

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**H. B. No. 773**

**Representative Ramos**

**Cosponsors: Representatives Seitz, Fedor, Ashford**

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**A BILL**

To amend sections 3719.01 and 3796.20 and to enact 1  
section 3796.201 of the Revised Code to 2  
decriminalize industrial hemp and to authorize 3  
licensed retail dispensaries to sell medical 4  
marijuana paraphernalia and accessories. 5

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

**Section 1.** That sections 3719.01 and 3796.20 be amended 6  
and section 3796.201 of the Revised Code be enacted to read as 7  
follows: 8

**Sec. 3719.01.** As used in this chapter: 9

(A) "Administer" means the direct application of a drug, 10  
whether by injection, inhalation, ingestion, or any other means 11  
to a person or an animal. 12

(B) "Drug enforcement administration" means the drug 13  
enforcement administration of the United States department of 14  
justice or its successor agency. 15

(C) "Controlled substance" means a drug, compound, 16  
mixture, preparation, or substance included in schedule I, II, 17

III, IV, or V.	18
(D) "Dangerous drug" has the same meaning as in section 4729.01 of the Revised Code.	19 20
(E) "Dispense" means to sell, leave with, give away, dispose of, or deliver.	21 22
(F) "Distribute" means to deal in, ship, transport, or deliver but does not include administering or dispensing a drug.	23 24
(G) "Drug" has the same meaning as in section 4729.01 of the Revised Code.	25 26
(H) "Drug abuse offense," "felony drug abuse offense," "cocaine," and "hashish" have the same meanings as in section 2925.01 of the Revised Code.	27 28 29
(I) "Federal drug abuse control laws" means the "Comprehensive Drug Abuse Prevention and Control Act of 1970," 84 Stat. 1242, 21 U.S.C. 801, as amended.	30 31 32
(J) "Hospital" means an institution for the care and treatment of the sick and injured that is certified by the department of health and approved by the state board of pharmacy as proper to be entrusted with the custody of controlled substances and the professional use of controlled substances.	33 34 35 36 37
(K) "Hypodermic" means a hypodermic syringe or needle, or other instrument or device for the injection of medication.	38 39
(L) "Isomer," except as otherwise expressly stated, means the optical isomer.	40 41
(M) "Laboratory" means a laboratory approved by the state board of pharmacy as proper to be entrusted with the custody of controlled substances and the use of controlled substances for	42 43 44

scientific and clinical purposes and for purposes of 45  
instruction. 46

(N) "Manufacturer" means a person who manufactures a 47  
controlled substance, as "manufacture" is defined in section 48  
3715.01 of the Revised Code. 49

(O) "Marihuana" means all parts of a plant of the genus 50  
cannabis, whether growing or not; the seeds of a plant of that 51  
type; the resin extracted from a part of a plant of that type; 52  
and every compound, manufacture, salt, derivative, mixture, or 53  
preparation of a plant of that type or of its seeds or resin. 54  
"Marihuana" does not include the mature stalks of the plant, 55  
fiber produced from the stalks, oils or cake made from the seeds 56  
of the plant, or any other compound, manufacture, salt, 57  
derivative, mixture, or preparation of the mature stalks, except 58  
the resin extracted from the mature stalks, fiber, oil or cake, 59  
or the sterilized seed of the plant that is incapable of 60  
germination. "Marihuana" does not include industrial hemp or 61  
viable industrial hemp seed. 62

(P) "Narcotic drugs" means coca leaves, opium, 63  
isonipecaine, amidone, isoamidone, ketobemidone, as defined in 64  
this division, and every substance not chemically distinguished 65  
from them and every drug, other than cannabis, that may be 66  
included in the meaning of "narcotic drug" under the federal 67  
drug abuse control laws. As used in this division: 68

(1) "Coca leaves" includes cocaine and any compound, 69  
manufacture, salt, derivative, mixture, or preparation of coca 70  
leaves, except derivatives of coca leaves, that does not contain 71  
cocaine, ecgonine, or substances from which cocaine or ecgonine 72  
may be synthesized or made. 73

(2) "Isonipecaïne" means any substance identified 74  
chemically as 1-methyl-4-phenyl-piperidine-4-carboxylic acid 75  
ethyl ester, or any salt thereof, by whatever trade name 76  
designated. 77

(3) "Amidone" means any substance identified chemically as 78  
4-4-diphenyl-6-dimethylamino-heptanone-3, or any salt thereof, 79  
by whatever trade name designated. 80

(4) "Isoamidone" means any substance identified chemically 81  
as 4-4-diphenyl-5-methyl-6-dimethylaminohexanone-3, or any salt 82  
thereof, by whatever trade name designated. 83

(5) "Ketobemidone" means any substance identified 84  
chemically as 4-(3-hydroxyphenyl)-1-methyl-4-piperidyl ethyl 85  
ketone hydrochloride, or any salt thereof, by whatever trade 86  
name designated. 87

(Q) "Official written order" means an order written on a 88  
form provided for that purpose by the director of the United 89  
States drug enforcement administration, under any laws of the 90  
United States making provision for the order, if the order forms 91  
are authorized and required by federal law. 92

(R) "Opiate" means any substance having an addiction- 93  
forming or addiction-sustaining liability similar to morphine or 94  
being capable of conversion into a drug having addiction-forming 95  
or addiction-sustaining liability. "Opiate" does not include, 96  
unless specifically designated as controlled under section 97  
3719.41 of the Revised Code, the dextrorotatory isomer of 3- 98  
methoxy-N-methylmorphinan and its salts (dextro-methorphan). 99  
"Opiate" does include its racemic and levoratory forms. 100

(S) "Opium poppy" means the plant of the species papaver 101  
somniferum L., except its seeds. 102

(T) "Person" means any individual, corporation,	103
government, governmental subdivision or agency, business trust,	104
estate, trust, partnership, association, or other legal entity.	105
(U) "Pharmacist" means a person licensed under Chapter	106
4729. of the Revised Code to engage in the practice of pharmacy.	107
(V) "Pharmacy" has the same meaning as in section 4729.01	108
of the Revised Code.	109
(W) "Poison" means any drug, chemical, or preparation	110
likely to be deleterious or destructive to adult human life in	111
quantities of four grams or less.	112
(X) "Poppy straw" means all parts, except the seeds, of	113
the opium poppy, after mowing.	114
(Y) "Licensed health professional authorized to prescribe	115
drugs," "prescriber," and "prescription" have the same meanings	116
as in section 4729.01 of the Revised Code.	117
(Z) "Registry number" means the number assigned to each	118
person registered under the federal drug abuse control laws.	119
(AA) "Sale" includes delivery, barter, exchange, transfer,	120
or gift, or offer thereof, and each transaction of those natures	121
made by any person, whether as principal, proprietor, agent,	122
servant, or employee.	123
(BB) "Schedule I," "schedule II," "schedule III,"	124
"schedule IV," and "schedule V" mean controlled substance	125
schedules I, II, III, IV, and V, respectively, established	126
pursuant to section 3719.41 of the Revised Code, as amended	127
pursuant to section 3719.43 or 3719.44 of the Revised Code.	128
(CC) "Wholesaler" means a person who, on official written	129
orders other than prescriptions, supplies controlled substances	130

that the person has not manufactured, produced, or prepared 131  
personally and includes a "wholesale distributor of dangerous 132  
drugs" as defined in section 4729.01 of the Revised Code. 133

(DD) "Animal shelter" means a facility operated by a 134  
humane society or any society organized under Chapter 1717. of 135  
the Revised Code or a dog pound operated pursuant to Chapter 136  
955. of the Revised Code. 137

(EE) "Terminal distributor of dangerous drugs" has the 138  
same meaning as in section 4729.01 of the Revised Code. 139

(FF) "Category III license" means a license issued to a 140  
terminal distributor of dangerous drugs as set forth in section 141  
4729.54 of the Revised Code. 142

(GG) "Prosecutor" has the same meaning as in section 143  
2935.01 of the Revised Code. 144

(HH) (1) "Controlled substance analog" means, except as 145  
provided in division (HH) (2) of this section, a substance to 146  
which both of the following apply: 147

(a) The chemical structure of the substance is 148  
substantially similar to the structure of a controlled substance 149  
in schedule I or II. 150

(b) One of the following applies regarding the substance: 151

(i) The substance has a stimulant, depressant, or 152  
hallucinogenic effect on the central nervous system that is 153  
substantially similar to or greater than the stimulant, 154  
depressant, or hallucinogenic effect on the central nervous 155  
system of a controlled substance in schedule I or II. 156

(ii) With respect to a particular person, that person 157  
represents or intends the substance to have a stimulant, 158

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;

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

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

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

(JJ) "Opioid analgesic" means a controlled substance that has analgesic pharmacologic activity at the opioid receptors of the central nervous system, including the following drugs and

their varying salt forms or chemical congeners: buprenorphine, 188  
butorphanol, codeine (including acetaminophen and other 189  
combination products), dihydrocodeine, fentanyl, hydrocodone 190  
(including acetaminophen combination products), hydromorphone, 191  
meperidine, methadone, morphine sulfate, oxycodone (including 192  
acetaminophen, aspirin, and other combination products), 193  
oxymorphone, tapentadol, and tramadol. 194

(KK) "Emergency facility" means a hospital emergency 195  
department or any other facility that provides emergency care. 196

(LL) "Industrial hemp" means any variety of the plant 197  
cannabis sativa containing not more than three-tenths of one per 198  
cent tetrahydrocannabinol, whether growing or not. 199

**Sec. 3796.20.** (A) Notwithstanding any conflicting 200  
provision of the Revised Code, the holder of a current, valid 201  
retail dispensary license issued under this chapter may do ~~both~~ 202  
all of the following: 203

(1) Obtain medical marijuana from one or more processors; 204

(2) Dispense or sell medical marijuana in accordance with 205  
division (B) of this section; 206

(3) Sell any paraphernalia or accessories specified in 207  
rules adopted under section 3796.04 of the Revised Code. 208

(B) When dispensing or selling medical marijuana, a 209  
licensed retail dispensary shall do all of the following: 210

(1) Dispense or sell only upon a showing of a current, 211  
valid identification card and in accordance with a written 212  
recommendation issued by a physician ~~in accordance with an~~ 213  
holding a certificate to recommend issued by the state medical 214  
board under section 4731.30 of the Revised Code; 215



(2) Report to the drug database the information required	216
by section 4729.771 of the Revised Code;	217
(3) Label the package containing medical marijuana with	218
the following information:	219
(a) The name and address of the licensed processor and	220
retail dispensary;	221
(b) The name of the patient and caregiver, if any;	222
(c) The name of the physician who recommended treatment	223
with medical marijuana;	224
(d) The directions for use, if any, as recommended by the	225
physician;	226
(e) The date on which the medical marijuana was dispensed;	227
(f) The quantity, strength, kind, or form of medical	228
marijuana contained in the package.	229
(C) When operating a licensed retail dispensary, both of	230
the following apply:	231
(1) A dispensary shall use only employees who have met the	232
training requirements established in rules adopted under section	233
3796.04 of the Revised Code.	234
(2) A dispensary shall not make public any information it	235
collects that identifies or would tend to identify any specific	236
patient.	237
<u>Sec. 3796.201. (A) The holder of a current, valid retail</u>	238
<u>dispensary license issued under this chapter may sell industrial</u>	239
<u>hemp and any product containing industrial hemp to any person.</u>	240
<u>(B) As used in this section, "industrial hemp" has the</u>	241
<u>same meaning as in section 3719.01 of the Revised Code.</u>	242

**Section 2.** That existing sections 3719.01 and 3796.20 of 243  
the Revised Code are hereby repealed. 244