. 474

(5) The superintendent shall send the results of the 475
criminal records check to the person to whom it is to be sent 476
not later than the following number of days after the date the 477
superintendent receives the request for the criminal records 478
check, the completed form prescribed under division (C) (1) of 479
this section, and the set of fingerprint impressions obtained in 480
the manner described in division (C) (2) of this section: 481

(a) If the superintendent is required by division (A) of 482
this section (other than division (A) (3) of this section) to 483
conduct the criminal records check, thirty; 484

(b) If the superintendent is required by division (A) (3) 485
of this section to conduct the criminal records check, sixty. 486

(C) (1) The superintendent shall prescribe a form to obtain 487
the information necessary to conduct a criminal records check 488
from any person for whom a criminal records check is to be 489
conducted under this section. The form that the superintendent 490
prescribes pursuant to this division may be in a tangible 491
format, in an electronic format, or in both tangible and 492
electronic formats. 493

(2) The superintendent shall prescribe standard impression 494
sheets to obtain the fingerprint impressions of any person for 495
whom a criminal records check is to be conducted under this 496
section. Any person for whom a records check is to be conducted 497
under this section shall obtain the fingerprint impressions at a 498
county sheriff's office, municipal police department, or any 499
other entity with the ability to make fingerprint impressions on 500
the standard impression sheets prescribed by the superintendent. 501

The office, department, or entity may charge the person a 502
reasonable fee for making the impressions. The standard 503
impression sheets the superintendent prescribes pursuant to this 504
division may be in a tangible format, in an electronic format, 505
or in both tangible and electronic formats. 506

(3) Subject to division (D) of this section, the 507
superintendent shall prescribe and charge a reasonable fee for 508
providing a criminal records check under this section. The 509
person requesting the criminal records check shall pay the fee 510
prescribed pursuant to this division. In the case of a request 511
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 512
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 513
fee shall be paid in the manner specified in that section. 514

(4) The superintendent of the bureau of criminal 515
identification and investigation may prescribe methods of 516
forwarding fingerprint impressions and information necessary to 517
conduct a criminal records check, which methods shall include, 518
but not be limited to, an electronic method. 519

(D) The results of a criminal records check conducted 520
under this section, other than a criminal records check 521
specified in division (A) (7) of this section, are valid for the 522
person who is the subject of the criminal records check for a 523
period of one year from the date upon which the superintendent 524
completes the criminal records check. If during that period the 525
superintendent receives another request for a criminal records 526
check to be conducted under this section for that person, the 527
superintendent shall provide the results from the previous 528
criminal records check of the person at a lower fee than the fee 529
prescribed for the initial criminal records check. 530

(E) When the superintendent receives a request for 531

information from a registered private provider, the 532
superintendent shall proceed as if the request was received from 533
a school district board of education under section 3319.39 of 534
the Revised Code. The superintendent shall apply division (A) (1) 535
(c) of this section to any such request for an applicant who is 536
a teacher. 537

(F) (1) Subject to division (F) (2) of this section, all 538
information regarding the results of a criminal records check 539
conducted under this section that the superintendent reports or 540
sends under division (A) (7) or (9) of this section to the 541
director of public safety, the treasurer of state, or the 542
person, board, or entity that made the request for the criminal 543
records check shall relate to the conviction of the subject 544
person, or the subject person's plea of guilty to, a criminal 545
offense. 546

(2) Division (F) (1) of this section does not limit, 547
restrict, or preclude the superintendent's release of 548
information that relates to the arrest of a person who is 549
eighteen years of age or older, to an adjudication of a child as 550
a delinquent child, or to a criminal conviction of a person 551
under eighteen years of age in circumstances in which a release 552
of that nature is authorized under division (E) (2), (3), or (4) 553
of section 109.57 of the Revised Code pursuant to a rule adopted 554
under division (E) (1) of that section. 555

(G) As used in this section: 556

(1) "Criminal records check" means any criminal records 557
check conducted by the superintendent of the bureau of criminal 558
identification and investigation in accordance with division (B) 559
of this section. 560

(2) "Minor drug possession offense" has the same meaning 561
as in section 2925.01 of the Revised Code. 562

(3) "OVI or OVUAC violation" means a violation of section 563
4511.19 of the Revised Code or a violation of an existing or 564
former law of this state, any other state, or the United States 565
that is substantially equivalent to section 4511.19 of the 566
Revised Code. 567

(4) "Registered private provider" means a nonpublic school 568
or entity registered with the superintendent of public 569
instruction under section 3310.41 of the Revised Code to 570
participate in the autism scholarship program or section 3310.58 571
of the Revised Code to participate in the Jon Peterson special 572
needs scholarship program. 573

Sec. 924.01. As used in sections 924.01 to 924.16 and 574
924.40 to 924.55 of the Revised Code: 575

(A) "Agricultural commodity" means any food, fiber, feed, 576
animal, or plant, or group of foods, fibers, feeds, animals, or 577
plants that the director of agriculture determines to be of the 578
same nature, in either a natural or a processed state. 579
"Agricultural commodity" does not include ~~grain~~ any of the 580
following: 581

(1) Grain, as defined in section 924.20 of the Revised 582
Code ~~or soybeans;~~ 583

(2) Soybeans; 584

(3) Hemp, as defined in section 928.01 of the Revised 585
Code. 586

(B) "Distributor" means any person who sells, offers for 587
sale, markets, or distributes an agricultural commodity that the 588

person has purchased or acquired directly from a producer, or 589
that the person markets on behalf of a producer. 590

(C) "Handler" means any person who is in the business of 591
packing, grading, selling, offering for sale, or marketing any 592
agricultural commodity in commercial quantities as defined in a 593
marketing program. 594

(D) "Marketing program" means a program that is 595
established by order of the director pursuant to this chapter, 596
to improve or expand the market for an agricultural commodity. 597

(E) "Operating committee" means a committee established to 598
administer a marketing program for an agricultural commodity. 599

(F) "Person" means any natural person, partnership, sole 600
proprietorship, limited liability company, corporation, society, 601
agricultural cooperative as defined in section 1729.01 of the 602
Revised Code, association, or fiduciary. 603

(G) "Processor" means any person who is in the business of 604
grading, packaging, packing, canning, freezing, dehydrating, 605
fermenting, distilling, extracting, preserving, grinding, 606
crushing, juicing, or in any other way preserving or changing 607
the form of any agricultural commodity. 608

(H) "Producer" means any person who is in the business of 609
producing, or causing to be produced, any agricultural commodity 610
for commercial sale, except that when used in reference to 611
nursery stock, "producer" also means a distributor, processor, 612
handler, or retailer of nursery stock. 613

Sec. 924.212. (A) There is hereby established the hemp 614
marketing program. Except as provided under divisions (B) and 615
(C) of this section, the procedures, requirements, and other 616
provisions that are established under sections 924.20 to 924.30 617

of the Revised Code and rules that apply to the grain marketing 618
program shall apply to the hemp marketing program. For purposes 619
of that application, references in those sections to "grain" are 620
deemed to be replaced with references to "hemp." 621

(B) The hemp marketing program operating committee shall 622
consist of eighteen members. Fourteen of those members shall be 623
elected in accordance with section 924.22 of the Revised Code. 624
The director of agriculture shall appoint the remaining four 625
members. The appointed members of the board shall be voting 626
members of the committee. 627

(C) With regard to the levying of assessments under 628
section 924.26 of the Revised Code, the assessment on hemp shall 629
be one-half of one per cent of the value of hemp seed, fiber, or 630
flower at the first point of sale. 631

Sec. 928.01. As used in this chapter: 632

(A) "Cannabidiol" means the cannabidiol compound, 633
containing a delta-9 tetrahydrocannabinol concentration of not 634
more than three-tenths per cent, derived from hemp. 635

(B) "Cultivate" or "cultivating" means to plant, water, 636
grow, fertilize, till, or harvest a plant or crop. "Cultivating" 637
includes possessing or storing a plant or crop on a premises 638
where the plant or crop was cultivated until transported to the 639
first point of sale. 640

(C) "Hemp" means the plant Cannabis sativa L. and any part 641
of that plant, including the seeds thereof and all derivatives, 642
extracts, cannabinoids, isomers, acids, salts, and salts of 643
isomers, whether growing or not, with a delta-9 644
tetrahydrocannabinol concentration of not more than three-tenths 645
per cent on a dry weight basis. 646

(D) "Hemp cultivation license" means a license to 647
cultivate hemp issued under section 928.02 of the Revised Code. 648

(E) "Hemp processing license" means a license to process 649
hemp issued under section 928.02 of the Revised Code. 650

(F) "Hemp product" means any product, containing a delta-9 651
tetrahydrocannabinol concentration of not more than three-tenths 652
per cent, that is made with hemp. "Hemp product" includes 653
cosmetics, personal care products, dietary supplements or food 654
intended for animal or human consumption, cloth, cordage, fiber, 655
fuel, paint, paper, particleboard, and any other product 656
containing one or more cannabinoids derived from hemp, including 657
cannabidiol. 658

(G) "Marihuana" has the same meaning as in section 3719.01 659
of the Revised Code. 660

(H) "Medical marijuana" has the same meaning as in section 661
3796.01 of the Revised Code. 662

(I) "Process" or "processing" means converting hemp and 663
its byproducts into a hemp product. 664

(J) "Delta-9 tetrahydrocannabinol" means the sum of the 665
percentage by weight of tetrahydrocannabinolic acid multiplied 666
by 0.877 plus the percentage by weight of delta-9 667
tetrahydrocannabinol. 668

(K) "University" means an institution of higher education 669
as defined in section 3345.12 of the Revised Code and a private 670
nonprofit institution with a certificate of authorization issued 671
pursuant to Chapter 1713. of the Revised Code. 672

(L) "USDA" means the United States department of 673
agriculture. 674

Sec. 928.02. (A) (1) The director of agriculture shall 675
establish a program to monitor and regulate hemp cultivation and 676
processing in this state. Under the program, the director shall 677
issue hemp cultivation licenses and hemp processing licenses in 678
accordance with rules adopted under section 928.03 of the 679
Revised Code. 680

(2) As authorized by the director, the department of 681
agriculture or a university may cultivate or process hemp 682
without a hemp cultivation license or hemp processing license 683
for research purposes. 684

(B) Except as authorized under division (A) (2) of this 685
section, any person that wishes to cultivate hemp shall apply 686
for and obtain a hemp cultivation license from the director in 687
accordance with rules adopted under section 928.03 of the 688
Revised Code. Except as authorized under division (A) (2) of this 689
section, any person that wishes to process hemp shall apply for 690
and obtain a hemp processing license from the director in 691
accordance with those rules. Such licenses are valid for three 692
years unless earlier suspended or revoked by the director. 693

(C) The department, a university, or any person may, 694
without a hemp cultivation license or hemp processing license, 695
possess, buy, or sell hemp or a hemp product. 696

(D) Notwithstanding any other provision of the Revised 697
Code to the contrary, the addition of hemp or a hemp product to 698
any other product does not adulterate that other product. 699

Sec. 928.03. The director of agriculture, in consultation 700
with the governor and attorney general, shall adopt rules in 701
accordance with Chapter 119. of the Revised Code establishing 702
standards and procedures for the regulation of hemp cultivation 703

and processing. The rules shall include all of the following: 704

(A) The form of an application for a hemp cultivation license and hemp processing license and the information required to be included in each license application; 705
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(B) The amount of an initial application fee that an applicant shall submit along with an application for a hemp cultivation license or a hemp processing license, and the amount of an annual license fee that a licensee shall submit for a hemp cultivation license or a hemp processing license. In adopting rules under division (B) of this section, the director shall ensure both of the following: 708
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(1) That the amount of the application fee and annual license fee does not exceed an amount sufficient to cover the costs incurred by the department of agriculture to administer and enforce this chapter; 715
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(2) That there is one application fee and one annual license fee that applies to all applicants for a hemp cultivation license. 719
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721

(C) Requirements and procedures concerning background investigations of each applicant for a hemp cultivation license and each applicant for a hemp processing license. The director shall include both of the following in the rules adopted under this division: 722
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(1) A requirement that each applicant comply with sections 4776.01 to 4776.04 of the Revised Code; 727
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(2) Provisions that prohibit the director from issuing a hemp cultivation license or hemp processing license to an applicant that has not complied with those sections. 729
730
731

(D) Requirements regarding the experience, equipment, facilities, or land necessary to obtain a hemp cultivation license; 732
733
734

(E) Requirements and procedures regarding standards of financial responsibility for each applicant for a hemp processing license. 735
736
737

(F) Procedures and requirements for the issuance, renewal, denial, suspension, and revocation of a hemp cultivation license and hemp processing license, including providing for a hearing under Chapter 119. of the Revised Code with regard to such a denial, suspension, or revocation; 738
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(G) Grounds for the denial, suspension, and revocation of a hemp cultivation license and of a hemp processing license, including a requirement that the director revoke a hemp cultivation license or hemp processing license, for a period of ten years, of any person who pleads guilty to or is convicted of a felony relating to a controlled substance; 743
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(H) A requirement that the director shall not issue a hemp cultivation license or hemp processing license to any person who has pleaded guilty to or been convicted of a felony relating to a controlled substance in the ten years immediately prior to the submission of the application for a license; 749
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(I) A requirement that any person that materially falsifies information in an application for a hemp cultivation license or hemp processing license is ineligible to receive either license; 754
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(J) A practice for maintaining relevant information regarding land on which hemp is cultivated by hemp cultivation licensees, including a legal description of the land, in 758
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<u>accordance with applicable federal law;</u>	761
<u>(K) Requirements prohibiting a hemp cultivation licensee and a hemp processing licensee from cultivating or processing marihuana;</u>	762 763 764
<u>(L) A procedure for testing, using post-decarboxylation or other similarly reliable methods, delta-9 tetrahydrocannabinol concentration levels of plants and products for purposes of determining compliance with this chapter and rules adopted under it;</u>	765 766 767 768 769
<u>(M) Requirements and procedures for the issuance, administration, and enforcement of corrective action plans issued under this chapter;</u>	770 771 772
<u>(N) A procedure for conducting annual inspections of, at a minimum, a random sample of hemp cultivation license holders to verify that plants are not being cultivated in violation of this chapter or rules adopted under it;</u>	773 774 775 776
<u>(O) A procedure for conducting annual inspections of, at a minimum, a random sample of hemp processing license holders to verify that such license holders are not operating in violation of this chapter or rules adopted under it;</u>	777 778 779 780
<u>(P) A procedure for complying with enforcement procedures required under federal law;</u>	781 782
<u>(Q) A procedure for the effective disposal of all of the following:</u>	783 784
<u>(1) Plants, whether growing or not, cultivated in violation of this chapter or rules adopted under it;</u>	785 786
<u>(2) Products derived from plants cultivated in violation of this chapter or rules adopted under it;</u>	787 788

<u>(3) Products produced in violation of this chapter or</u>	789
<u>rules adopted under it.</u>	790
<u>(R) Requirements and procedures governing the production,</u>	791
<u>storage, and disposal of hemp byproducts.</u>	792
<u>For the purposes of this chapter and notwithstanding any</u>	793
<u>provision of law to the contrary, "hemp product" includes a</u>	794
<u>byproduct produced as a result of processing hemp that contains</u>	795
<u>a delta-9 tetrahydrocannabinol concentration of more than three-</u>	796
<u>tenths per cent, provided that the byproduct is produced,</u>	797
<u>stored, and disposed of in accordance with rules adopted under</u>	798
<u>division (R) of this section.</u>	799
<u>(S) Procedures for sharing information regarding hemp</u>	800
<u>cultivation license holders with the secretary of the USDA;</u>	801
<u>(T) A setback distance requirement that specifies the</u>	802
<u>distance that a hemp cultivation license holder shall locate</u>	803
<u>hemp plants from a location where medical marijuana is being</u>	804
<u>cultivated. The requirement does not apply to a hemp cultivation</u>	805
<u>license holder with regard to a medical marijuana cultivator</u>	806
<u>that locates medical marijuana within the established setback</u>	807
<u>distance requirement after the hemp cultivation license holder</u>	808
<u>begins operation.</u>	809
<u>(U) Annual reporting requirements and procedures for hemp</u>	810
<u>cultivation license holders and hemp processing license holders;</u>	811
<u>(V) Recordkeeping and documentation maintenance</u>	812
<u>requirements and procedures for hemp cultivation license holders</u>	813
<u>and hemp processing license holders;</u>	814
<u>(W) Fees for the laboratory testing of plants and</u>	815
<u>products;</u>	816

<u>(X) Standards for the testing and labeling of hemp and hemp products;</u>	817 818
<u>(Y) Requirements prohibiting the processing of hemp in a building used as a personal residence or on land that is zoned for residential use;</u>	819 820 821
<u>(Z) Production standards and manufacturing practices for processing hemp;</u>	822 823
<u>(AA) Procedures and requirements for the transportation and storage of both hemp and hemp products;</u>	824 825
<u>(BB) Any other requirements or procedures necessary to administer and enforce this chapter.</u>	826 827
Sec. 928.04. <u>(A) Except as authorized under division (A) (2) of section 928.02 of the Revised Code, no person shall cultivate hemp without a hemp cultivation license or process hemp without a hemp processing license issued by the director of agriculture under this chapter.</u>	828 829 830 831 832
<u>(B) No person who holds a hemp cultivation license or hemp processing license shall violate this chapter or rules adopted under it.</u>	833 834 835
<u>(C) No person subject to a corrective action plan issued by the director of agriculture under section 928.05 of the Revised Code shall fail to comply with the plan.</u>	836 837 838
<u>(D) No person shall transport hemp or a hemp product in violation of rules adopted under section 928.03 of the Revised Code.</u>	839 840 841
Sec. 928.05. <u>(A) The director of agriculture shall issue a corrective action plan to any person that the director determines has negligently violated section 928.04 of the</u>	842 843 844

Revised Code. The director shall include in the corrective 845
action plan both of the following: 846

(1) A reasonable date by which the person shall correct 847
the violation; 848

(2) A requirement that the person report to the director 849
regarding the person's compliance with the requirements of this 850
chapter, rules adopted under it, and the corrective action plan 851
for two calendar years immediately following the date of the 852
violation. 853

(B) If the director determines that a person negligently 854
violated section 928.04 of the Revised Code three or more times 855
in any five-year period, the director shall revoke the person's 856
hemp cultivation license or hemp processing license, if any, and 857
shall refuse to issue a hemp cultivation license or hemp 858
processing license to that person for a period of five years 859
beginning on the date that the director determines that the 860
person committed the most recent violation. 861

(C) The director shall report a person who the director 862
determines has violated section 928.04 of the Revised Code with 863
a culpable mental state greater than negligence to the attorney 864
general, the United States attorney general, and the applicable 865
county prosecutor. 866

Sec. 928.06. There is hereby created in the state treasury 867
the hemp program fund. The fund shall consist of all hemp 868
cultivation license application fees, hemp processing license 869
application fees, and fees for laboratory testing of hemp and 870
hemp products collected under rules adopted under section 928.03 871
of the Revised Code; money appropriated to the fund; and any 872
other money received from gifts or federal grants. All 873

investment earnings of the fund shall be credited to the fund. 874
The director of agriculture shall use money in the fund to 875
administer and enforce this chapter and rules adopted under it. 876

Sec. 928.07. (A) The director of agriculture may enter at 877
reasonable times upon any public or private property at which 878
hemp is being cultivated or processed for the purpose of 879
determining compliance with this chapter and rules adopted under 880
it. The director may apply for and any judge of an appropriate 881
court of record may issue a search warrant, necessary to achieve 882
the purposes of this chapter within the court's territorial 883
jurisdiction. 884

(B) (1) If the director determines that emergency 885
conditions exist requiring immediate action necessary to protect 886
public health or safety or the environment, the director may 887
issue an order stating the existence of such conditions and 888
requiring specific actions be taken to mitigate those conditions 889
without providing prior notice or an adjudication hearing in 890
accordance with Chapter 119. of the Revised Code. 891

(2) Any person to whom such an order is issued shall 892
immediately comply with that order, and may apply to the 893
director for an adjudication hearing. Upon receiving an 894
application for an adjudication hearing, the director shall hold 895
the hearing as soon as practicable and not later than thirty 896
days after receipt of the application. On the basis of the 897
hearing, the director shall continue the order in effect, revoke 898
it, or modify it. 899

(C) In addition to any other available remedies, the 900
director of agriculture, the attorney general, or a county 901
prosecutor may apply to a court of common pleas in the county 902
where any provision of section 928.04 of the Revised Code or an 903

order issued under division (B) of this section is being 904
violated for an injunction restraining any person from 905
continuing the violation. 906

Sec. 928.99. (A) Whoever recklessly violates section 907
928.04 of the Revised Code is guilty of the following: 908

(1) For a first offense, a minor misdemeanor; 909

(2) For each subsequent offense, a misdemeanor of the 910
fourth degree. 911

The court shall order an offender who is convicted of or 912
pleads guilty to a third or subsequent offense ineligible to 913
receive a hemp cultivation license or hemp processing license 914
under this chapter. The court shall provide written notice of 915
that order to the director of agriculture. Upon receipt of the 916
notice, the director shall revoke any hemp cultivation license 917
or hemp processing license that the offender holds and shall 918
refuse to issue a hemp cultivation license or hemp processing 919
license to the offender beginning on the date of the court 920
order. 921

(B) The prosecuting attorney of the applicable county or 922
the attorney general may prosecute an action under this section. 923

Sec. 3719.01. As used in this chapter: 924

(A) "Administer" means the direct application of a drug, 925
whether by injection, inhalation, ingestion, or any other means 926
to a person or an animal. 927

(B) "Drug enforcement administration" means the drug 928
enforcement administration of the United States department of 929
justice or its successor agency. 930

(C) "Controlled substance" means a drug, compound, 931

mixture, preparation, or substance included in schedule I, II,	932
III, IV, or V.	933
(D) "Dangerous drug" has the same meaning as in section	934
4729.01 of the Revised Code.	935
(E) "Dispense" means to sell, leave with, give away,	936
dispose of, or deliver.	937
(F) "Distribute" means to deal in, ship, transport, or	938
deliver but does not include administering or dispensing a drug.	939
(G) "Drug" has the same meaning as in section 4729.01 of	940
the Revised Code.	941
(H) "Drug abuse offense," "felony drug abuse offense,"	942
"cocaine," and "hashish" have the same meanings as in section	943
2925.01 of the Revised Code.	944
(I) "Federal drug abuse control laws" means the	945
"Comprehensive Drug Abuse Prevention and Control Act of 1970,"	946
84 Stat. 1242, 21 U.S.C. 801, as amended.	947
(J) "Hospital" means an institution for the care and	948
treatment of the sick and injured that is certified by the	949
department of health and approved by the state board of pharmacy	950
as proper to be entrusted with the custody of controlled	951
substances and the professional use of controlled substances.	952
(K) "Hypodermic" means a hypodermic syringe or needle, or	953
other instrument or device for the injection of medication.	954
(L) "Isomer," except as otherwise expressly stated, means	955
the optical isomer.	956
(M) "Laboratory" means a laboratory approved by the state	957
board of pharmacy as proper to be entrusted with the custody of	958

controlled substances and the use of controlled substances for 959
scientific and clinical purposes and for purposes of 960
instruction. 961

(N) "Manufacturer" means a person who manufactures a 962
controlled substance, as "manufacture" is defined in section 963
3715.01 of the Revised Code. 964

(O) "Marihuana" means all parts of a plant of the genus 965
cannabis, whether growing or not; the seeds of a plant of that 966
type; the resin extracted from a part of a plant of that type; 967
and every compound, manufacture, salt, derivative, mixture, or 968
preparation of a plant of that type or of its seeds or resin. 969
"Marihuana" does not include the mature stalks of the plant, 970
fiber produced from the stalks, oils or cake made from the seeds 971
of the plant, or any other compound, manufacture, salt, 972
derivative, mixture, or preparation of the mature stalks, except 973
the resin extracted from the mature stalks, fiber, oil or cake, 974
or the sterilized seed of the plant that is incapable of 975
germination. "Marihuana" does not include "hemp" or a "hemp 976
product" as those terms are defined in section 928.01 of the 977
Revised Code. 978

(P) "Narcotic drugs" means coca leaves, opium, 979
isonipecaine, amidone, isoamidone, ketobemidone, as defined in 980
this division, and every substance not chemically distinguished 981
from them and every drug, other than cannabis, that may be 982
included in the meaning of "narcotic drug" under the federal 983
drug abuse control laws. As used in this division: 984

(1) "Coca leaves" includes cocaine and any compound, 985
manufacture, salt, derivative, mixture, or preparation of coca 986
leaves, except derivatives of coca leaves, that does not contain 987
cocaine, ecgonine, or substances from which cocaine or ecgonine 988

may be synthesized or made.	989
(2) "Isonipecaine" means any substance identified	990
chemically as 1-methyl-4-phenyl-piperidine-4-carboxylic acid	991
ethyl ester, or any salt thereof, by whatever trade name	992
designated.	993
(3) "Amidone" means any substance identified chemically as	994
4-4-diphenyl-6-dimethylamino-heptanone-3, or any salt thereof,	995
by whatever trade name designated.	996
(4) "Isoamidone" means any substance identified chemically	997
as 4-4-diphenyl-5-methyl-6-dimethylamino-hexanone-3, or any salt	998
thereof, by whatever trade name designated.	999
(5) "Ketobemidone" means any substance identified	1000
chemically as 4-(3-hydroxyphenyl)-1-methyl-4-piperidyl ethyl	1001
ketone hydrochloride, or any salt thereof, by whatever trade	1002
name designated.	1003
(Q) "Official written order" means an order written on a	1004
form provided for that purpose by the director of the United	1005
States drug enforcement administration, under any laws of the	1006
United States making provision for the order, if the order forms	1007
are authorized and required by federal law.	1008
(R) "Opiate" means any substance having an addiction-	1009
forming or addiction-sustaining liability similar to morphine or	1010
being capable of conversion into a drug having addiction-forming	1011
or addiction-sustaining liability. "Opiate" does not include,	1012
unless specifically designated as controlled under section	1013
3719.41 of the Revised Code, the dextrorotatory isomer of 3-	1014
methoxy-N-methylmorphinan and its salts (dextro-methorphan).	1015
"Opiate" does include its racemic and levoratory forms.	1016
(S) "Opium poppy" means the plant of the species papaver	1017

somniferum L., except its seeds. 1018

(T) "Person" means any individual, corporation, 1019
government, governmental subdivision or agency, business trust, 1020
estate, trust, partnership, association, or other legal entity. 1021

(U) "Pharmacist" means a person licensed under Chapter 1022
4729. of the Revised Code to engage in the practice of pharmacy. 1023

(V) "Pharmacy" has the same meaning as in section 4729.01 1024
of the Revised Code. 1025

(W) "Poison" means any drug, chemical, or preparation 1026
likely to be deleterious or destructive to adult human life in 1027
quantities of four grams or less. 1028

(X) "Poppy straw" means all parts, except the seeds, of 1029
the opium poppy, after mowing. 1030

(Y) "Licensed health professional authorized to prescribe 1031
drugs," "prescriber," and "prescription" have the same meanings 1032
as in section 4729.01 of the Revised Code. 1033

(Z) "Registry number" means the number assigned to each 1034
person registered under the federal drug abuse control laws. 1035

(AA) "Sale" includes delivery, barter, exchange, transfer, 1036
or gift, or offer thereof, and each transaction of those natures 1037
made by any person, whether as principal, proprietor, agent, 1038
servant, or employee. 1039

(BB) "Schedule I," "schedule II," "schedule III," 1040
"schedule IV," and "schedule V" mean controlled substance 1041
schedules I, II, III, IV, and V, respectively, established 1042
pursuant to section 3719.41 of the Revised Code, as amended 1043
pursuant to section 3719.43 or 3719.44 of the Revised Code. 1044

(CC) "Wholesaler" means a person who, on official written orders other than prescriptions, supplies controlled substances that the person has not manufactured, produced, or prepared personally and includes a "wholesale distributor of dangerous drugs" as defined in section 4729.01 of the Revised Code.

(DD) "Animal shelter" means a facility operated by a humane society or any society organized under Chapter 1717. of the Revised Code or a dog pound operated pursuant to Chapter 955. of the Revised Code.

(EE) "Terminal distributor of dangerous drugs" has the same meaning as in section 4729.01 of the Revised Code.

(FF) "Category III license" means a license issued to a terminal distributor of dangerous drugs as set forth in section 4729.54 of the Revised Code.

(GG) "Prosecutor" has the same meaning as in section 2935.01 of the Revised Code.

(HH) (1) "Controlled substance analog" means, except as provided in division (HH) (2) of this section, a substance to which both of the following apply:

(a) The chemical structure of the substance is substantially similar to the structure of a controlled substance in schedule I or II.

(b) One of the following applies regarding the substance:

(i) The substance has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in schedule I or II.

(ii) With respect to a particular person, that person 1073
represents or intends the substance to have a stimulant, 1074
depressant, or hallucinogenic effect on the central nervous 1075
system that is substantially similar to or greater than the 1076
stimulant, depressant, or hallucinogenic effect on the central 1077
nervous system of a controlled substance in schedule I or II. 1078

(2) "Controlled substance analog" does not include any of 1079
the following: 1080

(a) A controlled substance; 1081

(b) Any substance for which there is an approved new drug 1082
application; 1083

(c) With respect to a particular person, any substance if 1084
an exemption is in effect for investigational use for that 1085
person pursuant to federal law to the extent that conduct with 1086
respect to that substance is pursuant to that exemption; 1087

(d) Any substance to the extent it is not intended for 1088
human consumption before the exemption described in division 1089
(HH) (2) (b) of this section takes effect with respect to that 1090
substance. 1091

(II) "Benzodiazepine" means a controlled substance that 1092
has United States food and drug administration approved labeling 1093
indicating that it is a benzodiazepine, benzodiazepine 1094
derivative, triazolobenzodiazepine, or triazolobenzodiazepine 1095
derivative, including the following drugs and their varying salt 1096
forms or chemical congeners: alprazolam, chlordiazepoxide 1097
hydrochloride, clobazam, clonazepam, clorazepate, diazepam, 1098
estazolam, flurazepam hydrochloride, lorazepam, midazolam, 1099
oxazepam, quazepam, temazepam, and triazolam. 1100

(JJ) "Opioid analgesic" means a controlled substance that 1101

has analgesic pharmacologic activity at the opioid receptors of 1102
the central nervous system, including the following drugs and 1103
their varying salt forms or chemical congeners: buprenorphine, 1104
butorphanol, codeine (including acetaminophen and other 1105
combination products), dihydrocodeine, fentanyl, hydrocodone 1106
(including acetaminophen combination products), hydromorphone, 1107
meperidine, methadone, morphine sulfate, oxycodone (including 1108
acetaminophen, aspirin, and other combination products), 1109
oxymorphone, tapentadol, and tramadol. 1110

(KK) "Emergency facility" means a hospital emergency 1111
department or any other facility that provides emergency care. 1112

Sec. 3719.41. Controlled substance schedules I, II, III, 1113
IV, and V are hereby established, which schedules include the 1114
following, subject to amendment pursuant to section 3719.43 or 1115
3719.44 of the Revised Code. 1116

SCHEDULE I 1117

(A) Narcotics-opiates 1118

Any of the following opiates, including their isomers, 1119
esters, ethers, salts, and salts of isomers, esters, and ethers, 1120
unless specifically excepted under federal drug abuse control 1121
laws, whenever the existence of these isomers, esters, ethers, 1122
and salts is possible within the specific chemical designation: 1123

(1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2- 1124
phenethyl)-4-piperidinyl]-N-phenylacetamide); 1125

(2) Acetylmethadol; 1126

(3) Allylprodine; 1127

(4) Alphacetylmethadol (except levo-alphacetylmethadol, 1128
also known as levo-alpha-acetylmethadol, levomethadyl acetate, 1129

or LAAM);	1130
(5) Alphameprodine;	1131
(6) Alphamethadol;	1132
(7) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);	1133 1134 1135
(8) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N- phenylpropanamide);	1136 1137
(9) Benzethidine;	1138
(10) Betacetylmethadol;	1139
(11) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl]-N- phenylpropanamide);	1140 1141
(12) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);	1142 1143 1144
(13) Betameprodine;	1145
(14) Betamethadol;	1146
(15) Betaprodine;	1147
(16) Clonitazene;	1148
(17) Dextromoramide;	1149
(18) Diampromide;	1150
(19) Diethylthiambutene;	1151
(20) Difenoxin;	1152
(21) Dimenoxadol;	1153

(22) Dimepheptanol;	1154
(23) Dimethylthiambutene;	1155
(24) Dioxaphetyl butyrate;	1156
(25) Dipipanone;	1157
(26) Ethylmethylthiambutene;	1158
(27) Etonitazene;	1159
(28) Etoxeridine;	1160
(29) Furethidine;	1161
(30) Hydroxypethidine;	1162
(31) Ketobemidone;	1163
(32) Levomoramide;	1164
(33) Levophenacymorphan;	1165
(34) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);	1166 1167
(35) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide);	1168 1169
(36) Morpheridine;	1170
(37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);	1171
(38) Noracymethadol;	1172
(39) Norlevorphanol;	1173
(40) Normethadone;	1174
(41) Norpipanone;	1175
(42) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-	1176

phenethyl)-4-piperidinyl]propanamide;	1177
(43) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine;	1178
(44) Phenadoxone;	1179
(45) Phenampromide;	1180
(46) Phenomorphan;	1181
(47) Phenoperidine;	1182
(48) Piritramide;	1183
(49) Proheptazine;	1184
(50) Properidine;	1185
(51) Propiram;	1186
(52) Racemoramide;	1187
(53) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-	1188
piperidinyl]-propanamide;	1189
(54) Tilidine;	1190
(55) Trimeperidine.	1191
(56) Except as otherwise provided in this section, any	1192
compound that meets all of the following fentanyl pharmacophore	1193
requirements to bind at the mu receptor, as identified by a	1194
report from an established forensic laboratory:	1195
(a) A chemical scaffold consisting of both of the	1196
following:	1197
(i) A five, six, or seven member ring structure containing	1198
a nitrogen, whether or not further substituted;	1199
(ii) An attached nitrogen to the ring, whether or not that	1200

nitrogen is enclosed in a ring structure, including an attached	1201
aromatic ring or other lipophilic group to that nitrogen;	1202
(b) A polar functional group attached to the chemical	1203
scaffold, including but not limited to, a hydroxyl, ketone,	1204
amide, or ester;	1205
(c) An alkyl or aryl substitution off the ring nitrogen of	1206
the chemical scaffold; and	1207
(d) The compound has not been approved for medical use by	1208
the United States food and drug administration.	1209
(B) Narcotics-opium derivatives	1210
Any of the following opium derivatives, including their	1211
salts, isomers, and salts of isomers, unless specifically	1212
excepted under federal drug abuse control laws, whenever the	1213
existence of these salts, isomers, and salts of isomers is	1214
possible within the specific chemical designation:	1215
(1) Acetorphine;	1216
(2) Acetyldihydrocodeine;	1217
(3) Benzylmorphine;	1218
(4) Codeine methylbromide;	1219
(5) Codeine-n-oxide;	1220
(6) Cyprenorphine;	1221
(7) Desomorphine;	1222
(8) Dihydromorphine;	1223
(9) Drotebanol;	1224
(10) Etorphine (except hydrochloride salt);	1225

(11) Heroin;	1226
(12) Hydromorphenol;	1227
(13) Methyldesorphine;	1228
(14) Methyldihydromorphine;	1229
(15) Morphine methylbromide;	1230
(16) Morphine methylsulfonate;	1231
(17) Morphine-n-oxide;	1232
(18) Myrophine;	1233
(19) Nicocodeine;	1234
(20) Nicomorphine;	1235
(21) Normorphine;	1236
(22) Pholcodine;	1237
(23) Thebacon.	1238
(C) Hallucinogens	1239
Any material, compound, mixture, or preparation that	1240
contains any quantity of the following hallucinogenic	1241
substances, including their salts, isomers, and salts of	1242
isomers, unless specifically excepted under federal drug abuse	1243
control laws, whenever the existence of these salts, isomers,	1244
and salts of isomers is possible within the specific chemical	1245
designation. For the purposes of this division only, "isomer"	1246
includes the optical isomers, position isomers, and geometric	1247
isomers.	1248
(1) Alpha-ethyltryptamine (some trade or other names:	1249
etryptamine; Monase; alpha-ethyl-1H-indole-3-ethanamine; 3-(2-	1250

aminobutyl) indole; alpha-ET; and AET);	1251
(2) 4-bromo-2,5-dimethoxyamphetamine (some trade or other names: 4-bromo-2,5-dimethoxy-alpha-methylphenethylamine; 4-bromo-2,5-DMA);	1252 1253 1254
(3) 4-bromo-2,5-dimethoxyphenethylamine (some trade or other names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; alpha-desmethyl DOB; 2C-B, Nexus);	1255 1256 1257
(4) 2,5-dimethoxyamphetamine (some trade or other names: 2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA);	1258 1259
(5) 2,5-dimethoxy-4-ethylamphetamine (some trade or other names: DOET);	1260 1261
(6) 4-methoxyamphetamine (some trade or other names: 4-methoxy-alpha-methylphenethylamine; paramethoxyamphetamine; PMA);	1262 1263 1264
(7) 5-methoxy-3,4-methylenedioxy-amphetamine;	1265
(8) 4-methyl-2,5-dimethoxy-amphetamine (some trade or other names: 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine; "DOM" and "STP");	1266 1267 1268
(9) 3,4-methylenedioxy amphetamine (MDA);	1269
(10) 3,4-methylenedioxymethamphetamine (MDMA);	1270
(11) 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA);	1271 1272 1273
(12) N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine and N-hydroxy MDA);	1274 1275 1276
(13) 3,4,5-trimethoxy amphetamine;	1277

(14) Bufotenine (some trade or other names: 3-(beta-	1278
dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-	1279
indolol; N, N-dimethylserotonin; 5-hydroxy-N, N-	1280
dimethyltryptamine; mappine);	1281
(15) Diethyltryptamine (some trade or other names: N, N-	1282
diethyltryptamine; DET);	1283
(16) Dimethyltryptamine (some trade or other names: DMT);	1284
(17) Ibogaine (some trade or other names: 7-ethyl-	1285
6,6beta,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano- 5H-	1286
pyrido[1',2':1,2] azepino [5, 4-b] indole; tabernanthe iboga);	1287
(18) Lysergic acid diethylamide;	1288
(19) Marihuana;	1289
(20) Mescaline;	1290
(21) Parahexyl (some trade or other names: 3-hexyl-1-	1291
hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-	1292
dibenzo[b,d]pyran; synhexyl);	1293
(22) Peyote (meaning all parts of the plant presently	1294
classified botanically as "Lophophora williamsii Lemaire,"	1295
whether growing or not, the seeds of that plant, any extract	1296
from any part of that plant, and every compound, manufacture,	1297
salts, derivative, mixture, or preparation of that plant, its	1298
seeds, or its extracts);	1299
(23) N-ethyl-3-piperidyl benzilate;	1300
(24) N-methyl-3-piperidyl benzilate;	1301
(25) Psilocybin;	1302
(26) Psilocyn;	1303

- (27) Tetrahydrocannabinols (synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following: delta-1-cis or trans tetrahydrocannabinol, and their optical isomers; delta-6-cis or trans tetrahydrocannabinol, and their optical isomers; delta-3,4-cis or trans tetrahydrocannabinol, and its optical isomers. (Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions, are covered.)), excluding tetrahydrocannabinols found in "hemp" and "hemp products" as those terms are defined in section 928.01 of the Revised Code;
- (28) Ethylamine analog of phencyclidine (some trade or other names: N-ethyl-1-phenylcyclohexylamine; (1-phenylcyclohexyl)ethylamine; N-(1-phenylcyclohexyl)ethylamine; cyclohexamine; PCE);
- (29) Pyrrolidine analog of phencyclidine (some trade or other names: 1-(1-phenylcyclohexyl)pyrrolidine; PCPy; PHP);
- (30) Thiophene analog of phencyclidine (some trade or other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine; 2-thienyl analog of phencyclidine; TPCP; TCP);
- (31) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine;
- (32) Hashish;
- (33) Salvia divinorum;
- (34) Salvinorin A;
- (35) (1-pentylindol-3-yl)-(2,2,3,3-

tetramethylcyclopropyl)methanone (UR-144);	1332
(36) 1-pentyl-3-(1-adamantoyl)indole (AB-001);	1333
(37) N-adamantyl-1-pentylindole-3-carboxamide;	1334
(38) N-adamantyl-1-pentylindazole-3-carboxamide (AKB48);	1335
(39) 2-ethylamino-2-(3-methoxyphenyl)cyclohexanone (methoxetamine);	1336 1337
(40) N,N-diallyl-5-methoxytryptamine (5MeO-DALT);	1338
(41) [1-(5-fluoropentylindol-3-yl)]-(2,2,3,3- tetramethylcyclopropyl)methanone (5-fluoropentyl-UR-144; XLR11);	1339 1340
(42) [1-(5-chloropentylindol-3-yl)]-(2,2,3,3- tetramethylcyclopropyl)methanone (5-chloropentyl-UR-144);	1341 1342
(43) [1-(5-bromopentylindol-3-yl)]-(2,2,3,3- tetramethylcyclopropyl)methanone (5-bromopentyl-UR-144);	1343 1344
(44) {1-[2-(4-morpholinyl)ethyl]indol-3-yl}-(2,2,3,3- tetramethylcyclopropyl) methanone (A-796,260);	1345 1346
(45) 1-[(N-methylpiperidin-2-yl)methyl]-3-(1- adamantoyl)indole (AM1248);	1347 1348
(46) N-adamantyl-1-(5-fluoropentylindole)-3-carboxamide;	1349
(47) 5-(2-aminopropyl)benzofuran (5-APB);	1350
(48) 6-(2-aminopropyl)benzofuran (6-APB);	1351
(49) 5-(2-aminopropyl)-2,3-dihydrobenzofuran (5-APDB);	1352
(50) 6-(2-aminopropyl)-2,3-dihydrobenzofuran (6-APDB);	1353
(51) Benzothiophenylcyclohexylpiperidine (BTCP);	1354
(52) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E);	1355

(53) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D);	1356
(54) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C);	1357
(55) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I);	1358
(56) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2);	1359 1360
(57) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4);	1361 1362
(58) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);	1363
(59) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N);	1364
(60) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P);	1365 1366
(61) 4-methoxymethamphetamine (PMMA);	1367
(62) 5,6 - Methylenedioxy-2-aminoindane (MDAI);	1368
(63) 5-iodo-2-aminoindane (5-IAI);	1369
(64) 2-(4-iodo-2,5-dimethoxyphenyl)-N- [(2-methoxyphenyl)methyl]ethanamine (25I-NBOMe);	1370 1371
(65) Diphenylprolinol (diphenyl(pyrrolidin-2-yl)methanol, D2PM);	1372 1373
(66) Desoxypipradrol (2-benzhydrylpiperidine);	1374
(67) Synthetic cannabinoids - unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of a synthetic cannabinoid found to be in any of the following chemical groups or any of those groups which contain any synthetic cannabinoid salts, isomers, or salts of isomers, whenever the existence of such salts, isomers, or salts of	1375 1376 1377 1378 1379 1380 1381

isomers is possible within the specific chemical groups: 1382

(a) Naphthoylindoles: any compound containing a 3-(1- 1383
naphthoyl)indole structure with or without substitution at the 1384
nitrogen atom of the indole ring by an alkyl, haloalkyl, 1385
alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin- 1386
2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, 1387
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, 1388
or 2-(4-morpholinyl)ethyl group, whether or not further 1389
substituted on the indole ring to any extent or whether or not 1390
substituted on the naphthyl group to any extent. 1391
Naphthoylindoles include, but are not limited to, 1-[2-(4- 1392
morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200); 1-(5- 1393
fluoropentyl)-3-(1-naphthoyl)indole (AM2201), 1-pentyl-3-(1- 1394
naphthoyl)indole (JWH-018), and 1-butyl-3-(1-naphthoyl)indole 1395
(JWH-073). 1396

(b) Naphthylmethylinindoles: any compound containing a 1H- 1397
indol-3-yl-(1-naphthyl)methane structure with or without 1398
substitution at the nitrogen atom of the indole ring by an 1399
alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1400
(N-methylpiperidin-2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin- 1401
2-yl)methyl, (tetrahydropyran-4-yl)methyl, ((N-methyl)-3- 1402
morpholinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or 1403
not further substituted on the indole ring to any extent or 1404
whether or not substituted on the naphthyl group to any extent. 1405
Naphthylmethylinindoles include, but are not limited to, (1- 1406
pentylindol-3-yl)(1-naphthyl)methane (JWH-175). 1407

(c) Naphthoylpyrroles: any compound containing a 3-(1- 1408
naphthoyl)pyrrole structure with or without substitution at the 1409
nitrogen atom of the pyrrole ring by an alkyl, haloalkyl, 1410
alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin- 1411

2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, 1412
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, 1413
or 2-(4-morpholinyl)ethyl group, whether or not further 1414
substituted on the pyrrole ring to any extent or whether or not 1415
substituted on the naphthyl group to any extent. 1416
Naphthoylpyrroles include, but are not limited to, 1-hexyl-2- 1417
phenyl-4-(1-naphthoyl)pyrrole (JWH-147). 1418

(d) Naphthylmethylindenes: any compound containing a 1419
naphthylmethylideneindene structure with or without substitution 1420
at the 3-position of the indene ring by an alkyl, haloalkyl, 1421
alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin- 1422
2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, 1423
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, 1424
or 2-(4-morpholinyl)ethyl group, whether or not further 1425
substituted on the indene group to any extent or whether or not 1426
substituted on the naphthyl group to any extent. 1427
Naphthylmethylindenes include, but are not limited to, (1-[(3- 1428
pentyl)-1H-inden-1-ylidene)methyl]naphthalene (JWH-176). 1429

(e) Phenylacetylindoles: any compound containing a 3- 1430
phenylacetylindole structure with or without substitution at the 1431
nitrogen atom of the indole ring by an alkyl, haloalkyl, 1432
alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin- 1433
2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, 1434
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, 1435
or 2-(4-morpholinyl)ethyl group, whether or not further 1436
substituted on the indole ring to any extent or whether or not 1437
substituted on the phenyl group to any extent. 1438
Phenylacetylindoles include, but are not limited to, 1-pentyl-3- 1439
(2-methoxyphenylacetyl)indole (JWH-250), and 1-(2- 1440
cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (RCS-8); 1- 1441
pentyl-3-(2-chlorophenylacetyl)indole (JWH-203). 1442

(f) Cyclohexylphenols: any compound containing a 2-(3- 1443
hydroxycyclohexyl)phenol structure with or without substitution 1444
at the 5-position of the phenolic ring by an alkyl, haloalkyl, 1445
alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin- 1446
2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, 1447
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, 1448
or 2-(4-morpholinyl)ethyl group, whether or not further 1449
substituted on the cyclohexyl group to any extent. 1450
Cyclohexylphenols include, but are not limited to, 5-(1,1- 1451
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (some 1452
trade or other names: CP-47,497) and 5-(1,1-dimethyloctyl)-2- 1453
[(1R,3S)-3-hydroxycyclohexyl]-phenol (some trade or other names: 1454
cannabicyclohexanol; CP-47,497 C8 homologue). 1455

(g) Benzoylindoles: any compound containing a 3-(1- 1456
benzoyl)indole structure with or without substitution at the 1457
nitrogen atom of the indole ring by an alkyl, haloalkyl, 1458
alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin- 1459
2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, 1460
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl 1461
or 2-(4-morpholinyl)ethyl group, whether or not further 1462
substituted on the indole ring to any extent or whether or not 1463
substituted on the phenyl group to any extent. Benzoylindoles 1464
include, but are not limited to, 1-pentyl-3-(4- 1465
methoxybenzoyl)indole (RCS-4), 1-[2-(4-morpholinyl)ethyl]-2- 1466
methyl-3-(4-methoxybenzoyl)indole (Pravadoline or WIN 48, 098). 1467

(D) Depressants 1468

Any material, compound, mixture, or preparation that 1469
contains any quantity of the following substances having a 1470
depressant effect on the central nervous system, including their 1471
salts, isomers, and salts of isomers, unless specifically 1472

excepted under federal drug abuse control laws, whenever the 1473
existence of these salts, isomers, and salts of isomers is 1474
possible within the specific chemical designation: 1475

(1) Mecloqualone; 1476

(2) Methaqualone. 1477

(E) Stimulants 1478

Unless specifically excepted or unless listed in another 1479
schedule, any material, compound, mixture, or preparation that 1480
contains any quantity of the following substances having a 1481
stimulant effect on the central nervous system, including their 1482
salts, isomers, and salts of isomers: 1483

(1) Aminorex (some other names: aminoxaphen; 2-amino-5- 1484
phenyl-2-oxazoline; or 4,5-dihydro-5-phenyl-2-oxazolamine); 1485

(2) Fenethylamine; 1486

(3) (+/-)cis-4-methylaminorex ((+/-)cis-4,5-dihydro-4- 1487
methyl-5-phenyl-2-oxazolamine); 1488

(4) N-ethylamphetamine; 1489

(5) N,N-dimethylamphetamine (also known as N,N-alpha- 1490
trimethyl-benzeneethanamine; N,N-alpha-trimethylphenethylamine); 1491

(6) N-methyl-1-(thiophen-2-yl) propan-2-amine 1492
(Methiopropamine); 1493

(7) Substituted cathinones - any compound except bupropion 1494
or compounds listed under a different schedule, structurally 1495
derived from 2-aminopropan-1-one by substitution at the 1- 1496
position with either phenyl, naphthyl, or thiophene ring 1497
systems, whether or not the compound is further modified in any 1498
of the following ways: 1499

(a) By substitution in the ring system to any extent with 1500
alkyl, alkylenedioxy, alkoxy, haloalkyl, hydroxyl, or halide 1501
substituents, whether or not further substituted in the ring 1502
system by one or more other univalent substituents; 1503

(b) By substitution at the 3-position with an acyclic 1504
alkyl substituent; 1505

(c) By substitution at the 2-amino nitrogen atom with 1506
alkyl, dialkyl, benzyl, or methoxybenzyl groups; 1507

(d) By inclusion of the 2-amino nitrogen atom in a cyclic 1508
structure. 1509

Examples of substituted cathinones include, but are not 1510
limited to, methylone (3,4-methylenedioxy-methcathinone), MDPV 1511
(3,4-methylenedioxy-pyrovalerone), mephedrone (4- 1512
methylethcathinone), 4-methoxymethcathinone, 4- 1513
fluoromethcathinone, 3-fluoromethcathinone, Pentadrone (2- 1514
(methylamino)-1-phenyl-1-pentanone), pentylone (1-(1,3- 1515
benzodioxol-5-yl)-2-(methylamino)-1-pentanone), 2-(1- 1516
pyrrolidinyl)-1-(4-methylphenyl)-1-propanone, alpha-PVP (1- 1517
phenyl-2-(1-pyrrolidinyl)-1-pentanone), cathinone (2-amino-1- 1518
phenyl-1-propanone), and methcathinone (2-(methylamino)- 1519
propiofenone). 1520

SCHEDULE II 1521

(A) Narcotics-opium and opium derivatives 1522

Unless specifically excepted under federal drug abuse 1523
control laws or unless listed in another schedule, any of the 1524
following substances whether produced directly or indirectly by 1525
extraction from substances of vegetable origin, independently by 1526
means of chemical synthesis, or by a combination of extraction 1527
and chemical synthesis: 1528

(1) Opium and opiate, and any salt, compound, derivative,	1529
or preparation of opium or opiate, excluding apomorphine,	1530
thebaine-derived butorphanol, dextrorphan, nalbuphine,	1531
nalmefene, naloxone, and naltrexone, and their respective salts,	1532
but including the following:	1533
(a) Raw opium;	1534
(b) Opium extracts;	1535
(c) Opium fluid extracts;	1536
(d) Powdered opium;	1537
(e) Granulated opium;	1538
(f) Tincture of opium;	1539
(g) Codeine;	1540
(h) Ethylmorphine;	1541
(i) Etorphine hydrochloride;	1542
(j) Hydrocodone;	1543
(k) Hydromorphone;	1544
(l) Metopon;	1545
(m) Morphine;	1546
(n) Oxycodone;	1547
(o) Oxymorphone;	1548
(p) Thebaine.	1549
(2) Any salt, compound, derivative, or preparation thereof	1550
that is chemically equivalent to or identical with any of the	1551
substances referred to in division (A) (1) of this schedule,	1552

except that these substances shall not include the isoquinoline	1553
alkaloids of opium;	1554
(3) Opium poppy and poppy straw;	1555
(4) Coca leaves and any salt, compound, derivative, or	1556
preparation of coca leaves (including cocaine and ecgonine,	1557
their salts, isomers, and derivatives, and salts of those	1558
isomers and derivatives), and any salt, compound, derivative, or	1559
preparation thereof that is chemically equivalent to or	1560
identical with any of these substances, except that the	1561
substances shall not include decocainized coca leaves or	1562
extraction of coca leaves, which extractions do not contain	1563
cocaine or ecgonine;	1564
(5) Concentrate of poppy straw (the crude extract of poppy	1565
straw in either liquid, solid, or powder form that contains the	1566
phenanthrene alkaloids of the opium poppy).	1567
(B) Narcotics-opiates	1568
Unless specifically excepted under federal drug abuse	1569
control laws or unless listed in another schedule, any of the	1570
following opiates, including their isomers, esters, ethers,	1571
salts, and salts of isomers, esters, and ethers, whenever the	1572
existence of these isomers, esters, ethers, and salts is	1573
possible within the specific chemical designation, but excluding	1574
dextrorphan and levopropoxyphene:	1575
(1) Alfentanil;	1576
(2) Alphaprodine;	1577
(3) Anileridine;	1578
(4) Bezitramide;	1579

(5) Bulk dextropropoxyphene (non-dosage forms);	1580
(6) Carfentanil;	1581
(7) Dihydrocodeine;	1582
(8) Diphenoxylate;	1583
(9) Fentanyl;	1584
(10) Isomethadone;	1585
(11) Levo-alpha-acetylmethadol (some other names: levo-alpha-acetylmethadol; levomethadyl acetate; LAAM);	1586 1587
(12) Levomethorphan;	1588
(13) Levorphanol;	1589
(14) Metazocine;	1590
(15) Methadone;	1591
(16) Methadone-intermediate, 4-cyano-2-dimethylamino-4,4-diphenyl butane;	1592 1593
(17) Moramide-intermediate, 2-methyl-3-morpholino-1,1-diphenylpropane-carboxylic acid;	1594 1595
(18) Pethidine (meperidine);	1596
(19) Pethidine-intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;	1597 1598
(20) Pethidine-intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;	1599 1600
(21) Pethidine-intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;	1601 1602
(22) Phenazocine;	1603

(23) Piminodine;	1604
(24) Racemethorphan;	1605
(25) Racemorphan;	1606
(26) Remifentanil;	1607
(27) Sufentanil.	1608
(C) Stimulants	1609
Unless specifically excepted under federal drug abuse	1610
control laws or unless listed in another schedule, any material,	1611
compound, mixture, or preparation that contains any quantity of	1612
the following substances having a stimulant effect on the	1613
central nervous system:	1614
(1) Amphetamine, its salts, its optical isomers, and salts	1615
of its optical isomers;	1616
(2) Methamphetamine, its salts, its isomers, and salts of	1617
its isomers;	1618
(3) Methylphenidate;	1619
(4) Phenmetrazine and its salts;	1620
(5) Lisdexamfetamine, its salts, isomers, and salts of its	1621
isomers.	1622
(D) Depressants	1623
Unless specifically excepted under federal drug abuse	1624
control laws or unless listed in another schedule, any material,	1625
compound, mixture, or preparation that contains any quantity of	1626
the following substances having a depressant effect on the	1627
central nervous system, including their salts, isomers, and	1628
salts of isomers, whenever the existence of these salts,	1629

isomers, and salts of isomers is possible within the specific	1630
chemical designation:	1631
(1) Amobarbital;	1632
(2) Gamma-hydroxy-butyrate;	1633
(3) Glutethimide;	1634
(4) Pentobarbital;	1635
(5) Phencyclidine (some trade or other names: 1-(1-phenylcyclohexyl)piperidine; PCP);	1636
	1637
(6) Secobarbital;	1638
(7) 1-aminophenylcyclohexane and all N-mono-substituted	1639
and/or all N-N-disubstituted analogs including, but not limited	1640
to, the following:	1641
(a) 1-phenylcyclohexylamine;	1642
(b) (1-phenylcyclohexyl) methylamine;	1643
(c) (1-phenylcyclohexyl) dimethylamine;	1644
(d) (1-phenylcyclohexyl) methylethylamine;	1645
(e) (1-phenylcyclohexyl) isopropylamine;	1646
(f) 1-(1-phenylcyclohexyl) morpholine.	1647
(E) Hallucinogenic substances	1648
(1) Nabilone (another name for nabilone: (+)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo[b,d]pyran-9-one).	1649
	1650
	1651
(F) Immediate precursors	1652
Unless specifically excepted under federal drug abuse	1653

control laws or unless listed in another schedule, any material, 1654
compound, mixture, or preparation that contains any quantity of 1655
the following substances: 1656

(1) Immediate precursor to amphetamine and 1657
methamphetamine: 1658

(a) Phenylacetone (some trade or other names: phenyl-2- 1659
propanone; P2P; benzyl methyl ketone; methyl benzyl ketone); 1660

(2) Immediate precursors to phencyclidine (PCP): 1661

(a) 1-phenylcyclohexylamine; 1662

(b) 1-piperidinocyclohexanecarbonitrile (PCC). 1663

SCHEDULE III 1664

(A) Stimulants 1665

Unless specifically excepted under federal drug abuse 1666
control laws or unless listed in another schedule, any material, 1667
compound, mixture, or preparation that contains any quantity of 1668
the following substances having a stimulant effect on the 1669
central nervous system, including their salts, their optical 1670
isomers, position isomers, or geometric isomers, and salts of 1671
these isomers, whenever the existence of these salts, isomers, 1672
and salts of isomers is possible within the specific chemical 1673
designation: 1674

(1) All stimulant compounds, mixtures, and preparations 1675
included in schedule III pursuant to the federal drug abuse 1676
control laws and regulations adopted under those laws; 1677

(2) Benzphetamine; 1678

(3) Chlorphentermine; 1679

(4) Clortermine; 1680

(5) Phendimetrazine.	1681
(B) Depressants	1682
Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a depressant effect on the central nervous system:	1683 1684 1685 1686 1687
(1) Any compound, mixture, or preparation containing amobarbital, secobarbital, pentobarbital, or any salt of any of these drugs, and one or more other active medicinal ingredients that are not listed in any schedule;	1688 1689 1690 1691
(2) Any suppository dosage form containing amobarbital, secobarbital, pentobarbital, or any salt of any of these drugs and approved by the food and drug administration for marketing only as a suppository;	1692 1693 1694 1695
(3) Any substance that contains any quantity of a derivative of barbituric acid or any salt of a derivative of barbituric acid;	1696 1697 1698
(4) Chlorhexadol;	1699
(5) Ketamine, its salts, isomers, and salts of isomers (some other names for ketamine: (+/-)-2-(2-chlorophenyl)-2-(methylamino)-cyclohexanone);	1700 1701 1702
(6) Lysergic acid;	1703
(7) Lysergic acid amide;	1704
(8) Methyprylon;	1705
(9) Sulfondiethylmethane;	1706
(10) Sulfonethylmethane;	1707

(11) Sulfonylmethane;	1708
(12) Tiletamine, zolazepam, or any salt of tiletamine or zolazepam (some trade or other names for a tiletamine-zolazepam combination product: Telazol); (some trade or other names for tiletamine: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone); (some trade or other names for zolazepam: 4-(2-fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo-[3, 4-e][1,4]-diazepin-7(1H)-one; flupyrzapon).	1709 1710 1711 1712 1713 1714 1715
(C) Narcotic antidotes	1716
(1) Nalorphine.	1717
(D) Narcotics-narcotic preparations	1718
Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:	1719 1720 1721 1722 1723 1724
(1) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;	1725 1726 1727
(2) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;	1728 1729 1730 1731
(3) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;	1732 1733 1734 1735

(4) Not more than 300 milligrams of dihydrocodeinone per 1736
100 milliliters or not more than 15 milligrams per dosage unit, 1737
with one or more active, nonnarcotic ingredients in recognized 1738
therapeutic amounts; 1739

(5) Not more than 1.8 grams of dihydrocodeine per 100 1740
milliliters or not more than 90 milligrams per dosage unit, with 1741
one or more active, nonnarcotic ingredients in recognized 1742
therapeutic amounts; 1743

(6) Not more than 300 milligrams of ethylmorphine per 100 1744
milliliters or not more than 15 milligrams per dosage unit, with 1745
one or more active, nonnarcotic ingredients in recognized 1746
therapeutic amounts; 1747

(7) Not more than 500 milligrams of opium per 100 1748
milliliters or per 100 grams or not more than 25 milligrams per 1749
dosage unit, with one or more active, nonnarcotic ingredients in 1750
recognized therapeutic amounts; 1751

(8) Not more than 50 milligrams of morphine per 100 1752
milliliters or per 100 grams, with one or more active, 1753
nonnarcotic ingredients in recognized therapeutic amounts. 1754

(E) Anabolic steroids 1755

Unless specifically excepted under federal drug abuse 1756
control laws or unless listed in another schedule, any material, 1757
compound, mixture, or preparation that contains any quantity of 1758
the following substances, including their salts, esters, 1759
isomers, and salts of esters and isomers, whenever the existence 1760
of these salts, esters, and isomers is possible within the 1761
specific chemical designation: 1762

(1) Anabolic steroids. Except as otherwise provided in 1763
division (E)(1) of schedule III, "anabolic steroids" means any 1764

drug or hormonal substance that is chemically and 1765
pharmacologically related to testosterone (other than estrogens, 1766
progestins, and corticosteroids) and that promotes muscle 1767
growth. "Anabolic steroids" does not include an anabolic steroid 1768
that is expressly intended for administration through implants 1769
to cattle or other nonhuman species and that has been approved 1770
by the United States secretary of health and human services for 1771
that administration, unless a person prescribes, dispenses, or 1772
distributes this type of anabolic steroid for human use. 1773
"Anabolic steroid" includes, but is not limited to, the 1774
following: 1775

- (a) Boldenone; 1776
- (b) Chlorotestosterone (4-chlorotestosterone); 1777
- (c) Clostebol; 1778
- (d) Dehydrochlormethyltestosterone; 1779
- (e) Dihydrotestosterone (4-dihydrotestosterone); 1780
- (f) Drostanolone; 1781
- (g) Ethylestrenol; 1782
- (h) Fluoxymesterone; 1783
- (i) Formebolone (formebolone); 1784
- (j) Mesterolone; 1785
- (k) Methandienone; 1786
- (l) Methandranone; 1787
- (m) Methandriol; 1788
- (n) Methandrostenolone; 1789

(o) Methenolone;	1790
(p) Methyltestosterone;	1791
(q) Mibolerone;	1792
(r) Nandrolone;	1793
(s) Norethandrolone;	1794
(t) Oxandrolone;	1795
(u) Oxymesterone;	1796
(v) Oxymetholone;	1797
(w) Stanolone;	1798
(x) Stanozolol;	1799
(y) Testolactone;	1800
(z) Testosterone;	1801
(aa) Trenbolone;	1802
(bb) Any salt, ester, isomer, or salt of an ester or isomer of a drug or hormonal substance described or listed in division (E) (1) of schedule III if the salt, ester, or isomer promotes muscle growth.	1803 1804 1805 1806
(F) Hallucinogenic substances	1807
(1) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States food and drug administration approved drug product (some other names for dronabinol: (6aR-trans)-6a,7,8,10a-tetrahydro- 6,6,9-trimethyl- 3-pentyl-6H-dibenzo[b,d]pyran-1-ol, or (-)-delta-9-(trans)- tetrahydrocannabinol).	1808 1809 1810 1811 1812 1813
SCHEDULE IV	1814

(A) Narcotic drugs	1815
Unless specifically excepted by federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:	1816 1817 1818 1819 1820 1821
(1) Not more than one milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit;	1822 1823
(2) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-propionoxybutane) [final dosage forms].	1824 1825
(B) Depressants	1826
Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances, including their salts, isomers, and salts of isomers, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:	1827 1828 1829 1830 1831 1832 1833
(1) Alprazolam;	1834
(2) Barbital;	1835
(3) Bromazepam;	1836
(4) Camazepam;	1837
(5) Chloral betaine;	1838
(6) Chloral hydrate;	1839
(7) Chlordiazepoxide;	1840

(8) Clobazam;	1841
(9) Clonazepam;	1842
(10) Clorazepate;	1843
(11) Clotiazepam;	1844
(12) Cloxazolam;	1845
(13) Delorazepam;	1846
(14) Diazepam;	1847
(15) Estazolam;	1848
(16) Ethchlorvynol;	1849
(17) Ethinamate;	1850
(18) Ethyl loflazepate;	1851
(19) Fludiazepam;	1852
(20) Flunitrazepam;	1853
(21) Flurazepam;	1854
(22) Halazepam;	1855
(23) Haloxazolam;	1856
(24) Ketazolam;	1857
(25) Loprazolam;	1858
(26) Lorazepam;	1859
(27) Lormetazepam;	1860
(28) Mebutamate;	1861
(29) Medazepam;	1862

(30) Meprobamate;	1863
(31) Methohexital;	1864
(32) Methylphenobarbital (mephobarbital);	1865
(33) Midazolam;	1866
(34) Nimetazepam;	1867
(35) Nitrazepam;	1868
(36) Nordiazepam;	1869
(37) Oxazepam;	1870
(38) Oxazolam;	1871
(39) Paraldehyde;	1872
(40) Petrichloral;	1873
(41) Phenobarbital;	1874
(42) Pinazepam;	1875
(43) Prazepam;	1876
(44) Quazepam;	1877
(45) Temazepam;	1878
(46) Tetrazepam;	1879
(47) Triazolam;	1880
(48) Zaleplon;	1881
(49) Zolpidem.	1882
(C) Fenfluramine	1883
Any material, compound, mixture, or preparation that	1884
contains any quantity of the following substances, including	1885

their salts, their optical isomers, position isomers, or 1886
geometric isomers, and salts of these isomers, whenever the 1887
existence of these salts, isomers, and salts of isomers is 1888
possible within the specific chemical designation: 1889

(1) Fenfluramine. 1890

(D) Stimulants 1891

Unless specifically excepted under federal drug abuse 1892
control laws or unless listed in another schedule, any material, 1893
compound, mixture, or preparation that contains any quantity of 1894
the following substances having a stimulant effect on the 1895
central nervous system, including their salts, their optical 1896
isomers, position isomers, or geometric isomers, and salts of 1897
these isomers, whenever the existence of these salts, isomers, 1898
and salts of isomers is possible within the specific chemical 1899
designation: 1900

(1) Cathine ((+)-norpseudoephedrine); 1901

(2) Diethylpropion; 1902

(3) Fencamfamin; 1903

(4) Fenproporex; 1904

(5) Mazindol; 1905

(6) Mefenorex; 1906

(7) Modafinil; 1907

(8) Pemoline (including organometallic complexes and 1908
chelates thereof); 1909

(9) Phentermine; 1910

(10) Pipradrol; 1911

(11) Sibutramine;	1912
(12) SPA [(-)-1-dimethylamino-1,2-diphenylethane].	1913
(E) Other substances	1914
Unless specifically excepted under federal drug abuse	1915
control laws or unless listed in another schedule, any material,	1916
compound, mixture, or preparation that contains any quantity of	1917
the following substances, including their salts:	1918
(1) Pentazocine;	1919
(2) Butorphanol (including its optical isomers).	1920
SCHEDULE V	1921
(A) Narcotic drugs	1922
Unless specifically excepted under federal drug abuse	1923
control laws or unless listed in another schedule, any material,	1924
compound, mixture, or preparation that contains any of the	1925
following narcotic drugs, and their salts, as set forth below:	1926
(1) Buprenorphine.	1927
(B) Narcotics-narcotic preparations	1928
Narcotic drugs containing non-narcotic active medicinal	1929
ingredients. Any compound, mixture, or preparation that contains	1930
any of the following narcotic drugs, or their salts calculated	1931
as the free anhydrous base or alkaloid, in limited quantities as	1932
set forth below, and that includes one or more nonnarcotic	1933
active medicinal ingredients in sufficient proportion to confer	1934
upon the compound, mixture, or preparation valuable medicinal	1935
qualities other than those possessed by narcotic drugs alone:	1936
(1) Not more than 200 milligrams of codeine per 100	1937
milliliters or per 100 grams;	1938

(2) Not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams;	1939 1940
(3) Not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams;	1941 1942
(4) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit;	1943 1944
(5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams;	1945 1946
(6) Not more than 0.5 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.	1947 1948
(C) Stimulants	1949
Unless specifically exempted or excluded under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers, and salts of isomers:	1950 1951 1952 1953 1954 1955
(1) Ephedrine, except as provided in division (K) of section 3719.44 of the Revised Code;	1956 1957
(2) Pyrovalerone.	1958
(D) Approved <u>United States food and drug administration</u> <u>approved</u> cannabidiol drugs	1959 1960
Unless specifically exempted or excluded under federal drug abuse control laws or unless listed in another schedule, any drug product in finished dosage formulation that has been approved by the United States food and drug administration that contains cannabidiol (2-[1R-3-methyl-6R-(1-methylethenyl)-2-	1961 1962 1963 1964 1965

cyclohexen-1-yl]-5-pentyl-1,3-benzenediol) derived from cannabis 1966
and not more than 0.1 per cent (w/w) residual 1967
tetrahydrocannabinols. 1968

Sec. 4729.01. As used in this chapter: 1969

(A) "Pharmacy," except when used in a context that refers 1970
to the practice of pharmacy, means any area, room, rooms, place 1971
of business, department, or portion of any of the foregoing 1972
where the practice of pharmacy is conducted. 1973

(B) "Practice of pharmacy" means providing pharmacist care 1974
requiring specialized knowledge, judgment, and skill derived 1975
from the principles of biological, chemical, behavioral, social, 1976
pharmaceutical, and clinical sciences. As used in this division, 1977
"pharmacist care" includes the following: 1978

(1) Interpreting prescriptions; 1979

(2) Dispensing drugs and drug therapy related devices; 1980

(3) Compounding drugs; 1981

(4) Counseling individuals with regard to their drug 1982
therapy, recommending drug therapy related devices, and 1983
assisting in the selection of drugs and appliances for treatment 1984
of common diseases and injuries and providing instruction in the 1985
proper use of the drugs and appliances; 1986

(5) Performing drug regimen reviews with individuals by 1987
discussing all of the drugs that the individual is taking and 1988
explaining the interactions of the drugs; 1989

(6) Performing drug utilization reviews with licensed 1990
health professionals authorized to prescribe drugs when the 1991
pharmacist determines that an individual with a prescription has 1992
a drug regimen that warrants additional discussion with the 1993

prescriber;	1994
(7) Advising an individual and the health care professionals treating an individual with regard to the individual's drug therapy;	1995 1996 1997
(8) Acting pursuant to a consult agreement with one or more physicians authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, if an agreement has been established;	1998 1999 2000 2001
(9) Engaging in the administration of immunizations to the extent authorized by section 4729.41 of the Revised Code;	2002 2003
(10) Engaging in the administration of drugs to the extent authorized by section 4729.45 of the Revised Code.	2004 2005
(C) "Compounding" means the preparation, mixing, assembling, packaging, and labeling of one or more drugs in any of the following circumstances:	2006 2007 2008
(1) Pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs;	2009 2010
(2) Pursuant to the modification of a prescription made in accordance with a consult agreement;	2011 2012
(3) As an incident to research, teaching activities, or chemical analysis;	2013 2014
(4) In anticipation of orders for drugs pursuant to prescriptions, based on routine, regularly observed dispensing patterns;	2015 2016 2017
(5) Pursuant to a request made by a licensed health professional authorized to prescribe drugs for a drug that is to be used by the professional for the purpose of direct	2018 2019 2020

administration to patients in the course of the professional's 2021
practice, if all of the following apply: 2022

(a) At the time the request is made, the drug is not 2023
commercially available regardless of the reason that the drug is 2024
not available, including the absence of a manufacturer for the 2025
drug or the lack of a readily available supply of the drug from 2026
a manufacturer. 2027

(b) A limited quantity of the drug is compounded and 2028
provided to the professional. 2029

(c) The drug is compounded and provided to the 2030
professional as an occasional exception to the normal practice 2031
of dispensing drugs pursuant to patient-specific prescriptions. 2032

(D) "Consult agreement" means an agreement that has been 2033
entered into under section 4729.39 of the Revised Code. 2034

(E) "Drug" means: 2035

(1) Any article recognized in the United States 2036
pharmacopoeia and national formulary, or any supplement to them, 2037
intended for use in the diagnosis, cure, mitigation, treatment, 2038
or prevention of disease in humans or animals; 2039

(2) Any other article intended for use in the diagnosis, 2040
cure, mitigation, treatment, or prevention of disease in humans 2041
or animals; 2042

(3) Any article, other than food, intended to affect the 2043
structure or any function of the body of humans or animals; 2044

(4) Any article intended for use as a component of any 2045
article specified in division (E) (1), (2), or (3) of this 2046
section; but does not include devices or their components, 2047
parts, or accessories. 2048

"Drug" does not include "hemp" or a "hemp product" as 2049
those terms are defined in section 928.01 of the Revised Code. 2050

(F) "Dangerous drug" means any of the following: 2051

(1) Any drug to which either of the following applies: 2052

(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 2053
Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is 2054
required to bear a label containing the legend "Caution: Federal 2055
law prohibits dispensing without prescription" or "Caution: 2056
Federal law restricts this drug to use by or on the order of a 2057
licensed veterinarian" or any similar restrictive statement, or 2058
the drug may be dispensed only upon a prescription; 2059

(b) Under Chapter 3715. or 3719. of the Revised Code, the 2060
drug may be dispensed only upon a prescription. 2061

(2) Any drug that contains a schedule V controlled 2062
substance and that is exempt from Chapter 3719. of the Revised 2063
Code or to which that chapter does not apply; 2064

(3) Any drug intended for administration by injection into 2065
the human body other than through a natural orifice of the human 2066
body; 2067

(4) Any drug that is a biological product, as defined in 2068
section 3715.01 of the Revised Code. 2069

(G) "Federal drug abuse control laws" has the same meaning 2070
as in section 3719.01 of the Revised Code. 2071

(H) "Prescription" means all of the following: 2072

(1) A written, electronic, or oral order for drugs or 2073
combinations or mixtures of drugs to be used by a particular 2074
individual or for treating a particular animal, issued by a 2075

licensed health professional authorized to prescribe drugs; 2076

(2) For purposes of sections 2925.61, 4723.488, 4730.431, 2077
and 4731.94 of the Revised Code, a written, electronic, or oral 2078
order for naloxone issued to and in the name of a family member, 2079
friend, or other individual in a position to assist an 2080
individual who there is reason to believe is at risk of 2081
experiencing an opioid-related overdose. 2082

(3) For purposes of section 4729.44 of the Revised Code, a 2083
written, electronic, or oral order for naloxone issued to and in 2084
the name of either of the following: 2085

(a) An individual who there is reason to believe is at 2086
risk of experiencing an opioid-related overdose; 2087

(b) A family member, friend, or other individual in a 2088
position to assist an individual who there is reason to believe 2089
is at risk of experiencing an opioid-related overdose. 2090

(4) For purposes of sections 4723.4810, 4729.282, 2091
4730.432, and 4731.93 of the Revised Code, a written, 2092
electronic, or oral order for a drug to treat chlamydia, 2093
gonorrhea, or trichomoniasis issued to and in the name of a 2094
patient who is not the intended user of the drug but is the 2095
sexual partner of the intended user; 2096

(5) For purposes of sections 3313.7110, 3313.7111, 2097
3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 2098
4731.96, and 5101.76 of the Revised Code, a written, electronic, 2099
or oral order for an epinephrine autoinjector issued to and in 2100
the name of a school, school district, or camp; 2101

(6) For purposes of Chapter 3728. and sections 4723.483, 2102
4729.88, 4730.433, and 4731.96 of the Revised Code, a written, 2103
electronic, or oral order for an epinephrine autoinjector issued 2104

to and in the name of a qualified entity, as defined in section 2105
3728.01 of the Revised Code. 2106

(I) "Licensed health professional authorized to prescribe 2107
drugs" or "prescriber" means an individual who is authorized by 2108
law to prescribe drugs or dangerous drugs or drug therapy 2109
related devices in the course of the individual's professional 2110
practice, including only the following: 2111

(1) A dentist licensed under Chapter 4715. of the Revised 2112
Code; 2113

(2) A clinical nurse specialist, certified nurse-midwife, 2114
or certified nurse practitioner who holds a current, valid 2115
license to practice nursing as an advanced practice registered 2116
nurse issued under Chapter 4723. of the Revised Code; 2117

(3) An optometrist licensed under Chapter 4725. of the 2118
Revised Code to practice optometry under a therapeutic 2119
pharmaceutical agents certificate; 2120

(4) A physician authorized under Chapter 4731. of the 2121
Revised Code to practice medicine and surgery, osteopathic 2122
medicine and surgery, or podiatric medicine and surgery; 2123

(5) A physician assistant who holds a license to practice 2124
as a physician assistant issued under Chapter 4730. of the 2125
Revised Code, holds a valid prescriber number issued by the 2126
state medical board, and has been granted physician-delegated 2127
prescriptive authority; 2128

(6) A veterinarian licensed under Chapter 4741. of the 2129
Revised Code. 2130

(J) "Sale" or "sell" includes any transaction made by any 2131
person, whether as principal proprietor, agent, or employee, to 2132

do or offer to do any of the following: deliver, distribute, 2133
broker, exchange, gift or otherwise give away, or transfer, 2134
whether the transfer is by passage of title, physical movement, 2135
or both. 2136

(K) "Wholesale sale" and "sale at wholesale" mean any sale 2137
in which the purpose of the purchaser is to resell the article 2138
purchased or received by the purchaser. 2139

(L) "Retail sale" and "sale at retail" mean any sale other 2140
than a wholesale sale or sale at wholesale. 2141

(M) "Retail seller" means any person that sells any 2142
dangerous drug to consumers without assuming control over and 2143
responsibility for its administration. Mere advice or 2144
instructions regarding administration do not constitute control 2145
or establish responsibility. 2146

(N) "Price information" means the price charged for a 2147
prescription for a particular drug product and, in an easily 2148
understandable manner, all of the following: 2149

(1) The proprietary name of the drug product; 2150

(2) The established (generic) name of the drug product; 2151

(3) The strength of the drug product if the product 2152
contains a single active ingredient or if the drug product 2153
contains more than one active ingredient and a relevant strength 2154
can be associated with the product without indicating each 2155
active ingredient. The established name and quantity of each 2156
active ingredient are required if such a relevant strength 2157
cannot be so associated with a drug product containing more than 2158
one ingredient. 2159

(4) The dosage form; 2160

(5) The price charged for a specific quantity of the drug 2161
product. The stated price shall include all charges to the 2162
consumer, including, but not limited to, the cost of the drug 2163
product, professional fees, handling fees, if any, and a 2164
statement identifying professional services routinely furnished 2165
by the pharmacy. Any mailing fees and delivery fees may be 2166
stated separately without repetition. The information shall not 2167
be false or misleading. 2168

(O) "Wholesale distributor of dangerous drugs" or 2169
"wholesale distributor" means a person engaged in the sale of 2170
dangerous drugs at wholesale and includes any agent or employee 2171
of such a person authorized by the person to engage in the sale 2172
of dangerous drugs at wholesale. 2173

(P) "Manufacturer of dangerous drugs" or "manufacturer" 2174
means a person, other than a pharmacist or prescriber, who 2175
manufactures dangerous drugs and who is engaged in the sale of 2176
those dangerous drugs. 2177

(Q) "Terminal distributor of dangerous drugs" or "terminal 2178
distributor" means a person who is engaged in the sale of 2179
dangerous drugs at retail, or any person, other than a 2180
manufacturer, repackager, outsourcing facility, third-party 2181
logistics provider, wholesale distributor, or pharmacist, who 2182
has possession, custody, or control of dangerous drugs for any 2183
purpose other than for that person's own use and consumption. 2184
"Terminal distributor" includes pharmacies, hospitals, nursing 2185
homes, and laboratories and all other persons who procure 2186
dangerous drugs for sale or other distribution by or under the 2187
supervision of a pharmacist or licensed health professional 2188
authorized to prescribe drugs. 2189

(R) "Promote to the public" means disseminating a 2190

representation to the public in any manner or by any means, 2191
other than by labeling, for the purpose of inducing, or that is 2192
likely to induce, directly or indirectly, the purchase of a 2193
dangerous drug at retail. 2194

(S) "Person" includes any individual, partnership, 2195
association, limited liability company, or corporation, the 2196
state, any political subdivision of the state, and any district, 2197
department, or agency of the state or its political 2198
subdivisions. 2199

(T) "Animal shelter" means a facility operated by a humane 2200
society or any society organized under Chapter 1717. of the 2201
Revised Code or a dog pound operated pursuant to Chapter 955. of 2202
the Revised Code. 2203

(U) "Food" has the same meaning as in section 3715.01 of 2204
the Revised Code. 2205

(V) "Pain management clinic" has the same meaning as in 2206
section 4731.054 of the Revised Code. 2207

(W) "Investigational drug or product" means a drug or 2208
product that has successfully completed phase one of the United 2209
States food and drug administration clinical trials and remains 2210
under clinical trial, but has not been approved for general use 2211
by the United States food and drug administration. 2212
"Investigational drug or product" does not include controlled 2213
substances in schedule I, as established pursuant to section 2214
3719.41 of the Revised Code, and as amended. 2215

(X) "Product," when used in reference to an 2216
investigational drug or product, means a biological product, 2217
other than a drug, that is made from a natural human, animal, or 2218
microorganism source and is intended to treat a disease or 2219

medical condition. 2220

(Y) "Third-party logistics provider" means a person that 2221
provides or coordinates warehousing or other logistics services 2222
pertaining to dangerous drugs including distribution, on behalf 2223
of a manufacturer, wholesale distributor, or terminal 2224
distributor of dangerous drugs, but does not take ownership of 2225
the drugs or have responsibility to direct the sale or 2226
disposition of the drugs. 2227

(Z) "Repackager of dangerous drugs" or "repackager" means 2228
a person that repacks and relabels dangerous drugs for sale or 2229
distribution. 2230

(AA) "Outsourcing facility" means a facility that is 2231
engaged in the compounding and sale of sterile drugs and is 2232
registered as an outsourcing facility with the United States 2233
food and drug administration. 2234

Sec. 4776.01. As used in this chapter: 2235

(A) "License" means an authorization evidenced by a 2236
license, certificate, registration, permit, card, or other 2237
authority that is issued or conferred by a licensing agency to a 2238
licensee or to an applicant for an initial license by which the 2239
licensee or initial license applicant has or claims the 2240
privilege to engage in a profession, occupation, or occupational 2241
activity, or, except in the case of the state dental board, to 2242
have control of and operate certain specific equipment, 2243
machinery, or premises, over which the licensing agency has 2244
jurisdiction. 2245

(B) Except as provided in section 4776.20 of the Revised 2246
Code, "licensee" means the person to whom the license is issued 2247
by a licensing agency. "Licensee" includes a person who, for 2248

purposes of section 3796.13 of the Revised Code, has complied 2249
with sections 4776.01 to 4776.04 of the Revised Code and has 2250
been determined by the department of commerce or state board of 2251
pharmacy, as the applicable licensing agency, to meet the 2252
requirements for employment. 2253

(C) Except as provided in section 4776.20 of the Revised 2254
Code, "licensing agency" means any of the following: 2255

(1) The board authorized by Chapters 4701., 4717., 4725., 2256
4729., 4730., 4731., 4732., 4734., 4740., 4741., 4747., 4753., 2257
4755., 4757., 4759., 4760., 4761., 4762., 4774., 4778., 4779., 2258
and 4783. of the Revised Code to issue a license to engage in a 2259
specific profession, occupation, or occupational activity, or to 2260
have charge of and operate certain specific equipment, 2261
machinery, or premises. 2262

(2) The state dental board, relative to its authority to 2263
issue a license pursuant to section 4715.12, 4715.16, 4715.21, 2264
or 4715.27 of the Revised Code; 2265

(3) The department of commerce or state board of pharmacy, 2266
relative to its authority under Chapter 3796. of the Revised 2267
Code and any rules adopted under that chapter with respect to a 2268
person who is subject to section 3796.13 of the Revised Code; 2269

(4) The director of agriculture, relative to the 2270
director's authority to issue licenses under Chapter 928. of the 2271
Revised Code. 2272

(D) "Applicant for an initial license" includes persons 2273
seeking a license for the first time and persons seeking a 2274
license by reciprocity, endorsement, or similar manner of a 2275
license issued in another state. "Applicant for an initial 2276
license" also includes a person who, for purposes of section 2277

3796.13 of the Revised Code, is required to comply with sections	2278
4776.01 to 4776.04 of the Revised Code.	2279
(E) "Applicant for a restored license" includes persons	2280
seeking restoration of a license under section 4730.14,	2281
4731.281, 4760.06, or 4762.06 of the Revised Code.	2282
(F) "Criminal records check" has the same meaning as in	2283
section 109.572 of the Revised Code.	2284
Sec. 5713.30. As used in sections 5713.31 to 5713.37 and	2285
5715.01 of the Revised Code:	2286
(A) "Land devoted exclusively to agricultural use" means:	2287
(1) Tracts, lots, or parcels of land totaling not less	2288
than ten acres to which, during the three calendar years prior	2289
to the year in which application is filed under section 5713.31	2290
of the Revised Code, and through the last day of May of such	2291
year, one or more of the following apply:	2292
(a) The tracts, lots, or parcels of land were devoted	2293
exclusively to commercial animal or poultry husbandry,	2294
aquaculture, algaculture meaning the farming of algae,	2295
apiculture, <u>the cultivation of hemp by a person issued a hemp</u>	2296
<u>cultivation license under section 928.02 of the Revised Code,</u>	2297
the production for a commercial purpose of timber, field crops,	2298
tobacco, fruits, vegetables, nursery stock, ornamental trees,	2299
sod, or flowers, or the growth of timber for a noncommercial	2300
purpose, if the land on which the timber is grown is contiguous	2301
to or part of a parcel of land under common ownership that is	2302
otherwise devoted exclusively to agricultural use.	2303
(b) The tracts, lots, or parcels of land were devoted	2304
exclusively to biodiesel production, biomass energy production,	2305
electric or heat energy production, or biologically derived	2306

methane gas production if the land on which the production 2307
facility is located is contiguous to or part of a parcel of land 2308
under common ownership that is otherwise devoted exclusively to 2309
agricultural use, provided that at least fifty per cent of the 2310
feedstock used in the production was derived from parcels of 2311
land under common ownership or leasehold. 2312

(c) The tracts, lots, or parcels of land were devoted to 2313
and qualified for payments or other compensation under a land 2314
retirement or conservation program under an agreement with an 2315
agency of the federal government. 2316

(2) Tracts, lots, or parcels of land totaling less than 2317
ten acres that, during the three calendar years prior to the 2318
year in which application is filed under section 5713.31 of the 2319
Revised Code and through the last day of May of such year, were 2320
devoted exclusively to commercial animal or poultry husbandry, 2321
aquaculture, algaculture meaning the farming of algae, 2322
apiculture, the cultivation of hemp by a person issued a hemp 2323
cultivation license under section 928.02 of the Revised Code, 2324
the production for a commercial purpose of field crops, tobacco, 2325
fruits, vegetables, timber, nursery stock, ornamental trees, 2326
sod, or flowers where such activities produced an average yearly 2327
gross income of at least twenty-five hundred dollars during such 2328
three-year period or where there is evidence of an anticipated 2329
gross income of such amount from such activities during the tax 2330
year in which application is made, or were devoted to and 2331
qualified for payments or other compensation under a land 2332
retirement or conservation program under an agreement with an 2333
agency of the federal government; 2334

(3) A tract, lot, or parcel of land taxed under sections 2335
5713.22 to 5713.26 of the Revised Code is not land devoted 2336

exclusively to agricultural use. 2337

(4) Tracts, lots, or parcels of land, or portions thereof 2338
that, during the previous three consecutive calendar years have 2339
been designated as land devoted exclusively to agricultural use, 2340
but such land has been lying idle or fallow for up to one year 2341
and no action has occurred to such land that is either 2342
inconsistent with the return of it to agricultural production or 2343
converts the land devoted exclusively to agricultural use as 2344
defined in this section. Such land shall remain designated as 2345
land devoted exclusively to agricultural use provided that 2346
beyond one year, but less than three years, the landowner proves 2347
good cause as determined by the board of revision. 2348

(5) Tracts, lots, or parcels of land, or portions thereof 2349
that, during the previous three consecutive calendar years have 2350
been designated as land devoted exclusively to agricultural use, 2351
but such land has been lying idle or fallow because of dredged 2352
material being stored or deposited on such land pursuant to a 2353
contract between the land's owner and the department of natural 2354
resources or the United States army corps of engineers and no 2355
action has occurred to the land that is either inconsistent with 2356
the return of it to agricultural production or converts the land 2357
devoted exclusively to agricultural use. Such land shall remain 2358
designated as land devoted exclusively to agricultural use until 2359
the last year in which dredged material is stored or deposited 2360
on the land pursuant to such a contract, but not to exceed five 2361
years. 2362

"Land devoted exclusively to agricultural use" includes 2363
tracts, lots, or parcels of land or portions thereof that are 2364
used for conservation practices, provided that the tracts, lots, 2365
or parcels of land or portions thereof comprise twenty-five per 2366

cent or less of the total of the tracts, lots, or parcels of 2367
land that satisfy the criteria established in division (A) (1), 2368
(2), (4), or (5) of this section together with the tracts, lots, 2369
or parcels of land or portions thereof that are used for 2370
conservation practices. 2371

Notwithstanding any other provision of law to the 2372
contrary, the existence of agritourism on a tract, lot, or 2373
parcel of land that otherwise meets the definition of "land 2374
devoted exclusively to agricultural use" as defined in this 2375
division does not disqualify that tract, lot, or parcel from 2376
valuation under sections 5713.30 to 5713.37 and 5715.01 of the 2377
Revised Code. 2378

A tract, lot, parcel, or portion thereof on which medical 2379
marijuana, as defined by section 3796.01 of the Revised Code, is 2380
cultivated or processed is not land devoted exclusively to 2381
agricultural use. 2382

(B) "Conversion of land devoted exclusively to 2383
agricultural use" means any of the following: 2384

(1) The failure of the owner of land devoted exclusively 2385
to agricultural use during the next preceding calendar year to 2386
file a renewal application under section 5713.31 of the Revised 2387
Code without good cause as determined by the board of revision; 2388

(2) The failure of the new owner of such land to file an 2389
initial application under that section without good cause as 2390
determined by the board of revision; 2391

(3) The failure of such land or portion thereof to qualify 2392
as land devoted exclusively to agricultural use for the current 2393
calendar year as requested by an application filed under such 2394
section; 2395

(4) The failure of the owner of the land described in 2396
division (A) (4) or (5) of this section to act on such land in a 2397
manner that is consistent with the return of the land to 2398
agricultural production after three years. 2399

The construction or installation of an energy facility, as 2400
defined in section 5727.01 of the Revised Code, on a portion of 2401
a tract, lot, or parcel of land devoted exclusively to 2402
agricultural use shall not cause the remaining portion of the 2403
tract, lot, or parcel to be regarded as a conversion of land 2404
devoted exclusively to agricultural use if the remaining portion 2405
of the tract, lot, or parcel continues to be devoted exclusively 2406
to agricultural use. 2407

(C) "Tax savings" means the difference between the dollar 2408
amount of real property taxes levied in any year on land valued 2409
and assessed in accordance with its current agricultural use 2410
value and the dollar amount of real property taxes that would 2411
have been levied upon such land if it had been valued and 2412
assessed for such year in accordance with Section 2 of Article 2413
XII, Ohio Constitution. 2414

(D) "Owner" includes, but is not limited to, any person 2415
owning a fee simple, fee tail, or life estate or a buyer on a 2416
land installment contract. 2417

(E) "Conservation practices" are practices used to abate 2418
soil erosion as required in the management of the farming 2419
operation, and include, but are not limited to, the 2420
installation, construction, development, planting, or use of 2421
grass waterways, terraces, diversions, filter strips, field 2422
borders, windbreaks, riparian buffers, wetlands, ponds, and 2423
cover crops for that purpose. 2424

(F) "Wetlands" has the same meaning as in section 6111.02 2425
of the Revised Code. 2426

(G) "Biodiesel" means a mono-alkyl ester combustible 2427
liquid fuel that is derived from vegetable oils or animal fats 2428
or any combination of those reagents and that meets the American 2429
society for testing and materials specification D6751-03a for 2430
biodiesel fuel (B100) blend stock distillate fuels. 2431

(H) "Biologically derived methane gas" means gas from the 2432
anaerobic digestion of organic materials, including animal waste 2433
and agricultural crops and residues. 2434

(I) "Biomass energy" means energy that is produced from 2435
organic material derived from plants or animals and available on 2436
a renewable basis, including, but not limited to, agricultural 2437
crops, tree crops, crop by-products, and residues. 2438

(J) "Electric or heat energy" means electric or heat 2439
energy generated from manure, cornstalks, soybean waste, or 2440
other agricultural feedstocks. 2441

(K) "Dredged material" means material that is excavated or 2442
dredged from waters of this state. "Dredged material" does not 2443
include material resulting from normal farming, silviculture, 2444
and ranching activities, such as plowing, cultivating, seeding, 2445
and harvesting, for production of food, fiber, and forest 2446
products. 2447

~~(K)~~(L) "Agritourism" has the same meaning as in section 2448
901.80 of the Revised Code. 2449

Section 2. That existing sections 109.572, 924.01, 2450
3719.01, 3719.41, 4729.01, 4776.01, and 5713.30 of the Revised 2451
Code are hereby repealed. 2452

Section 3. That the version of section 109.572 of the Revised Code that is scheduled to take effect on September 20, 2019, be amended to read as follows:

Sec. 109.572. (A) (1) Upon receipt of a request pursuant to section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, a completed form prescribed pursuant to division (C) (1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C) (2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a 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 or pleaded guilty to any of the following:

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

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

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

(2) On receipt of a request pursuant to section 3712.09 or 3721.121 of the Revised Code, a completed form prescribed pursuant to division (C) (1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C) (2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check with respect to any person who has applied for employment in a position for which a criminal records check is required by those sections. 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 or pleaded guilty to any of the following:

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

(b) An existing or former law of this state, any other 2513
state, or the United States that is substantially equivalent to 2514
any of the offenses listed in division (A) (2) (a) of this 2515
section. 2516

(3) On receipt of a request pursuant to section 173.27, 2517
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 2518
5123.081, or 5123.169 of the Revised Code, a completed form 2519
prescribed pursuant to division (C) (1) of this section, and a 2520
set of fingerprint impressions obtained in the manner described 2521
in division (C) (2) of this section, the superintendent of the 2522
bureau of criminal identification and investigation shall 2523
conduct a criminal records check of the person for whom the 2524
request is made. The superintendent shall conduct the criminal 2525
records check in the manner described in division (B) of this 2526
section to determine whether any information exists that 2527
indicates that the person who is the subject of the request 2528
previously has been convicted of, has pleaded guilty to, or 2529
(except in the case of a request pursuant to section 5164.34, 2530
5164.341, or 5164.342 of the Revised Code) has been found 2531
eligible for intervention in lieu of conviction for any of the 2532
following, regardless of the date of the conviction, the date of 2533
entry of the guilty plea, or (except in the case of a request 2534
pursuant to section 5164.34, 5164.341, or 5164.342 of the 2535
Revised Code) the date the person was found eligible for 2536
intervention in lieu of conviction: 2537

(a) A violation of section 959.13, 959.131, 2903.01, 2538
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2539
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2540
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2541
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2542
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2543

2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02,	2544
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02,	2545
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05,	2546
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42,	2547
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48,	2548
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12,	2549
2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03,	2550
2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321,	2551
2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123,	2552
2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02,	2553
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11,	2554
2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36,	2555
2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code;	2556
(b) Felonious sexual penetration in violation of former	2557
section 2907.12 of the Revised Code;	2558
(c) A violation of section 2905.04 of the Revised Code as	2559
it existed prior to July 1, 1996;	2560
(d) A violation of section 2923.01, 2923.02, or 2923.03 of	2561
the Revised Code when the underlying offense that is the object	2562
of the conspiracy, attempt, or complicity is one of the offenses	2563
listed in divisions (A) (3) (a) to (c) of this section;	2564
(e) A violation of an existing or former municipal	2565
ordinance or law of this state, any other state, or the United	2566
States that is substantially equivalent to any of the offenses	2567
listed in divisions (A) (3) (a) to (d) of this section.	2568
(4) On receipt of a request pursuant to section 2151.86 of	2569
the Revised Code, a completed form prescribed pursuant to	2570
division (C) (1) of this section, and a set of fingerprint	2571
impressions obtained in the manner described in division (C) (2)	2572

of this section, the superintendent of the bureau of criminal 2573
identification and investigation shall conduct a criminal 2574
records check in the manner described in division (B) of this 2575
section to determine whether any information exists that 2576
indicates that the person who is the subject of the request 2577
previously has been convicted of or pleaded guilty to any of the 2578
following: 2579

(a) A violation of section 959.13, 2903.01, 2903.02, 2580
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2581
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2582
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2583
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2584
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2585
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2586
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2587
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2588
2927.12, or 3716.11 of the Revised Code, a violation of section 2589
2905.04 of the Revised Code as it existed prior to July 1, 1996, 2590
a violation of section 2919.23 of the Revised Code that would 2591
have been a violation of section 2905.04 of the Revised Code as 2592
it existed prior to July 1, 1996, had the violation been 2593
committed prior to that date, a violation of section 2925.11 of 2594
the Revised Code that is not a minor drug possession offense, 2595
two or more OVI or OVUAC violations committed within the three 2596
years immediately preceding the submission of the application or 2597
petition that is the basis of the request, or felonious sexual 2598
penetration in violation of former section 2907.12 of the 2599
Revised Code; 2600

(b) A violation of an existing or former law of this 2601
state, any other state, or the United States that is 2602
substantially equivalent to any of the offenses listed in 2603

division (A) (4) (a) of this section. 2604

(5) Upon receipt of a request pursuant to section 5104.013 2605
of the Revised Code, a completed form prescribed pursuant to 2606
division (C) (1) of this section, and a set of fingerprint 2607
impressions obtained in the manner described in division (C) (2) 2608
of this section, the superintendent of the bureau of criminal 2609
identification and investigation shall conduct a criminal 2610
records check in the manner described in division (B) of this 2611
section to determine whether any information exists that 2612
indicates that the person who is the subject of the request has 2613
been convicted of or pleaded guilty to any of the following: 2614

(a) A violation of section 2151.421, 2903.01, 2903.02, 2615
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2616
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 2617
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2618
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2619
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2620
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2621
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2622
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2623
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2624
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2625
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 2626
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 2627
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 2628
3716.11 of the Revised Code, felonious sexual penetration in 2629
violation of former section 2907.12 of the Revised Code, a 2630
violation of section 2905.04 of the Revised Code as it existed 2631
prior to July 1, 1996, a violation of section 2919.23 of the 2632
Revised Code that would have been a violation of section 2905.04 2633
of the Revised Code as it existed prior to July 1, 1996, had the 2634

violation been committed prior to that date, a violation of 2635
section 2925.11 of the Revised Code that is not a minor drug 2636
possession offense, a violation of section 2923.02 or 2923.03 of 2637
the Revised Code that relates to a crime specified in this 2638
division, or a second violation of section 4511.19 of the 2639
Revised Code within five years of the date of application for 2640
licensure or certification. 2641

(b) A violation of an existing or former law of this 2642
state, any other state, or the United States that is 2643
substantially equivalent to any of the offenses or violations 2644
described in division (A) (5) (a) of this section. 2645

(6) Upon receipt of a request pursuant to section 5153.111 2646
of the Revised Code, a completed form prescribed pursuant to 2647
division (C) (1) of this section, and a set of fingerprint 2648
impressions obtained in the manner described in division (C) (2) 2649
of this section, the superintendent of the bureau of criminal 2650
identification and investigation shall conduct a criminal 2651
records check in the manner described in division (B) of this 2652
section to determine whether any information exists that 2653
indicates that the person who is the subject of the request 2654
previously has been convicted of or pleaded guilty to any of the 2655
following: 2656

(a) A violation of section 2903.01, 2903.02, 2903.03, 2657
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2658
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2659
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2660
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2661
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2662
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2663
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 2664

Code, felonious sexual penetration in violation of former 2665
section 2907.12 of the Revised Code, a violation of section 2666
2905.04 of the Revised Code as it existed prior to July 1, 1996, 2667
a violation of section 2919.23 of the Revised Code that would 2668
have been a violation of section 2905.04 of the Revised Code as 2669
it existed prior to July 1, 1996, had the violation been 2670
committed prior to that date, or a violation of section 2925.11 2671
of the Revised Code that is not a minor drug possession offense; 2672

(b) A violation of an existing or former law of this 2673
state, any other state, or the United States that is 2674
substantially equivalent to any of the offenses listed in 2675
division (A) (6) (a) of this section. 2676

(7) On receipt of a request for a criminal records check 2677
from an individual pursuant to section 4749.03 or 4749.06 of the 2678
Revised Code, accompanied by a completed copy of the form 2679
prescribed in division (C) (1) of this section and a set of 2680
fingerprint impressions obtained in a manner described in 2681
division (C) (2) of this section, the superintendent of the 2682
bureau of criminal identification and investigation shall 2683
conduct a criminal records check in the manner described in 2684
division (B) of this section to determine whether any 2685
information exists indicating that the person who is the subject 2686
of the request has been convicted of or pleaded guilty to a 2687
felony in this state or in any other state. If the individual 2688
indicates that a firearm will be carried in the course of 2689
business, the superintendent shall require information from the 2690
federal bureau of investigation as described in division (B) (2) 2691
of this section. Subject to division (F) of this section, the 2692
superintendent shall report the findings of the criminal records 2693
check and any information the federal bureau of investigation 2694
provides to the director of public safety. 2695

(8) On receipt of a request pursuant to section 1321.37, 2696
1321.53, or 4763.05 of the Revised Code, a completed form 2697
prescribed pursuant to division (C)(1) of this section, and a 2698
set of fingerprint impressions obtained in the manner described 2699
in division (C)(2) of this section, the superintendent of the 2700
bureau of criminal identification and investigation shall 2701
conduct a criminal records check with respect to any person who 2702
has applied for a license, permit, or certification from the 2703
department of commerce or a division in the department. The 2704
superintendent shall conduct the criminal records check in the 2705
manner described in division (B) of this section to determine 2706
whether any information exists that indicates that the person 2707
who is the subject of the request previously has been convicted 2708
of or pleaded guilty to any of the following: a violation of 2709
section 2913.02, 2913.11, 2913.31, 2913.51, or 2925.03 of the 2710
Revised Code; any other criminal offense involving theft, 2711
receiving stolen property, embezzlement, forgery, fraud, passing 2712
bad checks, money laundering, or drug trafficking, or any 2713
criminal offense involving money or securities, as set forth in 2714
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 2715
the Revised Code; or any existing or former law of this state, 2716
any other state, or the United States that is substantially 2717
equivalent to those offenses. 2718

(9) On receipt of a request for a criminal records check 2719
from the treasurer of state under section 113.041 of the Revised 2720
Code or from an individual under section 928.03, 4701.08, 2721
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 2722
4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 2723
4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 2724
4734.202, 4740.061, 4741.10, 4747.051, 4753.061, 4755.70, 2725
4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 2726

4762.06, 4774.031, 4774.06, 4776.021, 4778.04, 4778.07, 2727
4779.091, or 4783.04 of the Revised Code, accompanied by a 2728
completed form prescribed under division (C)(1) of this section 2729
and a set of fingerprint impressions obtained in the manner 2730
described in division (C)(2) of this section, the superintendent 2731
of the bureau of criminal identification and investigation shall 2732
conduct a criminal records check in the manner described in 2733
division (B) of this section to determine whether any 2734
information exists that indicates that the person who is the 2735
subject of the request has been convicted of or pleaded guilty 2736
to any criminal offense in this state or any other state. 2737
Subject to division (F) of this section, the superintendent 2738
shall send the results of a check requested under section 2739
113.041 of the Revised Code to the treasurer of state and shall 2740
send the results of a check requested under any of the other 2741
listed sections to the licensing board specified by the 2742
individual in the request. 2743

(10) On receipt of a request pursuant to section 124.74, 2744
1121.23, 1315.141, 1733.47, or 1761.26 of the Revised Code, a 2745
completed form prescribed pursuant to division (C)(1) of this 2746
section, and a set of fingerprint impressions obtained in the 2747
manner described in division (C)(2) of this section, the 2748
superintendent of the bureau of criminal identification and 2749
investigation shall conduct a criminal records check in the 2750
manner described in division (B) of this section to determine 2751
whether any information exists that indicates that the person 2752
who is the subject of the request previously has been convicted 2753
of or pleaded guilty to any criminal offense under any existing 2754
or former law of this state, any other state, or the United 2755
States. 2756

(11) On receipt of a request for a criminal records check 2757

from an appointing or licensing authority under section 3772.07 2758
of the Revised Code, a completed form prescribed under division 2759
(C) (1) of this section, and a set of fingerprint impressions 2760
obtained in the manner prescribed in division (C) (2) of this 2761
section, the superintendent of the bureau of criminal 2762
identification and investigation shall conduct a criminal 2763
records check in the manner described in division (B) of this 2764
section to determine whether any information exists that 2765
indicates that the person who is the subject of the request 2766
previously has been convicted of or pleaded guilty or no contest 2767
to any offense under any existing or former law of this state, 2768
any other state, or the United States that is a disqualifying 2769
offense as defined in section 3772.07 of the Revised Code or 2770
substantially equivalent to such an offense. 2771

(12) On receipt of a request pursuant to section 2151.33 2772
or 2151.412 of the Revised Code, a completed form prescribed 2773
pursuant to division (C) (1) of this section, and a set of 2774
fingerprint impressions obtained in the manner described in 2775
division (C) (2) of this section, the superintendent of the 2776
bureau of criminal identification and investigation shall 2777
conduct a criminal records check with respect to any person for 2778
whom a criminal records check is required under that section. 2779
The superintendent shall conduct the criminal records check in 2780
the manner described in division (B) of this section to 2781
determine whether any information exists that indicates that the 2782
person who is the subject of the request previously has been 2783
convicted of or pleaded guilty to any of the following: 2784

(a) A violation of section 2903.01, 2903.02, 2903.03, 2785
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2786
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2787
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2788

2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2789
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2790
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2791
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2792
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 2793

(b) An existing or former law of this state, any other 2794
state, or the United States that is substantially equivalent to 2795
any of the offenses listed in division (A) (12) (a) of this 2796
section. 2797

(13) On receipt of a request pursuant to section 3796.12 2798
of the Revised Code, a completed form prescribed pursuant to 2799
division (C) (1) of this section, and a set of fingerprint 2800
impressions obtained in a manner described in division (C) (2) of 2801
this section, the superintendent of the bureau of criminal 2802
identification and investigation shall conduct a criminal 2803
records check in the manner described in division (B) of this 2804
section to determine whether any information exists that 2805
indicates that the person who is the subject of the request 2806
previously has been convicted of or pleaded guilty to the 2807
following: 2808

(a) A disqualifying offense as specified in rules adopted 2809
under division (B) (2) (b) of section 3796.03 of the Revised Code 2810
if the person who is the subject of the request is an 2811
administrator or other person responsible for the daily 2812
operation of, or an owner or prospective owner, officer or 2813
prospective officer, or board member or prospective board member 2814
of, an entity seeking a license from the department of commerce 2815
under Chapter 3796. of the Revised Code; 2816

(b) A disqualifying offense as specified in rules adopted 2817
under division (B) (2) (b) of section 3796.04 of the Revised Code 2818

if the person who is the subject of the request is an 2819
administrator or other person responsible for the daily 2820
operation of, or an owner or prospective owner, officer or 2821
prospective officer, or board member or prospective board member 2822
of, an entity seeking a license from the state board of pharmacy 2823
under Chapter 3796. of the Revised Code. 2824

(14) On receipt of a request required by section 3796.13 2825
of the Revised Code, a completed form prescribed pursuant to 2826
division (C)(1) of this section, and a set of fingerprint 2827
impressions obtained in a manner described in division (C)(2) of 2828
this section, the superintendent of the bureau of criminal 2829
identification and investigation shall conduct a criminal 2830
records check in the manner described in division (B) of this 2831
section to determine whether any information exists that 2832
indicates that the person who is the subject of the request 2833
previously has been convicted of or pleaded guilty to the 2834
following: 2835

(a) A disqualifying offense as specified in rules adopted 2836
under division (B)(8)(a) of section 3796.03 of the Revised Code 2837
if the person who is the subject of the request is seeking 2838
employment with an entity licensed by the department of commerce 2839
under Chapter 3796. of the Revised Code; 2840

(b) A disqualifying offense as specified in rules adopted 2841
under division (B)(14)(a) of section 3796.04 of the Revised Code 2842
if the person who is the subject of the request is seeking 2843
employment with an entity licensed by the state board of 2844
pharmacy under Chapter 3796. of the Revised Code. 2845

(15) On receipt of a request pursuant to section 4768.06 2846
of the Revised Code, a completed form prescribed under division 2847
(C)(1) of this section, and a set of fingerprint impressions 2848

obtained in the manner described in division (C) (2) of this 2849
section, the superintendent of the bureau of criminal 2850
identification and investigation shall conduct a criminal 2851
records check in the manner described in division (B) of this 2852
section to determine whether any information exists indicating 2853
that the person who is the subject of the request has been 2854
convicted of or pleaded guilty to a felony in this state or in 2855
any other state. 2856

(16) On receipt of a request pursuant to division (B) of 2857
section 4764.07 of the Revised Code, a completed form prescribed 2858
under division (C) (1) of this section, and a set of fingerprint 2859
impressions obtained in the manner described in division (C) (2) 2860
of this section, the superintendent of the bureau of criminal 2861
identification and investigation shall conduct a criminal 2862
records check in the manner described in division (B) of this 2863
section to determine whether any information exists indicating 2864
that the person who is the subject of the request has been 2865
convicted of or pleaded guilty to any crime of moral turpitude, 2866
a felony, or an equivalent offense in any other state or the 2867
United States. 2868

(17) On receipt of a request for a criminal records check 2869
under section 147.022 of the Revised Code, a completed form 2870
prescribed under division (C) (1) of this section, and a set of 2871
fingerprint impressions obtained in the manner prescribed in 2872
division (C) (2) of this section, the superintendent of the 2873
bureau of criminal identification and investigation shall 2874
conduct a criminal records check in the manner described in 2875
division (B) of this section to determine whether any 2876
information exists that indicates that the person who is the 2877
subject of the request previously has been convicted of or 2878
pleaded guilty or no contest to any disqualifying offense, as 2879

defined in section 147.011 of the Revised Code, or to any 2880
offense under any existing or former law of this state, any 2881
other state, or the United States that is substantially 2882
equivalent to such a disqualifying offense. 2883

(B) Subject to division (F) of this section, the 2884
superintendent shall conduct any criminal records check to be 2885
conducted under this section as follows: 2886

(1) The superintendent shall review or cause to be 2887
reviewed any relevant information gathered and compiled by the 2888
bureau under division (A) of section 109.57 of the Revised Code 2889
that relates to the person who is the subject of the criminal 2890
records check, including, if the criminal records check was 2891
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 2892
173.381, 928.03, 1121.23, 1315.141, 1321.37, 1321.53, 1733.47, 2893
1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 2894
3721.121, 3772.07, 3796.12, 3796.13, 4729.071, 4729.53, 4729.90, 2895
4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 4768.06, 5104.013, 2896
5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 5153.111 of 2897
the Revised Code, any relevant information contained in records 2898
that have been sealed under section 2953.32 of the Revised Code; 2899

(2) If the request received by the superintendent asks for 2900
information from the federal bureau of investigation, the 2901
superintendent shall request from the federal bureau of 2902
investigation any information it has with respect to the person 2903
who is the subject of the criminal records check, including 2904
fingerprint-based checks of national crime information databases 2905
as described in 42 U.S.C. 671 if the request is made pursuant to 2906
section 2151.86 or 5104.013 of the Revised Code or if any other 2907
Revised Code section requires fingerprint-based checks of that 2908
nature, and shall review or cause to be reviewed any information 2909

the superintendent receives from that bureau. If a request under 2910
section 3319.39 of the Revised Code asks only for information 2911
from the federal bureau of investigation, the superintendent 2912
shall not conduct the review prescribed by division (B) (1) of 2913
this section. 2914

(3) The superintendent or the superintendent's designee 2915
may request criminal history records from other states or the 2916
federal government pursuant to the national crime prevention and 2917
privacy compact set forth in section 109.571 of the Revised 2918
Code. 2919

(4) The superintendent shall include in the results of the 2920
criminal records check a list or description of the offenses 2921
listed or described in division (A) (1), (2), (3), (4), (5), (6), 2922
(7), (8), (9), (10), (11), (12), (13), (14), (15), (16), or (17) 2923
of this section, whichever division requires the superintendent 2924
to conduct the criminal records check. The superintendent shall 2925
exclude from the results any information the dissemination of 2926
which is prohibited by federal law. 2927

(5) The superintendent shall send the results of the 2928
criminal records check to the person to whom it is to be sent 2929
not later than the following number of days after the date the 2930
superintendent receives the request for the criminal records 2931
check, the completed form prescribed under division (C) (1) of 2932
this section, and the set of fingerprint impressions obtained in 2933
the manner described in division (C) (2) of this section: 2934

(a) If the superintendent is required by division (A) of 2935
this section (other than division (A) (3) of this section) to 2936
conduct the criminal records check, thirty; 2937

(b) If the superintendent is required by division (A) (3) 2938

of this section to conduct the criminal records check, sixty. 2939

(C) (1) The superintendent shall prescribe a form to obtain 2940
the information necessary to conduct a criminal records check 2941
from any person for whom a criminal records check is to be 2942
conducted under this section. The form that the superintendent 2943
prescribes pursuant to this division may be in a tangible 2944
format, in an electronic format, or in both tangible and 2945
electronic formats. 2946

(2) The superintendent shall prescribe standard impression 2947
sheets to obtain the fingerprint impressions of any person for 2948
whom a criminal records check is to be conducted under this 2949
section. Any person for whom a records check is to be conducted 2950
under this section shall obtain the fingerprint impressions at a 2951
county sheriff's office, municipal police department, or any 2952
other entity with the ability to make fingerprint impressions on 2953
the standard impression sheets prescribed by the superintendent. 2954
The office, department, or entity may charge the person a 2955
reasonable fee for making the impressions. The standard 2956
impression sheets the superintendent prescribes pursuant to this 2957
division may be in a tangible format, in an electronic format, 2958
or in both tangible and electronic formats. 2959

(3) Subject to division (D) of this section, the 2960
superintendent shall prescribe and charge a reasonable fee for 2961
providing a criminal records check under this section. The 2962
person requesting the criminal records check shall pay the fee 2963
prescribed pursuant to this division. In the case of a request 2964
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 2965
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 2966
fee shall be paid in the manner specified in that section. 2967

(4) The superintendent of the bureau of criminal 2968

identification and investigation may prescribe methods of 2969
forwarding fingerprint impressions and information necessary to 2970
conduct a criminal records check, which methods shall include, 2971
but not be limited to, an electronic method. 2972

(D) The results of a criminal records check conducted 2973
under this section, other than a criminal records check 2974
specified in division (A) (7) of this section, are valid for the 2975
person who is the subject of the criminal records check for a 2976
period of one year from the date upon which the superintendent 2977
completes the criminal records check. If during that period the 2978
superintendent receives another request for a criminal records 2979
check to be conducted under this section for that person, the 2980
superintendent shall provide the results from the previous 2981
criminal records check of the person at a lower fee than the fee 2982
prescribed for the initial criminal records check. 2983

(E) When the superintendent receives a request for 2984
information from a registered private provider, the 2985
superintendent shall proceed as if the request was received from 2986
a school district board of education under section 3319.39 of 2987
the Revised Code. The superintendent shall apply division (A) (1) 2988
(c) of this section to any such request for an applicant who is 2989
a teacher. 2990

(F) (1) Subject to division (F) (2) of this section, all 2991
information regarding the results of a criminal records check 2992
conducted under this section that the superintendent reports or 2993
sends under division (A) (7) or (9) of this section to the 2994
director of public safety, the treasurer of state, or the 2995
person, board, or entity that made the request for the criminal 2996
records check shall relate to the conviction of the subject 2997
person, or the subject person's plea of guilty to, a criminal 2998

offense. 2999

(2) Division (F) (1) of this section does not limit, 3000
restrict, or preclude the superintendent's release of 3001
information that relates to the arrest of a person who is 3002
eighteen years of age or older, to an adjudication of a child as 3003
a delinquent child, or to a criminal conviction of a person 3004
under eighteen years of age in circumstances in which a release 3005
of that nature is authorized under division (E) (2), (3), or (4) 3006
of section 109.57 of the Revised Code pursuant to a rule adopted 3007
under division (E) (1) of that section. 3008

(G) As used in this section: 3009

(1) "Criminal records check" means any criminal records 3010
check conducted by the superintendent of the bureau of criminal 3011
identification and investigation in accordance with division (B) 3012
of this section. 3013

(2) "Minor drug possession offense" has the same meaning 3014
as in section 2925.01 of the Revised Code. 3015

(3) "OVI or OVUAC violation" means a violation of section 3016
4511.19 of the Revised Code or a violation of an existing or 3017
former law of this state, any other state, or the United States 3018
that is substantially equivalent to section 4511.19 of the 3019
Revised Code. 3020

(4) "Registered private provider" means a nonpublic school 3021
or entity registered with the superintendent of public 3022
instruction under section 3310.41 of the Revised Code to 3023
participate in the autism scholarship program or section 3310.58 3024
of the Revised Code to participate in the Jon Peterson special 3025
needs scholarship program. 3026

Section 4. That the existing version of section 109.572 of 3027

the Revised Code that is scheduled to take effect on September 3028
20, 2019, is hereby repealed. 3029

Section 5. That the versions of sections 3719.01, 3719.41, 3030
and 4729.01 of the Revised Code that are scheduled to take 3031
effect on March 22, 2020, be amended to read as follows: 3032

Sec. 3719.01. As used in this chapter: 3033

(A) "Administer" means the direct application of a drug, 3034
whether by injection, inhalation, ingestion, or any other means 3035
to a person or an animal. 3036

(B) "Drug enforcement administration" means the drug 3037
enforcement administration of the United States department of 3038
justice or its successor agency. 3039

(C) "Controlled substance" means a drug, compound, 3040
mixture, preparation, or substance included in schedule I, II, 3041
III, IV, or V. 3042

(D) "Dangerous drug" has the same meaning as in section 3043
4729.01 of the Revised Code. 3044

(E) "Dispense" means to sell, leave with, give away, 3045
dispose of, or deliver. 3046

(F) "Distribute" means to deal in, ship, transport, or 3047
deliver but does not include administering or dispensing a drug. 3048

(G) "Drug" has the same meaning as in section 4729.01 of 3049
the Revised Code. 3050

(H) "Drug abuse offense" and "felony drug abuse offense" 3051
have the same meanings as in section 2925.01 of the Revised 3052
Code. 3053

(I) "Federal drug abuse control laws" means the 3054

"Comprehensive Drug Abuse Prevention and Control Act of 1970," 3055
84 Stat. 1242, 21 U.S.C. 801, as amended. 3056

(J) "Hospital" means a facility registered as a hospital 3057
with the department of health under section 3701.07 of the 3058
Revised Code. 3059

(K) "Hypodermic" means a hypodermic syringe or needle, or 3060
other instrument or device for the injection of medication. 3061

(L) "Manufacturer" means a person who manufactures a 3062
controlled substance, as "manufacture" is defined in section 3063
3715.01 of the Revised Code, and includes a "manufacturer of 3064
dangerous drugs" as defined in section 4729.01 of the Revised 3065
Code. 3066

(M) "Marihuana" means all parts of a plant of the genus 3067
cannabis, whether growing or not; the seeds of a plant of that 3068
type; the resin extracted from a part of a plant of that type; 3069
and every compound, manufacture, salt, derivative, mixture, or 3070
preparation of a plant of that type or of its seeds or resin. 3071
"Marihuana" does not include the mature stalks of the plant, 3072
fiber produced from the stalks, oils or cake made from the seeds 3073
of the plant, or any other compound, manufacture, salt, 3074
derivative, mixture, or preparation of the mature stalks, except 3075
the resin extracted from the mature stalks, fiber, oil or cake, 3076
or the sterilized seed of the plant that is incapable of 3077
germination. "Marihuana" does not include "hemp" or a "hemp 3078
product" as those terms are defined in section 928.01 of the 3079
Revised Code. 3080

(N) "Narcotic drugs" means coca leaves, opium, 3081
isonipecaïne, amidone, isoamidone, ketobemidone, as defined in 3082
this division, and every substance not chemically distinguished 3083

from them and every drug, other than cannabis, that may be 3084
included in the meaning of "narcotic drug" under the federal 3085
drug abuse control laws. As used in this division: 3086

(1) "Coca leaves" includes cocaine and any compound, 3087
manufacture, salt, derivative, mixture, or preparation of coca 3088
leaves, except derivatives of coca leaves, that does not contain 3089
cocaine, ecgonine, or substances from which cocaine or ecgonine 3090
may be synthesized or made. 3091

(2) "Isonipecaine" means any substance identified 3092
chemically as 1-methyl-4-phenyl-piperidine-4-carboxylic acid 3093
ethyl ester, or any salt thereof, by whatever trade name 3094
designated. 3095

(3) "Amidone" means any substance identified chemically as 3096
4-4-diphenyl-6-dimethylamino-heptanone-3, or any salt thereof, 3097
by whatever trade name designated. 3098

(4) "Isoamidone" means any substance identified chemically 3099
as 4-4-diphenyl-5-methyl-6-dimethylaminohexanone-3, or any salt 3100
thereof, by whatever trade name designated. 3101

(5) "Ketobemidone" means any substance identified 3102
chemically as 4-(3-hydroxyphenyl)-1-methyl-4-piperidyl ethyl 3103
ketone hydrochloride, or any salt thereof, by whatever trade 3104
name designated. 3105

(6) "Cocaine" has the same meaning as in section 2925.01 3106
of the Revised Code. 3107

(0) "Official written order" means an order written on a 3108
form provided for that purpose by the director of the United 3109
States drug enforcement administration, under any laws of the 3110
United States making provision for the order, if the order forms 3111
are authorized and required by federal law. 3112

(P) "Person" means any individual, corporation, 3113
government, governmental subdivision or agency, business trust, 3114
estate, trust, partnership, association, or other legal entity. 3115

(Q) "Pharmacist" means a person licensed under Chapter 3116
4729. of the Revised Code to engage in the practice of pharmacy. 3117

(R) "Pharmacy" has the same meaning as in section 4729.01 3118
of the Revised Code. 3119

(S) "Poison" means any drug, chemical, or preparation 3120
likely to be deleterious or destructive to adult human life in 3121
quantities of four grams or less. 3122

(T) "Licensed health professional authorized to prescribe 3123
drugs," "prescriber," and "prescription" have the same meanings 3124
as in section 4729.01 of the Revised Code. 3125

(U) "Sale" includes delivery, barter, exchange, transfer, 3126
or gift, or offer thereof, and each transaction of those natures 3127
made by any person, whether as principal, proprietor, agent, 3128
servant, or employee. 3129

(V) "Schedule I," "schedule II," "schedule III," "schedule 3130
IV," and "schedule V" mean controlled substance schedules I, II, 3131
III, IV, and V, respectively, as established by rule adopted 3132
under section 3719.41 of the Revised Code, as amended pursuant 3133
to section 3719.43 or 3719.44 of the Revised Code, or as 3134
established by emergency rule adopted under section 3719.45 of 3135
the Revised Code. 3136

(W) "Wholesaler" means a person who, on official written 3137
orders other than prescriptions, supplies controlled substances 3138
that the person has not manufactured, produced, or prepared 3139
personally and includes a "wholesale distributor of dangerous 3140
drugs" as defined in section 4729.01 of the Revised Code. 3141

(X) "Animal shelter" means a facility operated by a humane society or any society organized under Chapter 1717. of the Revised Code or a dog pound operated pursuant to Chapter 955. of the Revised Code.

(Y) "Terminal distributor of dangerous drugs" has the same meaning as in section 4729.01 of the Revised Code.

(Z) (1) "Controlled substance analog" means, except as provided in division (Z) (2) of this section, a substance to which both of the following apply:

(a) The chemical structure of the substance is substantially similar to the structure of a controlled substance in schedule I or II.

(b) One of the following applies regarding the substance:

(i) The substance has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in schedule I or II.

(ii) With respect to a particular person, that person represents or intends the substance to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in schedule I or II.

(2) "Controlled substance analog" does not include any of the following:

(a) A controlled substance;

(b) Any substance for which there is an approved new drug

application; 3170

(c) With respect to a particular person, any substance if 3171
an exemption is in effect for investigational use for that 3172
person pursuant to federal law to the extent that conduct with 3173
respect to that substance is pursuant to that exemption; 3174

(d) Any substance to the extent it is not intended for 3175
human consumption before the exemption described in division (Z) 3176
(2)(b) of this section takes effect with respect to that 3177
substance. 3178

(AA) "Benzodiazepine" means a controlled substance that 3179
has United States food and drug administration approved labeling 3180
indicating that it is a benzodiazepine, benzodiazepine 3181
derivative, triazolobenzodiazepine, or triazolobenzodiazepine 3182
derivative, including the following drugs and their varying salt 3183
forms or chemical congeners: alprazolam, chlordiazepoxide 3184
hydrochloride, clobazam, clonazepam, clorazepate, diazepam, 3185
estazolam, flurazepam hydrochloride, lorazepam, midazolam, 3186
oxazepam, quazepam, temazepam, and triazolam. 3187

(BB) "Opioid analgesic" means a controlled substance that 3188
has analgesic pharmacologic activity at the opioid receptors of 3189
the central nervous system, including the following drugs and 3190
their varying salt forms or chemical congeners: buprenorphine, 3191
butorphanol, codeine (including acetaminophen and other 3192
combination products), dihydrocodeine, fentanyl, hydrocodone 3193
(including acetaminophen combination products), hydromorphone, 3194
meperidine, methadone, morphine sulfate, oxycodone (including 3195
acetaminophen, aspirin, and other combination products), 3196
oxymorphone, tapentadol, and tramadol. 3197

(CC) "Outsourcing facility," "repackager of dangerous 3198

drugs," and "third-party logistics provider" have the same 3199
meanings as in section 4729.01 of the Revised Code. 3200

Sec. 3719.41. (A) For purposes of administration, 3201
enforcement, and regulation of the manufacture, distribution, 3202
dispensing, and possession of controlled substances, the state 3203
board of pharmacy shall adopt rules in accordance with Chapter 3204
119. of the Revised Code establishing schedule I, schedule II, 3205
schedule III, schedule IV, and schedule V incorporating the five 3206
schedules of controlled substances under the federal drug abuse 3207
control laws. 3208

The board may include in the schedules any compound, 3209
mixture, preparation, or substance that was included in the 3210
schedules immediately prior to ~~the effective date of this~~ 3211
~~amendment~~ March 22, 2020, as long as the inclusion does not have 3212
the effect of providing less stringent control of the compound, 3213
mixture, preparation, or substance than is provided under the 3214
federal drug abuse control laws or regulations adopted under 3215
those laws. 3216

(B) Except as provided in section 3719.45 of the Revised 3217
Code, the board periodically shall update the schedules by rule 3218
adopted in accordance with Chapter 119. of the Revised Code to 3219
correspond to any change in the federal drug abuse control laws 3220
or regulations adopted under those laws, any addition, transfer, 3221
or removal by congress or the attorney general of the United 3222
States as described in section 3719.43 of the Revised Code, and 3223
any addition, transfer, or removal by the board by rule adopted 3224
under section 3719.44 of the Revised Code. 3225

(C) Notwithstanding divisions (A) and (B) of this section, 3226
the board shall not adopt rules including hemp or a hemp product 3227
in a schedule as a controlled substance. 3228

<u>(D) As used in this section, "hemp" and "hemp product"</u>	3229
<u>have the same meanings as in section 928.01 of the Revised Code.</u>	3230
Sec. 4729.01. As used in this chapter:	3231
(A) "Pharmacy," except when used in a context that refers	3232
to the practice of pharmacy, means any area, room, rooms, place	3233
of business, department, or portion of any of the foregoing	3234
where the practice of pharmacy is conducted.	3235
(B) "Practice of pharmacy" means providing pharmacist care	3236
requiring specialized knowledge, judgment, and skill derived	3237
from the principles of biological, chemical, behavioral, social,	3238
pharmaceutical, and clinical sciences. As used in this division,	3239
"pharmacist care" includes the following:	3240
(1) Interpreting prescriptions;	3241
(2) Dispensing drugs and drug therapy related devices;	3242
(3) Compounding drugs;	3243
(4) Counseling individuals with regard to their drug	3244
therapy, recommending drug therapy related devices, and	3245
assisting in the selection of drugs and appliances for treatment	3246
of common diseases and injuries and providing instruction in the	3247
proper use of the drugs and appliances;	3248
(5) Performing drug regimen reviews with individuals by	3249
discussing all of the drugs that the individual is taking and	3250
explaining the interactions of the drugs;	3251
(6) Performing drug utilization reviews with licensed	3252
health professionals authorized to prescribe drugs when the	3253
pharmacist determines that an individual with a prescription has	3254
a drug regimen that warrants additional discussion with the	3255
prescriber;	3256

(7) Advising an individual and the health care professionals treating an individual with regard to the individual's drug therapy;	3257 3258 3259
(8) Acting pursuant to a consult agreement with one or more physicians authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, if an agreement has been established;	3260 3261 3262 3263
(9) Engaging in the administration of immunizations to the extent authorized by section 4729.41 of the Revised Code;	3264 3265
(10) Engaging in the administration of drugs to the extent authorized by section 4729.45 of the Revised Code.	3266 3267
(C) "Compounding" means the preparation, mixing, assembling, packaging, and labeling of one or more drugs in any of the following circumstances:	3268 3269 3270
(1) Pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs;	3271 3272
(2) Pursuant to the modification of a prescription made in accordance with a consult agreement;	3273 3274
(3) As an incident to research, teaching activities, or chemical analysis;	3275 3276
(4) In anticipation of orders for drugs pursuant to prescriptions, based on routine, regularly observed dispensing patterns;	3277 3278 3279
(5) Pursuant to a request made by a licensed health professional authorized to prescribe drugs for a drug that is to be used by the professional for the purpose of direct administration to patients in the course of the professional's practice, if all of the following apply:	3280 3281 3282 3283 3284

(a) At the time the request is made, the drug is not 3285
commercially available regardless of the reason that the drug is 3286
not available, including the absence of a manufacturer for the 3287
drug or the lack of a readily available supply of the drug from 3288
a manufacturer. 3289

(b) A limited quantity of the drug is compounded and 3290
provided to the professional. 3291

(c) The drug is compounded and provided to the 3292
professional as an occasional exception to the normal practice 3293
of dispensing drugs pursuant to patient-specific prescriptions. 3294

(D) "Consult agreement" means an agreement that has been 3295
entered into under section 4729.39 of the Revised Code. 3296

(E) "Drug" means: 3297

(1) Any article recognized in the United States 3298
pharmacopoeia and national formulary, or any supplement to them, 3299
intended for use in the diagnosis, cure, mitigation, treatment, 3300
or prevention of disease in humans or animals; 3301

(2) Any other article intended for use in the diagnosis, 3302
cure, mitigation, treatment, or prevention of disease in humans 3303
or animals; 3304

(3) Any article, other than food, intended to affect the 3305
structure or any function of the body of humans or animals; 3306

(4) Any article intended for use as a component of any 3307
article specified in division (E) (1), (2), or (3) of this 3308
section; but does not include devices or their components, 3309
parts, or accessories. 3310

"Drug" does not include "hemp" or a "hemp product" as 3311
those terms are defined in section 928.01 of the Revised Code. 3312

(F) "Dangerous drug" means any of the following:	3313
(1) Any drug to which either of the following applies:	3314
(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is required to bear a label containing the legend "Caution: Federal law prohibits dispensing without prescription" or "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian" or any similar restrictive statement, or the drug may be dispensed only upon a prescription;	3315 3316 3317 3318 3319 3320 3321
(b) Under Chapter 3715. or 3719. of the Revised Code, the drug may be dispensed only upon a prescription.	3322 3323
(2) Any drug that contains a schedule V controlled substance and that is exempt from Chapter 3719. of the Revised Code or to which that chapter does not apply;	3324 3325 3326
(3) Any drug intended for administration by injection into the human body other than through a natural orifice of the human body;	3327 3328 3329
(4) Any drug that is a biological product, as defined in section 3715.01 of the Revised Code.	3330 3331
(G) "Federal drug abuse control laws" has the same meaning as in section 3719.01 of the Revised Code.	3332 3333
(H) "Prescription" means all of the following:	3334
(1) A written, electronic, or oral order for drugs or combinations or mixtures of drugs to be used by a particular individual or for treating a particular animal, issued by a licensed health professional authorized to prescribe drugs;	3335 3336 3337 3338
(2) For purposes of sections 2925.61, 4723.488, 4730.431,	3339

and 4731.94 of the Revised Code, a written, electronic, or oral 3340
order for naloxone issued to and in the name of a family member, 3341
friend, or other individual in a position to assist an 3342
individual who there is reason to believe is at risk of 3343
experiencing an opioid-related overdose. 3344

(3) For purposes of section 4729.44 of the Revised Code, a 3345
written, electronic, or oral order for naloxone issued to and in 3346
the name of either of the following: 3347

(a) An individual who there is reason to believe is at 3348
risk of experiencing an opioid-related overdose; 3349

(b) A family member, friend, or other individual in a 3350
position to assist an individual who there is reason to believe 3351
is at risk of experiencing an opioid-related overdose. 3352

(4) For purposes of sections 4723.4810, 4729.282, 3353
4730.432, and 4731.93 of the Revised Code, a written, 3354
electronic, or oral order for a drug to treat chlamydia, 3355
gonorrhoea, or trichomoniasis issued to and in the name of a 3356
patient who is not the intended user of the drug but is the 3357
sexual partner of the intended user; 3358

(5) For purposes of sections 3313.7110, 3313.7111, 3359
3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 3360
4731.96, and 5101.76 of the Revised Code, a written, electronic, 3361
or oral order for an epinephrine autoinjector issued to and in 3362
the name of a school, school district, or camp; 3363

(6) For purposes of Chapter 3728. and sections 4723.483, 3364
4729.88, 4730.433, and 4731.96 of the Revised Code, a written, 3365
electronic, or oral order for an epinephrine autoinjector issued 3366
to and in the name of a qualified entity, as defined in section 3367
3728.01 of the Revised Code. 3368

(I) "Licensed health professional authorized to prescribe drugs" or "prescriber" means an individual who is authorized by law to prescribe drugs or dangerous drugs or drug therapy related devices in the course of the individual's professional practice, including only the following:

(1) A dentist licensed under Chapter 4715. of the Revised Code;

(2) A clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner who holds a current, valid license to practice nursing as an advanced practice registered nurse issued under Chapter 4723. of the Revised Code;

(3) An optometrist licensed under Chapter 4725. of the Revised Code to practice optometry under a therapeutic pharmaceutical agents certificate;

(4) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;

(5) A physician assistant who holds a license to practice as a physician assistant issued under Chapter 4730. of the Revised Code, holds a valid prescriber number issued by the state medical board, and has been granted physician-delegated prescriptive authority;

(6) A veterinarian licensed under Chapter 4741. of the Revised Code.

(J) "Sale" or "sell" includes any transaction made by any person, whether as principal proprietor, agent, or employee, to do or offer to do any of the following: deliver, distribute, broker, exchange, gift or otherwise give away, or transfer, whether the transfer is by passage of title, physical movement,

or both. 3398

(K) "Wholesale sale" and "sale at wholesale" mean any sale 3399
in which the purpose of the purchaser is to resell the article 3400
purchased or received by the purchaser. 3401

(L) "Retail sale" and "sale at retail" mean any sale other 3402
than a wholesale sale or sale at wholesale. 3403

(M) "Retail seller" means any person that sells any 3404
dangerous drug to consumers without assuming control over and 3405
responsibility for its administration. Mere advice or 3406
instructions regarding administration do not constitute control 3407
or establish responsibility. 3408

(N) "Price information" means the price charged for a 3409
prescription for a particular drug product and, in an easily 3410
understandable manner, all of the following: 3411

(1) The proprietary name of the drug product; 3412

(2) The established (generic) name of the drug product; 3413

(3) The strength of the drug product if the product 3414
contains a single active ingredient or if the drug product 3415
contains more than one active ingredient and a relevant strength 3416
can be associated with the product without indicating each 3417
active ingredient. The established name and quantity of each 3418
active ingredient are required if such a relevant strength 3419
cannot be so associated with a drug product containing more than 3420
one ingredient. 3421

(4) The dosage form; 3422

(5) The price charged for a specific quantity of the drug 3423
product. The stated price shall include all charges to the 3424
consumer, including, but not limited to, the cost of the drug 3425

product, professional fees, handling fees, if any, and a 3426
statement identifying professional services routinely furnished 3427
by the pharmacy. Any mailing fees and delivery fees may be 3428
stated separately without repetition. The information shall not 3429
be false or misleading. 3430

(O) "Wholesale distributor of dangerous drugs" or 3431
"wholesale distributor" means a person engaged in the sale of 3432
dangerous drugs at wholesale and includes any agent or employee 3433
of such a person authorized by the person to engage in the sale 3434
of dangerous drugs at wholesale. 3435

(P) "Manufacturer of dangerous drugs" or "manufacturer" 3436
means a person, other than a pharmacist or prescriber, who 3437
manufactures dangerous drugs and who is engaged in the sale of 3438
those dangerous drugs. 3439

(Q) "Terminal distributor of dangerous drugs" or "terminal 3440
distributor" means a person who is engaged in the sale of 3441
dangerous drugs at retail, or any person, other than a 3442
manufacturer, repackager, outsourcing facility, third-party 3443
logistics provider, wholesale distributor, or pharmacist, who 3444
has possession, custody, or control of dangerous drugs for any 3445
purpose other than for that person's own use and consumption. 3446
"Terminal distributor" includes pharmacies, hospitals, nursing 3447
homes, and laboratories and all other persons who procure 3448
dangerous drugs for sale or other distribution by or under the 3449
supervision of a pharmacist, licensed health professional 3450
authorized to prescribe drugs, or other person authorized by the 3451
state board of pharmacy. 3452

(R) "Promote to the public" means disseminating a 3453
representation to the public in any manner or by any means, 3454
other than by labeling, for the purpose of inducing, or that is 3455

likely to induce, directly or indirectly, the purchase of a 3456
dangerous drug at retail. 3457

(S) "Person" includes any individual, partnership, 3458
association, limited liability company, or corporation, the 3459
state, any political subdivision of the state, and any district, 3460
department, or agency of the state or its political 3461
subdivisions. 3462

(T) "Animal shelter" means a facility operated by a humane 3463
society or any society organized under Chapter 1717. of the 3464
Revised Code or a dog pound operated pursuant to Chapter 955. of 3465
the Revised Code. 3466

(U) "Food" has the same meaning as in section 3715.01 of 3467
the Revised Code. 3468

(V) "Pain management clinic" has the same meaning as in 3469
section 4731.054 of the Revised Code. 3470

(W) "Investigational drug or product" means a drug or 3471
product that has successfully completed phase one of the United 3472
States food and drug administration clinical trials and remains 3473
under clinical trial, but has not been approved for general use 3474
by the United States food and drug administration. 3475
"Investigational drug or product" does not include controlled 3476
substances in schedule I, as defined in section 3719.01 of the 3477
Revised Code. 3478

(X) "Product," when used in reference to an 3479
investigational drug or product, means a biological product, 3480
other than a drug, that is made from a natural human, animal, or 3481
microorganism source and is intended to treat a disease or 3482
medical condition. 3483

(Y) "Third-party logistics provider" means a person that 3484

provides or coordinates warehousing or other logistics services 3485
pertaining to dangerous drugs including distribution, on behalf 3486
of a manufacturer, wholesale distributor, or terminal 3487
distributor of dangerous drugs, but does not take ownership of 3488
the drugs or have responsibility to direct the sale or 3489
disposition of the drugs. 3490

(Z) "Repackager of dangerous drugs" or "repackager" means 3491
a person that repacks and relabels dangerous drugs for sale or 3492
distribution. 3493

(AA) "Outsourcing facility" means a facility that is 3494
engaged in the compounding and sale of sterile drugs and is 3495
registered as an outsourcing facility with the United States 3496
food and drug administration. 3497

(BB) "Laboratory" means a laboratory licensed under this 3498
chapter as a terminal distributor of dangerous drugs and 3499
entrusted to have custody of any of the following drugs and to 3500
use the drugs for scientific and clinical purposes and for 3501
purposes of instruction: dangerous drugs that are not controlled 3502
substances, as defined in section 3719.01 of the Revised Code; 3503
dangerous drugs that are controlled substances, as defined in 3504
that section; and controlled substances in schedule I, as 3505
defined in that section. 3506

Section 6. That the existing versions of sections 3719.01, 3507
3719.41, and 4729.01 of the Revised Code that are scheduled to 3508
take effect on March 22, 2020, are hereby repealed. 3509

Section 7. Not later than one hundred eighty days after 3510
the effective date of this section, the Director of Agriculture, 3511
in consultation with the Governor and Attorney General, shall 3512
submit a plan for the regulation of hemp cultivation to the 3513

Secretary of the United States Department of Agriculture for 3514
approval in accordance with the Agriculture Improvement Act of 3515
2018, Pub. L. No. 115-334. 3516

Section 8. (A) Any person that had hemp or a hemp product 3517
seized prior to the effective date of this section may request 3518
the law enforcement agency responsible for the seizure to 3519
release the hemp or hemp product if the hemp or hemp product has 3520
not been disposed of in accordance with Chapter 2981. of the 3521
Revised Code prior to the effective date of this section, 3522
provided that either of the following apply: 3523

(1) The person requesting its release demonstrates that 3524
the seized hemp or hemp product was cultivated or processed 3525
outside Ohio in accordance with federal law; or 3526

(2) The person pays for testing to demonstrate that the 3527
hemp or hemp product has not more than three-tenths per cent on 3528
a dry weight basis of delta-9 tetrahydrocannabinol, as defined 3529
in section 928.01 of the Revised Code. 3530

(B) The state is not liable for damages to any person for 3531
the seizure or disposition of hemp or a hemp product that 3532
occurred prior to the effective date of this section. 3533

(C) As used in this section: 3534

(1) "Hemp," "hemp product," "cultivate," and "process" 3535
have the same meanings as in section 928.01 of the Revised Code. 3536

(2) "Law enforcement agency" has the same meaning as in 3537
section 2981.01 of the Revised Code. 3538

Section 9. Section 109.572 of the Revised Code is 3539
presented in this act as a composite of the section as amended 3540
by Am. Sub. H.B. 49, Sub. H.B. 199, Sub. H.B. 213, Am. Sub. S.B. 3541

51, Sub. S.B. 229, and Am. Sub. S.B. 255, all of the 132nd 3542
General Assembly. The General Assembly, applying the principle 3543
stated in division (B) of section 1.52 of the Revised Code that 3544
amendments are to be harmonized if reasonably capable of 3545
simultaneous operation, finds that the composite is the 3546
resulting version of the section in effect prior to the 3547
effective date of the section as presented in this act. 3548

Section 4729.01 of the Revised Code is presented in this 3549
act as a composite of the section as amended by both Sub. S.B. 3550
119 and Sub. S.B. 229 of the 132nd General Assembly. The General 3551
Assembly, applying the principle stated in division (B) of 3552
section 1.52 of the Revised Code that amendments are to be 3553
harmonized if reasonably capable of simultaneous operation, 3554
finds that the composite is the resulting version of the section 3555
in effect prior to the effective date of the section as 3556
presented in this act. 3557

Section 5713.30 of the Revised Code is presented in this 3558
act as a composite of the section as amended by both Sub. S.B. 3559
75 and Sub. S.B. 523 of the 131st General Assembly. The General 3560
Assembly, applying the principle stated in division (B) of 3561
section 1.52 of the Revised Code that amendments are to be 3562
harmonized if reasonably capable of simultaneous operation, 3563
finds that the composite is the resulting version of the section 3564
in effect prior to the effective date of the section as 3565
presented in this act. 3566

Section 10. This act is hereby declared to be an emergency 3567
measure necessary for the immediate preservation of the public 3568
peace, health, and safety. The reason for such necessity is that 3569
changes to Ohio law are necessary to advance and promote hemp 3570
and hemp products and to achieve consistency and conformity with 3571

federal law regarding hemp. Therefore, this act shall go into
immediate effect.

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