

As Reported by the House Agriculture and Rural Development Committee

133rd General Assembly

Regular Session

2019-2020

Sub. S. B. No. 57

Senators Hill, Huffman, S.

**Cosponsors: Senators O'Brien, Uecker, Eklund, Schuring, Hackett, Brenner,
Fedor, Antonio, Hoagland, Coley, Craig, Dolan, Gavarone, Huffman, M., Kunze,
Lehner, Manning, Peterson, Sykes, Thomas, Williams, Wilson, Yuko
Representatives Koehler, Clites, Jones**

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
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 19
Code, a completed form prescribed pursuant to division (C) (1) of 20
this section, and a set of fingerprint impressions obtained in 21
the manner described in division (C) (2) of this section, the 22
superintendent of the bureau of criminal identification and 23
investigation shall conduct a criminal records check in the 24
manner described in division (B) of this section to determine 25
whether any information exists that indicates that the person 26
who is the subject of the request previously has been convicted 27
of or pleaded guilty to any of the following: 28

(a) A violation of section 2903.01, 2903.02, 2903.03, 29
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 30
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 31
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 32
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 33
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 34
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 35
2925.05, 2925.06, or 3716.11 of the Revised Code, felonious 36
sexual penetration in violation of former section 2907.12 of the 37
Revised Code, a violation of section 2905.04 of the Revised Code 38
as it existed prior to July 1, 1996, a violation of section 39
2919.23 of the Revised Code that would have been a violation of 40
section 2905.04 of the Revised Code as it existed prior to July 41
1, 1996, had the violation been committed prior to that date, or 42
a violation of section 2925.11 of the Revised Code that is not a 43
minor drug possession offense; 44

(b) A violation of an existing or former law of this 45
state, any other state, or the United States that is 46
substantially equivalent to any of the offenses listed in 47
division (A) (1) (a) of this section; 48

(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 into a 663
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 uniform application fee and one uniform annual license fee that applies to all applicants for a hemp cultivation license. 719
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(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
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(D) Requirements regarding the experience, equipment, facilities, or land necessary to obtain a hemp cultivation license; 732
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(E) Requirements and procedures regarding standards of financial responsibility for each applicant for a hemp processing license. 735
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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</u>	762
<u>and a hemp processing licensee from cultivating or processing</u>	763
<u>marihuana;</u>	764
<u>(L) A procedure for testing, using post-decarboxylation or</u>	765
<u>other similarly reliable methods, delta-9 tetrahydrocannabinol</u>	766
<u>concentration levels of plants and products for purposes of</u>	767
<u>determining compliance with this chapter and rules adopted under</u>	768
<u>it;</u>	769
<u>(M) Requirements and procedures for the issuance,</u>	770
<u>administration, and enforcement of corrective action plans</u>	771
<u>issued under this chapter;</u>	772
<u>(N) A procedure for conducting annual inspections of, at a</u>	773
<u>minimum, a random sample of hemp cultivation license holders to</u>	774
<u>verify that plants are not being cultivated in violation of this</u>	775
<u>chapter or rules adopted under it;</u>	776
<u>(O) A procedure for conducting annual inspections of, at a</u>	777
<u>minimum, a random sample of hemp processing license holders to</u>	778
<u>verify that such license holders are not operating in violation</u>	779
<u>of this chapter or rules adopted under it;</u>	780
<u>(P) A procedure for complying with enforcement procedures</u>	781
<u>required under federal law;</u>	782
<u>(Q) A procedure for the effective disposal of all of the</u>	783
<u>following:</u>	784
<u>(1) Plants, whether growing or not, cultivated in</u>	785
<u>violation of this chapter or rules adopted under it;</u>	786
<u>(2) Products derived from plants cultivated in violation</u>	787
<u>of this chapter or rules adopted under it;</u>	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</u>	795
<u>contains a delta-9 tetrahydrocannabinol concentration of more</u>	796
<u>than three-tenths per cent, provided that the byproduct is</u>	797
<u>produced, stored, and disposed of in accordance with rules</u>	798
<u>adopted under 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
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	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
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<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
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<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
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<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
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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
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	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 fees 868
collected under rules adopted under section 928.03 of the 869
Revised Code; money appropriated to the fund; and any other 870
money received from gifts or federal grants. All investment 871
earnings of the fund shall be credited to the fund. The director 872
of agriculture shall use money in the fund to administer and 873

enforce this chapter and rules adopted under it. 874

Sec. 928.07. (A) The director of agriculture may enter at 875
reasonable times upon any public or private property at which 876
hemp is being cultivated or processed for the purpose of 877
determining compliance with this chapter and rules adopted under 878
it. The director may apply for and any judge of an appropriate 879
court of record may issue a search warrant, necessary to achieve 880
the purposes of this chapter within the court's territorial 881
jurisdiction. 882

(B) (1) If the director determines that emergency 883
conditions exist requiring immediate action necessary to protect 884
public health or safety or the environment, the director may 885
issue an order stating the existence of such conditions and 886
requiring specific actions be taken to mitigate those conditions 887
without providing prior notice or an adjudication hearing in 888
accordance with Chapter 119. of the Revised Code. 889

(2) Any person to whom such an order is issued shall 890
immediately comply with that order, and may apply to the 891
director for an adjudication hearing. Upon receiving an 892
application for an adjudication hearing, the director shall hold 893
the hearing as soon as practicable and not later than thirty 894
days after receipt of the application. On the basis of the 895
hearing, the director shall continue the order in effect, revoke 896
it, or modify it. 897

(C) In addition to any other available remedies, the 898
director of agriculture, the attorney general, or a county 899
prosecutor may apply to a court of common pleas in the county 900
where any provision of section 928.04 of the Revised Code or an 901
order issued under division (B) of this section is being 902
violated for an injunction restraining any person from 903

continuing the violation. 904

Sec. 928.99. (A) Whoever recklessly violates section 905
928.04 of the Revised Code is guilty of the following: 906

(1) For a first offense, a minor misdemeanor; 907

(2) For each subsequent offense, a misdemeanor of the 908
fourth degree. 909

The court shall order an offender who is convicted of or 910
pleads guilty to a third or subsequent offense ineligible to 911
receive a hemp cultivation license or hemp processing license 912
under this chapter. The court shall provide written notice of 913
that order to the director of agriculture. Upon receipt of the 914
notice, the director shall revoke any hemp cultivation license 915
or hemp processing license that the offender holds and shall 916
refuse to issue a hemp cultivation license or hemp processing 917
license to the offender beginning on the date of the court 918
order. 919

(B) The prosecuting attorney of the applicable county or 920
the attorney general may prosecute an action under this section. 921

Sec. 3719.01. As used in this chapter: 922

(A) "Administer" means the direct application of a drug, 923
whether by injection, inhalation, ingestion, or any other means 924
to a person or an animal. 925

(B) "Drug enforcement administration" means the drug 926
enforcement administration of the United States department of 927
justice or its successor agency. 928

(C) "Controlled substance" means a drug, compound, 929
mixture, preparation, or substance included in schedule I, II, 930
III, IV, or V. 931

(D) "Dangerous drug" has the same meaning as in section 4729.01 of the Revised Code.	932 933
(E) "Dispense" means to sell, leave with, give away, dispose of, or deliver.	934 935
(F) "Distribute" means to deal in, ship, transport, or deliver but does not include administering or dispensing a drug.	936 937
(G) "Drug" has the same meaning as in section 4729.01 of the Revised Code.	938 939
(H) "Drug abuse offense," "felony drug abuse offense," "cocaine," and "hashish" have the same meanings as in section 2925.01 of the Revised Code.	940 941 942
(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.	943 944 945
(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.	946 947 948 949 950
(K) "Hypodermic" means a hypodermic syringe or needle, or other instrument or device for the injection of medication.	951 952
(L) "Isomer," except as otherwise expressly stated, means the optical isomer.	953 954
(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 scientific and clinical purposes and for purposes of instruction.	955 956 957 958 959

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

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

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

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

(2) "Isonipecaine" means any substance identified chemically as 1-methyl-4-phenyl-piperidine-4-carboxylic acid

ethyl ester, or any salt thereof, by whatever trade name	990
designated.	991
(3) "Amidone" means any substance identified chemically as	992
4-4-diphenyl-6-dimethylamino-heptanone-3, or any salt thereof,	993
by whatever trade name designated.	994
(4) "Isoamidone" means any substance identified chemically	995
as 4-4-diphenyl-5-methyl-6-dimethylaminohexanone-3, or any salt	996
thereof, by whatever trade name designated.	997
(5) "Ketobemidone" means any substance identified	998
chemically as 4-(3-hydroxyphenyl)-1-methyl-4-piperidyl ethyl	999
ketone hydrochloride, or any salt thereof, by whatever trade	1000
name designated.	1001
(Q) "Official written order" means an order written on a	1002
form provided for that purpose by the director of the United	1003
States drug enforcement administration, under any laws of the	1004
United States making provision for the order, if the order forms	1005
are authorized and required by federal law.	1006
(R) "Opiate" means any substance having an addiction-	1007
forming or addiction-sustaining liability similar to morphine or	1008
being capable of conversion into a drug having addiction-forming	1009
or addiction-sustaining liability. "Opiate" does not include,	1010
unless specifically designated as controlled under section	1011
3719.41 of the Revised Code, the dextrorotatory isomer of 3-	1012
methoxy-N-methylmorphinan and its salts (dextro-methorphan).	1013
"Opiate" does include its racemic and levoratory forms.	1014
(S) "Opium poppy" means the plant of the species papaver	1015
somniferum L., except its seeds.	1016
(T) "Person" means any individual, corporation,	1017
government, governmental subdivision or agency, business trust,	1018

estate, trust, partnership, association, or other legal entity.	1019
(U) "Pharmacist" means a person licensed under Chapter	1020
4729. of the Revised Code to engage in the practice of pharmacy.	1021
(V) "Pharmacy" has the same meaning as in section 4729.01	1022
of the Revised Code.	1023
(W) "Poison" means any drug, chemical, or preparation	1024
likely to be deleterious or destructive to adult human life in	1025
quantities of four grams or less.	1026
(X) "Poppy straw" means all parts, except the seeds, of	1027
the opium poppy, after mowing.	1028
(Y) "Licensed health professional authorized to prescribe	1029
drugs," "prescriber," and "prescription" have the same meanings	1030
as in section 4729.01 of the Revised Code.	1031
(Z) "Registry number" means the number assigned to each	1032
person registered under the federal drug abuse control laws.	1033
(AA) "Sale" includes delivery, barter, exchange, transfer,	1034
or gift, or offer thereof, and each transaction of those natures	1035
made by any person, whether as principal, proprietor, agent,	1036
servant, or employee.	1037
(BB) "Schedule I," "schedule II," "schedule III,"	1038
"schedule IV," and "schedule V" mean controlled substance	1039
schedules I, II, III, IV, and V, respectively, established	1040
pursuant to section 3719.41 of the Revised Code, as amended	1041
pursuant to section 3719.43 or 3719.44 of the Revised Code.	1042
(CC) "Wholesaler" means a person who, on official written	1043
orders other than prescriptions, supplies controlled substances	1044
that the person has not manufactured, produced, or prepared	1045
personally and includes a "wholesale distributor of dangerous	1046

drugs" as defined in section 4729.01 of the Revised Code. 1047

(DD) "Animal shelter" means a facility operated by a 1048
humane society or any society organized under Chapter 1717. of 1049
the Revised Code or a dog pound operated pursuant to Chapter 1050
955. of the Revised Code. 1051

(EE) "Terminal distributor of dangerous drugs" has the 1052
same meaning as in section 4729.01 of the Revised Code. 1053

(FF) "Category III license" means a license issued to a 1054
terminal distributor of dangerous drugs as set forth in section 1055
4729.54 of the Revised Code. 1056

(GG) "Prosecutor" has the same meaning as in section 1057
2935.01 of the Revised Code. 1058

(HH) (1) "Controlled substance analog" means, except as 1059
provided in division (HH) (2) of this section, a substance to 1060
which both of the following apply: 1061

(a) The chemical structure of the substance is 1062
substantially similar to the structure of a controlled substance 1063
in schedule I or II. 1064

(b) One of the following applies regarding the substance: 1065

(i) The substance has a stimulant, depressant, or 1066
hallucinogenic effect on the central nervous system that is 1067
substantially similar to or greater than the stimulant, 1068
depressant, or hallucinogenic effect on the central nervous 1069
system of a controlled substance in schedule I or II. 1070

(ii) With respect to a particular person, that person 1071
represents or intends the substance to have a stimulant, 1072
depressant, or hallucinogenic effect on the central nervous 1073
system that is substantially similar to or greater than the 1074

stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in schedule I or II. 1075
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(2) "Controlled substance analog" does not include any of the following: 1077
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(a) A controlled substance; 1079

(b) Any substance for which there is an approved new drug application; 1080
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(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; 1082
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(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. 1086
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(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. 1090
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(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, butorphanol, codeine (including acetaminophen and other 1099
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1103

combination products), dihydrocodeine, fentanyl, hydrocodone 1104
(including acetaminophen combination products), hydromorphone, 1105
meperidine, methadone, morphine sulfate, oxycodone (including 1106
acetaminophen, aspirin, and other combination products), 1107
oxymorphone, tapentadol, and tramadol. 1108

(KK) "Emergency facility" means a hospital emergency 1109
department or any other facility that provides emergency care. 1110

Sec. 3719.41. Controlled substance schedules I, II, III, 1111
IV, and V are hereby established, which schedules include the 1112
following, subject to amendment pursuant to section 3719.43 or 1113
3719.44 of the Revised Code. 1114

SCHEDULE I 1115

(A) Narcotics-opiates 1116

Any of the following opiates, including their isomers, 1117
esters, ethers, salts, and salts of isomers, esters, and ethers, 1118
unless specifically excepted under federal drug abuse control 1119
laws, whenever the existence of these isomers, esters, ethers, 1120
and salts is possible within the specific chemical designation: 1121

(1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2- 1122
phenethyl)-4-piperidinyl]-N-phenylacetamide); 1123

(2) Acetylmethadol; 1124

(3) Allylprodine; 1125

(4) Alphacetylmethadol (except levo-alphacetylmethadol, 1126
also known as levo-alpha-acetylmethadol, levomethadyl acetate, 1127
or LAAM); 1128

(5) Alphameprodine; 1129

(6) Alphamethadol; 1130

(7) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);	1131 1132 1133
(8) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N- phenylpropanamide);	1134 1135
(9) Benzethidine;	1136
(10) Betacetylmethadol;	1137
(11) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl]-N- phenylpropanamide);	1138 1139
(12) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);	1140 1141 1142
(13) Betameprodine;	1143
(14) Betamethadol;	1144
(15) Betaprodine;	1145
(16) Clonitazene;	1146
(17) Dextromoramide;	1147
(18) Diampromide;	1148
(19) Diethylthiambutene;	1149
(20) Difenoxyin;	1150
(21) Dimenoxadol;	1151
(22) Dimepheptanol;	1152
(23) Dimethylthiambutene;	1153
(24) Dioxaphetyl butyrate;	1154

(25) Dipipanone;	1155
(26) Ethylmethylthiambutene;	1156
(27) Etonitazene;	1157
(28) Etoxeridine;	1158
(29) Furethidine;	1159
(30) Hydroxypethidine;	1160
(31) Ketobemidone;	1161
(32) Levomoramide;	1162
(33) Levophenacymorphan;	1163
(34) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N- phenylpropanamide);	1164 1165
(35) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidinyl]-N- phenylpropanamide);	1166 1167
(36) Morpheridine;	1168
(37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);	1169
(38) Noracymethadol;	1170
(39) Norlevorphanol;	1171
(40) Normethadone;	1172
(41) Norpipanone;	1173
(42) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide;	1174 1175
(43) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);	1176
(44) Phenadoxone;	1177

(45) Phenampromide;	1178
(46) Phenomorphan;	1179
(47) Phenoperidine;	1180
(48) Piritramide;	1181
(49) Proheptazine;	1182
(50) Properidine;	1183
(51) Propiram;	1184
(52) Racemoramide;	1185
(53) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-	1186
piperidinyl]-propanamide;	1187
(54) Tilidine;	1188
(55) Trimeperidine.	1189
(56) Except as otherwise provided in this section, any	1190
compound that meets all of the following fentanyl pharmacophore	1191
requirements to bind at the mu receptor, as identified by a	1192
report from an established forensic laboratory:	1193
(a) A chemical scaffold consisting of both of the	1194
following:	1195
(i) A five, six, or seven member ring structure containing	1196
a nitrogen, whether or not further substituted;	1197
(ii) An attached nitrogen to the ring, whether or not that	1198
nitrogen is enclosed in a ring structure, including an attached	1199
aromatic ring or other lipophilic group to that nitrogen;	1200
(b) A polar functional group attached to the chemical	1201
scaffold, including but not limited to, a hydroxyl, ketone,	1202

amide, or ester;	1203
(c) An alkyl or aryl substitution off the ring nitrogen of	1204
the chemical scaffold; and	1205
(d) The compound has not been approved for medical use by	1206
the United States food and drug administration.	1207
(B) Narcotics-opium derivatives	1208
Any of the following opium derivatives, including their	1209
salts, isomers, and salts of isomers, unless specifically	1210
excepted under federal drug abuse control laws, whenever the	1211
existence of these salts, isomers, and salts of isomers is	1212
possible within the specific chemical designation:	1213
(1) Acetorphine;	1214
(2) Acetyldihydrocodeine;	1215
(3) Benzylmorphine;	1216
(4) Codeine methylbromide;	1217
(5) Codeine-n-oxide;	1218
(6) Cyprenorphine;	1219
(7) Desomorphine;	1220
(8) Dihydromorphine;	1221
(9) Drotebanol;	1222
(10) Etorphine (except hydrochloride salt);	1223
(11) Heroin;	1224
(12) Hydromorphenol;	1225
(13) Methyldesorphine;	1226

(14) Methyldihydromorphine;	1227
(15) Morphine methylbromide;	1228
(16) Morphine methylsulfonate;	1229
(17) Morphine-n-oxide;	1230
(18) Myrophine;	1231
(19) Nicocodeine;	1232
(20) Nicomorphine;	1233
(21) Normorphine;	1234
(22) Pholcodine;	1235
(23) Thebacon.	1236
(C) Hallucinogens	1237
Any material, compound, mixture, or preparation that	1238
contains any quantity of the following hallucinogenic	1239
substances, including their salts, isomers, and salts of	1240
isomers, unless specifically excepted under federal drug abuse	1241
control laws, whenever the existence of these salts, isomers,	1242
and salts of isomers is possible within the specific chemical	1243
designation. For the purposes of this division only, "isomer"	1244
includes the optical isomers, position isomers, and geometric	1245
isomers.	1246
(1) Alpha-ethyltryptamine (some trade or other names:	1247
etryptamine; Monase; alpha-ethyl-1H-indole-3-ethanamine; 3-(2-	1248
aminobutyl) indole; alpha-ET; and AET);	1249
(2) 4-bromo-2,5-dimethoxyamphetamine (some trade or other	1250
names: 4-bromo-2,5-dimethoxy-alpha-methyphenethylamine; 4-bromo-	1251
2,5-DMA);	1252

(3) 4-bromo-2,5-dimethoxyphenethylamine (some trade or	1253
other names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane;	1254
alpha-desmethyl DOB; 2C-B, Nexus);	1255
(4) 2,5-dimethoxyamphetamine (some trade or other names:	1256
2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA);	1257
(5) 2,5-dimethoxy-4-ethylamphetamine (some trade or other	1258
names: DOET);	1259
(6) 4-methoxyamphetamine (some trade or other names: 4-	1260
methoxy-alpha-methylphenethylamine; paramethoxyamphetamine;	1261
PMA);	1262
(7) 5-methoxy-3,4-methylenedioxy-amphetamine;	1263
(8) 4-methyl-2,5-dimethoxy-amphetamine (some trade or	1264
other names: 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine;	1265
"DOM" and "STP");	1266
(9) 3,4-methylenedioxy amphetamine (MDA);	1267
(10) 3,4-methylenedioxymethamphetamine (MDMA);	1268
(11) 3,4-methylenedioxy-N-ethylamphetamine (also known as	1269
N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl	1270
MDA, MDE, MDEA);	1271
(12) N-hydroxy-3,4-methylenedioxyamphetamine (also known	1272
as N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine and	1273
N-hydroxy MDA);	1274
(13) 3,4,5-trimethoxy amphetamine;	1275
(14) Bufotenine (some trade or other names: 3-(beta-	1276
dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-	1277
indolol; N, N-dimethylserotonin; 5-hydroxy-N, N-	1278
dimethyltryptamine; mappine);	1279

(15) Diethyltryptamine (some trade or other names: N, N-diethyltryptamine; DET);	1280
	1281
(16) Dimethyltryptamine (some trade or other names: DMT);	1282
(17) Ibogaine (some trade or other names: 7-ethyl-6,6beta,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-5H-pyrido[1',2':1,2] azepino [5, 4-b] indole; tabernanthe iboga);	1283
	1284
	1285
(18) Lysergic acid diethylamide;	1286
(19) Marihuana;	1287
(20) Mescaline;	1288
(21) Parahexyl (some trade or other names: 3-hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran; synhexyl);	1289
	1290
	1291
(22) Peyote (meaning all parts of the plant presently classified botanically as "Lophophora williamsii Lemaire," whether growing or not, the seeds of that plant, any extract from any part of that plant, and every compound, manufacture, salts, derivative, mixture, or preparation of that plant, its seeds, or its extracts);	1292
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(23) N-ethyl-3-piperidyl benzilate;	1298
(24) N-methyl-3-piperidyl benzilate;	1299
(25) Psilocybin;	1300
(26) Psilocyn;	1301
(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	1302
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or trans tetrahydrocannabinol, and their optical isomers; delta-1307
6-cis or trans tetrahydrocannabinol, and their optical isomers; 1308
delta-3,4-cis or trans tetrahydrocannabinol, and its optical 1309
isomers. (Since nomenclature of these substances is not 1310
internationally standardized, compounds of these structures, 1311
regardless of numerical designation of atomic positions, are 1312
covered.), excluding tetrahydrocannabinols found in "hemp" and 1313
"hemp products" as those terms are defined in section 928.01 of 1314
the Revised Code; 1315

(28) Ethylamine analog of phencyclidine (some trade or 1316
other names: N-ethyl-1-phenylcyclohexylamine; (1- 1317
phenylcyclohexyl)ethylamine; N-(1-phenylcyclohexyl)ethylamine; 1318
cyclohexamine; PCE); 1319

(29) Pyrrolidine analog of phencyclidine (some trade or 1320
other names: 1-(1-phenylcyclohexyl)pyrrolidine; PCPy; PHP); 1321

(30) Thiophene analog of phencyclidine (some trade or 1322
other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine; 2-thienyl 1323
analog of phencyclidine; TPCP; TCP); 1324

(31) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine; 1325

(32) Hashish; 1326

(33) Salvia divinorum; 1327

(34) Salvinorin A; 1328

(35) (1-pentylindol-3-yl)-(2,2,3,3- 1329
tetramethylcyclopropyl)methanone (UR-144); 1330

(36) 1-pentyl-3-(1-adamantoyl)indole (AB-001); 1331

(37) N-adamantyl-1-pentylindole-3-carboxamide; 1332

(38) N-adamantyl-1-pentylindazole-3-carboxamide (AKB48); 1333

(39) 2-ethylamino-2-(3-methoxyphenyl)cyclohexanone	1334
(methoxetamine);	1335
(40) N,N-diallyl-5-methoxytryptamine (5MeO-DALT);	1336
(41) [1-(5-fluoropentylindol-3-yl)]-(2,2,3,3-	1337
tetramethylcyclopropyl)methanone (5-fluoropentyl-UR-144; XLR11);	1338
(42) [1-(5-chloropentylindol-3-yl)]-(2,2,3,3-	1339
tetramethylcyclopropyl)methanone (5-chloropentyl-UR-144);	1340
(43) [1-(5-bromopentylindol-3-yl)]-(2,2,3,3-	1341
tetramethylcyclopropyl)methanone (5-bromopentyl-UR-144);	1342
(44) {1-[2-(4-morpholinyl)ethyl]indol-3-yl}-(2,2,3,3-	1343
tetramethylcyclopropyl) methanone (A-796,260);	1344
(45) 1-[(N-methylpiperidin-2-yl)methyl]-3-(1-	1345
adamantoyl)indole (AM1248);	1346
(46) N-adamantyl-1-(5-fluoropentylindole)-3-carboxamide;	1347
(47) 5-(2-aminopropyl)benzofuran (5-APB);	1348
(48) 6-(2-aminopropyl)benzofuran (6-APB);	1349
(49) 5-(2-aminopropyl)-2,3-dihydrobenzofuran (5-APDB);	1350
(50) 6-(2-aminopropyl)-2,3-dihydrobenzofuran (6-APDB);	1351
(51) Benzothiophenylcyclohexylpiperidine (BTCP);	1352
(52) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E);	1353
(53) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D);	1354
(54) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C);	1355
(55) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I);	1356
(56) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-	1357

T-2);	1358
(57) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine	1359
(2C-T-4);	1360
(58) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);	1361
(59) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N);	1362
(60) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-	1363
P);	1364
(61) 4-methoxymethamphetamine (PMMA);	1365
(62) 5,6 - Methylenedioxy-2-aminoindane (MDAI);	1366
(63) 5-iodo-2-aminoindane (5-IAI);	1367
(64) 2-(4-iodo-2,5-dimethoxyphenyl)-N- [(2-	1368
methoxyphenyl)methyl]ethanamine (25I-NBOMe);	1369
(65) Diphenylprolinol (diphenyl(pyrrolidin-2-yl)methanol,	1370
D2PM);	1371
(66) Desoxypipradrol (2-benzhydrylpiperidine);	1372
(67) Synthetic cannabinoids - unless specifically excepted	1373
or unless listed in another schedule, any material, compound,	1374
mixture, or preparation that contains any quantity of a	1375
synthetic cannabinoid found to be in any of the following	1376
chemical groups or any of those groups which contain any	1377
synthetic cannabinoid salts, isomers, or salts of isomers,	1378
whenever the existence of such salts, isomers, or salts of	1379
isomers is possible within the specific chemical groups:	1380
(a) Naphthoylindoles: any compound containing a 3-(1-	1381
naphthoyl)indole structure with or without substitution at the	1382
nitrogen atom of the indole ring by an alkyl, haloalkyl,	1383
alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-	1384

2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, 1385
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, 1386
or 2-(4-morpholinyl)ethyl group, whether or not further 1387
substituted on the indole ring to any extent or whether or not 1388
substituted on the naphthyl group to any extent. 1389
Naphthoylindoles include, but are not limited to, 1-[2-(4- 1390
morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200); 1-(5- 1391
fluoropentyl)-3-(1-naphthoyl)indole (AM2201), 1-pentyl-3-(1- 1392
naphthoyl)indole (JWH-018), and 1-butyl-3-(1-naphthoyl)indole 1393
(JWH-073). 1394

(b) Naphthylmethylinindoles: any compound containing a 1H- 1395
indol-3-yl-(1-naphthyl)methane structure with or without 1396
substitution at the nitrogen atom of the indole ring by an 1397
alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1398
(N-methylpiperidin-2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin- 1399
2-yl)methyl, (tetrahydropyran-4-yl)methyl, ((N-methyl)-3- 1400
morpholinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or 1401
not further substituted on the indole ring to any extent or 1402
whether or not substituted on the naphthyl group to any extent. 1403
Naphthylmethylinindoles include, but are not limited to, (1- 1404
pentylindol-3-yl)(1-naphthyl)methane (JWH-175). 1405

(c) Naphthoylpyrroles: any compound containing a 3-(1- 1406
naphthoyl)pyrrole structure with or without substitution at the 1407
nitrogen atom of the pyrrole ring by an alkyl, haloalkyl, 1408
alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin- 1409
2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, 1410
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, 1411
or 2-(4-morpholinyl)ethyl group, whether or not further 1412
substituted on the pyrrole ring to any extent or whether or not 1413
substituted on the naphthyl group to any extent. 1414
Naphthoylpyrroles include, but are not limited to, 1-hexyl-2- 1415

phenyl-4-(1-naphthoyl)pyrrole (JWH-147). 1416

(d) Naphthylmethylindenes: any compound containing a 1417
naphthylmethylideneindene structure with or without substitution 1418
at the 3-position of the indene ring by an alkyl, haloalkyl, 1419
alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin- 1420
2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, 1421
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, 1422
or 2-(4-morpholinyl)ethyl group, whether or not further 1423
substituted on the indene group to any extent or whether or not 1424
substituted on the naphthyl group to any extent. 1425
Naphthylmethylindenes include, but are not limited to, (1-[(3- 1426
pentyl)-1H-inden-1-ylidene)methyl]naphthalene (JWH-176). 1427

(e) Phenylacetylindoles: any compound containing a 3- 1428
phenylacetylindole structure with or without substitution at the 1429
nitrogen atom of the indole ring by an alkyl, haloalkyl, 1430
alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin- 1431
2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, 1432
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, 1433
or 2-(4-morpholinyl)ethyl group, whether or not further 1434
substituted on the indole ring to any extent or whether or not 1435
substituted on the phenyl group to any extent. 1436
Phenylacetylindoles include, but are not limited to, 1-pentyl-3- 1437
(2-methoxyphenylacetyl)indole (JWH-250), and 1-(2- 1438
cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (RCS-8); 1- 1439
pentyl-3-(2-chlorophenylacetyl)indole (JWH-203). 1440

(f) Cyclohexylphenols: any compound containing a 2-(3- 1441
hydroxycyclohexyl)phenol structure with or without substitution 1442
at the 5-position of the phenolic ring by an alkyl, haloalkyl, 1443
alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin- 1444
2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, 1445

(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, 1446
or 2-(4-morpholinyl)ethyl group, whether or not further 1447
substituted on the cyclohexyl group to any extent. 1448
Cyclohexylphenols include, but are not limited to, 5-(1,1- 1449
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (some 1450
trade or other names: CP-47,497) and 5-(1,1-dimethyloctyl)-2- 1451
[(1R,3S)-3-hydroxycyclohexyl]-phenol (some trade or other names: 1452
cannabicyclohexanol; CP-47,497 C8 homologue). 1453

(g) Benzoylindoles: any compound containing a 3-(1- 1454
benzoyl)indole structure with or without substitution at the 1455
nitrogen atom of the indole ring by an alkyl, haloalkyl, 1456
alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin- 1457
2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, 1458
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl 1459
or 2-(4-morpholinyl)ethyl group, whether or not further 1460
substituted on the indole ring to any extent or whether or not 1461
substituted on the phenyl group to any extent. Benzoylindoles 1462
include, but are not limited to, 1-pentyl-3-(4- 1463
methoxybenzoyl)indole (RCS-4), 1-[2-(4-morpholinyl)ethyl]-2- 1464
methyl-3-(4-methoxybenzoyl)indole (Pravadoline or WIN 48, 098). 1465

(D) Depressants 1466

Any material, compound, mixture, or preparation that 1467
contains any quantity of the following substances having a 1468
depressant effect on the central nervous system, including their 1469
salts, isomers, and salts of isomers, unless specifically 1470
excepted under federal drug abuse control laws, whenever the 1471
existence of these salts, isomers, and salts of isomers is 1472
possible within the specific chemical designation: 1473

(1) Mecloqualone; 1474

(2) Methaqualone.	1475
(E) Stimulants	1476
Unless specifically excepted or unless listed in another	1477
schedule, any material, compound, mixture, or preparation that	1478
contains any quantity of the following substances having a	1479
stimulant effect on the central nervous system, including their	1480
salts, isomers, and salts of isomers:	1481
(1) Aminorex (some other names: aminoxaphen; 2-amino-5-	1482
phenyl-2-oxazoline; or 4,5-dihydro-5-phenyl-2-oxazolamine);	1483
(2) Fenethylamine;	1484
(3) (+/-)cis-4-methylaminorex ((+/-)cis-4,5-dihydro-4-	1485
methyl-5-phenyl-2-oxazolamine);	1486
(4) N-ethylamphetamine;	1487
(5) N,N-dimethylamphetamine (also known as N,N-alpha-	1488
trimethyl-benzeneethanamine; N,N-alpha-trimethylphenethylamine);	1489
(6) N-methyl-1-(thiophen-2-yl) propan-2-amine	1490
(Methiopropamine);	1491
(7) Substituted cathinones - any compound except bupropion	1492
or compounds listed under a different schedule, structurally	1493
derived from 2-aminopropan-1-one by substitution at the 1-	1494
position with either phenyl, naphthyl, or thiophene ring	1495
systems, whether or not the compound is further modified in any	1496
of the following ways:	1497
(a) By substitution in the ring system to any extent with	1498
alkyl, alkylendioxy, alkoxy, haloalkyl, hydroxyl, or halide	1499
substituents, whether or not further substituted in the ring	1500
system by one or more other univalent substituents;	1501

(b) By substitution at the 3-position with an acyclic alkyl substituent;	1502 1503
(c) By substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups;	1504 1505
(d) By inclusion of the 2-amino nitrogen atom in a cyclic structure.	1506 1507
Examples of substituted cathinones include, but are not limited to, methyldone (3,4-methylenedioxy-methcathinone), MDPV (3,4-methylenedioxy-pyrovalerone), mephedrone (4-methylmethcathinone), 4-methoxymethcathinone, 4-fluoromethcathinone, 3-fluoromethcathinone, Pentadrone (2-(methylamino)-1-phenyl-1-pentanone), pentyldone (1-(1,3-benzodioxol-5-yl)-2-(methylamino)-1-pentanone), 2-(1-pyrrolidinyl)-1-(4-methylphenyl)-1-propanone, alpha-PVP (1-phenyl-2-(1-pyrrolidinyl)-1-pentanone), cathinone (2-amino-1-phenyl-1-propanone), and methcathinone (2-(methylamino)-propiofenone).	1508 1509 1510 1511 1512 1513 1514 1515 1516 1517 1518

SCHEDULE II

(A) Narcotics-opium and opium derivatives	1519 1520
Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:	1521 1522 1523 1524 1525 1526
(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding apomorphine, thebaine-derived butorphanol, dextrorphan, nalbuphine, nalmefene, naloxone, and naltrexone, and their respective salts,	1527 1528 1529 1530

but including the following:	1531
(a) Raw opium;	1532
(b) Opium extracts;	1533
(c) Opium fluid extracts;	1534
(d) Powdered opium;	1535
(e) Granulated opium;	1536
(f) Tincture of opium;	1537
(g) Codeine;	1538
(h) Ethylmorphine;	1539
(i) Etorphine hydrochloride;	1540
(j) Hydrocodone;	1541
(k) Hydromorphone;	1542
(l) Metopon;	1543
(m) Morphine;	1544
(n) Oxycodone;	1545
(o) Oxymorphone;	1546
(p) Thebaine.	1547
(2) Any salt, compound, derivative, or preparation thereof	1548
that is chemically equivalent to or identical with any of the	1549
substances referred to in division (A) (1) of this schedule,	1550
except that these substances shall not include the isoquinoline	1551
alkaloids of opium;	1552
(3) Opium poppy and poppy straw;	1553
(4) Coca leaves and any salt, compound, derivative, or	1554

preparation of coca leaves (including cocaine and ecgonine, 1555
their salts, isomers, and derivatives, and salts of those 1556
isomers and derivatives), and any salt, compound, derivative, or 1557
preparation thereof that is chemically equivalent to or 1558
identical with any of these substances, except that the 1559
substances shall not include decocainized coca leaves or 1560
extraction of coca leaves, which extractions do not contain 1561
cocaine or ecgonine; 1562

(5) Concentrate of poppy straw (the crude extract of poppy 1563
straw in either liquid, solid, or powder form that contains the 1564
phenanthrene alkaloids of the opium poppy). 1565

(B) Narcotics-opiates 1566

Unless specifically excepted under federal drug abuse 1567
control laws or unless listed in another schedule, any of the 1568
following opiates, including their isomers, esters, ethers, 1569
salts, and salts of isomers, esters, and ethers, whenever the 1570
existence of these isomers, esters, ethers, and salts is 1571
possible within the specific chemical designation, but excluding 1572
dextrophan and levopropoxyphene: 1573

(1) Alfentanil; 1574

(2) Alphaprodine; 1575

(3) Anileridine; 1576

(4) Bezitramide; 1577

(5) Bulk dextropropoxyphene (non-dosage forms); 1578

(6) Carfentanil; 1579

(7) Dihydrocodeine; 1580

(8) Diphenoxylate; 1581

(9) Fentanyl;	1582
(10) Isomethadone;	1583
(11) Levo-alpha-acetylmethadol (some other names: levo-alpha-acetylmethadol; levomethadyl acetate; LAAM);	1584 1585
(12) Levomethorphan;	1586
(13) Levorphanol;	1587
(14) Metazocine;	1588
(15) Methadone;	1589
(16) Methadone-intermediate, 4-cyano-2-dimethylamino-4,4-diphenyl butane;	1590 1591
(17) Moramide-intermediate, 2-methyl-3-morpholino-1,1-diphenylpropane-carboxylic acid;	1592 1593
(18) Pethidine (meperidine);	1594
(19) Pethidine-intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;	1595 1596
(20) Pethidine-intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;	1597 1598
(21) Pethidine-intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;	1599 1600
(22) Phenazocine;	1601
(23) Piminodine;	1602
(24) Racemethorphan;	1603
(25) Racemorphan;	1604
(26) Remifentanil;	1605

(27) Sufentanil.	1606
(C) Stimulants	1607
Unless specifically excepted under federal drug abuse	1608
control laws or unless listed in another schedule, any material,	1609
compound, mixture, or preparation that contains any quantity of	1610
the following substances having a stimulant effect on the	1611
central nervous system:	1612
(1) Amphetamine, its salts, its optical isomers, and salts	1613
of its optical isomers;	1614
(2) Methamphetamine, its salts, its isomers, and salts of	1615
its isomers;	1616
(3) Methylphenidate;	1617
(4) Phenmetrazine and its salts;	1618
(5) Lisdexamfetamine, its salts, isomers, and salts of its	1619
isomers.	1620
(D) Depressants	1621
Unless specifically excepted under federal drug abuse	1622
control laws or unless listed in another schedule, any material,	1623
compound, mixture, or preparation that contains any quantity of	1624
the following substances having a depressant effect on the	1625
central nervous system, including their salts, isomers, and	1626
salts of isomers, whenever the existence of these salts,	1627
isomers, and salts of isomers is possible within the specific	1628
chemical designation:	1629
(1) Amobarbital;	1630
(2) Gamma-hydroxy-butyrate;	1631
(3) Glutethimide;	1632

(4) Pentobarbital;	1633
(5) Phencyclidine (some trade or other names: 1-(1-phenylcyclohexyl)piperidine; PCP);	1634 1635
(6) Secobarbital;	1636
(7) 1-aminophenylcyclohexane and all N-mono-substituted and/or all N-N-disubstituted analogs including, but not limited to, the following:	1637 1638 1639
(a) 1-phenylcyclohexylamine;	1640
(b) (1-phenylcyclohexyl) methylamine;	1641
(c) (1-phenylcyclohexyl) dimethylamine;	1642
(d) (1-phenylcyclohexyl) methylethylamine;	1643
(e) (1-phenylcyclohexyl) isopropylamine;	1644
(f) 1-(1-phenylcyclohexyl) morpholine.	1645
(E) Hallucinogenic substances	1646
(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).	1647 1648 1649
(F) Immediate precursors	1650
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:	1651 1652 1653 1654
(1) Immediate precursor to amphetamine and methamphetamine:	1655 1656
(a) Phenylacetone (some trade or other names: phenyl-2-	1657

propanone; P2P; benzyl methyl ketone; methyl benzyl ketone); 1658

(2) Immediate precursors to phencyclidine (PCP): 1659

(a) 1-phenylcyclohexylamine; 1660

(b) 1-piperidinocyclohexanecarbonitrile (PCC). 1661

SCHEDULE III 1662

(A) Stimulants 1663

Unless specifically excepted under federal drug abuse 1664
control laws or unless listed in another schedule, any material, 1665
compound, mixture, or preparation that contains any quantity of 1666
the following substances having a stimulant effect on the 1667
central nervous system, including their salts, their optical 1668
isomers, position isomers, or geometric isomers, and salts of 1669
these isomers, whenever the existence of these salts, isomers, 1670
and salts of isomers is possible within the specific chemical 1671
designation: 1672

(1) All stimulant compounds, mixtures, and preparations 1673
included in schedule III pursuant to the federal drug abuse 1674
control laws and regulations adopted under those laws; 1675

(2) Benzphetamine; 1676

(3) Chlorphentermine; 1677

(4) Clortermine; 1678

(5) Phendimetrazine. 1679

(B) Depressants 1680

Unless specifically excepted under federal drug abuse 1681
control laws or unless listed in another schedule, any material, 1682
compound, mixture, or preparation that contains any quantity of 1683

the following substances having a depressant effect on the	1684
central nervous system:	1685
(1) Any compound, mixture, or preparation containing	1686
amobarbital, secobarbital, pentobarbital, or any salt of any of	1687
these drugs, and one or more other active medicinal ingredients	1688
that are not listed in any schedule;	1689
(2) Any suppository dosage form containing amobarbital,	1690
secobarbital, pentobarbital, or any salt of any of these drugs	1691
and approved by the food and drug administration for marketing	1692
only as a suppository;	1693
(3) Any substance that contains any quantity of a	1694
derivative of barbituric acid or any salt of a derivative of	1695
barbituric acid;	1696
(4) Chlorhexadol;	1697
(5) Ketamine, its salts, isomers, and salts of isomers	1698
(some other names for ketamine: (+/-)-2-(2-chlorophenyl)-2-	1699
(methylamino)-cyclohexanone);	1700
(6) Lysergic acid;	1701
(7) Lysergic acid amide;	1702
(8) Methyprylon;	1703
(9) Sulfondiethylmethane;	1704
(10) Sulfonethylmethane;	1705
(11) Sulfonmethane;	1706
(12) Tiletamine, zolazepam, or any salt of tiletamine or	1707
zolazepam (some trade or other names for a tiletamine-zolazepam	1708
combination product: Telazol); (some trade or other names for	1709
tiletamine: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone); (some	1710

trade or other names for zolazepam: 4-(2-fluorophenyl)-6,8- 1711
dihydro-1,3,8-trimethylpyrazolo-[3, 4-e][1,4]-diazepin-7(1H)- 1712
one; flupyrzapon). 1713

(C) Narcotic antidotes 1714

(1) Nalorphine. 1715

(D) Narcotics-narcotic preparations 1716

Unless specifically excepted under federal drug abuse 1717
control laws or unless listed in another schedule, any material, 1718
compound, mixture, or preparation that contains any of the 1719
following narcotic drugs, or their salts calculated as the free 1720
anhydrous base or alkaloid, in limited quantities as set forth 1721
below: 1722

(1) Not more than 1.8 grams of codeine per 100 milliliters 1723
or not more than 90 milligrams per dosage unit, with an equal or 1724
greater quantity of an isoquinoline alkaloid of opium; 1725

(2) Not more than 1.8 grams of codeine per 100 milliliters 1726
or not more than 90 milligrams per dosage unit, with one or more 1727
active, nonnarcotic ingredients in recognized therapeutic 1728
amounts; 1729

(3) Not more than 300 milligrams of dihydrocodeinone per 1730
100 milliliters or not more than 15 milligrams per dosage unit, 1731
with a fourfold or greater quantity of an isoquinoline alkaloid 1732
of opium; 1733

(4) Not more than 300 milligrams of dihydrocodeinone per 1734
100 milliliters or not more than 15 milligrams per dosage unit, 1735
with one or more active, nonnarcotic ingredients in recognized 1736
therapeutic amounts; 1737

(5) Not more than 1.8 grams of dihydrocodeine per 100 1738

milliliters or not more than 90 milligrams per dosage unit, with 1739
one or more active, nonnarcotic ingredients in recognized 1740
therapeutic amounts; 1741

(6) Not more than 300 milligrams of ethylmorphine per 100 1742
milliliters or not more than 15 milligrams per dosage unit, with 1743
one or more active, nonnarcotic ingredients in recognized 1744
therapeutic amounts; 1745

(7) Not more than 500 milligrams of opium per 100 1746
milliliters or per 100 grams or not more than 25 milligrams per 1747
dosage unit, with one or more active, nonnarcotic ingredients in 1748
recognized therapeutic amounts; 1749

(8) Not more than 50 milligrams of morphine per 100 1750
milliliters or per 100 grams, with one or more active, 1751
nonnarcotic ingredients in recognized therapeutic amounts. 1752

(E) Anabolic steroids 1753

Unless specifically excepted under federal drug abuse 1754
control laws or unless listed in another schedule, any material, 1755
compound, mixture, or preparation that contains any quantity of 1756
the following substances, including their salts, esters, 1757
isomers, and salts of esters and isomers, whenever the existence 1758
of these salts, esters, and isomers is possible within the 1759
specific chemical designation: 1760

(1) Anabolic steroids. Except as otherwise provided in 1761
division (E) (1) of schedule III, "anabolic steroids" means any 1762
drug or hormonal substance that is chemically and 1763
pharmacologically related to testosterone (other than estrogens, 1764
progestins, and corticosteroids) and that promotes muscle 1765
growth. "Anabolic steroids" does not include an anabolic steroid 1766
that is expressly intended for administration through implants 1767

to cattle or other nonhuman species and that has been approved	1768
by the United States secretary of health and human services for	1769
that administration, unless a person prescribes, dispenses, or	1770
distributes this type of anabolic steroid for human use.	1771
"Anabolic steroid" includes, but is not limited to, the	1772
following:	1773
(a) Boldenone;	1774
(b) Chlorotestosterone (4-chlortestosterone);	1775
(c) Clostebol;	1776
(d) Dehydrochlormethyltestosterone;	1777
(e) Dihydrotestosterone (4-dihydrotestosterone);	1778
(f) Drostanolone;	1779
(g) Ethylestrenol;	1780
(h) Fluoxymesterone;	1781
(i) Formebolone (formebolone);	1782
(j) Mesterolone;	1783
(k) Methandienone;	1784
(l) Methandranone;	1785
(m) Methandriol;	1786
(n) Methandrostenolone;	1787
(o) Methenolone;	1788
(p) Methyltestosterone;	1789
(q) Mibolerone;	1790
(r) Nandrolone;	1791

(s) Norethandrolone;	1792
(t) Oxandrolone;	1793
(u) Oxymesterone;	1794
(v) Oxymetholone;	1795
(w) Stanolone;	1796
(x) Stanozolol;	1797
(y) Testolactone;	1798
(z) Testosterone;	1799
(aa) Trenbolone;	1800
(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.	1801 1802 1803 1804
(F) Hallucinogenic substances	1805
(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).	1806 1807 1808 1809 1810 1811
SCHEDULE IV	1812
(A) Narcotic drugs	1813
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	1814 1815 1816 1817

anhydrous base or alkaloid, in limited quantities as set forth	1818
below:	1819
(1) Not more than one milligram of difenoxin and not less	1820
than 25 micrograms of atropine sulfate per dosage unit;	1821
(2) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1,2-	1822
diphenyl-3-methyl-2- propionoxybutane) [final dosage forms].	1823
(B) Depressants	1824
Unless specifically excepted under federal drug abuse	1825
control laws or unless listed in another schedule, any material,	1826
compound, mixture, or preparation that contains any quantity of	1827
the following substances, including their salts, isomers, and	1828
salts of isomers, whenever the existence of these salts,	1829
isomers, and salts of isomers is possible within the specific	1830
chemical designation:	1831
(1) Alprazolam;	1832
(2) Barbital;	1833
(3) Bromazepam;	1834
(4) Camazepam;	1835
(5) Chloral betaine;	1836
(6) Chloral hydrate;	1837
(7) Chlordiazepoxide;	1838
(8) Clobazam;	1839
(9) Clonazepam;	1840
(10) Clorazepate;	1841
(11) Clotiazepam;	1842

(12) Cloxazolam;	1843
(13) Delorazepam;	1844
(14) Diazepam;	1845
(15) Estazolam;	1846
(16) Ethchlorvynol;	1847
(17) Ethinamate;	1848
(18) Ethyl loflazepate;	1849
(19) Fludiazepam;	1850
(20) Flunitrazepam;	1851
(21) Flurazepam;	1852
(22) Halazepam;	1853
(23) Haloxazolam;	1854
(24) Ketazolam;	1855
(25) Loprazolam;	1856
(26) Lorazepam;	1857
(27) Lormetazepam;	1858
(28) Mebutamate;	1859
(29) Medazepam;	1860
(30) Meprobamate;	1861
(31) Methohexital;	1862
(32) Methylphenobarbital (mephobarbital);	1863
(33) Midazolam;	1864

(34) Nimetazepam;	1865
(35) Nitrazepam;	1866
(36) Nordiazepam;	1867
(37) Oxazepam;	1868
(38) Oxazolam;	1869
(39) Paraldehyde;	1870
(40) Petrichloral;	1871
(41) Phenobarbital;	1872
(42) Pinazepam;	1873
(43) Prazepam;	1874
(44) Quazepam;	1875
(45) Temazepam;	1876
(46) Tetrazepam;	1877
(47) Triazolam;	1878
(48) Zaleplon;	1879
(49) Zolpidem.	1880
(C) Fenfluramine	1881
Any material, compound, mixture, or preparation that	1882
contains any quantity of the following substances, including	1883
their salts, their optical isomers, position isomers, or	1884
geometric isomers, and salts of these isomers, whenever the	1885
existence of these salts, isomers, and salts of isomers is	1886
possible within the specific chemical designation:	1887
(1) Fenfluramine.	1888

(D) Stimulants	1889
Unless specifically excepted under federal drug abuse	1890
control laws or unless listed in another schedule, any material,	1891
compound, mixture, or preparation that contains any quantity of	1892
the following substances having a stimulant effect on the	1893
central nervous system, including their salts, their optical	1894
isomers, position isomers, or geometric isomers, and salts of	1895
these isomers, whenever the existence of these salts, isomers,	1896
and salts of isomers is possible within the specific chemical	1897
designation:	1898
(1) Cathine ((+)-norpseudoephedrine);	1899
(2) Diethylpropion;	1900
(3) Fencamfamin;	1901
(4) Fenproporex;	1902
(5) Mazindol;	1903
(6) Mefenorex;	1904
(7) Modafinil;	1905
(8) Pemoline (including organometallic complexes and	1906
chelates thereof);	1907
(9) Phentermine;	1908
(10) Pipradrol;	1909
(11) Sibutramine;	1910
(12) SPA [(-)-1-dimethylamino-1,2-diphenylethane].	1911
(E) Other substances	1912
Unless specifically excepted under federal drug abuse	1913

control laws or unless listed in another schedule, any material, 1914
compound, mixture, or preparation that contains any quantity of 1915
the following substances, including their salts: 1916

(1) Pentazocine; 1917

(2) Butorphanol (including its optical isomers). 1918

SCHEDULE V 1919

(A) Narcotic drugs 1920

Unless specifically excepted under federal drug abuse 1921
control laws or unless listed in another schedule, any material, 1922
compound, mixture, or preparation that contains any of the 1923
following narcotic drugs, and their salts, as set forth below: 1924

(1) Buprenorphine. 1925

(B) Narcotics-narcotic preparations 1926

Narcotic drugs containing non-narcotic active medicinal 1927
ingredients. Any compound, mixture, or preparation that contains 1928
any of the following narcotic drugs, or their salts calculated 1929
as the free anhydrous base or alkaloid, in limited quantities as 1930
set forth below, and that includes one or more nonnarcotic 1931
active medicinal ingredients in sufficient proportion to confer 1932
upon the compound, mixture, or preparation valuable medicinal 1933
qualities other than those possessed by narcotic drugs alone: 1934

(1) Not more than 200 milligrams of codeine per 100 1935
milliliters or per 100 grams; 1936

(2) Not more than 100 milligrams of dihydrocodeine per 100 1937
milliliters or per 100 grams; 1938

(3) Not more than 100 milligrams of ethylmorphine per 100 1939
milliliters or per 100 grams; 1940

(4) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit;	1941 1942
(5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams;	1943 1944
(6) Not more than 0.5 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.	1945 1946
(C) Stimulants	1947
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:	1948 1949 1950 1951 1952 1953
(1) Ephedrine, except as provided in division (K) of section 3719.44 of the Revised Code;	1954 1955
(2) Pyrovalerone.	1956
(D) <u>Approved-United States food and drug administration approved</u> cannabidiol drugs	1957 1958
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-cyclohexen-1-yl]-5-pentyl-1,3-benzenediol) derived from cannabis and not more than 0.1 per cent (w/w) residual tetrahydrocannabinols.	1959 1960 1961 1962 1963 1964 1965 1966
Sec. 4729.01. As used in this chapter:	1967

(A) "Pharmacy," except when used in a context that refers 1968
to the practice of pharmacy, means any area, room, rooms, place 1969
of business, department, or portion of any of the foregoing 1970
where the practice of pharmacy is conducted. 1971

(B) "Practice of pharmacy" means providing pharmacist care 1972
requiring specialized knowledge, judgment, and skill derived 1973
from the principles of biological, chemical, behavioral, social, 1974
pharmaceutical, and clinical sciences. As used in this division, 1975
"pharmacist care" includes the following: 1976

(1) Interpreting prescriptions; 1977

(2) Dispensing drugs and drug therapy related devices; 1978

(3) Compounding drugs; 1979

(4) Counseling individuals with regard to their drug 1980
therapy, recommending drug therapy related devices, and 1981
assisting in the selection of drugs and appliances for treatment 1982
of common diseases and injuries and providing instruction in the 1983
proper use of the drugs and appliances; 1984

(5) Performing drug regimen reviews with individuals by 1985
discussing all of the drugs that the individual is taking and 1986
explaining the interactions of the drugs; 1987

(6) Performing drug utilization reviews with licensed 1988
health professionals authorized to prescribe drugs when the 1989
pharmacist determines that an individual with a prescription has 1990
a drug regimen that warrants additional discussion with the 1991
prescriber; 1992

(7) Advising an individual and the health care 1993
professionals treating an individual with regard to the 1994
individual's drug therapy; 1995

(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;	1996 1997 1998 1999
(9) Engaging in the administration of immunizations to the extent authorized by section 4729.41 of the Revised Code;	2000 2001
(10) Engaging in the administration of drugs to the extent authorized by section 4729.45 of the Revised Code.	2002 2003
(C) "Compounding" means the preparation, mixing, assembling, packaging, and labeling of one or more drugs in any of the following circumstances:	2004 2005 2006
(1) Pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs;	2007 2008
(2) Pursuant to the modification of a prescription made in accordance with a consult agreement;	2009 2010
(3) As an incident to research, teaching activities, or chemical analysis;	2011 2012
(4) In anticipation of orders for drugs pursuant to prescriptions, based on routine, regularly observed dispensing patterns;	2013 2014 2015
(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:	2016 2017 2018 2019 2020
(a) At the time the request is made, the drug is not commercially available regardless of the reason that the drug is not available, including the absence of a manufacturer for the	2021 2022 2023

drug or the lack of a readily available supply of the drug from 2024
a manufacturer. 2025

(b) A limited quantity of the drug is compounded and 2026
provided to the professional. 2027

(c) The drug is compounded and provided to the 2028
professional as an occasional exception to the normal practice 2029
of dispensing drugs pursuant to patient-specific prescriptions. 2030

(D) "Consult agreement" means an agreement that has been 2031
entered into under section 4729.39 of the Revised Code. 2032

(E) "Drug" means: 2033

(1) Any article recognized in the United States 2034
pharmacopoeia and national formulary, or any supplement to them, 2035
intended for use in the diagnosis, cure, mitigation, treatment, 2036
or prevention of disease in humans or animals; 2037

(2) Any other article intended for use in the diagnosis, 2038
cure, mitigation, treatment, or prevention of disease in humans 2039
or animals; 2040

(3) Any article, other than food, intended to affect the 2041
structure or any function of the body of humans or animals; 2042

(4) Any article intended for use as a component of any 2043
article specified in division (E) (1), (2), or (3) of this 2044
section; but does not include devices or their components, 2045
parts, or accessories. 2046

"Drug" does not include "hemp" or a "hemp product" as 2047
those terms are defined in section 928.01 of the Revised Code. 2048

(F) "Dangerous drug" means any of the following: 2049

(1) Any drug to which either of the following applies: 2050

(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 2051
Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is 2052
required to bear a label containing the legend "Caution: Federal 2053
law prohibits dispensing without prescription" or "Caution: 2054
Federal law restricts this drug to use by or on the order of a 2055
licensed veterinarian" or any similar restrictive statement, or 2056
the drug may be dispensed only upon a prescription; 2057

(b) Under Chapter 3715. or 3719. of the Revised Code, the 2058
drug may be dispensed only upon a prescription. 2059

(2) Any drug that contains a schedule V controlled 2060
substance and that is exempt from Chapter 3719. of the Revised 2061
Code or to which that chapter does not apply; 2062

(3) Any drug intended for administration by injection into 2063
the human body other than through a natural orifice of the human 2064
body; 2065

(4) Any drug that is a biological product, as defined in 2066
section 3715.01 of the Revised Code. 2067

(G) "Federal drug abuse control laws" has the same meaning 2068
as in section 3719.01 of the Revised Code. 2069

(H) "Prescription" means all of the following: 2070

(1) A written, electronic, or oral order for drugs or 2071
combinations or mixtures of drugs to be used by a particular 2072
individual or for treating a particular animal, issued by a 2073
licensed health professional authorized to prescribe drugs; 2074

(2) For purposes of sections 2925.61, 4723.488, 4730.431, 2075
and 4731.94 of the Revised Code, a written, electronic, or oral 2076
order for naloxone issued to and in the name of a family member, 2077
friend, or other individual in a position to assist an 2078

individual who there is reason to believe is at risk of 2079
experiencing an opioid-related overdose. 2080

(3) For purposes of section 4729.44 of the Revised Code, a 2081
written, electronic, or oral order for naloxone issued to and in 2082
the name of either of the following: 2083

(a) An individual who there is reason to believe is at 2084
risk of experiencing an opioid-related overdose; 2085

(b) A family member, friend, or other individual in a 2086
position to assist an individual who there is reason to believe 2087
is at risk of experiencing an opioid-related overdose. 2088

(4) For purposes of sections 4723.4810, 4729.282, 2089
4730.432, and 4731.93 of the Revised Code, a written, 2090
electronic, or oral order for a drug to treat chlamydia, 2091
gonorrhea, or trichomoniasis issued to and in the name of a 2092
patient who is not the intended user of the drug but is the 2093
sexual partner of the intended user; 2094

(5) For purposes of sections 3313.7110, 3313.7111, 2095
3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 2096
4731.96, and 5101.76 of the Revised Code, a written, electronic, 2097
or oral order for an epinephrine autoinjector issued to and in 2098
the name of a school, school district, or camp; 2099

(6) For purposes of Chapter 3728. and sections 4723.483, 2100
4729.88, 4730.433, and 4731.96 of the Revised Code, a written, 2101
electronic, or oral order for an epinephrine autoinjector issued 2102
to and in the name of a qualified entity, as defined in section 2103
3728.01 of the Revised Code. 2104

(I) "Licensed health professional authorized to prescribe 2105
drugs" or "prescriber" means an individual who is authorized by 2106
law to prescribe drugs or dangerous drugs or drug therapy 2107

related devices in the course of the individual's professional	2108
practice, including only the following:	2109
(1) A dentist licensed under Chapter 4715. of the Revised	2110
Code;	2111
(2) A clinical nurse specialist, certified nurse-midwife,	2112
or certified nurse practitioner who holds a current, valid	2113
license to practice nursing as an advanced practice registered	2114
nurse issued under Chapter 4723. of the Revised Code;	2115
(3) An optometrist licensed under Chapter 4725. of the	2116
Revised Code to practice optometry under a therapeutic	2117
pharmaceutical agents certificate;	2118
(4) A physician authorized under Chapter 4731. of the	2119
Revised Code to practice medicine and surgery, osteopathic	2120
medicine and surgery, or podiatric medicine and surgery;	2121
(5) A physician assistant who holds a license to practice	2122
as a physician assistant issued under Chapter 4730. of the	2123
Revised Code, holds a valid prescriber number issued by the	2124
state medical board, and has been granted physician-delegated	2125
prescriptive authority;	2126
(6) A veterinarian licensed under Chapter 4741. of the	2127
Revised Code.	2128
(J) "Sale" or "sell" includes any transaction made by any	2129
person, whether as principal proprietor, agent, or employee, to	2130
do or offer to do any of the following: deliver, distribute,	2131
broker, exchange, gift or otherwise give away, or transfer,	2132
whether the transfer is by passage of title, physical movement,	2133
or both.	2134
(K) "Wholesale sale" and "sale at wholesale" mean any sale	2135

in which the purpose of the purchaser is to resell the article 2136
purchased or received by the purchaser. 2137

(L) "Retail sale" and "sale at retail" mean any sale other 2138
than a wholesale sale or sale at wholesale. 2139

(M) "Retail seller" means any person that sells any 2140
dangerous drug to consumers without assuming control over and 2141
responsibility for its administration. Mere advice or 2142
instructions regarding administration do not constitute control 2143
or establish responsibility. 2144

(N) "Price information" means the price charged for a 2145
prescription for a particular drug product and, in an easily 2146
understandable manner, all of the following: 2147

(1) The proprietary name of the drug product; 2148

(2) The established (generic) name of the drug product; 2149

(3) The strength of the drug product if the product 2150
contains a single active ingredient or if the drug product 2151
contains more than one active ingredient and a relevant strength 2152
can be associated with the product without indicating each 2153
active ingredient. The established name and quantity of each 2154
active ingredient are required if such a relevant strength 2155
cannot be so associated with a drug product containing more than 2156
one ingredient. 2157

(4) The dosage form; 2158

(5) The price charged for a specific quantity of the drug 2159
product. The stated price shall include all charges to the 2160
consumer, including, but not limited to, the cost of the drug 2161
product, professional fees, handling fees, if any, and a 2162
statement identifying professional services routinely furnished 2163

by the pharmacy. Any mailing fees and delivery fees may be 2164
stated separately without repetition. The information shall not 2165
be false or misleading. 2166

(O) "Wholesale distributor of dangerous drugs" or 2167
"wholesale distributor" means a person engaged in the sale of 2168
dangerous drugs at wholesale and includes any agent or employee 2169
of such a person authorized by the person to engage in the sale 2170
of dangerous drugs at wholesale. 2171

(P) "Manufacturer of dangerous drugs" or "manufacturer" 2172
means a person, other than a pharmacist or prescriber, who 2173
manufactures dangerous drugs and who is engaged in the sale of 2174
those dangerous drugs. 2175

(Q) "Terminal distributor of dangerous drugs" or "terminal 2176
distributor" means a person who is engaged in the sale of 2177
dangerous drugs at retail, or any person, other than a 2178
manufacturer, repackager, outsourcing facility, third-party 2179
logistics provider, wholesale distributor, or pharmacist, who 2180
has possession, custody, or control of dangerous drugs for any 2181
purpose other than for that person's own use and consumption. 2182
"Terminal distributor" includes pharmacies, hospitals, nursing 2183
homes, and laboratories and all other persons who procure 2184
dangerous drugs for sale or other distribution by or under the 2185
supervision of a pharmacist or licensed health professional 2186
authorized to prescribe drugs. 2187

(R) "Promote to the public" means disseminating a 2188
representation to the public in any manner or by any means, 2189
other than by labeling, for the purpose of inducing, or that is 2190
likely to induce, directly or indirectly, the purchase of a 2191
dangerous drug at retail. 2192

(S) "Person" includes any individual, partnership, 2193
association, limited liability company, or corporation, the 2194
state, any political subdivision of the state, and any district, 2195
department, or agency of the state or its political 2196
subdivisions. 2197

(T) "Animal shelter" means a facility operated by a humane 2198
society or any society organized under Chapter 1717. of the 2199
Revised Code or a dog pound operated pursuant to Chapter 955. of 2200
the Revised Code. 2201

(U) "Food" has the same meaning as in section 3715.01 of 2202
the Revised Code. 2203

(V) "Pain management clinic" has the same meaning as in 2204
section 4731.054 of the Revised Code. 2205

(W) "Investigational drug or product" means a drug or 2206
product that has successfully completed phase one of the United 2207
States food and drug administration clinical trials and remains 2208
under clinical trial, but has not been approved for general use 2209
by the United States food and drug administration. 2210
"Investigational drug or product" does not include controlled 2211
substances in schedule I, as established pursuant to section 2212
3719.41 of the Revised Code, and as amended. 2213

(X) "Product," when used in reference to an 2214
investigational drug or product, means a biological product, 2215
other than a drug, that is made from a natural human, animal, or 2216
microorganism source and is intended to treat a disease or 2217
medical condition. 2218

(Y) "Third-party logistics provider" means a person that 2219
provides or coordinates warehousing or other logistics services 2220
pertaining to dangerous drugs including distribution, on behalf 2221

of a manufacturer, wholesale distributor, or terminal 2222
distributor of dangerous drugs, but does not take ownership of 2223
the drugs or have responsibility to direct the sale or 2224
disposition of the drugs. 2225

(Z) "Repackager of dangerous drugs" or "repackager" means 2226
a person that repacks and relabels dangerous drugs for sale or 2227
distribution. 2228

(AA) "Outsourcing facility" means a facility that is 2229
engaged in the compounding and sale of sterile drugs and is 2230
registered as an outsourcing facility with the United States 2231
food and drug administration. 2232

Sec. 4776.01. As used in this chapter: 2233

(A) "License" means an authorization evidenced by a 2234
license, certificate, registration, permit, card, or other 2235
authority that is issued or conferred by a licensing agency to a 2236
licensee or to an applicant for an initial license by which the 2237
licensee or initial license applicant has or claims the 2238
privilege to engage in a profession, occupation, or occupational 2239
activity, or, except in the case of the state dental board, to 2240
have control of and operate certain specific equipment, 2241
machinery, or premises, over which the licensing agency has 2242
jurisdiction. 2243

(B) Except as provided in section 4776.20 of the Revised 2244
Code, "licensee" means the person to whom the license is issued 2245
by a licensing agency. "Licensee" includes a person who, for 2246
purposes of section 3796.13 of the Revised Code, has complied 2247
with sections 4776.01 to 4776.04 of the Revised Code and has 2248
been determined by the department of commerce or state board of 2249
pharmacy, as the applicable licensing agency, to meet the 2250

requirements for employment.	2251
(C) Except as provided in section 4776.20 of the Revised Code, "licensing agency" means any of the following:	2252
	2253
(1) The board authorized by Chapters 4701., 4717., 4725., 4729., 4730., 4731., 4732., 4734., 4740., 4741., 4747., 4753., 4755., 4757., 4759., 4760., 4761., 4762., 4774., 4778., 4779., and 4783. of the Revised Code to issue a license to engage in a specific profession, occupation, or occupational activity, or to have charge of and operate certain specific equipment, machinery, or premises.	2254
	2255
	2256
	2257
	2258
	2259
	2260
(2) The state dental board, relative to its authority to issue a license pursuant to section 4715.12, 4715.16, 4715.21, or 4715.27 of the Revised Code;	2261
	2262
	2263
(3) The department of commerce or state board of pharmacy, relative to its authority under Chapter 3796. of the Revised Code and any rules adopted under that chapter with respect to a person who is subject to section 3796.13 of the Revised Code;	2264
	2265
	2266
	2267
<u>(4) The director of agriculture, relative to the</u>	2268
<u>director's authority to issue licenses under Chapter 928. of the</u>	2269
<u>Revised Code.</u>	2270
(D) "Applicant for an initial license" includes persons seeking a license for the first time and persons seeking a license by reciprocity, endorsement, or similar manner of a license issued in another state. "Applicant for an initial license" also includes a person who, for purposes of section 3796.13 of the Revised Code, is required to comply with sections 4776.01 to 4776.04 of the Revised Code.	2271
	2272
	2273
	2274
	2275
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	2277
(E) "Applicant for a restored license" includes persons seeking restoration of a license under section 4730.14,	2278
	2279

4731.281, 4760.06, or 4762.06 of the Revised Code.	2280
(F) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.	2281 2282
Sec. 5713.30. As used in sections 5713.31 to 5713.37 and 5715.01 of the Revised Code:	2283 2284
(A) "Land devoted exclusively to agricultural use" means:	2285
(1) Tracts, lots, or parcels of land totaling not less than ten acres to which, during the three calendar years prior to the year in which application is filed under section 5713.31 of the Revised Code, and through the last day of May of such year, one or more of the following apply:	2286 2287 2288 2289 2290
(a) The tracts, lots, or parcels of land were devoted exclusively to commercial animal or poultry husbandry, aquaculture, algaculture meaning the farming of algae, apiculture, <u>the cultivation of hemp by a person issued a hemp cultivation license under section 928.02 of the Revised Code,</u> the production for a commercial purpose of timber, field crops, tobacco, fruits, vegetables, nursery stock, ornamental trees, sod, or flowers, or the growth of timber for a noncommercial purpose, if the land on which the timber is grown is contiguous to or part of a parcel of land under common ownership that is otherwise devoted exclusively to agricultural use.	2291 2292 2293 2294 2295 2296 2297 2298 2299 2300 2301
(b) The tracts, lots, or parcels of land were devoted exclusively to biodiesel production, biomass energy production, electric or heat energy production, or biologically derived methane gas production if the land on which the production facility is located is contiguous to or part of a parcel of land under common ownership that is otherwise devoted exclusively to agricultural use, provided that at least fifty per cent of the	2302 2303 2304 2305 2306 2307 2308

feedstock used in the production was derived from parcels of 2309
land under common ownership or leasehold. 2310

(c) The tracts, lots, or parcels of land were devoted to 2311
and qualified for payments or other compensation under a land 2312
retirement or conservation program under an agreement with an 2313
agency of the federal government. 2314

(2) Tracts, lots, or parcels of land totaling less than 2315
ten acres that, during the three calendar years prior to the 2316
year in which application is filed under section 5713.31 of the 2317
Revised Code and through the last day of May of such year, were 2318
devoted exclusively to commercial animal or poultry husbandry, 2319
aquaculture, algaculture meaning the farming of algae, 2320
apiculture, the cultivation of hemp by a person issued a hemp 2321
cultivation license under section 928.02 of the Revised Code, 2322
the production for a commercial purpose of field crops, tobacco, 2323
fruits, vegetables, timber, nursery stock, ornamental trees, 2324
sod, or flowers where such activities produced an average yearly 2325
gross income of at least twenty-five hundred dollars during such 2326
three-year period or where there is evidence of an anticipated 2327
gross income of such amount from such activities during the tax 2328
year in which application is made, or were devoted to and 2329
qualified for payments or other compensation under a land 2330
retirement or conservation program under an agreement with an 2331
agency of the federal government; 2332

(3) A tract, lot, or parcel of land taxed under sections 2333
5713.22 to 5713.26 of the Revised Code is not land devoted 2334
exclusively to agricultural use. 2335

(4) Tracts, lots, or parcels of land, or portions thereof 2336
that, during the previous three consecutive calendar years have 2337
been designated as land devoted exclusively to agricultural use, 2338

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

(5) Tracts, lots, or parcels of land, or portions thereof 2347
that, during the previous three consecutive calendar years have 2348
been designated as land devoted exclusively to agricultural use, 2349
but such land has been lying idle or fallow because of dredged 2350
material being stored or deposited on such land pursuant to a 2351
contract between the land's owner and the department of natural 2352
resources or the United States army corps of engineers and no 2353
action has occurred to the land that is either inconsistent with 2354
the return of it to agricultural production or converts the land 2355
devoted exclusively to agricultural use. Such land shall remain 2356
designated as land devoted exclusively to agricultural use until 2357
the last year in which dredged material is stored or deposited 2358
on the land pursuant to such a contract, but not to exceed five 2359
years. 2360

"Land devoted exclusively to agricultural use" includes 2361
tracts, lots, or parcels of land or portions thereof that are 2362
used for conservation practices, provided that the tracts, lots, 2363
or parcels of land or portions thereof comprise twenty-five per 2364
cent or less of the total of the tracts, lots, or parcels of 2365
land that satisfy the criteria established in division (A) (1), 2366
(2), (4), or (5) of this section together with the tracts, lots, 2367
or parcels of land or portions thereof that are used for 2368
conservation practices. 2369

Notwithstanding any other provision of law to the 2370
contrary, the existence of agritourism on a tract, lot, or 2371
parcel of land that otherwise meets the definition of "land 2372
devoted exclusively to agricultural use" as defined in this 2373
division does not disqualify that tract, lot, or parcel from 2374
valuation under sections 5713.30 to 5713.37 and 5715.01 of the 2375
Revised Code. 2376

A tract, lot, parcel, or portion thereof on which medical 2377
marijuana, as defined by section 3796.01 of the Revised Code, is 2378
cultivated or processed is not land devoted exclusively to 2379
agricultural use. 2380

(B) "Conversion of land devoted exclusively to 2381
agricultural use" means any of the following: 2382

(1) The failure of the owner of land devoted exclusively 2383
to agricultural use during the next preceding calendar year to 2384
file a renewal application under section 5713.31 of the Revised 2385
Code without good cause as determined by the board of revision; 2386

(2) The failure of the new owner of such land to file an 2387
initial application under that section without good cause as 2388
determined by the board of revision; 2389

(3) The failure of such land or portion thereof to qualify 2390
as land devoted exclusively to agricultural use for the current 2391
calendar year as requested by an application filed under such 2392
section; 2393

(4) The failure of the owner of the land described in 2394
division (A) (4) or (5) of this section to act on such land in a 2395
manner that is consistent with the return of the land to 2396
agricultural production after three years. 2397

The construction or installation of an energy facility, as 2398

defined in section 5727.01 of the Revised Code, on a portion of 2399
a tract, lot, or parcel of land devoted exclusively to 2400
agricultural use shall not cause the remaining portion of the 2401
tract, lot, or parcel to be regarded as a conversion of land 2402
devoted exclusively to agricultural use if the remaining portion 2403
of the tract, lot, or parcel continues to be devoted exclusively 2404
to agricultural use. 2405

(C) "Tax savings" means the difference between the dollar 2406
amount of real property taxes levied in any year on land valued 2407
and assessed in accordance with its current agricultural use 2408
value and the dollar amount of real property taxes that would 2409
have been levied upon such land if it had been valued and 2410
assessed for such year in accordance with Section 2 of Article 2411
XII, Ohio Constitution. 2412

(D) "Owner" includes, but is not limited to, any person 2413
owning a fee simple, fee tail, or life estate or a buyer on a 2414
land installment contract. 2415

(E) "Conservation practices" are practices used to abate 2416
soil erosion as required in the management of the farming 2417
operation, and include, but are not limited to, the 2418
installation, construction, development, planting, or use of 2419
grass waterways, terraces, diversions, filter strips, field 2420
borders, windbreaks, riparian buffers, wetlands, ponds, and 2421
cover crops for that purpose. 2422

(F) "Wetlands" has the same meaning as in section 6111.02 2423
of the Revised Code. 2424

(G) "Biodiesel" means a mono-alkyl ester combustible 2425
liquid fuel that is derived from vegetable oils or animal fats 2426
or any combination of those reagents and that meets the American 2427

society for testing and materials specification D6751-03a for 2428
biodiesel fuel (B100) blend stock distillate fuels. 2429

(H) "Biologically derived methane gas" means gas from the 2430
anaerobic digestion of organic materials, including animal waste 2431
and agricultural crops and residues. 2432

(I) "Biomass energy" means energy that is produced from 2433
organic material derived from plants or animals and available on 2434
a renewable basis, including, but not limited to, agricultural 2435
crops, tree crops, crop by-products, and residues. 2436

(J) "Electric or heat energy" means electric or heat 2437
energy generated from manure, cornstalks, soybean waste, or 2438
other agricultural feedstocks. 2439

(K) "Dredged material" means material that is excavated or 2440
dredged from waters of this state. "Dredged material" does not 2441
include material resulting from normal farming, silviculture, 2442
and ranching activities, such as plowing, cultivating, seeding, 2443
and harvesting, for production of food, fiber, and forest 2444
products. 2445

~~(K)~~(L) "Agritourism" has the same meaning as in section 2446
901.80 of the Revised Code. 2447

Section 2. That existing sections 109.572, 924.01, 2448
3719.01, 3719.41, 4729.01, 4776.01, and 5713.30 of the Revised 2449
Code are hereby repealed. 2450

Section 3. That the version of section 109.572 of the 2451
Revised Code that is scheduled to take effect on September 20, 2452
2019, be amended to read as follows: 2453

Sec. 109.572. (A) (1) Upon receipt of a request pursuant to 2454
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 2455

Code, a completed form prescribed pursuant to division (C)(1) of 2456
this section, and a set of fingerprint impressions obtained in 2457
the manner described in division (C)(2) of this section, the 2458
superintendent of the bureau of criminal identification and 2459
investigation shall conduct a criminal records check in the 2460
manner described in division (B) of this section to determine 2461
whether any information exists that indicates that the person 2462
who is the subject of the request previously has been convicted 2463
of or pleaded guilty to any of the following: 2464

(a) A violation of section 2903.01, 2903.02, 2903.03, 2465
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2466
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2467
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2468
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2469
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2470
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2471
2925.05, 2925.06, or 3716.11 of the Revised Code, felonious 2472
sexual penetration in violation of former section 2907.12 of the 2473
Revised Code, a violation of section 2905.04 of the Revised Code 2474
as it existed prior to July 1, 1996, a violation of section 2475
2919.23 of the Revised Code that would have been a violation of 2476
section 2905.04 of the Revised Code as it existed prior to July 2477
1, 1996, had the violation been committed prior to that date, or 2478
a violation of section 2925.11 of the Revised Code that is not a 2479
minor drug possession offense; 2480

(b) A violation of an existing or former law of this 2481
state, any other state, or the United States that is 2482
substantially equivalent to any of the offenses listed in 2483
division (A)(1)(a) of this section; 2484

(c) If the request is made pursuant to section 3319.39 of 2485

the Revised Code for an applicant who is a teacher, any offense 2486
specified in section 3319.31 of the Revised Code. 2487

(2) On receipt of a request pursuant to section 3712.09 or 2488
3721.121 of the Revised Code, a completed form prescribed 2489
pursuant to division (C)(1) of this section, and a set of 2490
fingerprint impressions obtained in the manner described in 2491
division (C)(2) of this section, the superintendent of the 2492
bureau of criminal identification and investigation shall 2493
conduct a criminal records check with respect to any person who 2494
has applied for employment in a position for which a criminal 2495
records check is required by those sections. The superintendent 2496
shall conduct the criminal records check in the manner described 2497
in division (B) of this section to determine whether any 2498
information exists that indicates that the person who is the 2499
subject of the request previously has been convicted of or 2500
pleaded guilty to any of the following: 2501

(a) A violation of section 2903.01, 2903.02, 2903.03, 2502
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2503
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2504
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2505
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2506
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2507
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2508
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2509
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 2510

(b) An existing or former law of this state, any other 2511
state, or the United States that is substantially equivalent to 2512
any of the offenses listed in division (A)(2)(a) of this 2513
section. 2514

(3) On receipt of a request pursuant to section 173.27, 2515

173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 2516
5123.081, or 5123.169 of the Revised Code, a completed form 2517
prescribed pursuant to division (C) (1) of this section, and a 2518
set of fingerprint impressions obtained in the manner described 2519
in division (C) (2) of this section, the superintendent of the 2520
bureau of criminal identification and investigation shall 2521
conduct a criminal records check of the person for whom the 2522
request is made. The superintendent shall conduct the criminal 2523
records check in the manner described in division (B) of this 2524
section to determine whether any information exists that 2525
indicates that the person who is the subject of the request 2526
previously has been convicted of, has pleaded guilty to, or 2527
(except in the case of a request pursuant to section 5164.34, 2528
5164.341, or 5164.342 of the Revised Code) has been found 2529
eligible for intervention in lieu of conviction for any of the 2530
following, regardless of the date of the conviction, the date of 2531
entry of the guilty plea, or (except in the case of a request 2532
pursuant to section 5164.34, 5164.341, or 5164.342 of the 2533
Revised Code) the date the person was found eligible for 2534
intervention in lieu of conviction: 2535

(a) A violation of section 959.13, 959.131, 2903.01, 2536
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2537
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2538
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2539
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2540
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2541
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2542
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2543
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2544
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2545
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2546

2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2547
2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2548
2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2549
2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2550
2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2551
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2552
2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2553
2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code; 2554

(b) Felonious sexual penetration in violation of former 2555
section 2907.12 of the Revised Code; 2556

(c) A violation of section 2905.04 of the Revised Code as 2557
it existed prior to July 1, 1996; 2558

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 2559
the Revised Code when the underlying offense that is the object 2560
of the conspiracy, attempt, or complicity is one of the offenses 2561
listed in divisions (A) (3) (a) to (c) of this section; 2562

(e) A violation of an existing or former municipal 2563
ordinance or law of this state, any other state, or the United 2564
States that is substantially equivalent to any of the offenses 2565
listed in divisions (A) (3) (a) to (d) of this section. 2566

(4) On receipt of a request pursuant to section 2151.86 of 2567
the Revised Code, a completed form prescribed pursuant to 2568
division (C) (1) of this section, and a set of fingerprint 2569
impressions obtained in the manner described in division (C) (2) 2570
of this section, the superintendent of the bureau of criminal 2571
identification and investigation shall conduct a criminal 2572
records check in the manner described in division (B) of this 2573
section to determine whether any information exists that 2574
indicates that the person who is the subject of the request 2575

previously has been convicted of or pleaded guilty to any of the 2576
following: 2577

(a) A violation of section 959.13, 2903.01, 2903.02, 2578
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2579
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2580
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2581
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2582
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2583
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2584
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2585
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2586
2927.12, or 3716.11 of the Revised Code, a violation of section 2587
2905.04 of the Revised Code as it existed prior to July 1, 1996, 2588
a violation of section 2919.23 of the Revised Code that would 2589
have been a violation of section 2905.04 of the Revised Code as 2590
it existed prior to July 1, 1996, had the violation been 2591
committed prior to that date, a violation of section 2925.11 of 2592
the Revised Code that is not a minor drug possession offense, 2593
two or more OVI or OVUAC violations committed within the three 2594
years immediately preceding the submission of the application or 2595
petition that is the basis of the request, or felonious sexual 2596
penetration in violation of former section 2907.12 of the 2597
Revised Code; 2598

(b) A violation of an existing or former law of this 2599
state, any other state, or the United States that is 2600
substantially equivalent to any of the offenses listed in 2601
division (A) (4) (a) of this section. 2602

(5) Upon receipt of a request pursuant to section 5104.013 2603
of the Revised Code, a completed form prescribed pursuant to 2604
division (C) (1) of this section, and a set of fingerprint 2605

impressions obtained in the manner described in division (C) (2) 2606
of this section, the superintendent of the bureau of criminal 2607
identification and investigation shall conduct a criminal 2608
records check in the manner described in division (B) of this 2609
section to determine whether any information exists that 2610
indicates that the person who is the subject of the request has 2611
been convicted of or pleaded guilty to any of the following: 2612

(a) A violation of section 2151.421, 2903.01, 2903.02, 2613
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2614
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 2615
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2616
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2617
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2618
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2619
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2620
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2621
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2622
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2623
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 2624
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 2625
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 2626
3716.11 of the Revised Code, felonious sexual penetration in 2627
violation of former section 2907.12 of the Revised Code, a 2628
violation of section 2905.04 of the Revised Code as it existed 2629
prior to July 1, 1996, a violation of section 2919.23 of the 2630
Revised Code that would have been a violation of section 2905.04 2631
of the Revised Code as it existed prior to July 1, 1996, had the 2632
violation been committed prior to that date, a violation of 2633
section 2925.11 of the Revised Code that is not a minor drug 2634
possession offense, a violation of section 2923.02 or 2923.03 of 2635
the Revised Code that relates to a crime specified in this 2636

division, or a second violation of section 4511.19 of the Revised Code within five years of the date of application for licensure or certification.

(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 or violations described in division (A) (5) (a) of this section.

(6) Upon receipt of a request pursuant to section 5153.111 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, 2909.02, 2909.03, 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 2667
it existed prior to July 1, 1996, had the violation been 2668
committed prior to that date, or a violation of section 2925.11 2669
of the Revised Code that is not a minor drug possession offense; 2670

(b) A violation of an existing or former law of this 2671
state, any other state, or the United States that is 2672
substantially equivalent to any of the offenses listed in 2673
division (A) (6) (a) of this section. 2674

(7) On receipt of a request for a criminal records check 2675
from an individual pursuant to section 4749.03 or 4749.06 of the 2676
Revised Code, accompanied by a completed copy of the form 2677
prescribed in division (C) (1) of this section and a set of 2678
fingerprint impressions obtained in a manner described in 2679
division (C) (2) of this section, the superintendent of the 2680
bureau of criminal identification and investigation shall 2681
conduct a criminal records check in the manner described in 2682
division (B) of this section to determine whether any 2683
information exists indicating that the person who is the subject 2684
of the request has been convicted of or pleaded guilty to a 2685
felony in this state or in any other state. If the individual 2686
indicates that a firearm will be carried in the course of 2687
business, the superintendent shall require information from the 2688
federal bureau of investigation as described in division (B) (2) 2689
of this section. Subject to division (F) of this section, the 2690
superintendent shall report the findings of the criminal records 2691
check and any information the federal bureau of investigation 2692
provides to the director of public safety. 2693

(8) On receipt of a request pursuant to section 1321.37, 2694
1321.53, or 4763.05 of the Revised Code, a completed form 2695
prescribed pursuant to division (C) (1) of this section, and a 2696

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

(9) On receipt of a request for a criminal records check 2717
from the treasurer of state under section 113.041 of the Revised 2718
Code or from an individual under section 928.03, 4701.08, 2719
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 2720
4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 2721
4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 2722
4734.202, 4740.061, 4741.10, 4747.051, 4753.061, 4755.70, 2723
4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 2724
4762.06, 4774.031, 4774.06, 4776.021, 4778.04, 4778.07, 2725
4779.091, or 4783.04 of the Revised Code, accompanied by a 2726
completed form prescribed under division (C) (1) of this section 2727

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

(10) On receipt of a request pursuant to section 124.74, 2742
1121.23, 1315.141, 1733.47, or 1761.26 of the Revised Code, a 2743
completed form prescribed pursuant to division (C) (1) of this 2744
section, and a set of fingerprint impressions obtained in the 2745
manner described in division (C) (2) of this section, the 2746
superintendent of the bureau of criminal identification and 2747
investigation shall conduct a criminal records check in the 2748
manner described in division (B) of this section to determine 2749
whether any information exists that indicates that the person 2750
who is the subject of the request previously has been convicted 2751
of or pleaded guilty to any criminal offense under any existing 2752
or former law of this state, any other state, or the United 2753
States. 2754

(11) On receipt of a request for a criminal records check 2755
from an appointing or licensing authority under section 3772.07 2756
of the Revised Code, a completed form prescribed under division 2757
(C) (1) of this section, and a set of fingerprint impressions 2758

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

(12) On receipt of a request pursuant to section 2151.33 2770
or 2151.412 of the Revised Code, a completed form prescribed 2771
pursuant to division (C)(1) of this section, and a set of 2772
fingerprint impressions obtained in the manner described in 2773
division (C)(2) of this section, the superintendent of the 2774
bureau of criminal identification and investigation shall 2775
conduct a criminal records check with respect to any person for 2776
whom a criminal records check is required under that section. 2777
The superintendent shall conduct the criminal records check in 2778
the manner described in division (B) of this section to 2779
determine whether any information exists that indicates that the 2780
person who is the subject of the request previously has been 2781
convicted of or pleaded guilty to any of the following: 2782

(a) A violation of section 2903.01, 2903.02, 2903.03, 2783
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2784
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2785
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2786
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2787
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2788
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2789

2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2790
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 2791

(b) An existing or former law of this state, any other 2792
state, or the United States that is substantially equivalent to 2793
any of the offenses listed in division (A)(12)(a) of this 2794
section. 2795

(13) On receipt of a request pursuant to section 3796.12 2796
of the Revised Code, a completed form prescribed pursuant to 2797
division (C)(1) of this section, and a set of fingerprint 2798
impressions obtained in a manner described in division (C)(2) of 2799
this section, the superintendent of the bureau of criminal 2800
identification and investigation shall conduct a criminal 2801
records check in the manner described in division (B) of this 2802
section to determine whether any information exists that 2803
indicates that the person who is the subject of the request 2804
previously has been convicted of or pleaded guilty to the 2805
following: 2806

(a) A disqualifying offense as specified in rules adopted 2807
under division (B)(2)(b) of section 3796.03 of the Revised Code 2808
if the person who is the subject of the request is an 2809
administrator or other person responsible for the daily 2810
operation of, or an owner or prospective owner, officer or 2811
prospective officer, or board member or prospective board member 2812
of, an entity seeking a license from the department of commerce 2813
under Chapter 3796. of the Revised Code; 2814

(b) A disqualifying offense as specified in rules adopted 2815
under division (B)(2)(b) of section 3796.04 of the Revised Code 2816
if the person who is the subject of the request is an 2817
administrator or other person responsible for the daily 2818
operation of, or an owner or prospective owner, officer or 2819

prospective officer, or board member or prospective board member 2820
of, an entity seeking a license from the state board of pharmacy 2821
under Chapter 3796. of the Revised Code. 2822

(14) On receipt of a request required by section 3796.13 2823
of the Revised Code, a completed form prescribed pursuant to 2824
division (C) (1) of this section, and a set of fingerprint 2825
impressions obtained in a manner described in division (C) (2) of 2826
this section, the superintendent of the bureau of criminal 2827
identification and investigation shall conduct a criminal 2828
records check in the manner described in division (B) of this 2829
section to determine whether any information exists that 2830
indicates that the person who is the subject of the request 2831
previously has been convicted of or pleaded guilty to the 2832
following: 2833

(a) A disqualifying offense as specified in rules adopted 2834
under division (B) (8) (a) of section 3796.03 of the Revised Code 2835
if the person who is the subject of the request is seeking 2836
employment with an entity licensed by the department of commerce 2837
under Chapter 3796. of the Revised Code; 2838

(b) A disqualifying offense as specified in rules adopted 2839
under division (B) (14) (a) of section 3796.04 of the Revised Code 2840
if the person who is the subject of the request is seeking 2841
employment with an entity licensed by the state board of 2842
pharmacy under Chapter 3796. of the Revised Code. 2843

(15) On receipt of a request pursuant to section 4768.06 2844
of the Revised Code, a completed form prescribed under division 2845
(C) (1) of this section, and a set of fingerprint impressions 2846
obtained in the manner described in division (C) (2) of this 2847
section, the superintendent of the bureau of criminal 2848
identification and investigation shall conduct a criminal 2849

records check in the manner described in division (B) of this 2850
section to determine whether any information exists indicating 2851
that the person who is the subject of the request has been 2852
convicted of or pleaded guilty to a felony in this state or in 2853
any other state. 2854

(16) On receipt of a request pursuant to division (B) of 2855
section 4764.07 of the Revised Code, a completed form prescribed 2856
under division (C) (1) of this section, and a set of fingerprint 2857
impressions obtained in the manner described in division (C) (2) 2858
of this section, the superintendent of the bureau of criminal 2859
identification and investigation shall conduct a criminal 2860
records check in the manner described in division (B) of this 2861
section to determine whether any information exists indicating 2862
that the person who is the subject of the request has been 2863
convicted of or pleaded guilty to any crime of moral turpitude, 2864
a felony, or an equivalent offense in any other state or the 2865
United States. 2866

(17) On receipt of a request for a criminal records check 2867
under section 147.022 of the Revised Code, a completed form 2868
prescribed under division (C) (1) of this section, and a set of 2869
fingerprint impressions obtained in the manner prescribed in 2870
division (C) (2) of this section, the superintendent of the 2871
bureau of criminal identification and investigation shall 2872
conduct a criminal records check in the manner described in 2873
division (B) of this section to determine whether any 2874
information exists that indicates that the person who is the 2875
subject of the request previously has been convicted of or 2876
pleaded guilty or no contest to any disqualifying offense, as 2877
defined in section 147.011 of the Revised Code, or to any 2878
offense under any existing or former law of this state, any 2879
other state, or the United States that is substantially 2880

equivalent to such a disqualifying offense. 2881

(B) Subject to division (F) of this section, the 2882
superintendent shall conduct any criminal records check to be 2883
conducted under this section as follows: 2884

(1) The superintendent shall review or cause to be 2885
reviewed any relevant information gathered and compiled by the 2886
bureau under division (A) of section 109.57 of the Revised Code 2887
that relates to the person who is the subject of the criminal 2888
records check, including, if the criminal records check was 2889
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 2890
173.381, 928.03, 1121.23, 1315.141, 1321.37, 1321.53, 1733.47, 2891
1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 2892
3721.121, 3772.07, 3796.12, 3796.13, 4729.071, 4729.53, 4729.90, 2893
4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 4768.06, 5104.013, 2894
5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 5153.111 of 2895
the Revised Code, any relevant information contained in records 2896
that have been sealed under section 2953.32 of the Revised Code; 2897

(2) If the request received by the superintendent asks for 2898
information from the federal bureau of investigation, the 2899
superintendent shall request from the federal bureau of 2900
investigation any information it has with respect to the person 2901
who is the subject of the criminal records check, including 2902
fingerprint-based checks of national crime information databases 2903
as described in 42 U.S.C. 671 if the request is made pursuant to 2904
section 2151.86 or 5104.013 of the Revised Code or if any other 2905
Revised Code section requires fingerprint-based checks of that 2906
nature, and shall review or cause to be reviewed any information 2907
the superintendent receives from that bureau. If a request under 2908
section 3319.39 of the Revised Code asks only for information 2909
from the federal bureau of investigation, the superintendent 2910

shall not conduct the review prescribed by division (B) (1) of 2911
this section. 2912

(3) The superintendent or the superintendent's designee 2913
may request criminal history records from other states or the 2914
federal government pursuant to the national crime prevention and 2915
privacy compact set forth in section 109.571 of the Revised 2916
Code. 2917

(4) The superintendent shall include in the results of the 2918
criminal records check a list or description of the offenses 2919
listed or described in division (A) (1), (2), (3), (4), (5), (6), 2920
(7), (8), (9), (10), (11), (12), (13), (14), (15), (16), or (17) 2921
of this section, whichever division requires the superintendent 2922
to conduct the criminal records check. The superintendent shall 2923
exclude from the results any information the dissemination of 2924
which is prohibited by federal law. 2925

(5) The superintendent shall send the results of the 2926
criminal records check to the person to whom it is to be sent 2927
not later than the following number of days after the date the 2928
superintendent receives the request for the criminal records 2929
check, the completed form prescribed under division (C) (1) of 2930
this section, and the set of fingerprint impressions obtained in 2931
the manner described in division (C) (2) of this section: 2932

(a) If the superintendent is required by division (A) of 2933
this section (other than division (A) (3) of this section) to 2934
conduct the criminal records check, thirty; 2935

(b) If the superintendent is required by division (A) (3) 2936
of this section to conduct the criminal records check, sixty. 2937

(C) (1) The superintendent shall prescribe a form to obtain 2938
the information necessary to conduct a criminal records check 2939

from any person for whom a criminal records check is to be 2940
conducted under this section. The form that the superintendent 2941
prescribes pursuant to this division may be in a tangible 2942
format, in an electronic format, or in both tangible and 2943
electronic formats. 2944

(2) The superintendent shall prescribe standard impression 2945
sheets to obtain the fingerprint impressions of any person for 2946
whom a criminal records check is to be conducted under this 2947
section. Any person for whom a records check is to be conducted 2948
under this section shall obtain the fingerprint impressions at a 2949
county sheriff's office, municipal police department, or any 2950
other entity with the ability to make fingerprint impressions on 2951
the standard impression sheets prescribed by the superintendent. 2952
The office, department, or entity may charge the person a 2953
reasonable fee for making the impressions. The standard 2954
impression sheets the superintendent prescribes pursuant to this 2955
division may be in a tangible format, in an electronic format, 2956
or in both tangible and electronic formats. 2957

(3) Subject to division (D) of this section, the 2958
superintendent shall prescribe and charge a reasonable fee for 2959
providing a criminal records check under this section. The 2960
person requesting the criminal records check shall pay the fee 2961
prescribed pursuant to this division. In the case of a request 2962
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 2963
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 2964
fee shall be paid in the manner specified in that section. 2965

(4) The superintendent of the bureau of criminal 2966
identification and investigation may prescribe methods of 2967
forwarding fingerprint impressions and information necessary to 2968
conduct a criminal records check, which methods shall include, 2969

but not be limited to, an electronic method. 2970

(D) The results of a criminal records check conducted 2971
under this section, other than a criminal records check 2972
specified in division (A) (7) of this section, are valid for the 2973
person who is the subject of the criminal records check for a 2974
period of one year from the date upon which the superintendent 2975
completes the criminal records check. If during that period the 2976
superintendent receives another request for a criminal records 2977
check to be conducted under this section for that person, the 2978
superintendent shall provide the results from the previous 2979
criminal records check of the person at a lower fee than the fee 2980
prescribed for the initial criminal records check. 2981

(E) When the superintendent receives a request for 2982
information from a registered private provider, the 2983
superintendent shall proceed as if the request was received from 2984
a school district board of education under section 3319.39 of 2985
the Revised Code. The superintendent shall apply division (A) (1) 2986
(c) of this section to any such request for an applicant who is 2987
a teacher. 2988

(F) (1) Subject to division (F) (2) of this section, all 2989
information regarding the results of a criminal records check 2990
conducted under this section that the superintendent reports or 2991
sends under division (A) (7) or (9) of this section to the 2992
director of public safety, the treasurer of state, or the 2993
person, board, or entity that made the request for the criminal 2994
records check shall relate to the conviction of the subject 2995
person, or the subject person's plea of guilty to, a criminal 2996
offense. 2997

(2) Division (F) (1) of this section does not limit, 2998
restrict, or preclude the superintendent's release of 2999

information that relates to the arrest of a person who is 3000
eighteen years of age or older, to an adjudication of a child as 3001
a delinquent child, or to a criminal conviction of a person 3002
under eighteen years of age in circumstances in which a release 3003
of that nature is authorized under division (E) (2), (3), or (4) 3004
of section 109.57 of the Revised Code pursuant to a rule adopted 3005
under division (E) (1) of that section. 3006

(G) As used in this section: 3007

(1) "Criminal records check" means any criminal records 3008
check conducted by the superintendent of the bureau of criminal 3009
identification and investigation in accordance with division (B) 3010
of this section. 3011

(2) "Minor drug possession offense" has the same meaning 3012
as in section 2925.01 of the Revised Code. 3013

(3) "OVI or OVUAC violation" means a violation of section 3014
4511.19 of the Revised Code or a violation of an existing or 3015
former law of this state, any other state, or the United States 3016
that is substantially equivalent to section 4511.19 of the 3017
Revised Code. 3018

(4) "Registered private provider" means a nonpublic school 3019
or entity registered with the superintendent of public 3020
instruction under section 3310.41 of the Revised Code to 3021
participate in the autism scholarship program or section 3310.58 3022
of the Revised Code to participate in the Jon Peterson special 3023
needs scholarship program. 3024

Section 4. That the existing version of section 109.572 of 3025
the Revised Code that is scheduled to take effect on September 3026
20, 2019, is hereby repealed. 3027

Section 5. That the versions of sections 3719.01, 3719.41, 3028

and 4729.01 of the Revised Code that are scheduled to take 3029
effect on March 22, 2020, be amended to read as follows: 3030

Sec. 3719.01. As used in this chapter: 3031

(A) "Administer" means the direct application of a drug, 3032
whether by injection, inhalation, ingestion, or any other means 3033
to a person or an animal. 3034

(B) "Drug enforcement administration" means the drug 3035
enforcement administration of the United States department of 3036
justice or its successor agency. 3037

(C) "Controlled substance" means a drug, compound, 3038
mixture, preparation, or substance included in schedule I, II, 3039
III, IV, or V. 3040

(D) "Dangerous drug" has the same meaning as in section 3041
4729.01 of the Revised Code. 3042

(E) "Dispense" means to sell, leave with, give away, 3043
dispose of, or deliver. 3044

(F) "Distribute" means to deal in, ship, transport, or 3045
deliver but does not include administering or dispensing a drug. 3046

(G) "Drug" has the same meaning as in section 4729.01 of 3047
the Revised Code. 3048

(H) "Drug abuse offense" and "felony drug abuse offense" 3049
have the same meanings as in section 2925.01 of the Revised 3050
Code. 3051

(I) "Federal drug abuse control laws" means the 3052
"Comprehensive Drug Abuse Prevention and Control Act of 1970," 3053
84 Stat. 1242, 21 U.S.C. 801, as amended. 3054

(J) "Hospital" means a facility registered as a hospital 3055

with the department of health under section 3701.07 of the Revised Code. 3056
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(K) "Hypodermic" means a hypodermic syringe or needle, or other instrument or device for the injection of medication. 3058
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(L) "Manufacturer" means a person who manufactures a controlled substance, as "manufacture" is defined in section 3715.01 of the Revised Code, and includes a "manufacturer of dangerous drugs" as defined in section 4729.01 of the Revised Code. 3060
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(M) "Marihuana" means all parts of a plant of the genus cannabis, whether growing or not; the seeds of a plant of that type; the resin extracted from a part of a plant of that type; and every compound, manufacture, salt, derivative, mixture, or preparation of a plant of that type or of its seeds or resin. 3065
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"Marihuana" does not include the mature stalks of the plant, fiber produced from the stalks, oils or cake made from the seeds of the plant, or any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from the mature stalks, fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination. "Marihuana" does not include "hemp" or a "hemp product" as those terms are defined in section 928.01 of the Revised Code. 3070
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(N) "Narcotic drugs" means coca leaves, opium, isonipecaine, amidone, isoamidone, ketobemidone, as defined in this division, and every substance not chemically distinguished from them and every drug, other than cannabis, that may be included in the meaning of "narcotic drug" under the federal drug abuse control laws. As used in this division: 3079
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(1) "Coca leaves" includes cocaine and any compound, 3085
manufacture, salt, derivative, mixture, or preparation of coca 3086
leaves, except derivatives of coca leaves, that does not contain 3087
cocaine, ecgonine, or substances from which cocaine or ecgonine 3088
may be synthesized or made. 3089

(2) "Isonipecaine" means any substance identified 3090
chemically as 1-methyl-4-phenyl-piperidine-4-carboxylic acid 3091
ethyl ester, or any salt thereof, by whatever trade name 3092
designated. 3093

(3) "Amidone" means any substance identified chemically as 3094
4-4-diphenyl-6-dimethylamino-heptanone-3, or any salt thereof, 3095
by whatever trade name designated. 3096

(4) "Isoamidone" means any substance identified chemically 3097
as 4-4-diphenyl-5-methyl-6-dimethylaminohexanone-3, or any salt 3098
thereof, by whatever trade name designated. 3099

(5) "Ketobemidone" means any substance identified 3100
chemically as 4-(3-hydroxyphenyl)-1-methyl-4-piperidyl ethyl 3101
ketone hydrochloride, or any salt thereof, by whatever trade 3102
name designated. 3103

(6) "Cocaine" has the same meaning as in section 2925.01 3104
of the Revised Code. 3105

(O) "Official written order" means an order written on a 3106
form provided for that purpose by the director of the United 3107
States drug enforcement administration, under any laws of the 3108
United States making provision for the order, if the order forms 3109
are authorized and required by federal law. 3110

(P) "Person" means any individual, corporation, 3111
government, governmental subdivision or agency, business trust, 3112
estate, trust, partnership, association, or other legal entity. 3113

(Q) "Pharmacist" means a person licensed under Chapter	3114
4729. of the Revised Code to engage in the practice of pharmacy.	3115
(R) "Pharmacy" has the same meaning as in section 4729.01	3116
of the Revised Code.	3117
(S) "Poison" means any drug, chemical, or preparation	3118
likely to be deleterious or destructive to adult human life in	3119
quantities of four grams or less.	3120
(T) "Licensed health professional authorized to prescribe	3121
drugs," "prescriber," and "prescription" have the same meanings	3122
as in section 4729.01 of the Revised Code.	3123
(U) "Sale" includes delivery, barter, exchange, transfer,	3124
or gift, or offer thereof, and each transaction of those natures	3125
made by any person, whether as principal, proprietor, agent,	3126
servant, or employee.	3127
(V) "Schedule I," "schedule II," "schedule III," "schedule	3128
IV," and "schedule V" mean controlled substance schedules I, II,	3129
III, IV, and V, respectively, as established by rule adopted	3130
under section 3719.41 of the Revised Code, as amended pursuant	3131
to section 3719.43 or 3719.44 of the Revised Code, or as	3132
established by emergency rule adopted under section 3719.45 of	3133
the Revised Code.	3134
(W) "Wholesaler" means a person who, on official written	3135
orders other than prescriptions, supplies controlled substances	3136
that the person has not manufactured, produced, or prepared	3137
personally and includes a "wholesale distributor of dangerous	3138
drugs" as defined in section 4729.01 of the Revised Code.	3139
(X) "Animal shelter" means a facility operated by a humane	3140
society or any society organized under Chapter 1717. of the	3141
Revised Code or a dog pound operated pursuant to Chapter 955. of	3142

the Revised Code. 3143

(Y) "Terminal distributor of dangerous drugs" has the same 3144
meaning as in section 4729.01 of the Revised Code. 3145

(Z) (1) "Controlled substance analog" means, except as 3146
provided in division (Z) (2) of this section, a substance to 3147
which both of the following apply: 3148

(a) The chemical structure of the substance is 3149
substantially similar to the structure of a controlled substance 3150
in schedule I or II. 3151

(b) One of the following applies regarding the substance: 3152

(i) The substance has a stimulant, depressant, or 3153
hallucinogenic effect on the central nervous system that is 3154
substantially similar to or greater than the stimulant, 3155
depressant, or hallucinogenic effect on the central nervous 3156
system of a controlled substance in schedule I or II. 3157

(ii) With respect to a particular person, that person 3158
represents or intends the substance to have a stimulant, 3159
depressant, or hallucinogenic effect on the central nervous 3160
system that is substantially similar to or greater than the 3161
stimulant, depressant, or hallucinogenic effect on the central 3162
nervous system of a controlled substance in schedule I or II. 3163

(2) "Controlled substance analog" does not include any of 3164
the following: 3165

(a) A controlled substance; 3166

(b) Any substance for which there is an approved new drug 3167
application; 3168

(c) With respect to a particular person, any substance if 3169

an exemption is in effect for investigational use for that 3170
person pursuant to federal law to the extent that conduct with 3171
respect to that substance is pursuant to that exemption; 3172

(d) Any substance to the extent it is not intended for 3173
human consumption before the exemption described in division (Z) 3174
(2) (b) of this section takes effect with respect to that 3175
substance. 3176

(AA) "Benzodiazepine" means a controlled substance that 3177
has United States food and drug administration approved labeling 3178
indicating that it is a benzodiazepine, benzodiazepine 3179
derivative, triazolobenzodiazepine, or triazolobenzodiazepine 3180
derivative, including the following drugs and their varying salt 3181
forms or chemical congeners: alprazolam, chlordiazepoxide 3182
hydrochloride, clobazam, clonazepam, clorazepate, diazepam, 3183
estazolam, flurazepam hydrochloride, lorazepam, midazolam, 3184
oxazepam, quazepam, temazepam, and triazolam. 3185

(BB) "Opioid analgesic" means a controlled substance that 3186
has analgesic pharmacologic activity at the opioid receptors of 3187
the central nervous system, including the following drugs and 3188
their varying salt forms or chemical congeners: buprenorphine, 3189
butorphanol, codeine (including acetaminophen and other 3190
combination products), dihydrocodeine, fentanyl, hydrocodone 3191
(including acetaminophen combination products), hydromorphone, 3192
meperidine, methadone, morphine sulfate, oxycodone (including 3193
acetaminophen, aspirin, and other combination products), 3194
oxymorphone, tapentadol, and tramadol. 3195

(CC) "Outsourcing facility," "repackager of dangerous 3196
drugs," and "third-party logistics provider" have the same 3197
meanings as in section 4729.01 of the Revised Code. 3198

Sec. 3719.41. (A) For purposes of administration, 3199
enforcement, and regulation of the manufacture, distribution, 3200
dispensing, and possession of controlled substances, the state 3201
board of pharmacy shall adopt rules in accordance with Chapter 3202
119. of the Revised Code establishing schedule I, schedule II, 3203
schedule III, schedule IV, and schedule V incorporating the five 3204
schedules of controlled substances under the federal drug abuse 3205
control laws. 3206

The board may include in the schedules any compound, 3207
mixture, preparation, or substance that was included in the 3208
schedules immediately prior to ~~the effective date of this~~ 3209
~~amendment~~ March 22, 2020, as long as the inclusion does not have 3210
the effect of providing less stringent control of the compound, 3211
mixture, preparation, or substance than is provided under the 3212
federal drug abuse control laws or regulations adopted under 3213
those laws. 3214

(B) Except as provided in section 3719.45 of the Revised 3215
Code, the board periodically shall update the schedules by rule 3216
adopted in accordance with Chapter 119. of the Revised Code to 3217
correspond to any change in the federal drug abuse control laws 3218
or regulations adopted under those laws, any addition, transfer, 3219
or removal by congress or the attorney general of the United 3220
States as described in section 3719.43 of the Revised Code, and 3221
any addition, transfer, or removal by the board by rule adopted 3222
under section 3719.44 of the Revised Code. 3223

(C) Notwithstanding divisions (A) and (B) of this section, 3224
the board shall not adopt rules including hemp or a hemp product 3225
in a schedule as a controlled substance. 3226

(D) As used in this section, "hemp" and "hemp product" 3227
have the same meanings as in section 928.01 of the Revised Code. 3228

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

individual's drug therapy;	3257
(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;	3258 3259 3260 3261
(9) Engaging in the administration of immunizations to the extent authorized by section 4729.41 of the Revised Code;	3262 3263
(10) Engaging in the administration of drugs to the extent authorized by section 4729.45 of the Revised Code.	3264 3265
(C) "Compounding" means the preparation, mixing, assembling, packaging, and labeling of one or more drugs in any of the following circumstances:	3266 3267 3268
(1) Pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs;	3269 3270
(2) Pursuant to the modification of a prescription made in accordance with a consult agreement;	3271 3272
(3) As an incident to research, teaching activities, or chemical analysis;	3273 3274
(4) In anticipation of orders for drugs pursuant to prescriptions, based on routine, regularly observed dispensing patterns;	3275 3276 3277
(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:	3278 3279 3280 3281 3282
(a) At the time the request is made, the drug is not	3283

commercially available regardless of the reason that the drug is 3284
not available, including the absence of a manufacturer for the 3285
drug or the lack of a readily available supply of the drug from 3286
a manufacturer. 3287

(b) A limited quantity of the drug is compounded and 3288
provided to the professional. 3289

(c) The drug is compounded and provided to the 3290
professional as an occasional exception to the normal practice 3291
of dispensing drugs pursuant to patient-specific prescriptions. 3292

(D) "Consult agreement" means an agreement that has been 3293
entered into under section 4729.39 of the Revised Code. 3294

(E) "Drug" means: 3295

(1) Any article recognized in the United States 3296
pharmacopoeia and national formulary, or any supplement to them, 3297
intended for use in the diagnosis, cure, mitigation, treatment, 3298
or prevention of disease in humans or animals; 3299

(2) Any other article intended for use in the diagnosis, 3300
cure, mitigation, treatment, or prevention of disease in humans 3301
or animals; 3302

(3) Any article, other than food, intended to affect the 3303
structure or any function of the body of humans or animals; 3304

(4) Any article intended for use as a component of any 3305
article specified in division (E) (1), (2), or (3) of this 3306
section; but does not include devices or their components, 3307
parts, or accessories. 3308

"Drug" does not include "hemp" or a "hemp product" as 3309
those terms are defined in section 928.01 of the Revised Code. 3310

(F) "Dangerous drug" means any of the following:	3311
(1) Any drug to which either of the following applies:	3312
(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;	3313 3314 3315 3316 3317 3318 3319
(b) Under Chapter 3715. or 3719. of the Revised Code, the drug may be dispensed only upon a prescription.	3320 3321
(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;	3322 3323 3324
(3) Any drug intended for administration by injection into the human body other than through a natural orifice of the human body;	3325 3326 3327
(4) Any drug that is a biological product, as defined in section 3715.01 of the Revised Code.	3328 3329
(G) "Federal drug abuse control laws" has the same meaning as in section 3719.01 of the Revised Code.	3330 3331
(H) "Prescription" means all of the following:	3332
(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;	3333 3334 3335 3336
(2) For purposes of sections 2925.61, 4723.488, 4730.431,	3337

and 4731.94 of the Revised Code, a written, electronic, or oral 3338
order for naloxone issued to and in the name of a family member, 3339
friend, or other individual in a position to assist an 3340
individual who there is reason to believe is at risk of 3341
experiencing an opioid-related overdose. 3342

(3) For purposes of section 4729.44 of the Revised Code, a 3343
written, electronic, or oral order for naloxone issued to and in 3344
the name of either of the following: 3345

(a) An individual who there is reason to believe is at 3346
risk of experiencing an opioid-related overdose; 3347

(b) A family member, friend, or other individual in a 3348
position to assist an individual who there is reason to believe 3349
is at risk of experiencing an opioid-related overdose. 3350

(4) For purposes of sections 4723.4810, 4729.282, 3351
4730.432, and 4731.93 of the Revised Code, a written, 3352
electronic, or oral order for a drug to treat chlamydia, 3353
gonorrhoea, or trichomoniasis issued to and in the name of a 3354
patient who is not the intended user of the drug but is the 3355
sexual partner of the intended user; 3356

(5) For purposes of sections 3313.7110, 3313.7111, 3357
3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 3358
4731.96, and 5101.76 of the Revised Code, a written, electronic, 3359
or oral order for an epinephrine autoinjector issued to and in 3360
the name of a school, school district, or camp; 3361

(6) For purposes of Chapter 3728. and sections 4723.483, 3362
4729.88, 4730.433, and 4731.96 of the Revised Code, a written, 3363
electronic, or oral order for an epinephrine autoinjector issued 3364
to and in the name of a qualified entity, as defined in section 3365
3728.01 of the Revised Code. 3366

(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.	3396
(K) "Wholesale sale" and "sale at wholesale" mean any sale	3397
in which the purpose of the purchaser is to resell the article	3398
purchased or received by the purchaser.	3399
(L) "Retail sale" and "sale at retail" mean any sale other	3400
than a wholesale sale or sale at wholesale.	3401
(M) "Retail seller" means any person that sells any	3402
dangerous drug to consumers without assuming control over and	3403
responsibility for its administration. Mere advice or	3404
instructions regarding administration do not constitute control	3405
or establish responsibility.	3406
(N) "Price information" means the price charged for a	3407
prescription for a particular drug product and, in an easily	3408
understandable manner, all of the following:	3409
(1) The proprietary name of the drug product;	3410
(2) The established (generic) name of the drug product;	3411
(3) The strength of the drug product if the product	3412
contains a single active ingredient or if the drug product	3413
contains more than one active ingredient and a relevant strength	3414
can be associated with the product without indicating each	3415
active ingredient. The established name and quantity of each	3416
active ingredient are required if such a relevant strength	3417
cannot be so associated with a drug product containing more than	3418
one ingredient.	3419
(4) The dosage form;	3420
(5) The price charged for a specific quantity of the drug	3421
product. The stated price shall include all charges to the	3422
consumer, including, but not limited to, the cost of the drug	3423

product, professional fees, handling fees, if any, and a 3424
statement identifying professional services routinely furnished 3425
by the pharmacy. Any mailing fees and delivery fees may be 3426
stated separately without repetition. The information shall not 3427
be false or misleading. 3428

(O) "Wholesale distributor of dangerous drugs" or 3429
"wholesale distributor" means a person engaged in the sale of 3430
dangerous drugs at wholesale and includes any agent or employee 3431
of such a person authorized by the person to engage in the sale 3432
of dangerous drugs at wholesale. 3433

(P) "Manufacturer of dangerous drugs" or "manufacturer" 3434
means a person, other than a pharmacist or prescriber, who 3435
manufactures dangerous drugs and who is engaged in the sale of 3436
those dangerous drugs. 3437

(Q) "Terminal distributor of dangerous drugs" or "terminal 3438
distributor" means a person who is engaged in the sale of 3439
dangerous drugs at retail, or any person, other than a 3440
manufacturer, repackager, outsourcing facility, third-party 3441
logistics provider, wholesale distributor, or pharmacist, who 3442
has possession, custody, or control of dangerous drugs for any 3443
purpose other than for that person's own use and consumption. 3444
"Terminal distributor" includes pharmacies, hospitals, nursing 3445
homes, and laboratories and all other persons who procure 3446
dangerous drugs for sale or other distribution by or under the 3447
supervision of a pharmacist, licensed health professional 3448
authorized to prescribe drugs, or other person authorized by the 3449
state board of pharmacy. 3450

(R) "Promote to the public" means disseminating a 3451
representation to the public in any manner or by any means, 3452
other than by labeling, for the purpose of inducing, or that is 3453

likely to induce, directly or indirectly, the purchase of a 3454
dangerous drug at retail. 3455

(S) "Person" includes any individual, partnership, 3456
association, limited liability company, or corporation, the 3457
state, any political subdivision of the state, and any district, 3458
department, or agency of the state or its political 3459
subdivisions. 3460

(T) "Animal shelter" means a facility operated by a humane 3461
society or any society organized under Chapter 1717. of the 3462
Revised Code or a dog pound operated pursuant to Chapter 955. of 3463
the Revised Code. 3464

(U) "Food" has the same meaning as in section 3715.01 of 3465
the Revised Code. 3466

(V) "Pain management clinic" has the same meaning as in 3467
section 4731.054 of the Revised Code. 3468

(W) "Investigational drug or product" means a drug or 3469
product that has successfully completed phase one of the United 3470
States food and drug administration clinical trials and remains 3471
under clinical trial, but has not been approved for general use 3472
by the United States food and drug administration. 3473
"Investigational drug or product" does not include controlled 3474
substances in schedule I, as defined in section 3719.01 of the 3475
Revised Code. 3476

(X) "Product," when used in reference to an 3477
investigational drug or product, means a biological product, 3478
other than a drug, that is made from a natural human, animal, or 3479
microorganism source and is intended to treat a disease or 3480
medical condition. 3481

(Y) "Third-party logistics provider" means a person that 3482

provides or coordinates warehousing or other logistics services 3483
pertaining to dangerous drugs including distribution, on behalf 3484
of a manufacturer, wholesale distributor, or terminal 3485
distributor of dangerous drugs, but does not take ownership of 3486
the drugs or have responsibility to direct the sale or 3487
disposition of the drugs. 3488

(Z) "Repackager of dangerous drugs" or "repackager" means 3489
a person that repacks and relabels dangerous drugs for sale or 3490
distribution. 3491

(AA) "Outsourcing facility" means a facility that is 3492
engaged in the compounding and sale of sterile drugs and is 3493
registered as an outsourcing facility with the United States 3494
food and drug administration. 3495

(BB) "Laboratory" means a laboratory licensed under this 3496
chapter as a terminal distributor of dangerous drugs and 3497
entrusted to have custody of any of the following drugs and to 3498
use the drugs for scientific and clinical purposes and for 3499
purposes of instruction: dangerous drugs that are not controlled 3500
substances, as defined in section 3719.01 of the Revised Code; 3501
dangerous drugs that are controlled substances, as defined in 3502
that section; and controlled substances in schedule I, as 3503
defined in that section. 3504

Section 6. That the existing versions of sections 3719.01, 3505
3719.41, and 4729.01 of the Revised Code that are scheduled to 3506
take effect on March 22, 2020, are hereby repealed. 3507

Section 7. Not later than one hundred eighty days after 3508
the effective date of this section, the Director of Agriculture, 3509
in consultation with the Governor and Attorney General, shall 3510
submit a plan for the regulation of hemp cultivation to the 3511

Secretary of the United States Department of Agriculture for 3512
approval in accordance with the Agriculture Improvement Act of 3513
2018, Pub. L. No. 115-334. 3514

Section 8. (A) Any person that had hemp or a hemp product 3515
seized prior to the effective date of this section may request 3516
the law enforcement agency responsible for the seizure to 3517
release the hemp or hemp product if the hemp or hemp product has 3518
not been disposed of in accordance with Chapter 2981. of the 3519
Revised Code prior to the effective date of this section, 3520
provided that either of the following apply: 3521

(1) The person requesting its release demonstrates that 3522
the seized hemp or hemp product was cultivated or processed 3523
outside Ohio in accordance with federal law; or 3524

(2) The person pays for testing to demonstrate that the 3525
hemp or hemp product has not more than three-tenths per cent on 3526
a dry weight basis of delta-9 tetrahydrocannabinol 3527
concentration, as defined in section 928.01 of the Revised Code. 3528

(B) The state is not liable for damages to any person for 3529
the seizure or disposition of hemp or a hemp product that 3530
occurred prior to the effective date of this section. 3531

(C) As used in this section: 3532

(1) "Hemp," "hemp product," "cultivate," and "process" 3533
have the same meanings as in section 928.01 of the Revised Code. 3534

(2) "Law enforcement agency" has the same meaning as in 3535
section 2981.01 of the Revised Code. 3536

Section 9. Section 109.572 of the Revised Code is 3537
presented in this act as a composite of the section as amended 3538
by Am. Sub. H.B. 49, Sub. H.B. 199, Sub. H.B. 213, Am. Sub. S.B. 3539

51, Sub. S.B. 229, and Am. Sub. S.B. 255, all of the 132nd 3540
General Assembly. The General Assembly, applying the principle 3541
stated in division (B) of section 1.52 of the Revised Code that 3542
amendments are to be harmonized if reasonably capable of 3543
simultaneous operation, finds that the composite is the 3544
resulting version of the section in effect prior to the 3545
effective date of the section as presented in this act. 3546

Section 4729.01 of the Revised Code is presented in this 3547
act as a composite of the section as amended by both Sub. S.B. 3548
119 and Sub. S.B. 229 of the 132nd General Assembly. The General 3549
Assembly, applying the principle stated in division (B) of 3550
section 1.52 of the Revised Code that amendments are to be 3551
harmonized if reasonably capable of simultaneous operation, 3552
finds that the composite is the resulting version of the section 3553
in effect prior to the effective date of the section as 3554
presented in this act. 3555

Section 5713.30 of the Revised Code is presented in this 3556
act as a composite of the section as amended by both Sub. S.B. 3557
75 and Sub. S.B. 523 of the 131st General Assembly. The General 3558
Assembly, applying the principle stated in division (B) of 3559
section 1.52 of the Revised Code that amendments are to be 3560
harmonized if reasonably capable of simultaneous operation, 3561
finds that the composite is the resulting version of the section 3562
in effect prior to the effective date of the section as 3563
presented in this act. 3564

Section 10. This act is hereby declared to be an emergency 3565
measure necessary for the immediate preservation of the public 3566
peace, health, and safety. The reason for such necessity is that 3567
changes to Ohio law are necessary to advance and promote hemp 3568
and hemp products and to achieve consistency and conformity with 3569

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

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