

**As Introduced**

**134th General Assembly**

**Regular Session**

**2021-2022**

**H. B. No. 498**

**Representatives Callender, Ferguson**

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**A BILL**

To amend sections 109.572, 2925.02, 2925.03, 1  
2925.04, 2925.11, 2925.12, 2925.14, 2925.36, 2  
2925.38, 3796.01, 3796.02, 3796.03, 3796.032, 3  
3796.05, 3796.06, 3796.061, 3796.07, 3796.08, 4  
3796.09, 3796.10, 3796.11, 3796.12, 3796.13, 5  
3796.14, 3796.15, 3796.16, 3796.17, 3796.18, 6  
3796.19, 3796.20, 3796.21, 3796.22, 3796.23, 7  
3796.24, 3796.27, 3796.28, 3796.29, 3796.30, 8  
4123.34, 4510.17, 4729.24, 4729.75, 4729.772, 9  
4729.80, 4729.84, 4729.85, 4729.86, 4731.30, 10  
4731.301, 4776.01, 5739.01, 5739.02, 5739.021, 11  
5739.023, 5739.026, 5739.21, 5741.01, 5741.02, 12  
5741.021, 5741.022, 5741.023, and 5741.03; to 13  
enact sections 3796.32, 3796.35, 3796.99, 14  
4743.11, and 5739.214; and to repeal sections 15  
2925.141, 3796.021, 3796.031, 3796.04, 4729.771, 16  
and 4731.302 of the Revised Code to enact the 17  
Ohio Adult Use Act and to levy a tax. 18

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

**Section 1.** That sections 109.572, 2925.02, 2925.03, 19  
2925.04, 2925.11, 2925.12, 2925.14, 2925.36, 2925.38, 3796.01, 20

3796.02, 3796.03, 3796.032, 3796.05, 3796.06, 3796.061, 3796.07, 21  
3796.08, 3796.09, 3796.10, 3796.11, 3796.12, 3796.13, 3796.14, 22  
3796.15, 3796.16, 3796.17, 3796.18, 3796.19, 3796.20, 3796.21, 23  
3796.22, 3796.23, 3796.24, 3796.27, 3796.28, 3796.29, 3796.30, 24  
4123.34, 4510.17, 4729.24, 4729.75, 4729.772, 4729.80, 4729.84, 25  
4729.85, 4729.86, 4731.30, 4731.301, 4776.01, 5739.01, 5739.02, 26  
5739.021, 5739.023, 5739.026, 5739.21, 5741.01, 5741.02, 27  
5741.021, 5741.022, 5741.023, and 5741.03 be amended and 28  
sections 3796.32, 3796.35, 3796.99, 4743.11, and 5739.214 of the 29  
Revised Code be enacted to read as follows: 30

**Sec. 109.572.** (A) (1) Upon receipt of a request pursuant to 31  
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 32  
Code, a completed form prescribed pursuant to division (C) (1) of 33  
this section, and a set of fingerprint impressions obtained in 34  
the manner described in division (C) (2) of this section, the 35  
superintendent of the bureau of criminal identification and 36  
investigation shall conduct a criminal records check in the 37  
manner described in division (B) of this section to determine 38  
whether any information exists that indicates that the person 39  
who is the subject of the request previously has been convicted 40  
of or pleaded guilty to any of the following: 41

(a) A violation of section 2903.01, 2903.02, 2903.03, 42  
2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 43  
2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 44  
2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 45  
2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 46  
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 47  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 48  
2923.12, 2923.13, 2923.161, 2923.17, 2923.21, 2923.42, 2925.02, 49  
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 50  
2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 2925.37, or 3716.11 51

of the Revised Code, felonious sexual penetration in violation 52  
of former section 2907.12 of the Revised Code, a violation of 53  
section 2905.04 of the Revised Code as it existed prior to July 54  
1, 1996, a violation of section 2919.23 of the Revised Code that 55  
would have been a violation of section 2905.04 of the Revised 56  
Code as it existed prior to July 1, 1996, had the violation been 57  
committed prior to that date, or a violation of section 2925.11 58  
of the Revised Code that is not a minor drug possession offense; 59

(b) A violation of an existing or former law of this 60  
state, any other state, or the United States that is 61  
substantially equivalent to any of the offenses listed in 62  
division (A) (1) (a) of this section; 63

(c) If the request is made pursuant to section 3319.39 of 64  
the Revised Code for an applicant who is a teacher, any offense 65  
specified under section 9.79 of the Revised Code or in section 66  
3319.31 of the Revised Code. 67

(2) On receipt of a request pursuant to section 3712.09 or 68  
3721.121 of the Revised Code, a completed form prescribed 69  
pursuant to division (C) (1) of this section, and a set of 70  
fingerprint impressions obtained in the manner described in 71  
division (C) (2) of this section, the superintendent of the 72  
bureau of criminal identification and investigation shall 73  
conduct a criminal records check with respect to any person who 74  
has applied for employment in a position for which a criminal 75  
records check is required by those sections. The superintendent 76  
shall conduct the criminal records check in the manner described 77  
in division (B) of this section to determine whether any 78  
information exists that indicates that the person who is the 79  
subject of the request previously has been convicted of or 80  
pleaded guilty to any of the following: 81

(a) A violation of section 2903.01, 2903.02, 2903.03, 82  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 83  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 84  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 85  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 86  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 87  
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 88  
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 89  
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 90

(b) An existing or former law of this state, any other 91  
state, or the United States that is substantially equivalent to 92  
any of the offenses listed in division (A)(2)(a) of this 93  
section. 94

(3) On receipt of a request pursuant to section 173.27, 95  
173.38, 173.381, 3740.11, 5119.34, 5164.34, 5164.341, 5164.342, 96  
5123.081, or 5123.169 of the Revised Code, a completed form 97  
prescribed pursuant to division (C)(1) of this section, and a 98  
set of fingerprint impressions obtained in the manner described 99  
in division (C)(2) of this section, the superintendent of the 100  
bureau of criminal identification and investigation shall 101  
conduct a criminal records check of the person for whom the 102  
request is made. The superintendent shall conduct the criminal 103  
records check in the manner described in division (B) of this 104  
section to determine whether any information exists that 105  
indicates that the person who is the subject of the request 106  
previously has been convicted of, has pleaded guilty to, or 107  
(except in the case of a request pursuant to section 5164.34, 108  
5164.341, or 5164.342 of the Revised Code) has been found 109  
eligible for intervention in lieu of conviction for any of the 110  
following, regardless of the date of the conviction, the date of 111  
entry of the guilty plea, or (except in the case of a request 112

pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised Code) the date the person was found eligible for intervention in lieu of conviction:

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 2919.124, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14, ~~2925.141~~, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code;

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

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

(d) A violation of section 2923.01, 2923.02, or 2923.03 of the Revised Code when the underlying offense that is the object of the conspiracy, attempt, or complicity is one of the offenses

listed in divisions (A) (3) (a) to (c) of this section;	143
(e) A violation of an existing or former municipal ordinance or law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in divisions (A) (3) (a) to (d) of this section.	144 145 146 147
(4) On receipt of a request pursuant to section 2151.86 or 2151.904 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:	148 149 150 151 152 153 154 155 156 157 158
(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 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, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been	159 160 161 162 163 164 165 166 167 168 169 170 171 172

committed prior to that date, a violation of section 2925.11 of 173  
the Revised Code that is not a minor drug possession offense, 174  
two or more OVI or OVUAC violations committed within the three 175  
years immediately preceding the submission of the application or 176  
petition that is the basis of the request, or felonious sexual 177  
penetration in violation of former section 2907.12 of the 178  
Revised Code; 179

(b) A violation of an existing or former law of this 180  
state, any other state, or the United States that is 181  
substantially equivalent to any of the offenses listed in 182  
division (A) (4) (a) of this section. 183

(5) Upon receipt of a request pursuant to section 5104.013 184  
of the Revised Code, a completed form prescribed pursuant to 185  
division (C) (1) of this section, and a set of fingerprint 186  
impressions obtained in the manner described in division (C) (2) 187  
of this section, the superintendent of the bureau of criminal 188  
identification and investigation shall conduct a criminal 189  
records check in the manner described in division (B) of this 190  
section to determine whether any information exists that 191  
indicates that the person who is the subject of the request has 192  
been convicted of or pleaded guilty to any of the following: 193

(a) A violation of section 2151.421, 2903.01, 2903.02, 194  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 195  
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 196  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 197  
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 198  
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 199  
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 200  
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 201  
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 202

2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 203  
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 204  
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 205  
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 206  
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 207  
3716.11 of the Revised Code, felonious sexual penetration in 208  
violation of former section 2907.12 of the Revised Code, a 209  
violation of section 2905.04 of the Revised Code as it existed 210  
prior to July 1, 1996, a violation of section 2919.23 of the 211  
Revised Code that would have been a violation of section 2905.04 212  
of the Revised Code as it existed prior to July 1, 1996, had the 213  
violation been committed prior to that date, a violation of 214  
section 2925.11 of the Revised Code that is not a minor drug 215  
possession offense, a violation of section 2923.02 or 2923.03 of 216  
the Revised Code that relates to a crime specified in this 217  
division, or a second violation of section 4511.19 of the 218  
Revised Code within five years of the date of application for 219  
licensure or certification. 220

(b) A violation of an existing or former law of this 221  
state, any other state, or the United States that is 222  
substantially equivalent to any of the offenses or violations 223  
described in division (A) (5) (a) of this section. 224

(6) Upon receipt of a request pursuant to section 5153.111 225  
of the Revised Code, a completed form prescribed pursuant to 226  
division (C) (1) of this section, and a set of fingerprint 227  
impressions obtained in the manner described in division (C) (2) 228  
of this section, the superintendent of the bureau of criminal 229  
identification and investigation shall conduct a criminal 230  
records check in the manner described in division (B) of this 231  
section to determine whether any information exists that 232  
indicates that the person who is the subject of the request 233



previously has been convicted of or pleaded guilty to any of the 234  
following: 235

(a) A violation of section 2903.01, 2903.02, 2903.03, 236  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 237  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 238  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 239  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 240  
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 241  
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 242  
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 243  
Code, felonious sexual penetration in violation of former 244  
section 2907.12 of the Revised Code, a violation of section 245  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 246  
a violation of section 2919.23 of the Revised Code that would 247  
have been a violation of section 2905.04 of the Revised Code as 248  
it existed prior to July 1, 1996, had the violation been 249  
committed prior to that date, or a violation of section 2925.11 250  
of the Revised Code that is not a minor drug possession offense; 251

(b) A violation of an existing or former law of this 252  
state, any other state, or the United States that is 253  
substantially equivalent to any of the offenses listed in 254  
division (A) (6) (a) of this section. 255

(7) On receipt of a request for a criminal records check 256  
from an individual pursuant to section 4749.03 or 4749.06 of the 257  
Revised Code, accompanied by a completed copy of the form 258  
prescribed in division (C) (1) of this section and a set of 259  
fingerprint impressions obtained in a manner described in 260  
division (C) (2) of this section, the superintendent of the 261  
bureau of criminal identification and investigation shall 262  
conduct a criminal records check in the manner described in 263

division (B) of this section to determine whether any 264  
information exists indicating that the person who is the subject 265  
of the request has been convicted of or pleaded guilty to any 266  
criminal offense in this state or in any other state. If the 267  
individual indicates that a firearm will be carried in the 268  
course of business, the superintendent shall require information 269  
from the federal bureau of investigation as described in 270  
division (B)(2) of this section. Subject to division (F) of this 271  
section, the superintendent shall report the findings of the 272  
criminal records check and any information the federal bureau of 273  
investigation provides to the director of public safety. 274

(8) On receipt of a request pursuant to section 1321.37, 275  
1321.53, or 4763.05 of the Revised Code, a completed form 276  
prescribed pursuant to division (C)(1) of this section, and a 277  
set of fingerprint impressions obtained in the manner described 278  
in division (C)(2) of this section, the superintendent of the 279  
bureau of criminal identification and investigation shall 280  
conduct a criminal records check with respect to any person who 281  
has applied for a license, permit, or certification from the 282  
department of commerce or a division in the department. The 283  
superintendent shall conduct the criminal records check in the 284  
manner described in division (B) of this section to determine 285  
whether any information exists that indicates that the person 286  
who is the subject of the request previously has been convicted 287  
of or pleaded guilty to any criminal offense in this state, any 288  
other state, or the United States. 289

(9) On receipt of a request for a criminal records check 290  
from the treasurer of state under section 113.041 of the Revised 291  
Code or from an individual under section 928.03, 4701.08, 292  
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 293  
4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 294

4731.171, 4731.222, 4731.281, 4731.531, 4732.091, 4734.202, 295  
4740.061, 4741.10, 4747.051, 4751.20, 4751.201, 4751.202, 296  
4751.21, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 297  
4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 298  
4776.021, 4778.04, 4778.07, 4779.091, or 4783.04 of the Revised 299  
Code, accompanied by a completed form prescribed under division 300  
(C) (1) of this section and a set of fingerprint impressions 301  
obtained in the manner described in division (C) (2) of this 302  
section, the superintendent of the bureau of criminal 303  
identification and investigation shall conduct a criminal 304  
records check in the manner described in division (B) of this 305  
section to determine whether any information exists that 306  
indicates that the person who is the subject of the request has 307  
been convicted of or pleaded guilty to any criminal offense in 308  
this state or any other state. Subject to division (F) of this 309  
section, the superintendent shall send the results of a check 310  
requested under section 113.041 of the Revised Code to the 311  
treasurer of state and shall send the results of a check 312  
requested under any of the other listed sections to the 313  
licensing board specified by the individual in the request. 314

(10) On receipt of a request pursuant to section 124.74, 315  
718.131, 1121.23, 1315.141, 1733.47, or 1761.26 of the Revised 316  
Code, a completed form prescribed pursuant to division (C) (1) of 317  
this section, and a set of fingerprint impressions obtained in 318  
the manner described in division (C) (2) of this section, the 319  
superintendent of the bureau of criminal identification and 320  
investigation shall conduct a criminal records check in the 321  
manner described in division (B) of this section to determine 322  
whether any information exists that indicates that the person 323  
who is the subject of the request previously has been convicted 324  
of or pleaded guilty to any criminal offense under any existing 325

or former law of this state, any other state, or the United States. 326  
327

(11) On receipt of a request for a criminal records check 328  
from an appointing or licensing authority under section 3772.07 329  
of the Revised Code, a completed form prescribed under division 330  
(C) (1) of this section, and a set of fingerprint impressions 331  
obtained in the manner prescribed in division (C) (2) of this 332  
section, the superintendent of the bureau of criminal 333  
identification and investigation shall conduct a criminal 334  
records check in the manner described in division (B) of this 335  
section to determine whether any information exists that 336  
indicates that the person who is the subject of the request 337  
previously has been convicted of or pleaded guilty or no contest 338  
to any offense under any existing or former law of this state, 339  
any other state, or the United States that is a disqualifying 340  
offense as defined in section 3772.07 of the Revised Code or 341  
substantially equivalent to such an offense. 342

(12) On receipt of a request pursuant to section 2151.33 343  
or 2151.412 of the Revised Code, a completed form prescribed 344  
pursuant to division (C) (1) of this section, and a set of 345  
fingerprint impressions obtained in the manner described in 346  
division (C) (2) of this section, the superintendent of the 347  
bureau of criminal identification and investigation shall 348  
conduct a criminal records check with respect to any person for 349  
whom a criminal records check is required under that section. 350  
The superintendent shall conduct the criminal records check in 351  
the manner described in division (B) of this section to 352  
determine whether any information exists that indicates that the 353  
person who is the subject of the request previously has been 354  
convicted of or pleaded guilty to any of the following: 355

(a) A violation of section 2903.01, 2903.02, 2903.03, 356  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 357  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 358  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 359  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 360  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 361  
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 362  
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 363  
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 364

(b) An existing or former law of this state, any other 365  
state, or the United States that is substantially equivalent to 366  
any of the offenses listed in division (A)(12)(a) of this 367  
section. 368

(13) On receipt of a request pursuant to section 3796.12 369  
of the Revised Code, a completed form prescribed pursuant to 370  
division (C)(1) of this section, and a set of fingerprint 371  
impressions obtained in a manner described in division (C)(2) of 372  
this section, the superintendent of the bureau of criminal 373  
identification and investigation shall conduct a criminal 374  
records check in the manner described in division (B) of this 375  
section to determine whether any information exists that 376  
indicates that the person who is the subject of the request 377  
previously has been convicted of or pleaded guilty to ~~the~~ 378  
~~following:~~ 379

~~(a) A~~ a disqualifying offense as specified in rules 380  
adopted under ~~section~~ sections 9.79 and ~~division (B)(2)(b) of~~ 381  
~~section~~ 3796.03 of the Revised Code if the person who is the 382  
subject of the request is an administrator or other person 383  
responsible for the daily operation of, or an owner or 384  
prospective owner, officer or prospective officer, or board 385

member or prospective board member of, an entity seeking a 386  
license from the department of commerce under Chapter 3796. of 387  
the Revised Code;— 388

~~(b) A disqualifying offense as specified in rules adopted 389  
under section 9.79 and division (B) (2) (b) of section 3796.04 of 390  
the Revised Code if the person who is the subject of the request 391  
is an administrator or other person responsible for the daily 392  
operation of, or an owner or prospective owner, officer or 393  
prospective officer, or board member or prospective board member 394  
of, an entity seeking a license from the state board of pharmacy 395  
under Chapter 3796. of the Revised Code. 396~~

(14) On receipt of a request required by section 3796.13 397  
of the Revised Code, a completed form prescribed pursuant to 398  
division (C) (1) of this section, and a set of fingerprint 399  
impressions obtained in a manner described in division (C) (2) of 400  
this section, the superintendent of the bureau of criminal 401  
identification and investigation shall conduct a criminal 402  
records check in the manner described in division (B) of this 403  
section to determine whether any information exists that 404  
indicates that the person who is the subject of the request 405  
previously has been convicted of or pleaded guilty to ~~the~~ 406  
~~following:—~~ 407

~~(a) A a disqualifying offense as specified in rules 408  
adopted under division (B) (8) (a) of section 3796.03 of the 409  
Revised Code if the person who is the subject of the request is 410  
seeking employment with an entity licensed by the department of 411  
commerce under Chapter 3796. of the Revised Code;— 412~~

~~(b) A disqualifying offense as specified in rules adopted 413  
under division (B) (14) (a) of section 3796.04 of the Revised Code 414  
if the person who is the subject of the request is seeking 415~~

~~employment with an entity licensed by the state board of~~ 416  
~~pharmacy under Chapter 3796. of the Revised Code.~~ 417

(15) On receipt of a request pursuant to section 4768.06 418  
of the Revised Code, a completed form prescribed under division 419  
(C) (1) of this section, and a set of fingerprint impressions 420  
obtained in the manner described in division (C) (2) of this 421  
section, the superintendent of the bureau of criminal 422  
identification and investigation shall conduct a criminal 423  
records check in the manner described in division (B) of this 424  
section to determine whether any information exists indicating 425  
that the person who is the subject of the request has been 426  
convicted of or pleaded guilty to any criminal offense in this 427  
state or in any other state. 428

(16) On receipt of a request pursuant to division (B) of 429  
section 4764.07 or division (A) of section 4735.143 of the 430  
Revised Code, a completed form prescribed under division (C) (1) 431  
of this section, and a set of fingerprint impressions obtained 432  
in the manner described in division (C) (2) of this section, the 433  
superintendent of the bureau of criminal identification and 434  
investigation shall conduct a criminal records check in the 435  
manner described in division (B) of this section to determine 436  
whether any information exists indicating that the person who is 437  
the subject of the request has been convicted of or pleaded 438  
guilty to any criminal offense in any state or the United 439  
States. 440

(17) On receipt of a request for a criminal records check 441  
under section 147.022 of the Revised Code, a completed form 442  
prescribed under division (C) (1) of this section, and a set of 443  
fingerprint impressions obtained in the manner prescribed in 444  
division (C) (2) of this section, the superintendent of the 445

bureau of criminal identification and investigation shall 446  
conduct a criminal records check in the manner described in 447  
division (B) of this section to determine whether any 448  
information exists that indicates that the person who is the 449  
subject of the request previously has been convicted of or 450  
pleaded guilty or no contest to any criminal offense under any 451  
existing or former law of this state, any other state, or the 452  
United States. 453

(18) Upon receipt of a request pursuant to division (F) of 454  
section 2915.081 or division (E) of section 2915.082 of the 455  
Revised Code, a completed form prescribed under division (C) (1) 456  
of this section, and a set of fingerprint impressions obtained 457  
in the manner described in division (C) (2) of this section, the 458  
superintendent of the bureau of criminal identification and 459  
investigation shall conduct a criminal records check in the 460  
manner described in division (B) of this section to determine 461  
whether any information exists indicating that the person who is 462  
the subject of the request has been convicted of or pleaded 463  
guilty or no contest to any offense that is a violation of 464  
Chapter 2915. of the Revised Code or to any offense under any 465  
existing or former law of this state, any other state, or the 466  
United States that is substantially equivalent to such an 467  
offense. 468

(B) Subject to division (F) of this section, the 469  
superintendent shall conduct any criminal records check to be 470  
conducted under this section as follows: 471

(1) The superintendent shall review or cause to be 472  
reviewed any relevant information gathered and compiled by the 473  
bureau under division (A) of section 109.57 of the Revised Code 474  
that relates to the person who is the subject of the criminal 475



records check, including, if the criminal records check was 476  
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 477  
173.381, 718.131, 928.03, 1121.23, 1315.141, 1321.37, 1321.53, 478  
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3740.11, 479  
3712.09, 3721.121, 3772.07, 3796.12, 3796.13, 4729.071, 4729.53, 480  
4729.90, 4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 4768.06, 481  
5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 482  
5153.111 of the Revised Code, any relevant information contained 483  
in records that have been sealed under section 2953.32 of the 484  
Revised Code; 485

(2) If the request received by the superintendent asks for 486  
information from the federal bureau of investigation, the 487  
superintendent shall request from the federal bureau of 488  
investigation any information it has with respect to the person 489  
who is the subject of the criminal records check, including 490  
fingerprint-based checks of national crime information databases 491  
as described in 42 U.S.C. 671 if the request is made pursuant to 492  
section 2151.86 or 5104.013 of the Revised Code or if any other 493  
Revised Code section requires fingerprint-based checks of that 494  
nature, and shall review or cause to be reviewed any information 495  
the superintendent receives from that bureau. If a request under 496  
section 3319.39 of the Revised Code asks only for information 497  
from the federal bureau of investigation, the superintendent 498  
shall not conduct the review prescribed by division (B)(1) of 499  
this section. 500

(3) The superintendent or the superintendent's designee 501  
may request criminal history records from other states or the 502  
federal government pursuant to the national crime prevention and 503  
privacy compact set forth in section 109.571 of the Revised 504  
Code. 505

(4) The superintendent shall include in the results of the 506  
criminal records check a list or description of the offenses 507  
listed or described in the relevant provision of division (A) of 508  
this section. The superintendent shall exclude from the results 509  
any information the dissemination of which is prohibited by 510  
federal law. 511

(5) The superintendent shall send the results of the 512  
criminal records check to the person to whom it is to be sent 513  
not later than the following number of days after the date the 514  
superintendent receives the request for the criminal records 515  
check, the completed form prescribed under division (C) (1) of 516  
this section, and the set of fingerprint impressions obtained in 517  
the manner described in division (C) (2) of this section: 518

(a) If the superintendent is required by division (A) of 519  
this section (other than division (A) (3) of this section) to 520  
conduct the criminal records check, thirty; 521

(b) If the superintendent is required by division (A) (3) 522  
of this section to conduct the criminal records check, sixty. 523

(C) (1) The superintendent shall prescribe a form to obtain 524  
the information necessary to conduct a criminal records check 525  
from any person for whom a criminal records check is to be 526  
conducted under this section. The form that the superintendent 527  
prescribes pursuant to this division may be in a tangible 528  
format, in an electronic format, or in both tangible and 529  
electronic formats. 530

(2) The superintendent shall prescribe standard impression 531  
sheets to obtain the fingerprint impressions of any person for 532  
whom a criminal records check is to be conducted under this 533  
section. Any person for whom a records check is to be conducted 534

under this section shall obtain the fingerprint impressions at a 535  
county sheriff's office, municipal police department, or any 536  
other entity with the ability to make fingerprint impressions on 537  
the standard impression sheets prescribed by the superintendent. 538  
The office, department, or entity may charge the person a 539  
reasonable fee for making the impressions. The standard 540  
impression sheets the superintendent prescribes pursuant to this 541  
division may be in a tangible format, in an electronic format, 542  
or in both tangible and electronic formats. 543

(3) Subject to division (D) of this section, the 544  
superintendent shall prescribe and charge a reasonable fee for 545  
providing a criminal records check under this section. The 546  
person requesting the criminal records check shall pay the fee 547  
prescribed pursuant to this division. In the case of a request 548  
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 549  
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 550  
fee shall be paid in the manner specified in that section. 551

(4) The superintendent of the bureau of criminal 552  
identification and investigation may prescribe methods of 553  
forwarding fingerprint impressions and information necessary to 554  
conduct a criminal records check, which methods shall include, 555  
but not be limited to, an electronic method. 556

(D) The results of a criminal records check conducted 557  
under this section, other than a criminal records check 558  
specified in division (A)(7) of this section, are valid for the 559  
person who is the subject of the criminal records check for a 560  
period of one year from the date upon which the superintendent 561  
completes the criminal records check. If during that period the 562  
superintendent receives another request for a criminal records 563  
check to be conducted under this section for that person, the 564

superintendent shall provide the results from the previous 565  
criminal records check of the person at a lower fee than the fee 566  
prescribed for the initial criminal records check. 567

(E) When the superintendent receives a request for 568  
information from a registered private provider, the 569  
superintendent shall proceed as if the request was received from 570  
a school district board of education under section 3319.39 of 571  
the Revised Code. The superintendent shall apply division (A) (1) 572  
(c) of this section to any such request for an applicant who is 573  
a teacher. 574

(F) (1) Subject to division (F) (2) of this section, all 575  
information regarding the results of a criminal records check 576  
conducted under this section that the superintendent reports or 577  
sends under division (A) (7) or (9) of this section to the 578  
director of public safety, the treasurer of state, or the 579  
person, board, or entity that made the request for the criminal 580  
records check shall relate to the conviction of the subject 581  
person, or the subject person's plea of guilty to, a criminal 582  
offense. 583

(2) Division (F) (1) of this section does not limit, 584  
restrict, or preclude the superintendent's release of 585  
information that relates to the arrest of a person who is 586  
eighteen years of age or older, to an adjudication of a child as 587  
a delinquent child, or to a criminal conviction of a person 588  
under eighteen years of age in circumstances in which a release 589  
of that nature is authorized under division (E) (2), (3), or (4) 590  
of section 109.57 of the Revised Code pursuant to a rule adopted 591  
under division (E) (1) of that section. 592

(G) As used in this section: 593

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

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

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

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

**Sec. 2925.02.** (A) No person shall knowingly do any of the following:

(1) By force, threat, or deception, administer to another or induce or cause another to use a controlled substance;

(2) By any means, administer or furnish to another or induce or cause another to use a controlled substance with purpose to cause serious physical harm to the other person, or with purpose to cause the other person to become drug dependent;

(3) By any means, administer or furnish to another or induce or cause another to use a controlled substance, and thereby cause serious physical harm to the other person, or cause the other person to become drug dependent;

- (4) By any means, do any of the following: 623
- (a) Furnish or administer a controlled substance to a 624  
juvenile who is at least two years the offender's junior, when 625  
the offender knows the age of the juvenile or is reckless in 626  
that regard; 627
- (b) Induce or cause a juvenile who is at least two years 628  
the offender's junior to use a controlled substance, when the 629  
offender knows the age of the juvenile or is reckless in that 630  
regard; 631
- (c) Induce or cause a juvenile who is at least two years 632  
the offender's junior to commit a felony drug abuse offense, 633  
when the offender knows the age of the juvenile or is reckless 634  
in that regard; 635
- (d) Use a juvenile, whether or not the offender knows the 636  
age of the juvenile, to perform any surveillance activity that 637  
is intended to prevent the detection of the offender or any 638  
other person in the commission of a felony drug abuse offense or 639  
to prevent the arrest of the offender or any other person for 640  
the commission of a felony drug abuse offense. 641
- (5) By any means, furnish or administer a controlled 642  
substance to a pregnant woman or induce or cause a pregnant 643  
woman to use a controlled substance, when the offender knows 644  
that the woman is pregnant or is reckless in that regard. 645
- (B) Division (A) (1), (3), (4), or (5) of this section does 646  
not apply to manufacturers, wholesalers, licensed health 647  
professionals authorized to prescribe drugs, pharmacists, owners 648  
of pharmacies, cultivators, processors, testing laboratories, 649  
registered patients, adult consumers, and other persons whose 650  
conduct is in accordance with Chapters 3719., 3796., 4715., 651

4723., 4729., 4730., 4731., and 4741. of the Revised Code. 652

(C) Whoever violates this section is guilty of corrupting 653  
another with drugs. The penalty for the offense shall be 654  
determined as follows: 655

(1) If the offense is a violation of division (A) (1), (2), 656  
(3), or (4) of this section and the drug involved is any 657  
compound, mixture, preparation, or substance included in 658  
schedule I or II, with the exception of marihuana, 1-Pentyl-3- 659  
(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 660  
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 661  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 662  
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 663  
offender shall be punished as follows: 664

(a) Except as otherwise provided in division (C) (1) (b) of 665  
this section, corrupting another with drugs committed in those 666  
circumstances is a felony of the second degree and, subject to 667  
division (E) of this section, the court shall impose as a 668  
mandatory prison term a second degree felony mandatory prison 669  
term. 670

(b) If the offense was committed in the vicinity of a 671  
school, corrupting another with drugs committed in those 672  
circumstances is a felony of the first degree, and, subject to 673  
division (E) of this section, the court shall impose as a 674  
mandatory prison term a first degree felony mandatory prison 675  
term. 676

(2) If the offense is a violation of division (A) (1), (2), 677  
(3), or (4) of this section and the drug involved is any 678  
compound, mixture, preparation, or substance included in 679  
schedule III, IV, or V, the offender shall be punished as 680

follows: 681

(a) Except as otherwise provided in division (C) (2) (b) of 682  
this section, corrupting another with drugs committed in those 683  
circumstances is a felony of the second degree and there is a 684  
presumption for a prison term for the offense. 685

(b) If the offense was committed in the vicinity of a 686  
school, corrupting another with drugs committed in those 687  
circumstances is a felony of the second degree and the court 688  
shall impose as a mandatory prison term a second degree felony 689  
mandatory prison term. 690

(3) If the offense is a violation of division (A) (1), (2), 691  
(3), or (4) of this section and the drug involved is marihuana, 692  
1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 693  
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 694  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 695  
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 696  
offender shall be punished as follows: 697

(a) Except as otherwise provided in division (C) (3) (b) of 698  
this section, corrupting another with drugs committed in those 699  
circumstances is a felony of the fourth degree and division (C) 700  
of section 2929.13 of the Revised Code applies in determining 701  
whether to impose a prison term on the offender. 702

(b) If the offense was committed in the vicinity of a 703  
school, corrupting another with drugs committed in those 704  
circumstances is a felony of the third degree and division (C) 705  
of section 2929.13 of the Revised Code applies in determining 706  
whether to impose a prison term on the offender. 707

(4) If the offense is a violation of division (A) (5) of 708  
this section and the drug involved is any compound, mixture, 709



preparation, or substance included in schedule I or II, with the 710  
exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl- 711  
3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1- 712  
naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3- 713  
hydroxycyclohexyl]-phenol, and 5-(1,1-dimethyloctyl)-2-[(1R,3S)- 714  
3-hydroxycyclohexyl]-phenol, corrupting another with drugs is a 715  
felony of the first degree and, subject to division (E) of this 716  
section, the court shall impose as a mandatory prison term a 717  
first degree felony mandatory prison term. 718

(5) If the offense is a violation of division (A) (5) of 719  
this section and the drug involved is any compound, mixture, 720  
preparation, or substance included in schedule III, IV, or V, 721  
corrupting another with drugs is a felony of the second degree 722  
and the court shall impose as a mandatory prison term a second 723  
degree felony mandatory prison term. 724

(6) If the offense is a violation of division (A) (5) of 725  
this section and the drug involved is marihuana, 1-Pentyl-3-(1- 726  
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 727  
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 728  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 729  
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 730  
corrupting another with drugs is a felony of the third degree 731  
and division (C) of section 2929.13 of the Revised Code applies 732  
in determining whether to impose a prison term on the offender. 733

(D) In addition to any prison term authorized or required 734  
by division (C) or (E) of this section and sections 2929.13 and 735  
2929.14 of the Revised Code and in addition to any other 736  
sanction imposed for the offense under this section or sections 737  
2929.11 to 2929.18 of the Revised Code, the court that sentences 738  
an offender who is convicted of or pleads guilty to a violation 739

of division (A) of this section may suspend for not more than 740  
five years the offender's driver's or commercial driver's 741  
license or permit. However, if the offender pleaded guilty to or 742  
was convicted of a violation of section 4511.19 of the Revised 743  
Code or a substantially similar municipal ordinance or the law 744  
of another state or the United States arising out of the same 745  
set of circumstances as the violation, the court shall suspend 746  
the offender's driver's or commercial driver's license or permit 747  
for not more than five years. The court also shall do all of the 748  
following that are applicable regarding the offender: 749

(1) (a) If the violation is a felony of the first, second, 750  
or third degree, the court shall impose upon the offender the 751  
mandatory fine specified for the offense under division (B) (1) 752  
of section 2929.18 of the Revised Code unless, as specified in 753  
that division, the court determines that the offender is 754  
indigent. 755

(b) Notwithstanding any contrary provision of section 756  
3719.21 of the Revised Code, any mandatory fine imposed pursuant 757  
to division (D) (1) (a) of this section and any fine imposed for a 758  
violation of this section pursuant to division (A) of section 759  
2929.18 of the Revised Code shall be paid by the clerk of the 760  
court in accordance with and subject to the requirements of, and 761  
shall be used as specified in, division (F) of section 2925.03 762  
of the Revised Code. 763

(c) If a person is charged with any violation of this 764  
section that is a felony of the first, second, or third degree, 765  
posts bail, and forfeits the bail, the forfeited bail shall be 766  
paid by the clerk of the court pursuant to division (D) (1) (b) of 767  
this section as if it were a fine imposed for a violation of 768  
this section. 769

(2) If the offender is a professionally licensed person, 770  
in addition to any other sanction imposed for a violation of 771  
this section, the court immediately shall comply with section 772  
2925.38 of the Revised Code. 773

(E) Notwithstanding the prison term otherwise authorized 774  
or required for the offense under division (C) of this section 775  
and sections 2929.13 and 2929.14 of the Revised Code, if the 776  
violation of division (A) of this section involves the sale, 777  
offer to sell, or possession of a schedule I or II controlled 778  
substance, with the exception of marihuana, 1-Pentyl-3-(1- 779  
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 780  
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 781  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 782  
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 783  
if the court imposing sentence upon the offender finds that the 784  
offender as a result of the violation is a major drug offender 785  
and is guilty of a specification of the type described in 786  
division (A) of section 2941.1410 of the Revised Code, the 787  
court, in lieu of the prison term that otherwise is authorized 788  
or required, shall impose upon the offender the mandatory prison 789  
term specified in division (B) (3) (a) of section 2929.14 of the 790  
Revised Code. 791

(F) (1) If the sentencing court suspends the offender's 792  
driver's or commercial driver's license or permit under division 793  
(D) of this section, the offender, at any time after the 794  
expiration of two years from the day on which the offender's 795  
sentence was imposed or from the day on which the offender 796  
finally was released from a prison term under the sentence, 797  
whichever is later, may file a motion with the sentencing court 798  
requesting termination of the suspension. Upon the filing of the 799  
motion and the court's finding of good cause for the 800

determination, the court may terminate the suspension. 801

(2) Any offender who received a mandatory suspension of 802  
the offender's driver's or commercial driver's license or permit 803  
under this section prior to September 13, 2016, may file a 804  
motion with the sentencing court requesting the termination of 805  
the suspension. However, an offender who pleaded guilty to or 806  
was convicted of a violation of section 4511.19 of the Revised 807  
Code or a substantially similar municipal ordinance or law of 808  
another state or the United States that arose out of the same 809  
set of circumstances as the violation for which the offender's 810  
license or permit was suspended under this section shall not 811  
file such a motion. 812

Upon the filing of a motion under division (F)(2) of this 813  
section, the sentencing court, in its discretion, may terminate 814  
the suspension. 815

**Sec. 2925.03.** (A) No person shall knowingly do any of the 816  
following: 817

(1) Sell or offer to sell a controlled substance or a 818  
controlled substance analog; 819

(2) Prepare for shipment, ship, transport, deliver, 820  
prepare for distribution, or distribute a controlled substance 821  
or a controlled substance analog, when the offender knows or has 822  
reasonable cause to believe that the controlled substance or a 823  
controlled substance analog is intended for sale or resale by 824  
the offender or another person. 825

(B) This section does not apply to any of the following: 826

(1) Manufacturers, licensed health professionals 827  
authorized to prescribe drugs, pharmacists, owners of 828  
pharmacies, cultivators, processors, testing laboratories, 829

registered patients, adult consumers, and other persons whose 830  
conduct is in accordance with Chapters 3719., 3796., 4715., 831  
4723., 4729., 4730., 4731., and 4741. of the Revised Code; 832

(2) If the offense involves an anabolic steroid, any 833  
person who is conducting or participating in a research project 834  
involving the use of an anabolic steroid if the project has been 835  
approved by the United States food and drug administration; 836

(3) Any person who sells, offers for sale, prescribes, 837  
dispenses, or administers for livestock or other nonhuman 838  
species an anabolic steroid that is expressly intended for 839  
administration through implants to livestock or other nonhuman 840  
species and approved for that purpose under the "Federal Food, 841  
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 842  
as amended, and is sold, offered for sale, prescribed, 843  
dispensed, or administered for that purpose in accordance with 844  
that act. 845

(C) Whoever violates division (A) of this section is 846  
guilty of one of the following: 847

(1) If the drug involved in the violation is any compound, 848  
mixture, preparation, or substance included in schedule I or 849  
schedule II, with the exception of marihuana, cocaine, L.S.D., 850  
heroin, any fentanyl-related compound, hashish, and any 851  
controlled substance analog, whoever violates division (A) of 852  
this section is guilty of aggravated trafficking in drugs. The 853  
penalty for the offense shall be determined as follows: 854

(a) Except as otherwise provided in division (C) (1) (b), 855  
(c), (d), (e), or (f) of this section, aggravated trafficking in 856  
drugs is a felony of the fourth degree, and division (C) of 857  
section 2929.13 of the Revised Code applies in determining 858

whether to impose a prison term on the offender. 859

(b) Except as otherwise provided in division (C) (1) (c), 860  
(d), (e), or (f) of this section, if the offense was committed 861  
in the vicinity of a school or in the vicinity of a juvenile, 862  
aggravated trafficking in drugs is a felony of the third degree, 863  
and division (C) of section 2929.13 of the Revised Code applies 864  
in determining whether to impose a prison term on the offender. 865

(c) Except as otherwise provided in this division, if the 866  
amount of the drug involved equals or exceeds the bulk amount 867  
but is less than five times the bulk amount, aggravated 868  
trafficking in drugs is a felony of the third degree, and, 869  
except as otherwise provided in this division, there is a 870  
presumption for a prison term for the offense. If aggravated 871  
trafficking in drugs is a felony of the third degree under this 872  
division and if the offender two or more times previously has 873  
been convicted of or pleaded guilty to a felony drug abuse 874  
offense, the court shall impose as a mandatory prison term one 875  
of the prison terms prescribed for a felony of the third degree. 876  
If the amount of the drug involved is within that range and if 877  
the offense was committed in the vicinity of a school or in the 878  
vicinity of a juvenile, aggravated trafficking in drugs is a 879  
felony of the second degree, and the court shall impose as a 880  
mandatory prison term a second degree felony mandatory prison 881  
term. 882

(d) Except as otherwise provided in this division, if the 883  
amount of the drug involved equals or exceeds five times the 884  
bulk amount but is less than fifty times the bulk amount, 885  
aggravated trafficking in drugs is a felony of the second 886  
degree, and the court shall impose as a mandatory prison term a 887  
second degree felony mandatory prison term. If the amount of the 888

drug involved is within that range and if the offense was 889  
committed in the vicinity of a school or in the vicinity of a 890  
juvenile, aggravated trafficking in drugs is a felony of the 891  
first degree, and the court shall impose as a mandatory prison 892  
term a first degree felony mandatory prison term. 893

(e) If the amount of the drug involved equals or exceeds 894  
fifty times the bulk amount but is less than one hundred times 895  
the bulk amount and regardless of whether the offense was 896  
committed in the vicinity of a school or in the vicinity of a 897  
juvenile, aggravated trafficking in drugs is a felony of the 898  
first degree, and the court shall impose as a mandatory prison 899  
term a first degree felony mandatory prison term. 900

(f) If the amount of the drug involved equals or exceeds 901  
one hundred times the bulk amount and regardless of whether the 902  
offense was committed in the vicinity of a school or in the 903  
vicinity of a juvenile, aggravated trafficking in drugs is a 904  
felony of the first degree, the offender is a major drug 905  
offender, and the court shall impose as a mandatory prison term 906  
a maximum first degree felony mandatory prison term. 907

(2) If the drug involved in the violation is any compound, 908  
mixture, preparation, or substance included in schedule III, IV, 909  
or V, whoever violates division (A) of this section is guilty of 910  
trafficking in drugs. The penalty for the offense shall be 911  
determined as follows: 912

(a) Except as otherwise provided in division (C) (2) (b), 913  
(c), (d), or (e) of this section, trafficking in drugs is a 914  
felony of the fifth degree, and division (B) of section 2929.13 915  
of the Revised Code applies in determining whether to impose a 916  
prison term on the offender. 917

(b) Except as otherwise provided in division (C) (2) (c), 918  
(d), or (e) of this section, if the offense was committed in the 919  
vicinity of a school or in the vicinity of a juvenile, 920  
trafficking in drugs is a felony of the fourth degree, and 921  
division (C) of section 2929.13 of the Revised Code applies in 922  
determining whether to impose a prison term on the offender. 923

(c) Except as otherwise provided in this division, if the 924  
amount of the drug involved equals or exceeds the bulk amount 925  
but is less than five times the bulk amount, trafficking in 926  
drugs is a felony of the fourth degree, and division (B) of 927  
section 2929.13 of the Revised Code applies in determining 928  
whether to impose a prison term for the offense. If the amount 929  
of the drug involved is within that range and if the offense was 930  
committed in the vicinity of a school or in the vicinity of a 931  
juvenile, trafficking in drugs is a felony of the third degree, 932  
and there is a presumption for a prison term for the offense. 933

(d) Except as otherwise provided in this division, if the 934  
amount of the drug involved equals or exceeds five times the 935  
bulk amount but is less than fifty times the bulk amount, 936  
trafficking in drugs is a felony of the third degree, and there 937  
is a presumption for a prison term for the offense. If the 938  
amount of the drug involved is within that range and if the 939  
offense was committed in the vicinity of a school or in the 940  
vicinity of a juvenile, trafficking in drugs is a felony of the 941  
second degree, and there is a presumption for a prison term for 942  
the offense. 943

(e) Except as otherwise provided in this division, if the 944  
amount of the drug involved equals or exceeds fifty times the 945  
bulk amount, trafficking in drugs is a felony of the second 946  
degree, and the court shall impose as a mandatory prison term a 947



second degree felony mandatory prison term. If the amount of the 948  
drug involved equals or exceeds fifty times the bulk amount and 949  
if the offense was committed in the vicinity of a school or in 950  
the vicinity of a juvenile, trafficking in drugs is a felony of 951  
the first degree, and the court shall impose as a mandatory 952  
prison term a first degree felony mandatory prison term. 953

(3) If the drug involved in the violation is marihuana or 954  
a compound, mixture, preparation, or substance containing 955  
marihuana other than hashish, whoever violates division (A) of 956  
this section is guilty of trafficking in marihuana. The penalty 957  
for the offense shall be determined as follows: 958

(a) Except as otherwise provided in division (C) (3) (b), 959  
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 960  
marihuana is a felony of the fifth degree, and division (B) of 961  
section 2929.13 of the Revised Code applies in determining 962  
whether to impose a prison term on the offender. 963

(b) Except as otherwise provided in division (C) (3) (c), 964  
(d), (e), (f), (g), or (h) of this section, if the offense was 965  
committed in the vicinity of a school or in the vicinity of a 966  
juvenile, trafficking in marihuana is a felony of the fourth 967  
degree, and division (B) of section 2929.13 of the Revised Code 968  
applies in determining whether to impose a prison term on the 969  
offender. 970

(c) Except as otherwise provided in this division, if the 971  
amount of the drug involved equals or exceeds two hundred grams 972  
but is less than one thousand grams, trafficking in marihuana is 973  
a felony of the fourth degree, and division (B) of section 974  
2929.13 of the Revised Code applies in determining whether to 975  
impose a prison term on the offender. If the amount of the drug 976  
involved is within that range and if the offense was committed 977

in the vicinity of a school or in the vicinity of a juvenile, 978  
trafficking in marihuana is a felony of the third degree, and 979  
division (C) of section 2929.13 of the Revised Code applies in 980  
determining whether to impose a prison term on the offender. 981

(d) Except as otherwise provided in this division, if the 982  
amount of the drug involved equals or exceeds one thousand grams 983  
but is less than five thousand grams, trafficking in marihuana 984  
is a felony of the third degree, and division (C) of section 985  
2929.13 of the Revised Code applies in determining whether to 986  
impose a prison term on the offender. If the amount of the drug 987  
involved is within that range and if the offense was committed 988  
in the vicinity of a school or in the vicinity of a juvenile, 989  
trafficking in marihuana is a felony of the second degree, and 990  
there is a presumption that a prison term shall be imposed for 991  
the offense. 992

(e) Except as otherwise provided in this division, if the 993  
amount of the drug involved equals or exceeds five thousand 994  
grams but is less than twenty thousand grams, trafficking in 995  
marihuana is a felony of the third degree, and there is a 996  
presumption that a prison term shall be imposed for the offense. 997  
If the amount of the drug involved is within that range and if 998  
the offense was committed in the vicinity of a school or in the 999  
vicinity of a juvenile, trafficking in marihuana is a felony of 1000  
the second degree, and there is a presumption that a prison term 1001  
shall be imposed for the offense. 1002

(f) Except as otherwise provided in this division, if the 1003  
amount of the drug involved equals or exceeds twenty thousand 1004  
grams but is less than forty thousand grams, trafficking in 1005  
marihuana is a felony of the second degree, and the court shall 1006  
impose as a mandatory prison term a second degree felony 1007

mandatory prison term of five, six, seven, or eight years. If 1008  
the amount of the drug involved is within that range and if the 1009  
offense was committed in the vicinity of a school or in the 1010  
vicinity of a juvenile, trafficking in marihuana is a felony of 1011  
the first degree, and the court shall impose as a mandatory 1012  
prison term a maximum first degree felony mandatory prison term. 1013

(g) Except as otherwise provided in this division, if the 1014  
amount of the drug involved equals or exceeds forty thousand 1015  
grams, trafficking in marihuana is a felony of the second 1016  
degree, and the court shall impose as a mandatory prison term a 1017  
maximum second degree felony mandatory prison term. If the 1018  
amount of the drug involved equals or exceeds forty thousand 1019  
grams and if the offense was committed in the vicinity of a 1020  
school or in the vicinity of a juvenile, trafficking in 1021  
marihuana is a felony of the first degree, and the court shall 1022  
impose as a mandatory prison term a maximum first degree felony 1023  
mandatory prison term. 1024

(h) Except as otherwise provided in this division, if the 1025  
offense involves a gift of twenty grams or less of marihuana, 1026  
trafficking in marihuana is a minor misdemeanor upon a first 1027  
offense and a misdemeanor of the third degree upon a subsequent 1028  
offense. If the offense involves a gift of twenty grams or less 1029  
of marihuana and if the offense was committed in the vicinity of 1030  
a school or in the vicinity of a juvenile, trafficking in 1031  
marihuana is a misdemeanor of the third degree. 1032

(4) If the drug involved in the violation is cocaine or a 1033  
compound, mixture, preparation, or substance containing cocaine, 1034  
whoever violates division (A) of this section is guilty of 1035  
trafficking in cocaine. The penalty for the offense shall be 1036  
determined as follows: 1037

(a) Except as otherwise provided in division (C) (4) (b), 1038  
(c), (d), (e), (f), or (g) of this section, trafficking in 1039  
cocaine is a felony of the fifth degree, and division (B) of 1040  
section 2929.13 of the Revised Code applies in determining 1041  
whether to impose a prison term on the offender. 1042

(b) Except as otherwise provided in division (C) (4) (c), 1043  
(d), (e), (f), or (g) of this section, if the offense was 1044  
committed in the vicinity of a school or in the vicinity of a 1045  
juvenile, trafficking in cocaine is a felony of the fourth 1046  
degree, and division (C) of section 2929.13 of the Revised Code 1047  
applies in determining whether to impose a prison term on the 1048  
offender. 1049

(c) Except as otherwise provided in this division, if the 1050  
amount of the drug involved equals or exceeds five grams but is 1051  
less than ten grams of cocaine, trafficking in cocaine is a 1052  
felony of the fourth degree, and division (B) of section 2929.13 1053  
of the Revised Code applies in determining whether to impose a 1054  
prison term for the offense. If the amount of the drug involved 1055  
is within that range and if the offense was committed in the 1056  
vicinity of a school or in the vicinity of a juvenile, 1057  
trafficking in cocaine is a felony of the third degree, and 1058  
there is a presumption for a prison term for the offense. 1059

(d) Except as otherwise provided in this division, if the 1060  
amount of the drug involved equals or exceeds ten grams but is 1061  
less than twenty grams of cocaine, trafficking in cocaine is a 1062  
felony of the third degree, and, except as otherwise provided in 1063  
this division, there is a presumption for a prison term for the 1064  
offense. If trafficking in cocaine is a felony of the third 1065  
degree under this division and if the offender two or more times 1066  
previously has been convicted of or pleaded guilty to a felony 1067

drug abuse offense, the court shall impose as a mandatory prison 1068  
term one of the prison terms prescribed for a felony of the 1069  
third degree. If the amount of the drug involved is within that 1070  
range and if the offense was committed in the vicinity of a 1071  
school or in the vicinity of a juvenile, trafficking in cocaine 1072  
is a felony of the second degree, and the court shall impose as 1073  
a mandatory prison term a second degree felony mandatory prison 1074  
term. 1075

(e) Except as otherwise provided in this division, if the 1076  
amount of the drug involved equals or exceeds twenty grams but 1077  
is less than twenty-seven grams of cocaine, trafficking in 1078  
cocaine is a felony of the second degree, and the court shall 1079  
impose as a mandatory prison term a second degree felony 1080  
mandatory prison term. If the amount of the drug involved is 1081  
within that range and if the offense was committed in the 1082  
vicinity of a school or in the vicinity of a juvenile, 1083  
trafficking in cocaine is a felony of the first degree, and the 1084  
court shall impose as a mandatory prison term a first degree 1085  
felony mandatory prison term. 1086

(f) If the amount of the drug involved equals or exceeds 1087  
twenty-seven grams but is less than one hundred grams of cocaine 1088  
and regardless of whether the offense was committed in the 1089  
vicinity of a school or in the vicinity of a juvenile, 1090  
trafficking in cocaine is a felony of the first degree, and the 1091  
court shall impose as a mandatory prison term a first degree 1092  
felony mandatory prison term. 1093

(g) If the amount of the drug involved equals or exceeds 1094  
one hundred grams of cocaine and regardless of whether the 1095  
offense was committed in the vicinity of a school or in the 1096  
vicinity of a juvenile, trafficking in cocaine is a felony of 1097

the first degree, the offender is a major drug offender, and the 1098  
court shall impose as a mandatory prison term a maximum first 1099  
degree felony mandatory prison term. 1100

(5) If the drug involved in the violation is L.S.D. or a 1101  
compound, mixture, preparation, or substance containing L.S.D., 1102  
whoever violates division (A) of this section is guilty of 1103  
trafficking in L.S.D. The penalty for the offense shall be 1104  
determined as follows: 1105

(a) Except as otherwise provided in division (C) (5) (b), 1106  
(c), (d), (e), (f), or (g) of this section, trafficking in 1107  
L.S.D. is a felony of the fifth degree, and division (B) of 1108  
section 2929.13 of the Revised Code applies in determining 1109  
whether to impose a prison term on the offender. 1110

(b) Except as otherwise provided in division (C) (5) (c), 1111  
(d), (e), (f), or (g) of this section, if the offense was 1112  
committed in the vicinity of a school or in the vicinity of a 1113  
juvenile, trafficking in L.S.D. is a felony of the fourth 1114  
degree, and division (C) of section 2929.13 of the Revised Code 1115  
applies in determining whether to impose a prison term on the 1116  
offender. 1117

(c) Except as otherwise provided in this division, if the 1118  
amount of the drug involved equals or exceeds ten unit doses but 1119  
is less than fifty unit doses of L.S.D. in a solid form or 1120  
equals or exceeds one gram but is less than five grams of L.S.D. 1121  
in a liquid concentrate, liquid extract, or liquid distillate 1122  
form, trafficking in L.S.D. is a felony of the fourth degree, 1123  
and division (B) of section 2929.13 of the Revised Code applies 1124  
in determining whether to impose a prison term for the offense. 1125  
If the amount of the drug involved is within that range and if 1126  
the offense was committed in the vicinity of a school or in the 1127

vicinity of a juvenile, trafficking in L.S.D. is a felony of the 1128  
third degree, and there is a presumption for a prison term for 1129  
the offense. 1130

(d) Except as otherwise provided in this division, if the 1131  
amount of the drug involved equals or exceeds fifty unit doses 1132  
but is less than two hundred fifty unit doses of L.S.D. in a 1133  
solid form or equals or exceeds five grams but is less than 1134  
twenty-five grams of L.S.D. in a liquid concentrate, liquid 1135  
extract, or liquid distillate form, trafficking in L.S.D. is a 1136  
felony of the third degree, and, except as otherwise provided in 1137  
this division, there is a presumption for a prison term for the 1138  
offense. If trafficking in L.S.D. is a felony of the third 1139  
degree under this division and if the offender two or more times 1140  
previously has been convicted of or pleaded guilty to a felony 1141  
drug abuse offense, the court shall impose as a mandatory prison 1142  
term one of the prison terms prescribed for a felony of the 1143  
third degree. If the amount of the drug involved is within that 1144  
range and if the offense was committed in the vicinity of a 1145  
school or in the vicinity of a juvenile, trafficking in L.S.D. 1146  
is a felony of the second degree, and the court shall impose as 1147  
a mandatory prison term a second degree felony mandatory prison 1148  
term. 1149

(e) Except as otherwise provided in this division, if the 1150  
amount of the drug involved equals or exceeds two hundred fifty 1151  
unit doses but is less than one thousand unit doses of L.S.D. in 1152  
a solid form or equals or exceeds twenty-five grams but is less 1153  
than one hundred grams of L.S.D. in a liquid concentrate, liquid 1154  
extract, or liquid distillate form, trafficking in L.S.D. is a 1155  
felony of the second degree, and the court shall impose as a 1156  
mandatory prison term a second degree felony mandatory prison 1157  
term. If the amount of the drug involved is within that range 1158

and if the offense was committed in the vicinity of a school or 1159  
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 1160  
of the first degree, and the court shall impose as a mandatory 1161  
prison term a first degree felony mandatory prison term. 1162

(f) If the amount of the drug involved equals or exceeds 1163  
one thousand unit doses but is less than five thousand unit 1164  
doses of L.S.D. in a solid form or equals or exceeds one hundred 1165  
grams but is less than five hundred grams of L.S.D. in a liquid 1166  
concentrate, liquid extract, or liquid distillate form and 1167  
regardless of whether the offense was committed in the vicinity 1168  
of a school or in the vicinity of a juvenile, trafficking in 1169  
L.S.D. is a felony of the first degree, and the court shall 1170  
impose as a mandatory prison term a first degree felony 1171  
mandatory prison term. 1172

(g) If the amount of the drug involved equals or exceeds 1173  
five thousand unit doses of L.S.D. in a solid form or equals or 1174  
exceeds five hundred grams of L.S.D. in a liquid concentrate, 1175  
liquid extract, or liquid distillate form and regardless of 1176  
whether the offense was committed in the vicinity of a school or 1177  
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 1178  
of the first degree, the offender is a major drug offender, and 1179  
the court shall impose as a mandatory prison term a maximum 1180  
first degree felony mandatory prison term. 1181

(6) If the drug involved in the violation is heroin or a 1182  
compound, mixture, preparation, or substance containing heroin, 1183  
whoever violates division (A) of this section is guilty of 1184  
trafficking in heroin. The penalty for the offense shall be 1185  
determined as follows: 1186

(a) Except as otherwise provided in division (C) (6) (b), 1187  
(c), (d), (e), (f), or (g) of this section, trafficking in 1188



heroin is a felony of the fifth degree, and division (B) of 1189  
section 2929.13 of the Revised Code applies in determining 1190  
whether to impose a prison term on the offender. 1191

(b) Except as otherwise provided in division (C) (6) (c), 1192  
(d), (e), (f), or (g) of this section, if the offense was 1193  
committed in the vicinity of a school or in the vicinity of a 1194  
juvenile, trafficking in heroin is a felony of the fourth 1195  
degree, and division (C) of section 2929.13 of the Revised Code 1196  
applies in determining whether to impose a prison term on the 1197  
offender. 1198

(c) Except as otherwise provided in this division, if the 1199  
amount of the drug involved equals or exceeds ten unit doses but 1200  
is less than fifty unit doses or equals or exceeds one gram but 1201  
is less than five grams, trafficking in heroin is a felony of 1202  
the fourth degree, and division (B) of section 2929.13 of the 1203  
Revised Code applies in determining whether to impose a prison 1204  
term for the offense. If the amount of the drug involved is 1205  
within that range and if the offense was committed in the 1206  
vicinity of a school or in the vicinity of a juvenile, 1207  
trafficking in heroin is a felony of the third degree, and there 1208  
is a presumption for a prison term for the offense. 1209

(d) Except as otherwise provided in this division, if the 1210  
amount of the drug involved equals or exceeds fifty unit doses 1211  
but is less than one hundred unit doses or equals or exceeds 1212  
five grams but is less than ten grams, trafficking in heroin is 1213  
a felony of the third degree, and there is a presumption for a 1214  
prison term for the offense. If the amount of the drug involved 1215  
is within that range and if the offense was committed in the 1216  
vicinity of a school or in the vicinity of a juvenile, 1217  
trafficking in heroin is a felony of the second degree, and 1218

there is a presumption for a prison term for the offense. 1219

(e) Except as otherwise provided in this division, if the 1220  
amount of the drug involved equals or exceeds one hundred unit 1221  
doses but is less than five hundred unit doses or equals or 1222  
exceeds ten grams but is less than fifty grams, trafficking in 1223  
heroin is a felony of the second degree, and the court shall 1224  
impose as a mandatory prison term a second degree felony 1225  
mandatory prison term. If the amount of the drug involved is 1226  
within that range and if the offense was committed in the 1227  
vicinity of a school or in the vicinity of a juvenile, 1228  
trafficking in heroin is a felony of the first degree, and the 1229  
court shall impose as a mandatory prison term a first degree 1230  
felony mandatory prison term. 1231

(f) If the amount of the drug involved equals or exceeds 1232  
five hundred unit doses but is less than one thousand unit doses 1233  
or equals or exceeds fifty grams but is less than one hundred 1234  
grams and regardless of whether the offense was committed in the 1235  
vicinity of a school or in the vicinity of a juvenile, 1236  
trafficking in heroin is a felony of the first degree, and the 1237  
court shall impose as a mandatory prison term a first degree 1238  
felony mandatory prison term. 1239

(g) If the amount of the drug involved equals or exceeds 1240  
one thousand unit doses or equals or exceeds one hundred grams 1241  
and regardless of whether the offense was committed in the 1242  
vicinity of a school or in the vicinity of a juvenile, 1243  
trafficking in heroin is a felony of the first degree, the 1244  
offender is a major drug offender, and the court shall impose as 1245  
a mandatory prison term a maximum first degree felony mandatory 1246  
prison term. 1247

(7) If the drug involved in the violation is hashish or a 1248

compound, mixture, preparation, or substance containing hashish, 1249  
whoever violates division (A) of this section is guilty of 1250  
trafficking in hashish. The penalty for the offense shall be 1251  
determined as follows: 1252

(a) Except as otherwise provided in division (C) (7) (b), 1253  
(c), (d), (e), (f), or (g) of this section, trafficking in 1254  
hashish is a felony of the fifth degree, and division (B) of 1255  
section 2929.13 of the Revised Code applies in determining 1256  
whether to impose a prison term on the offender. 1257

(b) Except as otherwise provided in division (C) (7) (c), 1258  
(d), (e), (f), or (g) of this section, if the offense was 1259  
committed in the vicinity of a school or in the vicinity of a 1260  
juvenile, trafficking in hashish is a felony of the fourth 1261  
degree, and division (B) of section 2929.13 of the Revised Code 1262  
applies in determining whether to impose a prison term on the 1263  
offender. 1264

(c) Except as otherwise provided in this division, if the 1265  
amount of the drug involved equals or exceeds ten grams but is 1266  
less than fifty grams of hashish in a solid form or equals or 1267  
exceeds two grams but is less than ten grams of hashish in a 1268  
liquid concentrate, liquid extract, or liquid distillate form, 1269  
trafficking in hashish is a felony of the fourth degree, and 1270  
division (B) of section 2929.13 of the Revised Code applies in 1271  
determining whether to impose a prison term on the offender. If 1272  
the amount of the drug involved is within that range and if the 1273  
offense was committed in the vicinity of a school or in the 1274  
vicinity of a juvenile, trafficking in hashish is a felony of 1275  
the third degree, and division (C) of section 2929.13 of the 1276  
Revised Code applies in determining whether to impose a prison 1277  
term on the offender. 1278

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty grams but is less than two hundred fifty grams of hashish in a solid form or equals or exceeds ten grams but is less than fifty grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish is a felony of the third degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in hashish is a felony of the second degree, and there is a presumption that a prison term shall be imposed for the offense.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds two hundred fifty grams but is less than one thousand grams of hashish in a solid form or equals or exceeds fifty grams but is less than two hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish is a felony of the third degree, and there is a presumption that a prison term shall be imposed for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in hashish is a felony of the second degree, and there is a presumption that a prison term shall be imposed for the offense.

(f) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds one thousand grams but is less than two thousand grams of hashish in a solid form or equals or exceeds two hundred grams but is less than four hundred grams of hashish in a liquid concentrate, liquid

extract, or liquid distillate form, trafficking in hashish is a 1310  
felony of the second degree, and the court shall impose as a 1311  
mandatory prison term a second degree felony mandatory prison 1312  
term of five, six, seven, or eight years. If the amount of the 1313  
drug involved is within that range and if the offense was 1314  
committed in the vicinity of a school or in the vicinity of a 1315  
juvenile, trafficking in hashish is a felony of the first 1316  
degree, and the court shall impose as a mandatory prison term a 1317  
maximum first degree felony mandatory prison term. 1318

(g) Except as otherwise provided in this division, if the 1319  
amount of the drug involved equals or exceeds two thousand grams 1320  
of hashish in a solid form or equals or exceeds four hundred 1321  
grams of hashish in a liquid concentrate, liquid extract, or 1322  
liquid distillate form, trafficking in hashish is a felony of 1323  
the second degree, and the court shall impose as a mandatory 1324  
prison term a maximum second degree felony mandatory prison 1325  
term. If the amount of the drug involved equals or exceeds two 1326  
thousand grams of hashish in a solid form or equals or exceeds 1327  
four hundred grams of hashish in a liquid concentrate, liquid 1328  
extract, or liquid distillate form and if the offense was 1329  
committed in the vicinity of a school or in the vicinity of a 1330  
juvenile, trafficking in hashish is a felony of the first 1331  
degree, and the court shall impose as a mandatory prison term a 1332  
maximum first degree felony mandatory prison term. 1333

(8) If the drug involved in the violation is a controlled 1334  
substance analog or compound, mixture, preparation, or substance 1335  
that contains a controlled substance analog, whoever violates 1336  
division (A) of this section is guilty of trafficking in a 1337  
controlled substance analog. The penalty for the offense shall 1338  
be determined as follows: 1339

(a) Except as otherwise provided in division (C) (8) (b), 1340  
(c), (d), (e), (f), or (g) of this section, trafficking in a 1341  
controlled substance analog is a felony of the fifth degree, and 1342  
division (C) of section 2929.13 of the Revised Code applies in 1343  
determining whether to impose a prison term on the offender. 1344

(b) Except as otherwise provided in division (C) (8) (c), 1345  
(d), (e), (f), or (g) of this section, if the offense was 1346  
committed in the vicinity of a school or in the vicinity of a 1347  
juvenile, trafficking in a controlled substance analog is a 1348  
felony of the fourth degree, and division (C) of section 2929.13 1349  
of the Revised Code applies in determining whether to impose a 1350  
prison term on the offender. 1351

(c) Except as otherwise provided in this division, if the 1352  
amount of the drug involved equals or exceeds ten grams but is 1353  
less than twenty grams, trafficking in a controlled substance 1354  
analog is a felony of the fourth degree, and division (B) of 1355  
section 2929.13 of the Revised Code applies in determining 1356  
whether to impose a prison term for the offense. If the amount 1357  
of the drug involved is within that range and if the offense was 1358  
committed in the vicinity of a school or in the vicinity of a 1359  
juvenile, trafficking in a controlled substance analog is a 1360  
felony of the third degree, and there is a presumption for a 1361  
prison term for the offense. 1362

(d) Except as otherwise provided in this division, if the 1363  
amount of the drug involved equals or exceeds twenty grams but 1364  
is less than thirty grams, trafficking in a controlled substance 1365  
analog is a felony of the third degree, and there is a 1366  
presumption for a prison term for the offense. If the amount of 1367  
the drug involved is within that range and if the offense was 1368  
committed in the vicinity of a school or in the vicinity of a 1369

juvenile, trafficking in a controlled substance analog is a 1370  
felony of the second degree, and there is a presumption for a 1371  
prison term for the offense. 1372

(e) Except as otherwise provided in this division, if the 1373  
amount of the drug involved equals or exceeds thirty grams but 1374  
is less than forty grams, trafficking in a controlled substance 1375  
analog is a felony of the second degree, and the court shall 1376  
impose as a mandatory prison term a second degree felony 1377  
mandatory prison term. If the amount of the drug involved is 1378  
within that range and if the offense was committed in the 1379  
vicinity of a school or in the vicinity of a juvenile, 1380  
trafficking in a controlled substance analog is a felony of the 1381  
first degree, and the court shall impose as a mandatory prison 1382  
term a first degree felony mandatory prison term. 1383

(f) If the amount of the drug involved equals or exceeds 1384  
forty grams but is less than fifty grams and regardless of 1385  
whether the offense was committed in the vicinity of a school or 1386  
in the vicinity of a juvenile, trafficking in a controlled 1387  
substance analog is a felony of the first degree, and the court 1388  
shall impose as a mandatory prison term a first degree felony 1389  
mandatory prison term. 1390

(g) If the amount of the drug involved equals or exceeds 1391  
fifty grams and regardless of whether the offense was committed 1392  
in the vicinity of a school or in the vicinity of a juvenile, 1393  
trafficking in a controlled substance analog is a felony of the 1394  
first degree, the offender is a major drug offender, and the 1395  
court shall impose as a mandatory prison term a maximum first 1396  
degree felony mandatory prison term. 1397

(9) If the drug involved in the violation is a fentanyl- 1398  
related compound or a compound, mixture, preparation, or 1399

substance containing a fentanyl-related compound and division 1400  
(C) (10) (a) of this section does not apply to the drug involved, 1401  
whoever violates division (A) of this section is guilty of 1402  
trafficking in a fentanyl-related compound. The penalty for the 1403  
offense shall be determined as follows: 1404

(a) Except as otherwise provided in division (C) (9) (b), 1405  
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 1406  
a fentanyl-related compound is a felony of the fifth degree, and 1407  
division (B) of section 2929.13 of the Revised Code applies in 1408  
determining whether to impose a prison term on the offender. 1409

(b) Except as otherwise provided in division (C) (9) (c), 1410  
(d), (e), (f), (g), or (h) of this section, if the offense was 1411  
committed in the vicinity of a school or in the vicinity of a 1412  
juvenile, trafficking in a fentanyl-related compound is a felony 1413  
of the fourth degree, and division (C) of section 2929.13 of the 1414  
Revised Code applies in determining whether to impose a prison 1415  
term on the offender. 1416

(c) Except as otherwise provided in this division, if the 1417  
amount of the drug involved equals or exceeds ten unit doses but 1418  
is less than fifty unit doses or equals or exceeds one gram but 1419  
is less than five grams, trafficking in a fentanyl-related 1420  
compound is a felony of the fourth degree, and division (B) of 1421  
section 2929.13 of the Revised Code applies in determining 1422  
whether to impose a prison term for the offense. If the amount 1423  
of the drug involved is within that range and if the offense was 1424  
committed in the vicinity of a school or in the vicinity of a 1425  
juvenile, trafficking in a fentanyl-related compound is a felony 1426  
of the third degree, and there is a presumption for a prison 1427  
term for the offense. 1428

(d) Except as otherwise provided in this division, if the 1429



amount of the drug involved equals or exceeds fifty unit doses 1430  
but is less than one hundred unit doses or equals or exceeds 1431  
five grams but is less than ten grams, trafficking in a 1432  
fentanyl-related compound is a felony of the third degree, and 1433  
there is a presumption for a prison term for the offense. If the 1434  
amount of the drug involved is within that range and if the 1435  
offense was committed in the vicinity of a school or in the 1436  
vicinity of a juvenile, trafficking in a fentanyl-related 1437  
compound is a felony of the second degree, and there is a 1438  
presumption for a prison term for the offense. 1439

(e) Except as otherwise provided in this division, if the 1440  
amount of the drug involved equals or exceeds one hundred unit 1441  
doses but is less than two hundred unit doses or equals or 1442  
exceeds ten grams but is less than twenty grams, trafficking in 1443  
a fentanyl-related compound is a felony of the second degree, 1444  
and the court shall impose as a mandatory prison term one of the 1445  
prison terms prescribed for a felony of the second degree. If 1446  
the amount of the drug involved is within that range and if the 1447  
offense was committed in the vicinity of a school or in the 1448  
vicinity of a juvenile, trafficking in a fentanyl-related 1449  
compound is a felony of the first degree, and the court shall 1450  
impose as a mandatory prison term one of the prison terms 1451  
prescribed for a felony of the first degree. 1452

(f) If the amount of the drug involved equals or exceeds 1453  
two hundred unit doses but is less than five hundred unit doses 1454  
or equals or exceeds twenty grams but is less than fifty grams 1455  
and regardless of whether the offense was committed in the 1456  
vicinity of a school or in the vicinity of a juvenile, 1457  
trafficking in a fentanyl-related compound is a felony of the 1458  
first degree, and the court shall impose as a mandatory prison 1459  
term one of the prison terms prescribed for a felony of the 1460

first degree. 1461

(g) If the amount of the drug involved equals or exceeds 1462  
five hundred unit doses but is less than one thousand unit doses 1463  
or equals or exceeds fifty grams but is less than one hundred 1464  
grams and regardless of whether the offense was committed in the 1465  
vicinity of a school or in the vicinity of a juvenile, 1466  
trafficking in a fentanyl-related compound is a felony of the 1467  
first degree, and the court shall impose as a mandatory prison 1468  
term the maximum prison term prescribed for a felony of the 1469  
first degree. 1470

(h) If the amount of the drug involved equals or exceeds 1471  
one thousand unit doses or equals or exceeds one hundred grams 1472  
and regardless of whether the offense was committed in the 1473  
vicinity of a school or in the vicinity of a juvenile, 1474  
trafficking in a fentanyl-related compound is a felony of the 1475  
first degree, the offender is a major drug offender, and the 1476  
court shall impose as a mandatory prison term the maximum prison 1477  
term prescribed for a felony of the first degree. 1478

(10) If the drug involved in the violation is a compound, 1479  
mixture, preparation, or substance that is a combination of a 1480  
fentanyl-related compound and marihuana, one of the following 1481  
applies: 1482

(a) Except as otherwise provided in division (C) (10) (b) of 1483  
this section, the offender is guilty of trafficking in marihuana 1484  
and shall be punished under division (C) (3) of this section. The 1485  
offender is not guilty of trafficking in a fentanyl-related 1486  
compound and shall not be charged with, convicted of, or 1487  
punished under division (C) (9) of this section for trafficking 1488  
in a fentanyl-related compound. 1489

(b) If the offender knows or has reason to know that the compound, mixture, preparation, or substance that is the drug involved contains a fentanyl-related compound, the offender is guilty of trafficking in a fentanyl-related compound and shall be punished under division (C) (9) of this section.

(D) In addition to any prison term authorized or required by division (C) of this section and sections 2929.13 and 2929.14 of the Revised Code, and in addition to any other sanction imposed for the offense under this section or sections 2929.11 to 2929.18 of the Revised Code, the court that sentences an offender who is convicted of or pleads guilty to a violation of division (A) of this section may suspend the driver's or commercial driver's license or permit of the offender in accordance with division (G) of this section. However, if the offender pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit in accordance with division (G) of this section. If applicable, the court also shall do the following:

(1) If the violation of division (A) of this section is a felony of the first, second, or third degree, the court shall impose upon the offender the mandatory fine specified for the offense under division (B) (1) of section 2929.18 of the Revised Code unless, as specified in that division, the court determines that the offender is indigent. Except as otherwise provided in division (H) (1) of this section, a mandatory fine or any other fine imposed for a violation of this section is subject to division (F) of this section. If a person is charged with a

violation of this section that is a felony of the first, second, 1521  
or third degree, posts bail, and forfeits the bail, the clerk of 1522  
the court shall pay the forfeited bail pursuant to divisions (D) 1523  
(1) and (F) of this section, as if the forfeited bail was a fine 1524  
imposed for a violation of this section. If any amount of the 1525  
forfeited bail remains after that payment and if a fine is 1526  
imposed under division (H) (1) of this section, the clerk of the 1527  
court shall pay the remaining amount of the forfeited bail 1528  
pursuant to divisions (H) (2) and (3) of this section, as if that 1529  
remaining amount was a fine imposed under division (H) (1) of 1530  
this section. 1531

(2) If the offender is a professionally licensed person, 1532  
the court immediately shall comply with section 2925.38 of the 1533  
Revised Code. 1534

(E) When a person is charged with the sale of or offer to 1535  
sell a bulk amount or a multiple of a bulk amount of a 1536  
controlled substance, the jury, or the court trying the accused, 1537  
shall determine the amount of the controlled substance involved 1538  
at the time of the offense and, if a guilty verdict is returned, 1539  
shall return the findings as part of the verdict. In any such 1540  
case, it is unnecessary to find and return the exact amount of 1541  
the controlled substance involved, and it is sufficient if the 1542  
finding and return is to the effect that the amount of the 1543  
controlled substance involved is the requisite amount, or that 1544  
the amount of the controlled substance involved is less than the 1545  
requisite amount. 1546

(F) (1) Notwithstanding any contrary provision of section 1547  
3719.21 of the Revised Code and except as provided in division 1548  
(H) of this section, the clerk of the court shall pay any 1549  
mandatory fine imposed pursuant to division (D) (1) of this 1550

section and any fine other than a mandatory fine that is imposed 1551  
for a violation of this section pursuant to division (A) or (B) 1552  
(5) of section 2929.18 of the Revised Code to the county, 1553  
township, municipal corporation, park district, as created 1554  
pursuant to section 511.18 or 1545.04 of the Revised Code, or 1555  
state law enforcement agencies in this state that primarily were 1556  
responsible for or involved in making the arrest of, and in 1557  
prosecuting, the offender. However, the clerk shall not pay a 1558  
mandatory fine so imposed to a law enforcement agency unless the 1559  
agency has adopted a written internal control policy under 1560  
division (F) (2) of this section that addresses the use of the 1561  
fine moneys that it receives. Each agency shall use the 1562  
mandatory fines so paid to subsidize the agency's law 1563  
enforcement efforts that pertain to drug offenses, in accordance 1564  
with the written internal control policy adopted by the 1565  
recipient agency under division (F) (2) of this section. 1566

(2) Prior to receiving any fine moneys under division (F) 1567  
(1) of this section or division (B) of section 2925.42 of the 1568  
Revised Code, a law enforcement agency shall adopt a written 1569  
internal control policy that addresses the agency's use and 1570  
disposition of all fine moneys so received and that provides for 1571  
the keeping of detailed financial records of the receipts of 1572  
those fine moneys, the general types of expenditures made out of 1573  
those fine moneys, and the specific amount of each general type 1574  
of expenditure. The policy shall not provide for or permit the 1575  
identification of any specific expenditure that is made in an 1576  
ongoing investigation. All financial records of the receipts of 1577  
those fine moneys, the general types of expenditures made out of 1578  
those fine moneys, and the specific amount of each general type 1579  
of expenditure by an agency are public records open for 1580  
inspection under section 149.43 of the Revised Code. 1581

Additionally, a written internal control policy adopted under 1582  
this division is such a public record, and the agency that 1583  
adopted it shall comply with it. 1584

(3) As used in division (F) of this section: 1585

(a) "Law enforcement agencies" includes, but is not 1586  
limited to, the state board of pharmacy and the office of a 1587  
prosecutor. 1588

(b) "Prosecutor" has the same meaning as in section 1589  
2935.01 of the Revised Code. 1590

(G) (1) If the sentencing court suspends the offender's 1591  
driver's or commercial driver's license or permit under division 1592  
(D) of this section or any other provision of this chapter, the 1593  
court shall suspend the license, by order, for not more than 1594  
five years. If an offender's driver's or commercial driver's 1595  
license or permit is suspended pursuant to this division, the 1596  
offender, at any time after the expiration of two years from the 1597  
day on which the offender's sentence was imposed or from the day 1598  
on which the offender finally was released from a prison term 1599  
under the sentence, whichever is later, may file a motion with 1600  
the sentencing court requesting termination of the suspension; 1601  
upon the filing of such a motion and the court's finding of good 1602  
cause for the termination, the court may terminate the 1603  
suspension. 1604

(2) Any offender who received a mandatory suspension of 1605  
the offender's driver's or commercial driver's license or permit 1606  
under this section prior to September 13, 2016, may file a 1607  
motion with the sentencing court requesting the termination of 1608  
the suspension. However, an offender who pleaded guilty to or 1609  
was convicted of a violation of section 4511.19 of the Revised 1610

Code or a substantially similar municipal ordinance or law of 1611  
another state or the United States that arose out of the same 1612  
set of circumstances as the violation for which the offender's 1613  
license or permit was suspended under this section shall not 1614  
file such a motion. 1615

Upon the filing of a motion under division (G) (2) of this 1616  
section, the sentencing court, in its discretion, may terminate 1617  
the suspension. 1618

(H) (1) In addition to any prison term authorized or 1619  
required by division (C) of this section and sections 2929.13 1620  
and 2929.14 of the Revised Code, in addition to any other 1621  
penalty or sanction imposed for the offense under this section 1622  
or sections 2929.11 to 2929.18 of the Revised Code, and in 1623  
addition to the forfeiture of property in connection with the 1624  
offense as prescribed in Chapter 2981. of the Revised Code, the 1625  
court that sentences an offender who is convicted of or pleads 1626  
guilty to a violation of division (A) of this section may impose 1627  
upon the offender an additional fine specified for the offense 1628  
in division (B) (4) of section 2929.18 of the Revised Code. A 1629  
fine imposed under division (H) (1) of this section is not 1630  
subject to division (F) of this section and shall be used solely 1631  
for the support of one or more eligible community addiction 1632  
services providers in accordance with divisions (H) (2) and (3) 1633  
of this section. 1634

(2) The court that imposes a fine under division (H) (1) of 1635  
this section shall specify in the judgment that imposes the fine 1636  
one or more eligible community addiction services providers for 1637  
the support of which the fine money is to be used. No community 1638  
addiction services provider shall receive or use money paid or 1639  
collected in satisfaction of a fine imposed under division (H) 1640

(1) of this section unless the services provider is specified in 1641  
the judgment that imposes the fine. No community addiction 1642  
services provider shall be specified in the judgment unless the 1643  
services provider is an eligible community addiction services 1644  
provider and, except as otherwise provided in division (H) (2) of 1645  
this section, unless the services provider is located in the 1646  
county in which the court that imposes the fine is located or in 1647  
a county that is immediately contiguous to the county in which 1648  
that court is located. If no eligible community addiction 1649  
services provider is located in any of those counties, the 1650  
judgment may specify an eligible community addiction services 1651  
provider that is located anywhere within this state. 1652

(3) Notwithstanding any contrary provision of section 1653  
3719.21 of the Revised Code, the clerk of the court shall pay 1654  
any fine imposed under division (H) (1) of this section to the 1655  
eligible community addiction services provider specified 1656  
pursuant to division (H) (2) of this section in the judgment. The 1657  
eligible community addiction services provider that receives the 1658  
fine moneys shall use the moneys only for the alcohol and drug 1659  
addiction services identified in the application for 1660  
certification of services under section 5119.36 of the Revised 1661  
Code or in the application for a license under section 5119.37 1662  
of the Revised Code filed with the department of mental health 1663  
and addiction services by the community addiction services 1664  
provider specified in the judgment. 1665

(4) Each community addiction services provider that 1666  
receives in a calendar year any fine moneys under division (H) 1667  
(3) of this section shall file an annual report covering that 1668  
calendar year with the court of common pleas and the board of 1669  
county commissioners of the county in which the services 1670  
provider is located, with the court of common pleas and the 1671



board of county commissioners of each county from which the 1672  
services provider received the moneys if that county is 1673  
different from the county in which the services provider is 1674  
located, and with the attorney general. The community addiction 1675  
services provider shall file the report no later than the first 1676  
day of March in the calendar year following the calendar year in 1677  
which the services provider received the fine moneys. The report 1678  
shall include statistics on the number of persons served by the 1679  
community addiction services provider, identify the types of 1680  
alcohol and drug addiction services provided to those persons, 1681  
and include a specific accounting of the purposes for which the 1682  
fine moneys received were used. No information contained in the 1683  
report shall identify, or enable a person to determine the 1684  
identity of, any person served by the community addiction 1685  
services provider. Each report received by a court of common 1686  
pleas, a board of county commissioners, or the attorney general 1687  
is a public record open for inspection under section 149.43 of 1688  
the Revised Code. 1689

(5) As used in divisions (H) (1) to (5) of this section: 1690

(a) "Community addiction services provider" and "alcohol 1691  
and drug addiction services" have the same meanings as in 1692  
section 5119.01 of the Revised Code. 1693

(b) "Eligible community addiction services provider" means 1694  
a community addiction services provider, including a community 1695  
addiction services provider that operates an opioid treatment 1696  
program licensed under section 5119.37 of the Revised Code. 1697

(I) As used in this section, "drug" includes any substance 1698  
that is represented to be a drug. 1699

(J) It is an affirmative defense to a charge of 1700

trafficking in a controlled substance analog under division (C) 1701  
(8) of this section that the person charged with violating that 1702  
offense sold or offered to sell, or prepared for shipment, 1703  
shipped, transported, delivered, prepared for distribution, or 1704  
distributed one of the following items that are excluded from 1705  
the meaning of "controlled substance analog" under section 1706  
3719.01 of the Revised Code: 1707

(1) A controlled substance; 1708

(2) Any substance for which there is an approved new drug 1709  
application; 1710

(3) With respect to a particular person, any substance if 1711  
an exemption is in effect for investigational use for that 1712  
person pursuant to federal law to the extent that conduct with 1713  
respect to that substance is pursuant to that exemption. 1714

**Sec. 2925.04.** (A) No person shall knowingly cultivate 1715  
marihuana or knowingly manufacture or otherwise engage in any 1716  
part of the production of a controlled substance. 1717

(B) This section does not apply to any of the following: 1718

(1) Cultivators, processors, testing laboratories, 1719  
registered patients, and adult consumers engaging in any 1720  
activity in accordance with Chapter 3796. of the Revised Code. 1721

(2) A person listed in division (B) (1), (2), or (3) of 1722  
section 2925.03 of the Revised Code to the extent and under the 1723  
circumstances described in those divisions. 1724

(C) (1) Whoever commits a violation of division (A) of this 1725  
section that involves any drug other than marihuana is guilty of 1726  
illegal manufacture of drugs, and whoever commits a violation of 1727  
division (A) of this section that involves marihuana is guilty 1728

of illegal cultivation of marihuana. 1729

(2) Except as otherwise provided in this division, if the 1730  
drug involved in the violation of division (A) of this section 1731  
is any compound, mixture, preparation, or substance included in 1732  
schedule I or II, with the exception of methamphetamine or 1733  
marihuana, illegal manufacture of drugs is a felony of the 1734  
second degree, and, subject to division (E) of this section, the 1735  
court shall impose as a mandatory prison term a second degree 1736  
felony mandatory prison term. 1737

If the drug involved in the violation is any compound, 1738  
mixture, preparation, or substance included in schedule I or II, 1739  
with the exception of methamphetamine or marihuana, and if the 1740  
offense was committed in the vicinity of a juvenile or in the 1741  
vicinity of a school, illegal manufacture of drugs is a felony 1742  
of the first degree, and, subject to division (E) of this 1743  
section, the court shall impose as a mandatory prison term a 1744  
first degree felony mandatory prison term. 1745

(3) If the drug involved in the violation of division (A) 1746  
of this section is methamphetamine, the penalty for the 1747  
violation shall be determined as follows: 1748

(a) Except as otherwise provided in division (C) (3) (b) of 1749  
this section, if the drug involved in the violation is 1750  
methamphetamine, illegal manufacture of drugs is a felony of the 1751  
second degree, and, subject to division (E) of this section, the 1752  
court shall impose a mandatory prison term on the offender 1753  
determined in accordance with this division. Except as otherwise 1754  
provided in this division, the court shall impose as a mandatory 1755  
prison term a second degree felony mandatory prison term that is 1756  
not less than three years. If the offender previously has been 1757  
convicted of or pleaded guilty to a violation of division (A) of 1758

this section, a violation of division (B) (6) of section 2919.22 1759  
of the Revised Code, or a violation of division (A) of section 1760  
2925.041 of the Revised Code, the court shall impose as a 1761  
mandatory prison term a second degree felony mandatory prison 1762  
term that is not less than five years. 1763

(b) If the drug involved in the violation is 1764  
methamphetamine and if the offense was committed in the vicinity 1765  
of a juvenile, in the vicinity of a school, or on public 1766  
premises, illegal manufacture of drugs is a felony of the first 1767  
degree, and, subject to division (E) of this section, the court 1768  
shall impose a mandatory prison term on the offender determined 1769  
in accordance with this division. Except as otherwise provided 1770  
in this division, the court shall impose as a mandatory prison 1771  
term a first degree felony mandatory prison term that is not 1772  
less than four years. If the offender previously has been 1773  
convicted of or pleaded guilty to a violation of division (A) of 1774  
this section, a violation of division (B) (6) of section 2919.22 1775  
of the Revised Code, or a violation of division (A) of section 1776  
2925.041 of the Revised Code, the court shall impose as a 1777  
mandatory prison term a first degree felony mandatory prison 1778  
term that is not less than five years. 1779

(4) If the drug involved in the violation of division (A) 1780  
of this section is any compound, mixture, preparation, or 1781  
substance included in schedule III, IV, or V, illegal 1782  
manufacture of drugs is a felony of the third degree or, if the 1783  
offense was committed in the vicinity of a school or in the 1784  
vicinity of a juvenile, a felony of the second degree, and there 1785  
is a presumption for a prison term for the offense. 1786

(5) If the drug involved in the violation is marihuana, 1787  
the penalty for the offense shall be determined as follows: 1788

(a) Except as otherwise provided in division (C) (5) (b), 1789  
(c), (d), (e), or (f) of this section, illegal cultivation of 1790  
marihuana is a minor misdemeanor or, if the offense was 1791  
committed in the vicinity of a school or in the vicinity of a 1792  
juvenile, a misdemeanor of the fourth degree. 1793

(b) If the amount of marihuana involved equals or exceeds 1794  
one hundred grams but is less than two hundred grams, illegal 1795  
cultivation of marihuana is a misdemeanor of the fourth degree 1796  
or, if the offense was committed in the vicinity of a school or 1797  
in the vicinity of a juvenile, a misdemeanor of the third 1798  
degree. 1799

(c) If the amount of marihuana involved equals or exceeds 1800  
two hundred grams but is less than one thousand grams, illegal 1801  
cultivation of marihuana is a felony of the fifth degree or, if 1802  
the offense was committed in the vicinity of a school or in the 1803  
vicinity of a juvenile, a felony of the fourth degree, and 1804  
division (B) of section 2929.13 of the Revised Code applies in 1805  
determining whether to impose a prison term on the offender. 1806

(d) If the amount of marihuana involved equals or exceeds 1807  
one thousand grams but is less than five thousand grams, illegal 1808  
cultivation of marihuana is a felony of the third degree or, if 1809  
the offense was committed in the vicinity of a school or in the 1810  
vicinity of a juvenile, a felony of the second degree, and 1811  
division (C) of section 2929.13 of the Revised Code applies in 1812  
determining whether to impose a prison term on the offender. 1813

(e) If the amount of marihuana involved equals or exceeds 1814  
five thousand grams but is less than twenty thousand grams, 1815  
illegal cultivation of marihuana is a felony of the third degree 1816  
or, if the offense was committed in the vicinity of a school or 1817  
in the vicinity of a juvenile, a felony of the second degree, 1818

and there is a presumption for a prison term for the offense. 1819

(f) Except as otherwise provided in this division, if the 1820  
amount of marihuana involved equals or exceeds twenty thousand 1821  
grams, illegal cultivation of marihuana is a felony of the 1822  
second degree, and the court shall impose as a mandatory prison 1823  
term a maximum second degree felony mandatory prison term. If 1824  
the amount of the drug involved equals or exceeds twenty 1825  
thousand grams and if the offense was committed in the vicinity 1826  
of a school or in the vicinity of a juvenile, illegal 1827  
cultivation of marihuana is a felony of the first degree, and 1828  
the court shall impose as a mandatory prison term a maximum 1829  
first degree felony mandatory prison term. 1830

(D) In addition to any prison term authorized or required 1831  
by division (C) or (E) of this section and sections 2929.13 and 1832  
2929.14 of the Revised Code and in addition to any other 1833  
sanction imposed for the offense under this section or sections 1834  
2929.11 to 2929.18 of the Revised Code, the court that sentences 1835  
an offender who is convicted of or pleads guilty to a violation 1836  
of division (A) of this section may suspend the offender's 1837  
driver's or commercial driver's license or permit in accordance 1838  
with division (G) of section 2925.03 of the Revised Code. 1839  
However, if the offender pleaded guilty to or was convicted of a 1840  
violation of section 4511.19 of the Revised Code or a 1841  
substantially similar municipal ordinance or the law of another 1842  
state or the United States arising out of the same set of 1843  
circumstances as the violation, the court shall suspend the 1844  
offender's driver's or commercial driver's license or permit in 1845  
accordance with division (G) of section 2925.03 of the Revised 1846  
Code. If applicable, the court also shall do the following: 1847

(1) If the violation of division (A) of this section is a 1848

felony of the first, second, or third degree, the court shall 1849  
impose upon the offender the mandatory fine specified for the 1850  
offense under division (B) (1) of section 2929.18 of the Revised 1851  
Code unless, as specified in that division, the court determines 1852  
that the offender is indigent. The clerk of the court shall pay 1853  
a mandatory fine or other fine imposed for a violation of this 1854  
section pursuant to division (A) of section 2929.18 of the 1855  
Revised Code in accordance with and subject to the requirements 1856  
of division (F) of section 2925.03 of the Revised Code. The 1857  
agency that receives the fine shall use the fine as specified in 1858  
division (F) of section 2925.03 of the Revised Code. If a person 1859  
is charged with a violation of this section that is a felony of 1860  
the first, second, or third degree, posts bail, and forfeits the 1861  
bail, the clerk shall pay the forfeited bail as if the forfeited 1862  
bail were a fine imposed for a violation of this section. 1863

(2) If the offender is a professionally licensed person, 1864  
the court immediately shall comply with section 2925.38 of the 1865  
Revised Code. 1866

(E) Notwithstanding the prison term otherwise authorized 1867  
or required for the offense under division (C) of this section 1868  
and sections 2929.13 and 2929.14 of the Revised Code, if the 1869  
violation of division (A) of this section involves the sale, 1870  
offer to sell, or possession of a schedule I or II controlled 1871  
substance, with the exception of marihuana, and if the court 1872  
imposing sentence upon the offender finds that the offender as a 1873  
result of the violation is a major drug offender and is guilty 1874  
of a specification of the type described in division (A) of 1875  
section 2941.1410 of the Revised Code, the court, in lieu of the 1876  
prison term otherwise authorized or required, shall impose upon 1877  
the offender the mandatory prison term specified in division (B) 1878  
(3) of section 2929.14 of the Revised Code. 1879

(F) It is an affirmative defense, as provided in section 1880  
2901.05 of the Revised Code, to a charge under this section for 1881  
a fifth degree felony violation of illegal cultivation of 1882  
marihuana that the marihuana that gave rise to the charge is in 1883  
an amount, is in a form, is prepared, compounded, or mixed with 1884  
substances that are not controlled substances in a manner, or is 1885  
possessed or cultivated under any other circumstances that 1886  
indicate that the marihuana was solely for personal use. 1887

Notwithstanding any contrary provision of division (F) of 1888  
this section, if, in accordance with section 2901.05 of the 1889  
Revised Code, a person who is charged with a violation of 1890  
illegal cultivation of marihuana that is a felony of the fifth 1891  
degree sustains the burden of going forward with evidence of and 1892  
establishes by a preponderance of the evidence the affirmative 1893  
defense described in this division, the person may be prosecuted 1894  
for and may be convicted of or plead guilty to a misdemeanor 1895  
violation of illegal cultivation of marihuana. 1896

(G) Arrest or conviction for a minor misdemeanor violation 1897  
of this section does not constitute a criminal record and need 1898  
not be reported by the person so arrested or convicted in 1899  
response to any inquiries about the person's criminal record, 1900  
including any inquiries contained in an application for 1901  
employment, a license, or any other right or privilege or made 1902  
in connection with the person's appearance as a witness. 1903

(H) (1) If the sentencing court suspends the offender's 1904  
driver's or commercial driver's license or permit under this 1905  
section in accordance with division (G) of section 2925.03 of 1906  
the Revised Code, the offender may request termination of, and 1907  
the court may terminate, the suspension of the offender in 1908  
accordance with that division. 1909



(2) Any offender who received a mandatory suspension of the offender's driver's or commercial driver's license or permit under this section prior to September 13, 2016, may file a motion with the sentencing court requesting the termination of the suspension. However, an offender who pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or law of another state or the United States that arose out of the same set of circumstances as the violation for which the offender's license or permit was suspended under this section shall not file such a motion.

Upon the filing of a motion under division (H) (2) of this section, the sentencing court, in its discretion, may terminate the suspension.

**Sec. 2925.11.** (A) No person shall knowingly obtain, possess, or use a controlled substance or a controlled substance analog.

(B) (1) This section does not apply to any of the following:

(a) Manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, cultivators, processors, testing laboratories, registered patients, adult consumers, and other persons whose conduct was in accordance with Chapters 3719., 3796., 4715., 4723., 4729., 4730., 4731., and 4741. of the Revised Code;

(b) If the offense involves an anabolic steroid, any person who is conducting or participating in a research project involving the use of an anabolic steroid if the project has been approved by the United States food and drug administration;

(c) Any person who sells, offers for sale, prescribes, 1939  
dispenses, or administers for livestock or other nonhuman 1940  
species an anabolic steroid that is expressly intended for 1941  
administration through implants to livestock or other nonhuman 1942  
species and approved for that purpose under the "Federal Food, 1943  
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 1944  
as amended, and is sold, offered for sale, prescribed, 1945  
dispensed, or administered for that purpose in accordance with 1946  
that act; 1947

(d) (i) Any person who obtained the controlled substance 1948  
pursuant to a prescription issued by a licensed health 1949  
professional authorized to prescribe drugs if the prescription 1950  
was issued for a legitimate medical purpose and not altered, 1951  
forged, or obtained through deception or commission of a theft 1952  
offense. 1953

(ii) As used in division (B) (1) (i) of this section, 1954  
"deception" and "theft offense" have the same meanings as in 1955  
section 2913.01 of the Revised Code. 1956

(e) Possession of less than fifty grams of marihuana, less 1957  
than eight grams of hashish in a solid form, or less than two 1958  
grams of hashish in a liquid concentrate, liquid extract, or 1959  
liquid distillate form. 1960

(2) (a) As used in division (B) (2) of this section: 1961

(i) "Community addiction services provider" has the same 1962  
meaning as in section 5119.01 of the Revised Code. 1963

(ii) "Community control sanction" and "drug treatment 1964  
program" have the same meanings as in section 2929.01 of the 1965  
Revised Code. 1966

(iii) "Health care facility" has the same meaning as in 1967

section 2919.16 of the Revised Code. 1968

(iv) "Minor drug possession offense" means a violation of 1969  
this section that is a misdemeanor or a felony of the fifth 1970  
degree. 1971

(v) "Post-release control sanction" has the same meaning 1972  
as in section 2967.28 of the Revised Code. 1973

(vi) "Peace officer" has the same meaning as in section 1974  
2935.01 of the Revised Code. 1975

(vii) "Public agency" has the same meaning as in section 1976  
2930.01 of the Revised Code. 1977

(viii) "Qualified individual" means a person who is not on 1978  
community control or post-release control and is a person acting 1979  
in good faith who seeks or obtains medical assistance for 1980  
another person who is experiencing a drug overdose, a person who 1981  
experiences a drug overdose and who seeks medical assistance for 1982  
that overdose, or a person who is the subject of another person 1983  
seeking or obtaining medical assistance for that overdose as 1984  
described in division (B) (2) (b) of this section. 1985

(ix) "Seek or obtain medical assistance" includes, but is 1986  
not limited to making a 9-1-1 call, contacting in person or by 1987  
telephone call an on-duty peace officer, or transporting or 1988  
presenting a person to a health care facility. 1989

(b) Subject to division (B) (2) (f) of this section, a 1990  
qualified individual shall not be arrested, charged, prosecuted, 1991  
convicted, or penalized pursuant to this chapter for a minor 1992  
drug possession offense if all of the following apply: 1993

(i) The evidence of the obtaining, possession, or use of 1994  
the controlled substance or controlled substance analog that 1995

would be the basis of the offense was obtained as a result of 1996  
the qualified individual seeking the medical assistance or 1997  
experiencing an overdose and needing medical assistance. 1998

(ii) Subject to division (B) (2) (g) of this section, within 1999  
thirty days after seeking or obtaining the medical assistance, 2000  
the qualified individual seeks and obtains a screening and 2001  
receives a referral for treatment from a community addiction 2002  
services provider or a properly credentialed addiction treatment 2003  
professional. 2004

(iii) Subject to division (B) (2) (g) of this section, the 2005  
qualified individual who obtains a screening and receives a 2006  
referral for treatment under division (B) (2) (b) (ii) of this 2007  
section, upon the request of any prosecuting attorney, submits 2008  
documentation to the prosecuting attorney that verifies that the 2009  
qualified individual satisfied the requirements of that 2010  
division. The documentation shall be limited to the date and 2011  
time of the screening obtained and referral received. 2012

(c) If a person is found to be in violation of any 2013  
community control sanction and if the violation is a result of 2014  
either of the following, the court shall first consider ordering 2015  
the person's participation or continued participation in a drug 2016  
treatment program or mitigating the penalty specified in section 2017  
2929.13, 2929.15, or 2929.25 of the Revised Code, whichever is 2018  
applicable, after which the court has the discretion either to 2019  
order the person's participation or continued participation in a 2020  
drug treatment program or to impose the penalty with the 2021  
mitigating factor specified in any of those applicable sections: 2022

(i) Seeking or obtaining medical assistance in good faith 2023  
for another person who is experiencing a drug overdose; 2024

(ii) Experiencing a drug overdose and seeking medical assistance for that overdose or being the subject of another person seeking or obtaining medical assistance for that overdose as described in division (B) (2) (b) of this section.

(d) If a person is found to be in violation of any post-release control sanction and if the violation is a result of either of the following, the court or the parole board shall first consider ordering the person's participation or continued participation in a drug treatment program or mitigating the penalty specified in section 2929.141 or 2967.28 of the Revised Code, whichever is applicable, after which the court or the parole board has the discretion either to order the person's participation or continued participation in a drug treatment program or to impose the penalty with the mitigating factor specified in either of those applicable sections:

(i) Seeking or obtaining medical assistance in good faith for another person who is experiencing a drug overdose;

(ii) Experiencing a drug overdose and seeking medical assistance for that emergency or being the subject of another person seeking or obtaining medical assistance for that overdose as described in division (B) (2) (b) of this section.

(e) Nothing in division (B) (2) (b) of this section shall be construed to do any of the following:

(i) Limit the admissibility of any evidence in connection with the investigation or prosecution of a crime with regards to a defendant who does not qualify for the protections of division (B) (2) (b) of this section or with regards to any crime other than a minor drug possession offense committed by a person who qualifies for protection pursuant to division (B) (2) (b) of this

section for a minor drug possession offense; 2054

(ii) Limit any seizure of evidence or contraband otherwise 2055  
permitted by law; 2056

(iii) Limit or abridge the authority of a peace officer to 2057  
detain or take into custody a person in the course of an 2058  
investigation or to effectuate an arrest for any offense except 2059  
as provided in that division; 2060

(iv) Limit, modify, or remove any immunity from liability 2061  
available pursuant to law in effect prior to September 13, 2016, 2062  
to any public agency or to an employee of any public agency. 2063

(f) Division (B) (2) (b) of this section does not apply to 2064  
any person who twice previously has been granted an immunity 2065  
under division (B) (2) (b) of this section. No person shall be 2066  
granted an immunity under division (B) (2) (b) of this section 2067  
more than two times. 2068

(g) Nothing in this section shall compel any qualified 2069  
individual to disclose protected health information in a way 2070  
that conflicts with the requirements of the "Health Insurance 2071  
Portability and Accountability Act of 1996," 104 Pub. L. No. 2072  
191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and 2073  
regulations promulgated by the United States department of 2074  
health and human services to implement the act or the 2075  
requirements of 42 C.F.R. Part 2. 2076

(C) Whoever violates division (A) of this section is 2077  
guilty of one of the following: 2078

(1) If the drug involved in the violation is a compound, 2079  
mixture, preparation, or substance included in schedule I or II, 2080  
with the exception of marihuana, cocaine, L.S.D., heroin, any 2081  
fentanyl-related compound, hashish, and any controlled substance 2082

analog, whoever violates division (A) of this section is guilty 2083  
of aggravated possession of drugs. The penalty for the offense 2084  
shall be determined as follows: 2085

(a) Except as otherwise provided in division (C) (1) (b), 2086  
(c), (d), or (e) of this section, aggravated possession of drugs 2087  
is a felony of the fifth degree, and division (B) of section 2088  
2929.13 of the Revised Code applies in determining whether to 2089  
impose a prison term on the offender. 2090

(b) If the amount of the drug involved equals or exceeds 2091  
the bulk amount but is less than five times the bulk amount, 2092  
aggravated possession of drugs is a felony of the third degree, 2093  
and there is a presumption for a prison term for the offense. 2094

(c) If the amount of the drug involved equals or exceeds 2095  
five times the bulk amount but is less than fifty times the bulk 2096  
amount, aggravated possession of drugs is a felony of the second 2097  
degree, and the court shall impose as a mandatory prison term a 2098  
second degree felony mandatory prison term. 2099

(d) If the amount of the drug involved equals or exceeds 2100  
fifty times the bulk amount but is less than one hundred times 2101  
the bulk amount, aggravated possession of drugs is a felony of 2102  
the first degree, and the court shall impose as a mandatory 2103  
prison term a first degree felony mandatory prison term. 2104

(e) If the amount of the drug involved equals or exceeds 2105  
one hundred times the bulk amount, aggravated possession of 2106  
drugs is a felony of the first degree, the offender is a major 2107  
drug offender, and the court shall impose as a mandatory prison 2108  
term a maximum first degree felony mandatory prison term. 2109

(2) If the drug involved in the violation is a compound, 2110  
mixture, preparation, or substance included in schedule III, IV, 2111

or V, whoever violates division (A) of this section is guilty of 2112  
possession of drugs. The penalty for the offense shall be 2113  
determined as follows: 2114

(a) Except as otherwise provided in division (C) (2) (b), 2115  
(c), or (d) of this section, possession of drugs is a 2116  
misdemeanor of the first degree or, if the offender previously 2117  
has been convicted of a drug abuse offense, a felony of the 2118  
fifth degree. 2119

(b) If the amount of the drug involved equals or exceeds 2120  
the bulk amount but is less than five times the bulk amount, 2121  
possession of drugs is a felony of the fourth degree, and 2122  
division (C) of section 2929.13 of the Revised Code applies in 2123  
determining whether to impose a prison term on the offender. 2124

(c) If the amount of the drug involved equals or exceeds 2125  
five times the bulk amount but is less than fifty times the bulk 2126  
amount, possession of drugs is a felony of the third degree, and 2127  
there is a presumption for a prison term for the offense. 2128

(d) If the amount of the drug involved equals or exceeds 2129  
fifty times the bulk amount, possession of drugs is a felony of 2130  
the second degree, and the court shall impose upon the offender 2131  
as a mandatory prison term a second degree felony mandatory 2132  
prison term. 2133

(3) If the drug involved in the violation is marihuana or 2134  
a compound, mixture, preparation, or substance containing 2135  
marihuana other than hashish, whoever violates division (A) of 2136  
this section is guilty of possession of marihuana. The penalty 2137  
for the offense shall be determined as follows: 2138

~~(a) Except as otherwise provided in division (C) (3) (b),~~ 2139  
~~(c), (d), (e), (f), or (g) of this section, possession of~~ 2140



~~marihuana is a minor misdemeanor.~~ 2141

~~(b)~~ If the amount of the drug involved equals or exceeds 2142  
~~one hundred fifty~~ grams but is less than two hundred grams, 2143  
possession of marihuana is a minor misdemeanor ~~of the fourth~~ 2144  
degree. 2145

~~(e)~~ (b) If the amount of the drug involved equals or 2146  
exceeds two hundred grams but is less than one thousand grams, 2147  
possession of marihuana is a felony of the fifth degree, and 2148  
division (B) of section 2929.13 of the Revised Code applies in 2149  
determining whether to impose a prison term on the offender. 2150

~~(d)~~ (c) If the amount of the drug involved equals or 2151  
exceeds one thousand grams but is less than five thousand grams, 2152  
possession of marihuana is a felony of the third degree, and 2153  
division (C) of section 2929.13 of the Revised Code applies in 2154  
determining whether to impose a prison term on the offender. 2155

~~(e)~~ (d) If the amount of the drug involved equals or 2156  
exceeds five thousand grams but is less than twenty thousand 2157  
grams, possession of marihuana is a felony of the third degree, 2158  
and there is a presumption that a prison term shall be imposed 2159  
for the offense. 2160

~~(f)~~ (e) If the amount of the drug involved equals or 2161  
exceeds twenty thousand grams but is less than forty thousand 2162  
grams, possession of marihuana is a felony of the second degree, 2163  
and the court shall impose as a mandatory prison term a second 2164  
degree felony mandatory prison term of five, six, seven, or 2165  
eight years. 2166

~~(g)~~ (f) If the amount of the drug involved equals or 2167  
exceeds forty thousand grams, possession of marihuana is a 2168  
felony of the second degree, and the court shall impose as a 2169

mandatory prison term a maximum second degree felony mandatory 2170  
prison term. 2171

(4) If the drug involved in the violation is cocaine or a 2172  
compound, mixture, preparation, or substance containing cocaine, 2173  
whoever violates division (A) of this section is guilty of 2174  
possession of cocaine. The penalty for the offense shall be 2175  
determined as follows: 2176

(a) Except as otherwise provided in division (C) (4) (b), 2177  
(c), (d), (e), or (f) of this section, possession of cocaine is 2178  
a felony of the fifth degree, and division (B) of section 2179  
2929.13 of the Revised Code applies in determining whether to 2180  
impose a prison term on the offender. 2181

(b) If the amount of the drug involved equals or exceeds 2182  
five grams but is less than ten grams of cocaine, possession of 2183  
cocaine is a felony of the fourth degree, and division (B) of 2184  
section 2929.13 of the Revised Code applies in determining 2185  
whether to impose a prison term on the offender. 2186

(c) If the amount of the drug involved equals or exceeds 2187  
ten grams but is less than twenty grams of cocaine, possession 2188  
of cocaine is a felony of the third degree, and, except as 2189  
otherwise provided in this division, there is a presumption for 2190  
a prison term for the offense. If possession of cocaine is a 2191  
felony of the third degree under this division and if the 2192  
offender two or more times previously has been convicted of or 2193  
pleaded guilty to a felony drug abuse offense, the court shall 2194  
impose as a mandatory prison term one of the prison terms 2195  
prescribed for a felony of the third degree. 2196

(d) If the amount of the drug involved equals or exceeds 2197  
twenty grams but is less than twenty-seven grams of cocaine, 2198

possession of cocaine is a felony of the second degree, and the 2199  
court shall impose as a mandatory prison term a second degree 2200  
felony mandatory prison term. 2201

(e) If the amount of the drug involved equals or exceeds 2202  
twenty-seven grams but is less than one hundred grams of 2203  
cocaine, possession of cocaine is a felony of the first degree, 2204  
and the court shall impose as a mandatory prison term a first 2205  
degree felony mandatory prison term. 2206

(f) If the amount of the drug involved equals or exceeds 2207  
one hundred grams of cocaine, possession of cocaine is a felony 2208  
of the first degree, the offender is a major drug offender, and 2209  
the court shall impose as a mandatory prison term a maximum 2210  
first degree felony mandatory prison term. 2211

(5) If the drug involved in the violation is L.S.D., 2212  
whoever violates division (A) of this section is guilty of 2213  
possession of L.S.D. The penalty for the offense shall be 2214  
determined as follows: 2215

(a) Except as otherwise provided in division (C) (5) (b), 2216  
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 2217  
felony of the fifth degree, and division (B) of section 2929.13 2218  
of the Revised Code applies in determining whether to impose a 2219  
prison term on the offender. 2220

(b) If the amount of L.S.D. involved equals or exceeds ten 2221  
unit doses but is less than fifty unit doses of L.S.D. in a 2222  
solid form or equals or exceeds one gram but is less than five 2223  
grams of L.S.D. in a liquid concentrate, liquid extract, or 2224  
liquid distillate form, possession of L.S.D. is a felony of the 2225  
fourth degree, and division (C) of section 2929.13 of the 2226  
Revised Code applies in determining whether to impose a prison 2227

term on the offender. 2228

(c) If the amount of L.S.D. involved equals or exceeds 2229  
fifty unit doses, but is less than two hundred fifty unit doses 2230  
of L.S.D. in a solid form or equals or exceeds five grams but is 2231  
less than twenty-five grams of L.S.D. in a liquid concentrate, 2232  
liquid extract, or liquid distillate form, possession of L.S.D. 2233  
is a felony of the third degree, and there is a presumption for 2234  
a prison term for the offense. 2235

(d) If the amount of L.S.D. involved equals or exceeds two 2236  
hundred fifty unit doses but is less than one thousand unit 2237  
doses of L.S.D. in a solid form or equals or exceeds twenty-five 2238  
grams but is less than one hundred grams of L.S.D. in a liquid 2239  
concentrate, liquid extract, or liquid distillate form, 2240  
possession of L.S.D. is a felony of the second degree, and the 2241  
court shall impose as a mandatory prison term a second degree 2242  
felony mandatory prison term. 2243

(e) If the amount of L.S.D. involved equals or exceeds one 2244  
thousand unit doses but is less than five thousand unit doses of 2245  
L.S.D. in a solid form or equals or exceeds one hundred grams 2246  
but is less than five hundred grams of L.S.D. in a liquid 2247  
concentrate, liquid extract, or liquid distillate form, 2248  
possession of L.S.D. is a felony of the first degree, and the 2249  
court shall impose as a mandatory prison term a first degree 2250  
felony mandatory prison term. 2251

(f) If the amount of L.S.D. involved equals or exceeds 2252  
five thousand unit doses of L.S.D. in a solid form or equals or 2253  
exceeds five hundred grams of L.S.D. in a liquid concentrate, 2254  
liquid extract, or liquid distillate form, possession of L.S.D. 2255  
is a felony of the first degree, the offender is a major drug 2256  
offender, and the court shall impose as a mandatory prison term 2257

a maximum first degree felony mandatory prison term. 2258

(6) If the drug involved in the violation is heroin or a 2259  
compound, mixture, preparation, or substance containing heroin, 2260  
whoever violates division (A) of this section is guilty of 2261  
possession of heroin. The penalty for the offense shall be 2262  
determined as follows: 2263

(a) Except as otherwise provided in division (C) (6) (b), 2264  
(c), (d), (e), or (f) of this section, possession of heroin is a 2265  
felony of the fifth degree, and division (B) of section 2929.13 2266  
of the Revised Code applies in determining whether to impose a 2267  
prison term on the offender. 2268

(b) If the amount of the drug involved equals or exceeds 2269  
ten unit doses but is less than fifty unit doses or equals or 2270  
exceeds one gram but is less than five grams, possession of 2271  
heroin is a felony of the fourth degree, and division (C) of 2272  
section 2929.13 of the Revised Code applies in determining 2273  
whether to impose a prison term on the offender. 2274

(c) If the amount of the drug involved equals or exceeds 2275  
fifty unit doses but is less than one hundred unit doses or 2276  
equals or exceeds five grams but is less than ten grams, 2277  
possession of heroin is a felony of the third degree, and there 2278  
is a presumption for a prison term for the offense. 2279

(d) If the amount of the drug involved equals or exceeds 2280  
one hundred unit doses but is less than five hundred unit doses 2281  
or equals or exceeds ten grams but is less than fifty grams, 2282  
possession of heroin is a felony of the second degree, and the 2283  
court shall impose as a mandatory prison term a second degree 2284  
felony mandatory prison term. 2285

(e) If the amount of the drug involved equals or exceeds 2286

five hundred unit doses but is less than one thousand unit doses 2287  
or equals or exceeds fifty grams but is less than one hundred 2288  
grams, possession of heroin is a felony of the first degree, and 2289  
the court shall impose as a mandatory prison term a first degree 2290  
felony mandatory prison term. 2291

(f) If the amount of the drug involved equals or exceeds 2292  
one thousand unit doses or equals or exceeds one hundred grams, 2293  
possession of heroin is a felony of the first degree, the 2294  
offender is a major drug offender, and the court shall impose as 2295  
a mandatory prison term a maximum first degree felony mandatory 2296  
prison term. 2297

(7) If the drug involved in the violation is hashish or a 2298  
compound, mixture, preparation, or substance containing hashish, 2299  
whoever violates division (A) of this section is guilty of 2300  
possession of hashish. The penalty for the offense shall be 2301  
determined as follows: 2302

~~(a) Except as otherwise provided in division (C) (7) (b), 2303  
(c), (d), (e), (f), or (g) of this section, possession of 2304  
hashish is a minor misdemeanor. 2305~~

~~(b) If the amount of the drug involved equals or exceeds 2306  
five eight grams but is less than ten grams of hashish in a 2307  
solid form or equals or exceeds ~~one gram~~ two grams but is less 2308  
than ~~two four~~ grams of hashish in a liquid concentrate, liquid 2309  
extract, or liquid distillate form, possession of hashish is a 2310  
misdemeanor of the fourth degree. 2311~~

~~(c) (b) If the amount of the drug involved equals or 2312  
exceeds ten grams but is less than fifty grams of hashish in a 2313  
solid form or equals or exceeds ~~two four~~ grams but is less than 2314  
ten grams of hashish in a liquid concentrate, liquid extract, or 2315~~

liquid distillate form, possession of hashish is a felony of the 2316  
fifth degree, and division (B) of section 2929.13 of the Revised 2317  
Code applies in determining whether to impose a prison term on 2318  
the offender. 2319

~~(d)~~ (c) If the amount of the drug involved equals or 2320  
exceeds fifty grams but is less than two hundred fifty grams of 2321  
hashish in a solid form or equals or exceeds ten grams but is 2322  
less than fifty grams of hashish in a liquid concentrate, liquid 2323  
extract, or liquid distillate form, possession of hashish is a 2324  
felony of the third degree, and division (C) of section 2929.13 2325  
of the Revised Code applies in determining whether to impose a 2326  
prison term on the offender. 2327

~~(e)~~ (d) If the amount of the drug involved equals or 2328  
exceeds two hundred fifty grams but is less than one thousand 2329  
grams of hashish in a solid form or equals or exceeds fifty 2330  
grams but is less than two hundred grams of hashish in a liquid 2331  
concentrate, liquid extract, or liquid distillate form, 2332  
possession of hashish is a felony of the third degree, and there 2333  
is a presumption that a prison term shall be imposed for the 2334  
offense. 2335

~~(f)~~ (e) If the amount of the drug involved equals or 2336  
exceeds one thousand grams but is less than two thousand grams 2337  
of hashish in a solid form or equals or exceeds two hundred 2338  
grams but is less than four hundred grams of hashish in a liquid 2339  
concentrate, liquid extract, or liquid distillate form, 2340  
possession of hashish is a felony of the second degree, and the 2341  
court shall impose as a mandatory prison term a second degree 2342  
felony mandatory prison term of five, six, seven, or eight 2343  
years. 2344

~~(g)~~ (f) If the amount of the drug involved equals or 2345

exceeds two thousand grams of hashish in a solid form or equals 2346  
or exceeds four hundred grams of hashish in a liquid 2347  
concentrate, liquid extract, or liquid distillate form, 2348  
possession of hashish is a felony of the second degree, and the 2349  
court shall impose as a mandatory prison term a maximum second 2350  
degree felony mandatory prison term. 2351

(8) If the drug involved is a controlled substance analog 2352  
or compound, mixture, preparation, or substance that contains a 2353  
controlled substance analog, whoever violates division (A) of 2354  
this section is guilty of possession of a controlled substance 2355  
analog. The penalty for the offense shall be determined as 2356  
follows: 2357

(a) Except as otherwise provided in division (C) (8) (b), 2358  
(c), (d), (e), or (f) of this section, possession of a 2359  
controlled substance analog is a felony of the fifth degree, and 2360  
division (B) of section 2929.13 of the Revised Code applies in 2361  
determining whether to impose a prison term on the offender. 2362

(b) If the amount of the drug involved equals or exceeds 2363  
ten grams but is less than twenty grams, possession of a 2364  
controlled substance analog is a felony of the fourth degree, 2365  
and there is a presumption for a prison term for the offense. 2366

(c) If the amount of the drug involved equals or exceeds 2367  
twenty grams but is less than thirty grams, possession of a 2368  
controlled substance analog is a felony of the third degree, and 2369  
there is a presumption for a prison term for the offense. 2370

(d) If the amount of the drug involved equals or exceeds 2371  
thirty grams but is less than forty grams, possession of a 2372  
controlled substance analog is a felony of the second degree, 2373  
and the court shall impose as a mandatory prison term a second 2374



degree felony mandatory prison term. 2375

(e) If the amount of the drug involved equals or exceeds 2376  
forty grams but is less than fifty grams, possession of a 2377  
controlled substance analog is a felony of the first degree, and 2378  
the court shall impose as a mandatory prison term a first degree 2379  
felony mandatory prison term. 2380

(f) If the amount of the drug involved equals or exceeds 2381  
fifty grams, possession of a controlled substance analog is a 2382  
felony of the first degree, the offender is a major drug 2383  
offender, and the court shall impose as a mandatory prison term 2384  
a maximum first degree felony mandatory prison term. 2385

(9) If the drug involved in the violation is a compound, 2386  
mixture, preparation, or substance that is a combination of a 2387  
fentanyl-related compound and marihuana, one of the following 2388  
applies: 2389

(a) Except as otherwise provided in division (C) (9) (b) of 2390  
this section, the offender is guilty of possession of marihuana 2391  
and shall be punished as provided in division (C) (3) of this 2392  
section. Except as otherwise provided in division (C) (9) (b) of 2393  
this section, the offender is not guilty of possession of a 2394  
fentanyl-related compound under division (C) (11) of this section 2395  
and shall not be charged with, convicted of, or punished under 2396  
division (C) (11) of this section for possession of a fentanyl- 2397  
related compound. 2398

(b) If the offender knows or has reason to know that the 2399  
compound, mixture, preparation, or substance that is the drug 2400  
involved contains a fentanyl-related compound, the offender is 2401  
guilty of possession of a fentanyl-related compound and shall be 2402  
punished under division (C) (11) of this section. 2403

(10) If the drug involved in the violation is a compound, 2404  
mixture, preparation, or substance that is a combination of a 2405  
fentanyl-related compound and any schedule III, schedule IV, or 2406  
schedule V controlled substance that is not a fentanyl-related 2407  
compound, one of the following applies: 2408

(a) Except as otherwise provided in division (C) (10) (b) of 2409  
this section, the offender is guilty of possession of drugs and 2410  
shall be punished as provided in division (C) (2) of this 2411  
section. Except as otherwise provided in division (C) (10) (b) of 2412  
this section, the offender is not guilty of possession of a 2413  
fentanyl-related compound under division (C) (11) of this section 2414  
and shall not be charged with, convicted of, or punished under 2415  
division (C) (11) of this section for possession of a fentanyl- 2416  
related compound. 2417

(b) If the offender knows or has reason to know that the 2418  
compound, mixture, preparation, or substance that is the drug 2419  
involved contains a fentanyl-related compound, the offender is 2420  
guilty of possession of a fentanyl-related compound and shall be 2421  
punished under division (C) (11) of this section. 2422

(11) If the drug involved in the violation is a fentanyl- 2423  
related compound and neither division (C) (9) (a) nor division (C) 2424  
(10) (a) of this section applies to the drug involved, or is a 2425  
compound, mixture, preparation, or substance that contains a 2426  
fentanyl-related compound or is a combination of a fentanyl- 2427  
related compound and any other controlled substance and neither 2428  
division (C) (9) (a) nor division (C) (10) (a) of this section 2429  
applies to the drug involved, whoever violates division (A) of 2430  
this section is guilty of possession of a fentanyl-related 2431  
compound. The penalty for the offense shall be determined as 2432  
follows: 2433

(a) Except as otherwise provided in division (C) (11) (b), 2434  
(c), (d), (e), (f), or (g) of this section, possession of a 2435  
fentanyl-related compound is a felony of the fifth degree, and 2436  
division (B) of section 2929.13 of the Revised Code applies in 2437  
determining whether to impose a prison term on the offender. 2438

(b) If the amount of the drug involved equals or exceeds 2439  
ten unit doses but is less than fifty unit doses or equals or 2440  
exceeds one gram but is less than five grams, possession of a 2441  
fentanyl-related compound is a felony of the fourth degree, and 2442  
division (C) of section 2929.13 of the Revised Code applies in 2443  
determining whether to impose a prison term on the offender. 2444

(c) If the amount of the drug involved equals or exceeds 2445  
fifty unit doses but is less than one hundred unit doses or 2446  
equals or exceeds five grams but is less than ten grams, 2447  
possession of a fentanyl-related compound is a felony of the 2448  
third degree, and there is a presumption for a prison term for 2449  
the offense. 2450

(d) If the amount of the drug involved equals or exceeds 2451  
one hundred unit doses but is less than two hundred unit doses 2452  
or equals or exceeds ten grams but is less than twenty grams, 2453  
possession of a fentanyl-related compound is a felony of the 2454  
second degree, and the court shall impose as a mandatory prison 2455  
term one of the prison terms prescribed for a felony of the 2456  
second degree. 2457

(e) If the amount of the drug involved equals or exceeds 2458  
two hundred unit doses but is less than five hundred unit doses 2459  
or equals or exceeds twenty grams but is less than fifty grams, 2460  
possession of a fentanyl-related compound is a felony of the 2461  
first degree, and the court shall impose as a mandatory prison 2462  
term one of the prison terms prescribed for a felony of the 2463

first degree. 2464

(f) If the amount of the drug involved equals or exceeds 2465  
five hundred unit doses but is less than one thousand unit doses 2466  
or equals or exceeds fifty grams but is less than one hundred 2467  
grams, possession of a fentanyl-related compound is a felony of 2468  
the first degree, and the court shall impose as a mandatory 2469  
prison term the maximum prison term prescribed for a felony of 2470  
the first degree. 2471

(g) If the amount of the drug involved equals or exceeds 2472  
one thousand unit doses or equals or exceeds one hundred grams, 2473  
possession of a fentanyl-related compound is a felony of the 2474  
first degree, the offender is a major drug offender, and the 2475  
court shall impose as a mandatory prison term the maximum prison 2476  
term prescribed for a felony of the first degree. 2477

(D) Arrest or conviction for a minor misdemeanor violation 2478  
of this section does not constitute a criminal record and need 2479  
not be reported by the person so arrested or convicted in 2480  
response to any inquiries about the person's criminal record, 2481  
including any inquiries contained in any application for 2482  
employment, license, or other right or privilege, or made in 2483  
connection with the person's appearance as a witness. 2484

(E) In addition to any prison term or jail term authorized 2485  
or required by division (C) of this section and sections 2486  
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 2487  
Code and in addition to any other sanction that is imposed for 2488  
the offense under this section, sections 2929.11 to 2929.18, or 2489  
sections 2929.21 to 2929.28 of the Revised Code, the court that 2490  
sentences an offender who is convicted of or pleads guilty to a 2491  
violation of division (A) of this section may suspend the 2492  
offender's driver's or commercial driver's license or permit for 2493

not more than five years. However, if the offender pleaded 2494  
guilty to or was convicted of a violation of section 4511.19 of 2495  
the Revised Code or a substantially similar municipal ordinance 2496  
or the law of another state or the United States arising out of 2497  
the same set of circumstances as the violation, the court shall 2498  
suspend the offender's driver's or commercial driver's license 2499  
or permit for not more than five years. If applicable, the court 2500  
also shall do the following: 2501

(1) (a) If the violation is a felony of the first, second, 2502  
or third degree, the court shall impose upon the offender the 2503  
mandatory fine specified for the offense under division (B) (1) 2504  
of section 2929.18 of the Revised Code unless, as specified in 2505  
that division, the court determines that the offender is 2506  
indigent. 2507

(b) Notwithstanding any contrary provision of section 2508  
3719.21 of the Revised Code, the clerk of the court shall pay a 2509  
mandatory fine or other fine imposed for a violation of this 2510  
section pursuant to division (A) of section 2929.18 of the 2511  
Revised Code in accordance with and subject to the requirements 2512  
of division (F) of section 2925.03 of the Revised Code. The 2513  
agency that receives the fine shall use the fine as specified in 2514  
division (F) of section 2925.03 of the Revised Code. 2515

(c) If a person is charged with a violation of this 2516  
section that is a felony of the first, second, or third degree, 2517  
posts bail, and forfeits the bail, the clerk shall pay the 2518  
forfeited bail pursuant to division (E) (1) (b) of this section as 2519  
if it were a mandatory fine imposed under division (E) (1) (a) of 2520  
this section. 2521

(2) If the offender is a professionally licensed person, 2522  
in addition to any other sanction imposed for a violation of 2523

this section, the court immediately shall comply with section 2524  
2925.38 of the Revised Code. 2525

(F) It is an affirmative defense, as provided in section 2526  
2901.05 of the Revised Code, to a charge of a fourth degree 2527  
felony violation under this section that the controlled 2528  
substance that gave rise to the charge is in an amount, is in a 2529  
form, is prepared, compounded, or mixed with substances that are 2530  
not controlled substances in a manner, or is possessed under any 2531  
other circumstances, that indicate that the substance was 2532  
possessed solely for personal use. Notwithstanding any contrary 2533  
provision of this section, if, in accordance with section 2534  
2901.05 of the Revised Code, an accused who is charged with a 2535  
fourth degree felony violation of division (C)(2), (4), (5), or 2536  
(6) of this section sustains the burden of going forward with 2537  
evidence of and establishes by a preponderance of the evidence 2538  
the affirmative defense described in this division, the accused 2539  
may be prosecuted for and may plead guilty to or be convicted of 2540  
a misdemeanor violation of division (C)(2) of this section or a 2541  
fifth degree felony violation of division (C)(4), (5), or (6) of 2542  
this section respectively. 2543

(G) When a person is charged with possessing a bulk amount 2544  
or multiple of a bulk amount, division (E) of section 2925.03 of 2545  
the Revised Code applies regarding the determination of the 2546  
amount of the controlled substance involved at the time of the 2547  
offense. 2548

(H) It is an affirmative defense to a charge of possession 2549  
of a controlled substance analog under division (C)(8) of this 2550  
section that the person charged with violating that offense 2551  
obtained, possessed, or used one of the following items that are 2552  
excluded from the meaning of "controlled substance analog" under 2553

section 3719.01 of the Revised Code:	2554
(1) A controlled substance;	2555
(2) Any substance for which there is an approved new drug application;	2556 2557
(3) 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.	2558 2559 2560 2561
(I) Any offender who received a mandatory suspension of the offender's driver's or commercial driver's license or permit under this section prior to September 13, 2016, may file a motion with the sentencing court requesting the termination of the suspension. However, an offender who pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or law of another state or the United States that arose out of the same set of circumstances as the violation for which the offender's license or permit was suspended under this section shall not file such a motion.	2562 2563 2564 2565 2566 2567 2568 2569 2570 2571 2572
Upon the filing of a motion under division (I) of this section, the sentencing court, in its discretion, may terminate the suspension.	2573 2574 2575
<b>Sec. 2925.12.</b> (A) No person shall knowingly make, obtain, possess, or use any instrument, article, or thing the customary and primary purpose of which is for the administration or use of a dangerous drug, other than marihuana, when the instrument involved is a hypodermic or syringe, whether or not of crude or extemporized manufacture or assembly, and the instrument, article, or thing involved has been used by the offender to	2576 2577 2578 2579 2580 2581 2582

unlawfully administer or use a dangerous drug, other than 2583  
marihuana, or to prepare a dangerous drug, other than marihuana, 2584  
for unlawful administration or use. 2585

(B) This section does not apply to manufacturers, licensed 2586  
health professionals authorized to prescribe drugs, pharmacists, 2587  
owners of pharmacies, cultivators, processors, testing 2588  
laboratories, registered patients, adult consumers, and other 2589  
persons whose conduct was in accordance with Chapters 3719., 2590  
3796., 4715., 4723., 4729., 4730., 4731., and 4741. of the 2591  
Revised Code. 2592

(C) Whoever violates this section is guilty of possessing 2593  
drug abuse instruments, a misdemeanor of the second degree. If 2594  
the offender previously has been convicted of a drug abuse 2595  
offense, a violation of this section is a misdemeanor of the 2596  
first degree. 2597

(D) (1) In addition to any other sanction imposed upon an 2598  
offender for a violation of this section, the court may suspend 2599  
for not more than five years the offender's driver's or 2600  
commercial driver's license or permit. However, if the offender 2601  
pleaded guilty to or was convicted of a violation of section 2602  
4511.19 of the Revised Code or a substantially similar municipal 2603  
ordinance or the law of another state or the United States 2604  
arising out of the same set of circumstances as the violation, 2605  
the court shall suspend the offender's driver's or commercial 2606  
driver's license or permit for not more than five years. If the 2607  
offender is a professionally licensed person, in addition to any 2608  
other sanction imposed for a violation of this section, the 2609  
court immediately shall comply with section 2925.38 of the 2610  
Revised Code. 2611

(2) Any offender who received a mandatory suspension of 2612



the offender's driver's or commercial driver's license or permit 2613  
under this section prior to ~~the effective date of this amendment~~ 2614  
September 13, 2016, may file a motion with the sentencing court 2615  
requesting the termination of the suspension. However, an 2616  
offender who pleaded guilty to or was convicted of a violation 2617  
of section 4511.19 of the Revised Code or a substantially 2618  
similar municipal ordinance or law of another state or the 2619  
United States that arose out of the same set of circumstances as 2620  
the violation for which the offender's license or permit was 2621  
suspended under this section shall not file such a motion. 2622

Upon the filing of a motion under division (D) (2) of this 2623  
section, the sentencing court, in its discretion, may terminate 2624  
the suspension. 2625

**Sec. 2925.14.** (A) As used in this section, "drug 2626  
paraphernalia" means any equipment, product, or material of any 2627  
kind that is used by the offender, intended by the offender for 2628  
use, or designed for use, in propagating, cultivating, growing, 2629  
harvesting, manufacturing, compounding, converting, producing, 2630  
processing, preparing, testing, analyzing, packaging, 2631  
repackaging, storing, containing, concealing, injecting, 2632  
ingesting, inhaling, or otherwise introducing into the human 2633  
body, a controlled substance in violation of this chapter. "Drug 2634  
paraphernalia" does not mean equipment, products, and materials 2635  
intended for use, or designed for use, in propagating, 2636  
cultivating, growing, harvesting, manufacturing, compounding, 2637  
converting, producing, processing, preparing, testing, 2638  
analyzing, packaging, repackaging, storing, containing, or 2639  
concealing marihuana or hashish. "Drug paraphernalia" includes, 2640  
but is not limited to, any of the following equipment, products, 2641  
or materials that are used by the offender, intended by the 2642  
offender for use, or designed by the offender for use, in any of 2643

- the following manners: 2644
- (1) A kit for propagating, cultivating, growing, or 2645  
harvesting any species of a plant that is a controlled substance 2646  
other than marihuana or hashish or from which a controlled 2647  
substance other than marihuana or hashish can be derived; 2648
- (2) A kit for manufacturing, compounding, converting, 2649  
producing, processing, or preparing a controlled substance other 2650  
than marihuana or hashish; 2651
- (3) Any object, instrument, or device for manufacturing, 2652  
compounding, converting, producing, processing, or preparing 2653  
methamphetamine; 2654
- (4) An isomerization device for increasing the potency of 2655  
any species of a plant that is a controlled substance other than 2656  
marihuana or hashish; 2657
- (5) Testing equipment for identifying, or analyzing the 2658  
strength, effectiveness, or purity of, a controlled substance 2659  
other than marihuana or hashish; 2660
- (6) A scale or balance for weighing or measuring a 2661  
controlled substance other than marihuana or hashish; 2662
- (7) A diluent or adulterant, such as quinine 2663  
hydrochloride, mannitol, mannite, dextrose, or lactose, for 2664  
cutting a controlled substance; 2665
- ~~(8) A separation gin or sifter for removing twigs and 2666  
seeds from, or otherwise cleaning or refining, marihuana;~~ 2667
- ~~(9) A blender, bowl, container, spoon, or mixing device 2668  
for compounding a controlled substance other than marihuana or 2669  
hashish;~~ 2670

~~(10)~~-(9) A capsule, balloon, envelope, or container for 2671  
packaging small quantities of a controlled substance other than 2672  
marihuana or hashish; 2673

~~(11)~~-(10) A container or device for storing or concealing 2674  
a controlled substance other than marihuana or hashish; 2675

~~(12)~~-(11) A hypodermic syringe, needle, or instrument for 2676  
parenterally injecting a controlled substance into the human 2677  
body; 2678

~~(13)~~-(12) An object, instrument, or device for ingesting, 2679  
inhaling, or otherwise introducing cocaine into the human body, 2680  
~~marihuana, cocaine, hashish, or hashish oil~~, such as a metal, 2681  
wooden, acrylic, glass, stone, plastic, or ceramic pipe, with or 2682  
without a screen, permanent screen, ~~hashish head~~, or punctured 2683  
metal bowl; water pipe; carburetion tube or device; smoking or 2684  
carburetion mask; roach clip or similar object used to hold 2685  
burning material, ~~such as a marihuana cigarette~~, that has become 2686  
too small or too short to be held in the hand; miniature cocaine 2687  
spoon, or cocaine vial; chamber pipe; carburetor pipe; electric 2688  
pipe; air driver pipe; chillum; bong; or ice pipe or chiller. 2689

(B) In determining if any equipment, product, or material 2690  
is drug paraphernalia, a court or law enforcement officer shall 2691  
consider, in addition to other relevant factors, the following: 2692

(1) Any statement by the owner, or by anyone in control, 2693  
of the equipment, product, or material, concerning its use; 2694

(2) The proximity in time or space of the equipment, 2695  
product, or material, or of the act relating to the equipment, 2696  
product, or material, to a violation of any provision of this 2697  
chapter; 2698

(3) The proximity of the equipment, product, or material 2699

to any controlled substance <u>other than marihuana or hashish</u> ;	2700
(4) The existence of any residue of a controlled substance	2701
<u>other than marihuana or hashish</u> on the equipment, product, or	2702
material;	2703
(5) Direct or circumstantial evidence of the intent of the	2704
owner, or of anyone in control, of the equipment, product, or	2705
material, to deliver it to any person whom the owner or person	2706
in control of the equipment, product, or material knows intends	2707
to use the object to facilitate a violation of any provision of	2708
this chapter. A finding that the owner, or anyone in control, of	2709
the equipment, product, or material, is not guilty of a	2710
violation of any other provision of this chapter does not	2711
prevent a finding that the equipment, product, or material was	2712
intended or designed by the offender for use as drug	2713
paraphernalia.	2714
(6) Any oral or written instruction provided with the	2715
equipment, product, or material concerning its use;	2716
(7) Any descriptive material accompanying the equipment,	2717
product, or material and explaining or depicting its use;	2718
(8) National or local advertising concerning the use of	2719
the equipment, product, or material;	2720
(9) The manner and circumstances in which the equipment,	2721
product, or material is displayed for sale;	2722
(10) Direct or circumstantial evidence of the ratio of the	2723
sales of the equipment, product, or material to the total sales	2724
of the business enterprise;	2725
(11) The existence and scope of legitimate uses of the	2726
equipment, product, or material in the community;	2727

(12) Expert testimony concerning the use of the equipment, 2728  
product, or material. 2729

(C) (1) Subject to division (D) (2) of this section, no 2730  
person shall knowingly use, or possess with purpose to use, drug 2731  
paraphernalia. 2732

(2) No person shall knowingly sell, or possess or 2733  
manufacture with purpose to sell, drug paraphernalia, if the 2734  
person knows or reasonably should know that the equipment, 2735  
product, or material will be used as drug paraphernalia. 2736

(3) No person shall place an advertisement in any 2737  
newspaper, magazine, handbill, or other publication that is 2738  
published and printed and circulates primarily within this 2739  
state, if the person knows that the purpose of the advertisement 2740  
is to promote the illegal sale in this state of the equipment, 2741  
product, or material that the offender intended or designed for 2742  
use as drug paraphernalia. 2743

(D) (1) This section does not apply to manufacturers, 2744  
licensed health professionals authorized to prescribe drugs, 2745  
pharmacists, owners of pharmacies, cultivators, processors, 2746  
testing laboratories, registered patients, adult consumers, and 2747  
other persons whose conduct is in accordance with Chapters 2748  
3719., 3796., 4715., 4723., 4729., 4730., 4731., and 4741. of 2749  
the Revised Code. This section shall not be construed to 2750  
prohibit the possession or use of a hypodermic as authorized by 2751  
section 3719.172 of the Revised Code. 2752

(2) Division ~~(C) (1)~~ (C) of this section does not apply to 2753  
a person's use, or possession with purpose to use, any drug 2754  
paraphernalia that is equipment, a product, or material of any 2755  
kind that is used by the person, intended by the person for use, 2756

or designed for use in storing, containing, concealing, 2757  
injecting, ingesting, inhaling, or otherwise introducing into 2758  
the human body marihuana or hashish. 2759

(E) Notwithstanding Chapter 2981. of the Revised Code, any 2760  
drug paraphernalia that was used, possessed, sold, or 2761  
manufactured in a violation of this section shall be seized, 2762  
after a conviction for that violation shall be forfeited, and 2763  
upon forfeiture shall be disposed of pursuant to division (B) of 2764  
section 2981.12 of the Revised Code. 2765

(F) (1) Whoever violates division (C) (1) of this section is 2766  
guilty of illegal use or possession of drug paraphernalia, a 2767  
misdemeanor of the fourth degree. 2768

(2) Except as provided in division (F) (3) of this section, 2769  
whoever violates division (C) (2) of this section is guilty of 2770  
dealing in drug paraphernalia, a misdemeanor of the second 2771  
degree. 2772

(3) Whoever violates division (C) (2) of this section by 2773  
selling drug paraphernalia to a juvenile is guilty of selling 2774  
drug paraphernalia to juveniles, a misdemeanor of the first 2775  
degree. 2776

(4) Whoever violates division (C) (3) of this section is 2777  
guilty of illegal advertising of drug paraphernalia, a 2778  
misdemeanor of the second degree. 2779

(G) (1) In addition to any other sanction imposed upon an 2780  
offender for a violation of this section, the court may suspend 2781  
for not more than five years the offender's driver's or 2782  
commercial driver's license or permit. However, if the offender 2783  
pleaded guilty to or was convicted of a violation of section 2784  
4511.19 of the Revised Code or a substantially similar municipal 2785

ordinance or the law of another state or the United States 2786  
arising out of the same set of circumstances as the violation, 2787  
the court shall suspend the offender's driver's or commercial 2788  
driver's license or permit for not more than five years. If the 2789  
offender is a professionally licensed person, in addition to any 2790  
other sanction imposed for a violation of this section, the 2791  
court immediately shall comply with section 2925.38 of the 2792  
Revised Code. 2793

(2) Any offender who received a mandatory suspension of 2794  
the offender's driver's or commercial driver's license or permit 2795  
under this section prior to ~~the effective date of this amendment~~ 2796  
September 13, 2016, may file a motion with the sentencing court 2797  
requesting the termination of the suspension. However, an 2798  
offender who pleaded guilty to or was convicted of a violation 2799  
of section 4511.19 of the Revised Code or a substantially 2800  
similar municipal ordinance or law of another state or the 2801  
United States that arose out of the same set of circumstances as 2802  
the violation for which the offender's license or permit was 2803  
suspended under this section shall not file such a motion. 2804

Upon the filing of a motion under division (G) (2) of this 2805  
section, the sentencing court, in its discretion, may terminate 2806  
the suspension. 2807

**Sec. 2925.36.** (A) No person shall knowingly furnish 2808  
another a sample drug. 2809

(B) Division (A) of this section does not apply to 2810  
manufacturers, wholesalers, pharmacists, owners of pharmacies, 2811  
licensed health professionals authorized to prescribe drugs, 2812  
cultivators, processors, testing laboratories, registered 2813  
patients, adult consumers, and other persons whose conduct is in 2814  
accordance with Chapters 3719., 3796., 4715., 4723., 4725., 2815

4729., 4730., 4731., and 4741. of the Revised Code.	2816
(C) (1) Whoever violates this section is guilty of illegal dispensing of drug samples.	2817 2818
(2) If the drug involved in the offense is a compound, mixture, preparation, or substance included in schedule I or II, with the exception of marihuana, the penalty for the offense shall be determined as follows:	2819 2820 2821 2822
(a) Except as otherwise provided in division (C) (2) (b) of this section, illegal dispensing of drug samples is a felony of the fifth degree, and, subject to division (E) of this section, division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.	2823 2824 2825 2826 2827
(b) If the offense was committed in the vicinity of a school or in the vicinity of a juvenile, illegal dispensing of drug samples is a felony of the fourth degree, and, subject to division (E) of this section, division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.	2828 2829 2830 2831 2832 2833
(3) If the drug involved in the offense is a dangerous drug or a compound, mixture, preparation, or substance included in schedule III, IV, or V, or is marihuana, the penalty for the offense shall be determined as follows:	2834 2835 2836 2837
(a) Except as otherwise provided in division (C) (3) (b) of this section, illegal dispensing of drug samples is a misdemeanor of the second degree.	2838 2839 2840
(b) If the offense was committed in the vicinity of a school or in the vicinity of a juvenile, illegal dispensing of drug samples is a misdemeanor of the first degree.	2841 2842 2843



(D) (1) In addition to any prison term authorized or 2844  
required by division (C) or (E) of this section and sections 2845  
2929.13 and 2929.14 of the Revised Code and in addition to any 2846  
other sanction imposed for the offense under this section or 2847  
sections 2929.11 to 2929.18 of the Revised Code, the court that 2848  
sentences an offender who is convicted of or pleads guilty to a 2849  
violation of division (A) of this section may suspend for not 2850  
more than five years the offender's driver's or commercial 2851  
driver's license or permit. However, if the offender pleaded 2852  
guilty to or was convicted of a violation of section 4511.19 of 2853  
the Revised Code or a substantially similar municipal ordinance 2854  
or the law of another state or the United States arising out of 2855  
the same set of circumstances as the violation, the court shall 2856  
suspend the offender's driver's or commercial driver's license 2857  
or permit for not more than five years. 2858

If the offender is a professionally licensed person, in 2859  
addition to any other sanction imposed for a violation of this 2860  
section, the court immediately shall comply with section 2925.38 2861  
of the Revised Code. 2862

(2) Any offender who received a mandatory suspension of 2863  
the offender's driver's or commercial driver's license or permit 2864  
under this section prior to September 13, 2016, may file a 2865  
motion with the sentencing court requesting the termination of 2866  
the suspension. However, an offender who pleaded guilty to or 2867  
was convicted of a violation of section 4511.19 of the Revised 2868  
Code or a substantially similar municipal ordinance or law of 2869  
another state or the United States that arose out of the same 2870  
set of circumstances as the violation for which the offender's 2871  
license or permit was suspended under this section shall not 2872  
file such a motion. 2873

Upon the filing of a motion under division (D) (2) of this section, the sentencing court, in its discretion, may terminate the suspension.

(E) Notwithstanding the prison term authorized or required by division (C) of this section and sections 2929.13 and 2929.14 of the Revised Code, if the violation of division (A) of this section involves the sale, offer to sell, or possession of a schedule I or II controlled substance, with the exception of marihuana, and if the court imposing sentence upon the offender finds that the offender as a result of the violation is a major drug offender and is guilty of a specification of the type described in division (A) of section 2941.1410 of the Revised Code, the court, in lieu of the prison term otherwise authorized or required, shall impose upon the offender the mandatory prison term specified in division (B) (3) (a) of section 2929.14 of the Revised Code.

(F) Notwithstanding any contrary provision of section 3719.21 of the Revised Code, the clerk of the court shall pay a fine imposed for a violation of this section pursuant to division (A) of section 2929.18 of the Revised Code in accordance with and subject to the requirements of division (F) of section 2925.03 of the Revised Code. The agency that receives the fine shall use the fine as specified in division (F) of section 2925.03 of the Revised Code.

**Sec. 2925.38.** If a person who is convicted of or pleads guilty to a violation of section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.14, ~~2925.141~~, 2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised Code is a professionally licensed person, in addition to any other sanctions imposed for the violation,

the court, except as otherwise provided in this section, 2904  
immediately shall transmit a certified copy of the judgment 2905  
entry of conviction to the regulatory or licensing board or 2906  
agency that has the administrative authority to suspend or 2907  
revoke the offender's professional license. If the 2908  
professionally licensed person who is convicted of or pleads 2909  
guilty to a violation of any section listed in this section is a 2910  
person who has been admitted to the bar by order of the supreme 2911  
court in compliance with its prescribed and published rules, in 2912  
addition to any other sanctions imposed for the violation, the 2913  
court immediately shall transmit a certified copy of the 2914  
judgment entry of conviction to the secretary of the board of 2915  
commissioners on grievances and discipline of the supreme court 2916  
and to either the disciplinary counsel or the president, 2917  
secretary, and chairperson of each certified grievance 2918  
committee. 2919

**Sec. 3796.01.** (A) As used in this chapter: 2920

(1) "Academic medical center" has the same meaning as in 2921  
section 4731.297 of the Revised Code. 2922

(2) "Adult consumer" means a natural person twenty-one 2923  
years of age or older. 2924

(3) "Advertising" means any written or verbal statement, 2925  
illustration, or depiction created to induce sales through the 2926  
use of or a combination of letters, pictures, objects, lighting 2927  
effects, illustrations, or other similar means. "Advertisement" 2928  
includes brochures and promotional and other marketing 2929  
materials. 2930

(4) "Level I cultivator" means the holder of a level I 2931  
cultivator license issued by the department of commerce. 2932

- (5) "Level II cultivator" means the holder of a level II cultivator license issued by the department of commerce. 2933  
2934
- (6) "Marijuana" means marihuana as defined in section 3719.01 of the Revised Code. 2935  
2936
- ~~(2)-(7) "Marijuana concentrate" means the resin extracted from any part of the plant of the genus cannabis and every compound, manufacture, salt, derivative, mixture, or preparation of that resin but does not include the weight of any other ingredient combined with marijuana concentrate.~~ 2937  
2938  
2939  
2940  
2941
- (8) "Marijuana cultivation area" means the boundaries of the enclosed areas in which marijuana is cultivated during the vegetative stage and flowering stage of the cultivation process. For purposes of calculating the marijuana cultivation area square footage, enclosed areas used solely for the storage and maintenance of mother plants, clones, or seedlings shall not be included. 2942  
2943  
2944  
2945  
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2948
- (9) "Medical marijuana" means marijuana that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose and sold to a registered patient by a retail dispensary licensed by the department of commerce. 2949  
2950  
2951  
2952
- ~~(3) "Academic medical center" has the same meaning as in section 4731.297 of the Revised Code.~~ 2953  
2954
- ~~(4) "Drug database" means the database established and maintained by the state board of pharmacy pursuant to section 4729.75 of the Revised Code.~~ 2955  
2956  
2957
- ~~(5)-(10) "Openly and publicly" means a venue, area, or space that is open to the public without restriction, including age restrictions.~~ 2958  
2959  
2960

(11) "Paraphernalia" means any equipment, products, or 2961  
materials of any kind that are used, intended for use, or 2962  
designed for use in planting, propagating, cultivating, growing, 2963  
harvesting, composting, manufacturing, compounding, converting, 2964  
producing, processing, preparing, testing, analyzing, packaging, 2965  
repackaging, storing, vaporizing, or containing marijuana, or 2966  
for ingesting, inhaling, or otherwise introducing marijuana into 2967  
the human body. "Drug paraphernalia" does not mean equipment, 2968  
products, and materials intended for use, or designed for use, 2969  
in propagating, cultivating, growing, harvesting, manufacturing, 2970  
compounding, converting, producing, processing, preparing, 2971  
testing, analyzing, packaging, repackaging, storing, containing, 2972  
or concealing marijuana or hashish. 2973

(12) "Physician" means an individual authorized under 2974  
Chapter 4731. of the Revised Code to practice medicine and 2975  
surgery or osteopathic medicine and surgery. 2976

~~(6)~~ (13) "Qualifying medical condition" means any of the 2977  
following: 2978

(a) Acquired immune deficiency syndrome; 2979

(b) Alzheimer's disease; 2980

(c) Amyotrophic lateral sclerosis; 2981

(d) Arthritis; 2982

(e) Autism spectrum disorder; 2983

(f) Cancer; 2984

~~(e)~~ (g) Chronic traumatic encephalopathy; 2985

~~(f)~~ (h) Crohn's disease; 2986

~~(g)~~ (i) Epilepsy or another seizure disorder; 2987

<del>(h)</del> – <del>(j)</del> <u>Fibromyalgia;</u>	2988
<del>(i)</del> – <del>(k)</del> <u>Glaucoma;</u>	2989
<del>(j)</del> – <del>(l)</del> <u>Hepatitis C;</u>	2990
<del>(k)</del> – <del>(m)</del> <u>Inflammatory bowel disease;</u>	2991
<del>(l)</del> – <del>(n)</del> <u>Migraines;</u>	2992
<del>(o)</del> <u>Multiple sclerosis;</u>	2993
<del>(m)</del> – <del>(p)</del> <u>Opioid use disorder;</u>	2994
<del>(q)</del> <u>Pain that is either of the following:</u>	2995
(i) <u>Chronic and severe;</u>	2996
(ii) <u>Intractable.</u>	2997
<del>(n)</del> – <del>(r)</del> <u>Parkinson's disease;</u>	2998
<del>(o)</del> – <del>(s)</del> <u>Positive status for HIV;</u>	2999
<del>(p)</del> – <del>(t)</del> <u>Post-traumatic stress disorder;</u>	3000
<del>(q)</del> – <del>(u)</del> <u>Sickle cell anemia;</u>	3001
<del>(r)</del> – <del>(v)</del> <u>Spasticity or chronic muscle spasms;</u>	3002
<del>(w)</del> <u>Spinal cord disease or injury;</u>	3003
<del>(s)</del> – <del>(x)</del> <u>Tourette's syndrome;</u>	3004
<del>(t)</del> – <del>(y)</del> <u>Traumatic brain injury;</u>	3005
<del>(u)</del> – <del>(z)</del> <u>Ulcerative colitis;</u>	3006
<del>(v)</del> – <del>(aa)</del> <u>Any disease or condition for which hospice care</u>	3007
<u>is recommended by a treating physician;</u>	3008
<del>(bb)</del> <u>Any terminal illness;</u>	3009
<del>(cc)</del> <u>Any other disease or condition added by the <del>state</del></u>	3010

~~medical board department of commerce~~ under section ~~4731.302-~~ 3011  
3796.03 of the Revised Code. 3012

~~(7)-(14)~~ "State university" has the same meaning as in 3013  
section 3345.011 of the Revised Code. 3014

(15) "Tetrahydrocannabinol content" means the sum of the 3015  
amount of delta-9-tetrahydrocannabinol and eighty-seven and 3016  
seven-tenths per cent of the amount of delta-9- 3017  
tetrahydrocannabinolic acid present in the product or plant 3018  
material. 3019

(B) Notwithstanding any conflicting provision of Chapter 3020  
3719. of the Revised Code or the rules adopted under it, for 3021  
purposes of this chapter, medical marijuana is a schedule II 3022  
controlled substance. 3023

**Sec. 3796.02.** There is hereby established a ~~medical-~~ 3024  
division of marijuana control program in the department of 3025  
~~commerce and the state board of pharmacy. The~~ Two hundred forty 3026  
days after the effective date of this amendment, the department 3027  
shall provide for the licensure of ~~medical-~~ marijuana cultivators 3028  
~~and, processors and the licensure of,~~ retail dispensaries, and 3029  
laboratories that test ~~medical-~~ marijuana. The ~~board~~ department 3030  
shall provide for the ~~licensure of retail dispensaries and the~~ 3031  
registration of patients and their caregivers. The department 3032  
~~and board shall administer the program, through the division of~~ 3033  
marijuana control, shall regulate the operations of marijuana 3034  
cultivators, processors, retail dispensaries, testing 3035  
laboratories, and the employees of each. 3036

**Sec. 3796.03.** ~~(A) (1) Except as provided in division (A) (2)~~ 3037  
~~of this section, not later than one year after September 8,~~ 3038  
~~2016~~ (A) On the effective date of this amendment, the department 3039

of commerce shall adopt rules, in accordance with Chapter 119. 3040  
of the Revised Code, establishing standards and procedures for 3041  
the ~~medical marijuana control program~~division of marijuana 3042  
control's regulation of medical marijuana and adult use 3043  
marijuana. 3044

~~(2) (B) The department rules adopted pursuant to division~~ 3045  
~~(A) of this section shall adopt rules establishing do all of the~~ 3046  
~~following:~~ 3047

(1) Establish standards and procedures for the sale of 3048  
marijuana to adult consumers and medical marijuana to registered 3049  
patients by retail dispensaries; 3050

(2) Establish standards and procedures for the licensure 3051  
~~of cultivators not later than two hundred forty days after~~ 3052  
~~September 8, 2016,~~ processors, testing laboratories, and retail 3053  
dispensaries; 3054

~~(3) All rules adopted under this section shall be adopted~~ 3055  
~~in accordance with Chapter 119. of the Revised Code.~~ 3056

~~(B) The rules shall do all of the following:~~ 3057

~~(1) Establish application procedures and fees for licenses~~ 3058  
~~it issues under this chapter;~~ 3059

~~(2) (4) Specify both of the following:~~ 3060

~~(a) The conditions that must be met to be eligible for~~ 3061  
~~licensure;~~ 3062

~~(b) In accordance with section 9.79 of the Revised Code,~~ 3063  
~~the criminal offenses for which an applicant will be~~ 3064  
~~disqualified from licensure pursuant to that section.~~ 3065

~~(3) (5) Establish, in accordance with section 3796.05 of~~ 3066



the Revised Code, the number of cultivator licenses that will be permitted at any one time;

~~(4)~~ (6) Establish a license renewal schedule, renewal procedures, and renewal fees;

~~(5)~~ (7) Specify reasons for which a license may be suspended, including without prior hearing, revoked, or not be renewed or issued and the reasons for which a civil penalty may be imposed on a license holder, which reasons shall include the failure to begin operating within two years of receiving a license from the department unless the department determines, in its discretion, that the license holder has demonstrated it has taken significant steps to become operational within two years and has identified a date by which it will begin operating;

~~(6)~~ (8) Establish standards under which a license suspension may be lifted;

~~(7)~~ (9) Specify if a cultivator, processor, ~~or testing~~ laboratory, or retail dispensary that is licensed under this chapter and that existed at a location before a school, church, public library, public playground, or public park became established within five hundred feet of the cultivator, processor, ~~or laboratory,~~ or retail dispensary may remain in operation or shall relocate or have its license revoked by the ~~board~~department;

~~(8)~~ (10) Establish procedures for registration of patients and caregivers and requirements that must be met to be eligible for registration;

(11) Establish training requirements for employees of cultivators, processors, testing laboratories, and retail dispensaries;

<u>(12) Specify the paraphernalia or other accessories that</u>	3096
<u>may be used in the administration to a registered patient of</u>	3097
<u>medical marijuana;</u>	3098
<u>(13) Establish procedures for the issuance of patient or</u>	3099
<u>caregiver identification cards;</u>	3100
<u>(14) Specify the forms of or methods of using marijuana</u>	3101
<u>that are attractive to children;</u>	3102
<u>(15) Specify both of the following:</u>	3103
(a) Subject to division <del>(B) (8) (b)</del> <u>(B) (15) (b)</u> of this	3104
section, the criminal offenses for which a person will be	3105
disqualified from employment with a license holder;	3106
(b) Which of the criminal offenses specified pursuant to	3107
division <del>(B) (8) (a)</del> <u>(B) (15) (a)</u> of this section will not	3108
disqualify a person from employment with a license holder if the	3109
person was convicted of <del>or pleaded guilty</del> to the offense more	3110
than five years before the date the employment begins.	3111
<del>(9)</del> <u>(16)</u> Establish, in accordance with section 3796.05 of	3112
the Revised Code, standards and procedures for the testing of	3113
<del>medical</del> marijuana by a laboratory licensed under this chapter.	3114
<u>(C) The department shall adopt rules for the addition of</u>	3115
<u>diseases or conditions to the list of qualifying medical</u>	3116
<u>conditions for the purposes of section 3796.01 of the Revised</u>	3117
<u>Code.</u>	3118
<u>(D) In addition to the rules described in <del>division</del></u>	3119
<u>divisions (B) and (C) of this section, the department may adopt</u>	3120
any other rules it considers necessary for the <del>program's</del>	3121
<u>division's</u> administration and the implementation and enforcement	3122
of this chapter.	3123

~~(D)~~ (E) When adopting rules under this section, the 3124  
department shall consider standards and procedures that have 3125  
been found to be best practices relative to the use and 3126  
regulation of ~~medical~~ marijuana. 3127

(F) (1) Prior to January 1, 2027, the department shall not 3128  
issue more than one retail dispensary license per sixty thousand 3129  
residents of this state; 3130

(2) After January 1, 2027, the department shall review the 3131  
number of licensed retail dispensaries on at least a biennial 3132  
basis. After review, the department may license additional 3133  
retail dispensary licenses after considering all of the 3134  
following: 3135

(a) The anticipated market growth and consumer demand, 3136  
including the population of this state and the number of 3137  
registered patients seeking to use medical marijuana; 3138

(b) The supply of marijuana and marijuana-derived products 3139  
produced by licensed cultivators and processors; 3140

(c) The geographic distribution of retail dispensary sites 3141  
in an effort to ensure patient access to medical marijuana. 3142

(G) To the extent possible, the department shall do both 3143  
of the following: 3144

(1) Issue a sufficient number of cultivator and processor 3145  
licenses to ensure an adequate supply of marijuana and medical 3146  
marijuana; 3147

(2) Issue a sufficient number of testing laboratory 3148  
licenses to ensure cultivators and processors are able to 3149  
receive reliable and timely testing results. 3150

(H) (1) The department shall not issue additional 3151

cultivator, processor, testing laboratories, or retail 3152  
dispensary licenses under this section without first conducting 3153  
a study to determine whether there has been prior discrimination 3154  
in the issuance of marijuana-related licenses in this state, 3155  
including whether the effects of marijuana prohibition have 3156  
contributed to a lack of participation by racial or ethnic 3157  
minorities in the medical marijuana industry in this state. 3158

(2) If the study conducted pursuant to division (H) (1) of 3159  
this section establishes that there has been prior 3160  
discrimination in the issuance of marijuana-related licenses in 3161  
this state, the department shall take necessary and appropriate 3162  
actions to address and remedy any identified discrimination when 3163  
issuing licenses pursuant to this section. 3164

(I) Subject to Chapter 1331. of the Revised Code, the 3165  
rules adopted under this section shall not prohibit any person 3166  
from either of the following: 3167

(1) Influencing or controlling the activities of more than 3168  
one cultivator, processor, or retail dispensary license issued 3169  
pursuant to this chapter; 3170

(2) Holding an ownership, investment, or other financial 3171  
interest in more than one cultivator, processor, or retail 3172  
dispensary license issued pursuant to this chapter. 3173

(J) Rules adopted pursuant to this chapter shall not be 3174  
subject to division (F) of section 121.95 of the Revised Code. 3175

**Sec. 3796.032.** This chapter does not authorize the 3176  
department of commerce ~~or the state board of pharmacy~~ to oversee 3177  
or limit research conducted at a state university, academic 3178  
medical center, or private research and development organization 3179  
that is related to marijuana and is approved by an agency, 3180

board, center, department, or institute of the United States	3181
government, including any of the following:	3182
(A) The agency for health care research and quality;	3183
(B) The national institutes of health;	3184
(C) The national academy of sciences;	3185
(D) The centers for medicare and medicaid services;	3186
(E) The United States department of defense;	3187
(F) The centers for disease control and prevention;	3188
(G) The United States department of veterans affairs;	3189
(H) The drug enforcement administration;	3190
(I) The food and drug administration;	3191
(J) Any board recognized by the national institutes of	3192
health for the purpose of evaluating the medical value of health	3193
care services.	3194
<b>Sec. 3796.05.</b> (A) When establishing the number of	3195
cultivator licenses that will be permitted at any one time, the	3196
department of commerce shall consider <del>both</del> <u>all</u> of the following:	3197
(1) The population of this state;	3198
(2) The number of patients seeking to use medical	3199
marijuana;	3200
<u>(3) The number of potential adult use consumers;</u>	3201
<u>(4) The production capacity of existing licensed</u>	3202
<u>cultivators.</u>	3203
(B) When establishing the number of retail dispensary	3204
licenses that will be permitted at any one time, the <del>state board</del>	3205

~~of pharmacy department of commerce~~ shall consider all of the 3206  
following, in addition to the requirements of section 3796.03 of 3207  
the Revised Code: 3208

(1) The population of this state; 3209

(2) The number of patients seeking to use medical 3210  
marijuana; 3211

(3) The number of potential adult use consumers; 3212

(4) The geographic distribution of dispensary sites in an 3213  
effort to ensure patient access to medical marijuana. 3214

(C) When establishing standards and procedures for the 3215  
testing of ~~medical~~-marijuana, the department shall do all of the 3216  
following: 3217

(1) Specify when testing must be conducted; 3218

(2) Determine the minimum amount of ~~medical~~-marijuana that 3219  
must be tested; 3220

(3) Specify the manner in which testing is to be conducted 3221  
in an effort to ensure uniformity of ~~medical~~-marijuana products 3222  
processed for and dispensed to patients and adult users; 3223

(4) Specify the manner in which test results are provided. 3224

(D) Beginning on the effective date of this amendment, the 3225  
department shall review and approve expansion plans, as required 3226  
by the rules adopted by the department under section 3796.03 of 3227  
the Revised Code, to permit level I and level II cultivators to 3228  
expand their respective marijuana cultivation areas as follows: 3229

(1) Level I cultivators shall be permitted to expand to a 3230  
marijuana cultivation area of up to one hundred thousand square 3231  
feet; 3232

(2) Level II cultivators shall be permitted to expand to a 3233  
marijuana cultivation area of up to fifteen thousand square 3234  
feet. 3235

**Sec. 3796.06.** (A) Only the following forms of ~~medical~~ 3236  
marijuana may be manufactured by licensed processors and 3237  
dispensed under this chapter: 3238

(1) Oils; 3239

(2) Tinctures; 3240

(3) Plant material; 3241

(4) Edibles; 3242

(5) Patches; 3243

(6) Pills; 3244

(7) Capsules; 3245

(8) Suppositories; 3246

(9) Oral pouches; 3247

(10) Oral strips; 3248

(11) Oral and topical sprays; 3249

(12) Salves, lotions, or similar topical cosmetic 3250  
products; 3251

(13) Inhalers; 3252

(14) Beverages; 3253

(15) Any other form approved by the ~~state board~~ department 3254  
of ~~pharmacy~~ commerce under section 3796.061 of the Revised Code. 3255

(B) With respect to the methods of using medical 3256

marijuana, all of the following apply: 3257

(1) The smoking or combustion of medical marijuana is 3258  
prohibited. 3259

(2) The vaporization of medical marijuana is permitted~~+~~. 3260

(3) The ~~state board~~ department of pharmacy-commerce may 3261  
approve additional methods of using medical marijuana, other 3262  
than smoking or combustion, under section 3796.061 of the 3263  
Revised Code. 3264

(C) With respect to the methods of using adult use 3265  
marijuana, the vaporization, smoking, or combustion of marijuana 3266  
by adult use consumers is permitted. 3267

(D) Any form or method that is considered attractive to 3268  
children, as specified in rules adopted by the ~~board~~ department, 3269  
is prohibited. 3270

~~(D)~~ (E) With respect to tetrahydrocannabinol content, all 3271  
of the following apply: 3272

(1) Plant material shall have a tetrahydrocannabinol 3273  
content of not more than thirty-five per cent. 3274

(2) Extracts shall have a tetrahydrocannabinol content of 3275  
not more than ~~seventy-ninety~~ per cent. 3276

**Sec. 3796.061.** (A) Any person may submit a petition to the 3277  
~~state board~~ department of pharmacy-commerce requesting that a 3278  
form of or method of using ~~medical~~ marijuana be approved for the 3279  
purposes of section 3796.06 of the Revised Code. A petition 3280  
shall be submitted to the ~~board~~ department in a manner 3281  
prescribed by the ~~board~~ department. A petition shall not seek to 3282  
approve a method of using medical marijuana that involves 3283  
smoking or combustion. 3284



(B) On receipt of a petition, the ~~board~~department shall 3285  
review it to determine whether to approve the form of or method 3286  
of using ~~medical~~ marijuana described in the petition. ~~The board~~ 3287  
~~may consolidate the review of petitions for the same or similar~~ 3288  
~~forms or methods. In making its determination, the board shall~~ 3289  
~~consult with one or more experts and review any relevant~~ 3290  
~~scientific evidence.~~The department shall either approve or deny 3291  
the petition within sixty days of receipt. 3292

(C) ~~The board shall approve or deny the petition in~~ 3293  
~~accordance with any rules adopted by the board under this~~ 3294  
~~section. The board's decision is final.~~ 3295

~~(D)~~The board~~department~~ may adopt rules as necessary to 3296  
implement this section. The rules shall be adopted in accordance 3297  
with Chapter 119. of the Revised Code. 3298

**Sec. 3796.07.** The department of commerce shall establish 3299  
and maintain an electronic database to monitor ~~medical~~ marijuana 3300  
from its seed source through its cultivation, processing, 3301  
testing, and dispensing. The department may contract with a 3302  
separate entity to establish and maintain all or any part of the 3303  
electronic database on behalf of the department. 3304

The electronic database shall allow for information 3305  
regarding ~~medical~~ marijuana to be updated instantaneously. Any 3306  
cultivator, processor, retail dispensary, or laboratory licensed 3307  
under this chapter shall submit to the department any 3308  
information the department determines is necessary for 3309  
maintaining the electronic database. 3310

The department and any entity under contract with the 3311  
department shall not make public any information reported to or 3312  
collected by the department under this division that identifies 3313

or would tend to identify any specific patient or adult use 3314  
consumer. 3315

**Sec. 3796.08.** (A) (1) A-Until two hundred forty days after 3316  
the effective date of this amendment, a patient seeking to use 3317  
medical marijuana or a caregiver seeking to assist a patient in 3318  
the use or administration of medical marijuana shall apply to 3319  
the state board of pharmacy for registration; beginning two 3320  
hundred forty days after the effective date of this amendment, a 3321  
patient seeking to use medical marijuana or a caregiver seeking 3322  
to assist a patient in the use or administration of medical 3323  
marijuana shall apply to the department of commerce for 3324  
registration. The physician who holds a certificate to recommend 3325  
issued by the state medical board and is treating the patient or 3326  
the physician's delegate shall submit the application on the 3327  
patient's or caregiver's behalf in the manner established in 3328  
rules adopted under section ~~3796.04~~ 3796.03 of the Revised Code. 3329

(2) The application shall include all of the following: 3330

(a) A statement from the physician certifying all of the 3331  
following: 3332

(i) That a bona fide physician-patient relationship exists 3333  
between the physician and patient; 3334

(ii) That the patient has been diagnosed with a qualifying 3335  
medical condition; 3336

(iii) That the physician or physician delegate has 3337  
requested from the drug database a report of information related 3338  
to the patient that covers at least the twelve months 3339  
immediately preceding the date of the report; 3340

(iv) That the physician has informed the patient of the 3341  
risks and benefits of medical marijuana as it pertains to the 3342

patient's qualifying medical condition and medical history. 3343

(b) In the case of an application submitted on behalf of a 3344  
patient, the name or names of the one or more caregivers that 3345  
will assist the patient in the use or administration of medical 3346  
marijuana; 3347

(c) In the case of an application submitted on behalf of a 3348  
caregiver, the name of the patient or patients that the 3349  
caregiver seeks to assist in the use or administration of 3350  
medical marijuana. 3351

(3) If the application is complete and meets the 3352  
requirements established in rules, the board or department, as 3353  
applicable, shall register the patient or caregiver and issue to 3354  
the patient or caregiver an identification card. 3355

(B) The board or department, as applicable, shall not make 3356  
public any information reported to or collected by the board or 3357  
department under this section that identifies or would tend to 3358  
identify any specific patient. 3359

Information collected by the board or department pursuant 3360  
to this section is confidential and not a public record. The 3361  
board or department may share identifying information with a 3362  
licensed retail dispensary for the purpose of confirming that a 3363  
person has a valid registration. Information that does not 3364  
identify a person may be released in summary, statistical, or 3365  
aggregate form. 3366

(C) A registration expires according to the renewal 3367  
schedule established in rules adopted under section ~~3796.04~~ 3368  
3796.03 of the Revised Code and may be renewed in accordance 3369  
with procedures established in those rules. 3370

**Sec. 3796.09.** (A) An entity that seeks to cultivate or 3371

process ~~medical~~-marijuana or to conduct laboratory testing of 3372  
~~medical~~-marijuana shall file an application for licensure with 3373  
the department of commerce. The entity shall file an application 3374  
for each location from which it seeks to operate. Each 3375  
application shall be submitted in accordance with rules adopted 3376  
under section 3796.03 of the Revised Code. 3377

(B) The department shall issue a license to an applicant 3378  
if all of the following conditions are met: 3379

(1) The report of the criminal records check conducted 3380  
pursuant to section 3796.12 of the Revised Code with respect to 3381  
the application demonstrates that the person subject to the 3382  
criminal records check requirement has not been convicted of or 3383  
pleaded guilty to any of the disqualifying offenses specified in 3384  
rules adopted under ~~section~~ sections 9.79 and ~~division (B) (2) (b)~~ 3385  
~~of section~~ 3796.03 of the Revised Code. 3386

(2) The applicant demonstrates that it does not have an 3387  
ownership or investment interest in or compensation arrangement 3388  
with any of the following: 3389

(a) A laboratory licensed under this chapter; 3390

(b) An applicant for a license to conduct laboratory 3391  
testing. 3392

(3) The applicant demonstrates that it does not share any 3393  
corporate officers or employees with any of the following: 3394

(a) A laboratory licensed under this chapter; 3395

(b) An applicant for a license to conduct laboratory 3396  
testing. 3397

(4) The applicant demonstrates that it will not be located 3398  
within five hundred feet of a school, church, public library, 3399

public playground, or public park. 3400

(5) The information provided to the department pursuant to 3401  
section 3796.11 of the Revised Code demonstrates that the 3402  
applicant is in compliance with the applicable tax laws of this 3403  
state. 3404

(6) The applicant meets all other licensure eligibility 3405  
conditions established in rules adopted under section 3796.03 of 3406  
the Revised Code. 3407

~~(C) The department shall issue not less than fifteen per- 3408  
cent of cultivator, processor, or laboratory licenses to 3409  
entities that are owned and controlled by United States citizens- 3410  
who are residents of this state and are members of one of the 3411  
following economically disadvantaged groups: Blacks or African- 3412  
Americans, American Indians, Hispanics or Latinos, and Asians. 3413  
If no applications or an insufficient number of applications are 3414  
submitted by such entities that meet the conditions set forth in 3415  
division (B) of this section, the licenses shall be issued 3416  
according to usual procedures. 3417~~

~~As used in this division, "owned and controlled" means 3418  
that at least fifty one per cent of the business, including 3419  
corporate stock if a corporation, is owned by persons who belong 3420  
to one or more of the groups set forth in this division, and 3421  
that those owners have control over the management and day to 3422  
day operations of the business and an interest in the capital, 3423  
assets, and profits and losses of the business proportionate to 3424  
their percentage of ownership. 3425~~

~~(D) A license expires according to the renewal schedule 3426  
established in rules adopted under section 3796.03 of the 3427  
Revised Code and may be renewed in accordance with the 3428~~

procedures established in those rules. 3429

**Sec. 3796.10.** (A) An entity that seeks to dispense 3430  
marijuana at a retail ~~medical~~ marijuana dispensary shall file an 3431  
application for licensure with the ~~state board~~ department of 3432  
~~pharmacycommerce~~. The entity shall file an application for each 3433  
location from which it seeks to operate. Each application shall 3434  
be submitted in accordance with rules adopted under section 3435  
~~3796.04~~ 3796.03 of the Revised Code. 3436

(B) The ~~board~~ department shall issue a license to an 3437  
applicant if all of the following conditions are met: 3438

(1) The report of the criminal records check conducted 3439  
pursuant to section 3796.12 of the Revised Code with respect to 3440  
the application demonstrates that the person subject to the 3441  
criminal records check requirement has not been convicted of ~~or~~ 3442  
~~pleaded guilty to~~ any of the disqualifying offenses specified in 3443  
rules adopted under ~~section~~ sections 9.79 and ~~division (B) (2) (b)~~ 3444  
~~of section 3796.04~~ 3796.03 of the Revised Code. 3445

(2) The applicant demonstrates that it does not have an 3446  
ownership or investment interest in or compensation arrangement 3447  
with any of the following: 3448

(a) A laboratory licensed under this chapter; 3449

(b) An applicant for a license to conduct laboratory 3450  
testing. 3451

(3) The applicant demonstrates that it does not share any 3452  
corporate officers or employees with any of the following: 3453

(a) A laboratory licensed under this chapter; 3454

(b) An applicant for a license to conduct laboratory 3455  
testing. 3456

(4) The applicant demonstrates that it will not be located 3457  
within five hundred feet of a school, church, public library, 3458  
public playground, or public park. 3459

(5) The information provided to the ~~board~~ department 3460  
pursuant to section 3796.11 of the Revised Code demonstrates 3461  
that the applicant is in compliance with the applicable tax laws 3462  
of this state. 3463

(6) The applicant meets all other licensure eligibility 3464  
conditions established in rules adopted under section ~~3796.04~~ 3465  
3796.03 of the Revised Code. 3466

~~(C) The board shall issue not less than fifteen per cent~~ 3467  
~~of retail dispensary licenses to entities that are owned and~~ 3468  
~~controlled by United States citizens who are residents of this~~ 3469  
~~state and are members of one of the following economically~~ 3470  
~~disadvantaged groups: Blacks or African Americans, American~~ 3471  
~~Indians, Hispanics or Latinos, and Asians. If no applications or~~ 3472  
~~an insufficient number of applications are submitted by such~~ 3473  
~~entities that meet the conditions set forth in division (B) of~~ 3474  
~~this section, the licenses shall be issued according to usual~~ 3475  
~~procedures.~~ 3476

~~As used in this division, "owned and controlled" means~~ 3477  
~~that at least fifty one per cent of the business, including~~ 3478  
~~corporate stock if a corporation, is owned by persons who belong~~ 3479  
~~to one or more of the groups set forth in this division, and~~ 3480  
~~that those owners have control over the management and day to~~ 3481  
~~day operations of the business and an interest in the capital,~~ 3482  
~~assets, and profits and losses of the business proportionate to~~ 3483  
~~their percentage of ownership.~~ 3484

~~(D)~~ A license expires according to the renewal schedule 3485

established in rules adopted under section ~~3796.04~~3796.03 of 3486  
the Revised Code and may be renewed in accordance with the 3487  
procedures established in those rules. 3488

**Sec. 3796.11.** (A) (1) Notwithstanding section 149.43 of the 3489  
Revised Code or any other public records law to the contrary or 3490  
any law relating to the confidentiality of tax return 3491  
information, upon the request of the department of commerce ~~or~~ 3492  
~~state board of pharmacy~~, the department of taxation shall 3493  
provide to the department of commerce ~~or board~~ all of the 3494  
following information: 3495

(a) Whether an applicant for licensure under this chapter 3496  
is in compliance with the applicable tax laws of this state; 3497

(b) Any past or pending violation by the applicant of 3498  
those tax laws, and any penalty imposed on the applicant for 3499  
such a violation. 3500

(2) The department of commerce ~~or board~~ shall request the 3501  
information only as it pertains to an application for licensure 3502  
that the department of commerce ~~or board~~, ~~as applicable~~, is 3503  
reviewing. 3504

(3) The department of taxation may charge the department 3505  
of commerce ~~or board~~ a reasonable fee to cover the 3506  
administrative cost of providing the information. 3507

(B) Information received under this section is 3508  
confidential. Except as otherwise permitted by other state law 3509  
or federal law, the department of commerce ~~or board~~ shall not 3510  
make the information available to any person other than the 3511  
applicant for licensure to whom the information applies. 3512

**Sec. 3796.12.** (A) As used in this section, "criminal 3513  
records check" has the same meaning as in section 109.572 of the 3514



Revised Code. 3515

(B) (1) As part of the application process for a license 3516  
issued under this chapter, the department of commerce ~~or state~~ 3517  
~~board of pharmacy, whichever is issuing the license,~~ shall 3518  
~~require each of the following to determine which individuals~~ 3519  
~~shall complete a criminal records check.~~ 3520

~~(a) An administrator or other person responsible for the~~ 3521  
~~daily operation of the entity seeking the license;~~ 3522

~~(b) An owner or prospective owner, officer or prospective~~ 3523  
~~officer, or board member or prospective board member of the~~ 3524  
~~entity seeking the license.~~ 3525

(2) If a person subject to the criminal records check 3526  
requirement does not present proof of having been a resident of 3527  
this state for the five-year period immediately prior to the 3528  
date the criminal records check is requested or provide evidence 3529  
that within that five-year period the superintendent of the 3530  
bureau of criminal identification and investigation has 3531  
requested information about the person from the federal bureau 3532  
of investigation in a criminal records check, the department ~~or~~ 3533  
~~board~~ shall request that the person obtain through the 3534  
superintendent a criminal records request from the federal 3535  
bureau of investigation as part of the criminal records check of 3536  
the person. Even if a person presents proof of having been a 3537  
resident of this state for the five-year period, the department 3538  
~~or board~~ may request that the person obtain information through 3539  
the superintendent from the federal bureau of investigation in 3540  
the criminal records check. 3541

(C) The department ~~or board~~ shall provide the following to 3542  
each person who is subject to the criminal records check 3543

requirement: 3544

(1) Information about accessing, completing, and 3545  
forwarding to the superintendent of the bureau of criminal 3546  
identification and investigation the form prescribed pursuant to 3547  
division (C) (1) of section 109.572 of the Revised Code and the 3548  
standard impression sheet to obtain fingerprint impressions 3549  
prescribed pursuant to division (C) (2) of that section; 3550

(2) Written notification that the person is to instruct 3551  
the superintendent to submit the completed report of the 3552  
criminal records check directly to the department ~~or board~~. 3553

(D) Each person who is subject to the criminal records 3554  
check requirement shall pay to the bureau of criminal 3555  
identification and investigation the fee prescribed pursuant to 3556  
division (C) (3) of section 109.572 of the Revised Code for the 3557  
criminal records check conducted of the person. 3558

(E) The report of any criminal records check conducted by 3559  
the bureau of criminal identification and investigation in 3560  
accordance with section 109.572 of the Revised Code and pursuant 3561  
to a request made under this section is not a public record for 3562  
the purposes of section 149.43 of the Revised Code and shall not 3563  
be made available to any person other than the following: 3564

(1) The person who is the subject of the criminal records 3565  
check or the person's representative; 3566

(2) The members and staff of the department ~~or board~~; 3567

(3) A court, hearing officer, or other necessary 3568  
individual involved in a case dealing with either of the 3569  
following: 3570

(a) A license denial resulting from the criminal records 3571

check; 3572

(b) A civil or criminal action regarding ~~the medical-~~ 3573  
~~marijuana control program or any~~ violation of this chapter. 3574

(F) The department ~~or board~~ shall deny a license if, after 3575  
receiving the information and notification required by this 3576  
section, a person subject to the criminal records check 3577  
requirement fails to do either of the following: 3578

(1) Access, complete, or forward to the superintendent of 3579  
the bureau of criminal identification and investigation the form 3580  
prescribed pursuant to division (C) (1) of section 109.572 of the 3581  
Revised Code or the standard impression sheet prescribed 3582  
pursuant to division (C) (2) of that section; 3583

(2) Instruct the superintendent to submit the completed 3584  
report of the criminal records check directly to the department 3585  
~~or board.~~ 3586

**Sec. 3796.13.** (A) Each person seeking employment with an 3587  
entity licensed under this chapter shall comply with sections 3588  
4776.01 to 4776.04 of the Revised Code. Except as provided in 3589  
division (B) of this section, such an entity shall not employ 3590  
the person unless the person complies with those sections and 3591  
the report of the resulting criminal records check demonstrates 3592  
that the person has not been convicted of ~~or pleaded guilty to-~~ 3593  
~~the following:~~ 3594

~~(1) Any any~~ of the disqualifying offenses specified in 3595  
rules adopted under ~~division (B) (8) (a) of~~ section 3796.03 of the 3596  
Revised Code if the person is seeking employment with an entity 3597  
licensed by the department of commerce under this chapter. 3598

~~(2) Any of the disqualifying offenses specified in rules-~~ 3599  
~~adopted under division (B) (14) (a) of~~ section 3796.04 of the 3600

~~Revised Code if the person is seeking employment with an entity  
licensed by the state board of pharmacy under this chapter.~~ 3601  
3602

(B) An entity is not prohibited by division (A) of this 3603  
section from employing a person if the following applies: 3604

(1) In the case of a person seeking employment with an 3605  
entity licensed by the department of commerce under this 3606  
chapter, the disqualifying offense the person was convicted of 3607  
~~or pleaded guilty to is~~ one of the offenses specified in rules 3608  
adopted under ~~division (B)(8)(b) of~~ section 3796.03 of the 3609  
Revised Code and the person was convicted of ~~or pleaded guilty~~ 3610  
~~to~~ the offense more than five years before the date the 3611  
employment begins. 3612

(2) In the case of a person seeking employment with an 3613  
entity licensed by the ~~state board~~ department of pharmacy 3614  
commerce under this chapter, the disqualifying offense the 3615  
person was convicted of ~~or pleaded guilty to is~~ one of the 3616  
offenses specified in rules adopted under ~~division (B)(14)(b) of~~ 3617  
section ~~3796.04~~ 3796.03 of the Revised Code and the person was 3618  
convicted of ~~or pleaded guilty to~~ the offense more than five 3619  
years before the date the employment begins. 3620

**Sec. 3796.14.** (A) (1) The department of commerce may do any 3621  
of the following for any reason specified in rules adopted under 3622  
section 3796.03 of the Revised Code: 3623

(a) Suspend, suspend without prior hearing, revoke, or 3624  
refuse to renew a license it issued under this chapter; 3625

(b) Refuse to issue a license; 3626

(c) Impose on a license holder a civil penalty in an 3627  
amount to be determined by the department. 3628

The department's actions under this division shall be 3629  
taken in accordance with Chapter 119. of the Revised Code. 3630

(2) The department may inspect the premises of an 3631  
applicant for licensure or holder of a current, valid 3632  
cultivator, processor, retailer, or laboratory license issued 3633  
under this chapter without prior notice to the applicant or 3634  
license holder. 3635

~~(B)(1) (B) The state board of pharmacy may do any of the 3636  
following for any reason specified in rules adopted under 3637  
section 3796.04 of the Revised Code: 3638~~

~~(a) Suspend, suspend without prior hearing, revoke, or 3639  
refuse to renew a license or registration it issued under this 3640  
chapter; 3641~~

~~(b) Refuse to issue a license; 3642~~

~~(c) Impose on a license holder a civil penalty in an 3643  
amount to be determined by the board. 3644~~

~~The board's actions under this division shall be taken in 3645  
accordance with Chapter 119. of the Revised Code. 3646~~

~~(2) The board may inspect all of the following without 3647  
prior notice to the applicant or license holder: 3648~~

~~(a) The premises of an applicant for licensure; 3649~~

~~(b) The premises of and all records maintained pursuant to 3650  
this chapter by a holder of a current, valid retail dispensary 3651  
license. 3652~~

~~(3) With respect to a suspension without prior hearing, 3653  
the board may utilize a telephone conference call to review the 3654  
allegations and take a vote. The board department shall suspend 3655~~

a license without prior hearing only if it finds clear and 3656  
convincing evidence that continued distribution of ~~medical-~~ 3657  
marijuana presents a danger of immediate and serious harm to 3658  
others. The ~~board-~~department shall comply with section 119.07 of 3659  
the Revised Code. 3660

The suspension shall remain in effect, unless lifted by 3661  
the ~~board-~~department, until the ~~board-~~department issues its final 3662  
adjudication order. If the ~~board-~~department does not issue the 3663  
order within ninety days after the adjudication hearing, the 3664  
suspension shall be lifted on the ninety-first day following the 3665  
hearing. 3666

**Sec. 3796.15.** (A) The ~~state board-~~department of ~~pharmacy-~~ 3667  
~~commerce~~ shall enforce this chapter, or cause it to be enforced, 3668  
~~sections 3796.08, 3796.10, 3796.20, 3796.22, and 3796.23 of the-~~ 3669  
~~Revised Code.~~ If ~~it-~~the department has information that any 3670  
provision of ~~those sections-~~this chapter or any rule adopted 3671  
under this chapter has been violated, it shall investigate the 3672  
matter and take any action as it considers appropriate. 3673

(B) Nothing in this chapter shall be construed to require 3674  
the ~~state board of pharmacy-~~department to enforce minor 3675  
violations if the ~~board-~~department determines that the public 3676  
interest is adequately served by a notice or warning to the 3677  
alleged offender. 3678

(C) If the ~~board-~~department suspends, revokes, or refuses 3679  
to renew any license or registration issued under this chapter 3680  
and determines that there is clear and convincing evidence of a 3681  
danger of immediate and serious harm to any person, the ~~board-~~ 3682  
department may place under seal all ~~medical-~~marijuana owned by 3683  
or in the possession, custody, or control of the affected 3684  
license holder or registrant. Except as provided in this 3685

division, the ~~board-department~~ shall not dispose of the ~~medical-~~ 3686  
marijuana sealed under this division until the license holder or 3687  
registrant exhausts all of the holder's or registrant's appeal 3688  
rights under Chapter 119. of the Revised Code. The court 3689  
involved in such an appeal may order the ~~boarddepartment~~, during 3690  
the pendency of the appeal, to sell ~~medical-~~marijuana that is 3691  
perishable. The ~~board-department~~ shall deposit the proceeds of 3692  
the sale with the court. 3693

**Sec. 3796.16.** (A) (1) The ~~state-board-department~~ of 3694  
~~pharmacy-commerce~~ shall attempt in good faith to negotiate and 3695  
enter into a reciprocity agreement with any other state under 3696  
which a medical marijuana registry identification card or 3697  
equivalent authorization that is issued by the other state is 3698  
recognized in this state, if the ~~board-department~~ determines 3699  
that both of the following apply: 3700

(a) The eligibility requirements imposed by the other 3701  
state for that authorization are substantially comparable to the 3702  
eligibility requirements for a patient or caregiver registration 3703  
and identification card issued under this chapter. 3704

(b) The other state recognizes a patient or caregiver 3705  
registration and identification card issued under this chapter. 3706

(2) The ~~board-department~~ shall not negotiate any agreement 3707  
with any other state under which an authorization issued by the 3708  
other state is recognized in this state other than as provided 3709  
in division (A) (1) of this section. 3710

(B) If a reciprocity agreement is entered into in 3711  
accordance with division (A) of this section, the authorization 3712  
issued by the other state shall be recognized in this state, 3713  
shall be accepted and valid in this state, and grants the 3714

patient or caregiver the same right to use, possess, obtain, or 3715  
administer medical marijuana in this state as a patient or 3716  
caregiver who was registered and issued an identification card 3717  
under this chapter. 3718

(C) The ~~board~~department may adopt any rules as necessary 3719  
to implement this section. 3720

**Sec. 3796.17.** The ~~state board~~department of ~~pharmacy~~  
commerce shall establish a toll-free telephone line to respond 3721  
to inquiries from patients, caregivers, and health professionals 3722  
regarding adverse reactions to medical marijuana and to provide 3723  
information about available services and assistance. The ~~board~~  
department may contract with a separate entity to establish and 3724  
maintain the telephone line on behalf of the ~~board~~department. 3725  
3726  
3727

**Sec. 3796.18.** (A) Notwithstanding any conflicting 3728  
provision of the Revised Code and except as provided in division 3729  
~~(B)~~(C) of this section, the holder of a current, valid 3730  
cultivator license issued under this chapter may do either of 3731  
the following: 3732

(1) Cultivate ~~medical~~marijuana, including the acquisition  
of seeds or clones necessary to begin cultivation of a  
particular cultivar or strain of marijuana; 3733  
3734  
3735

(2) Deliver or sell ~~medical~~marijuana to one or more  
licensed processors or retail dispensaries. 3736  
3737

(B) ~~A~~When delivering or selling marijuana to a licensed  
retail dispensary, a licensed cultivator shall do all of the  
following: 3738  
3739  
3740

(1) Package the marijuana in accordance with the child-  
resistant effectiveness standards described in 16 C.F.R.  
1700.15(b) on the effective date of this amendment; 3741  
3742  
3743



(2) Label the marijuana packaging with the product's tetrahydrocannabinol and cannabidiol content; 3744  
3745

(3) Comply with any packaging or labeling requirements established in rules adopted by the department of commerce under section 3796.03 of the Revised Code. 3746  
3747  
3748

(C) Except as provided in division (A) (3) (d) of section 3796.22 of the Revised Code, a cultivator license holder shall not cultivate ~~medical~~-marijuana for personal, family, or household use ~~or~~; 3749  
3750  
3751  
3752

(D) A cultivator license holder shall not cultivate marijuana on any public land, including a state park as defined in section 154.01 of the Revised Code. 3753  
3754  
3755

(E) A holder of a current, valid, cultivator license issued under this chapter shall not be subject to arrest or criminal prosecution for engaging in any of the activities authorized under this chapter. 3756  
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**Sec. 3796.19.** (A) Notwithstanding any conflicting provision of the Revised Code, the holder of a current, valid processor license issued under this chapter may do any of the following: 3760  
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3763

(1) Obtain ~~medical~~-marijuana from one or more licensed cultivators, processors, or retail dispensaries; 3764  
3765

(2) Subject to division (B) of this section, process ~~medical~~-marijuana obtained ~~from one or more licensed cultivators~~ into a form described in section 3796.06 of the Revised Code; 3766  
3767  
3768

(3) Deliver or sell processed ~~medical~~-marijuana to one or more licensed retail dispensaries. 3769  
3770

(B) When processing ~~medical~~-marijuana, a licensed 3771

processor shall do both of the following: 3772

(1) Package the ~~medical~~-marijuana in accordance with 3773  
child-resistant effectiveness standards described in 16 C.F.R. 3774  
1700.15(b) ~~on the effective date of this section~~ September 8, 3775  
2016; 3776

(2) Label the ~~medical~~-marijuana packaging with the 3777  
product's tetrahydrocannabinol and cannabidiol content; 3778

(3) Comply with any packaging or labeling requirements 3779  
established in rules adopted by the department of commerce under 3780  
section 3796.03 of the Revised Code. 3781

(C) A holder of a current, valid, processor license issued 3782  
under this chapter shall not be subject to arrest or criminal 3783  
prosecution for engaging in any of the activities authorized 3784  
under this chapter. 3785

**Sec. 3796.20.** (A) Notwithstanding any conflicting 3786  
provision of the Revised Code, the holder of a current, valid 3787  
retail dispensary license issued under this chapter may do ~~both~~ 3788  
any of the following: 3789

(1) Obtain ~~medical~~-marijuana from one or more cultivators, 3790  
processors, or other retail dispensaries, if the retail 3791  
dispensaries have common ownership; 3792

(2) Dispense or sell medical marijuana and paraphernalia 3793  
in accordance with division (B) of this section; 3794

(3) Beginning two hundred forty days after the effective 3795  
date of this amendment, dispense or sell marijuana and 3796  
paraphernalia to adult consumers in accordance with division (B) 3797  
of this section; 3798

(4) Deliver marijuana, medical marijuana, paraphernalia, 3799

and accessories specified in the rules adopted pursuant to 3800  
section 3796.03 of the Revised Code to registered patients and 3801  
adult consumers. 3802

(B) When dispensing or selling marijuana or medical 3803  
marijuana, a licensed retail dispensary shall do all of the 3804  
following: 3805

(1) Dispense or sell only upon a showing of a current, 3806  
valid identification card and in the case of the sale of medical 3807  
marijuana to registered patients, in accordance with a written 3808  
recommendation issued by a physician ~~in accordance with an~~ 3809  
holding a certificate to recommend issued by the state medical 3810  
board under section 4731.30 of the Revised Code; 3811

(2) Report to the ~~drug database the information required~~ 3812  
~~by electronic database established pursuant to section 4729.771-~~ 3813  
3796.07 of the Revised Code information required by the rules 3814  
adopted by the department under this chapter; 3815

(3) Label the package containing marijuana or medical 3816  
marijuana with the following information: 3817

(a) The name and address of the licensed processor and 3818  
retail dispensary; 3819

~~(b) The name of the patient and caregiver, if any;~~ 3820

~~(c) The name of the physician who recommended treatment~~ 3821  
~~with medical marijuana;~~ 3822

~~(d) The directions for use, if any, as recommended by the~~ 3823  
~~physician;~~ 3824

~~(e) The date on which the marijuana or medical marijuana~~ 3825  
was dispensed; 3826

~~(f)~~ (c) The quantity, strength, kind, or form of marijuana 3827  
or medical marijuana contained in the package; 3828

(d) Any other information required by the department 3829  
pursuant to rules adopted under section 3796.03 of the Revised 3830  
Code. 3831

(4) In addition to the information required under division 3832  
(B) (3) of this section, label the package containing medical 3833  
marijuana with the following information: 3834

(a) The name of the patient and caregiver, if any; 3835

(b) The name of the physician who recommended treatment 3836  
with medical marijuana; 3837

(c) The directions for use, if any, as recommended by the 3838  
physician. 3839

(C) When operating a licensed retail dispensary, both of 3840  
the following apply: 3841

(1) A dispensary shall use only employees who have met the 3842  
training requirements established in rules adopted under section 3843  
~~3796.04~~ 3796.03 of the Revised Code. 3844

(2) A dispensary shall not make public any information it 3845  
collects that identifies or would tend to identify any specific 3846  
registered patient or adult consumer. 3847

(D) A holder of a current, valid, retail dispensary 3848  
license issued under this chapter shall not be subject to arrest 3849  
or criminal prosecution for engaging in any of the activities 3850  
authorized under this chapter. 3851

**Sec. 3796.21.** (A) Notwithstanding any conflicting 3852  
provision of the Revised Code, the holder of a current, valid 3853

laboratory license issued under this chapter may do both of the 3854  
following: 3855

(1) Obtain marijuana and medical marijuana from one or 3856  
more cultivators, processors, and retail dispensaries licensed 3857  
under this chapter; 3858

(2) Conduct marijuana and medical marijuana testing in the 3859  
manner specified in rules adopted under section 3796.03 of the 3860  
Revised Code. 3861

(B) When testing medical marijuana, a licensed laboratory 3862  
shall do both of the following: 3863

(1) Test the marijuana for potency, homogeneity, and 3864  
contamination; 3865

(2) Prepare a report of the test results. 3866

(C) A holder of a current, valid, laboratory license 3867  
issued under this chapter shall not be subject to arrest or 3868  
criminal prosecution for engaging in any of the activities 3869  
authorized under this chapter. 3870

**Sec. 3796.22.** (A) Notwithstanding any conflicting 3871  
provision of the Revised Code, an adult consumer and a patient 3872  
registered under this chapter who obtains marijuana or medical 3873  
marijuana from a retail dispensary licensed under this chapter 3874  
may do ~~both~~ any of the following: 3875

(1) Use ~~medical~~ marijuana; 3876

(2) ~~Possess~~ In the case of a registered patient, possess 3877  
and use medical marijuana, ~~subject to division (B) of this~~ 3878  
~~section and paraphernalia;~~ 3879

(3) In the case of an adult consumer, all of the 3880

following: 3881

(a) Possess, use, display, purchase, or transport not more 3882  
than fifty grams of marijuana, with not more than eight grams 3883  
being in the form of marijuana concentrate; 3884

(b) Subject to Chapter 3794. of the Revised Code, consume 3885  
or use marijuana, including without limitation by combustion or 3886  
smoking; 3887

(c) Transfer twenty-five grams or less of marijuana 3888  
without remuneration to another adult consumer; 3889

(d) Without the need to obtain a license, cultivate, grow, 3890  
process, and transport not more than six marijuana plants per 3891  
household, with three or fewer of such plants being mature 3892  
flowering plants, and possess marijuana produced by the plants 3893  
on the premises where the plants were grown or cultivated, 3894  
provided that the growing and cultivation takes place in an 3895  
enclosed, locked space, is not conducted openly or publicly, and 3896  
is not made available for sale; 3897

(e) Assist another adult consumer in any of the acts 3898  
specified in divisions (A) (3) (a) to (c) of this section. 3899

(4) Possess any paraphernalia or accessories specified in 3900  
rules adopted under section 3796.04 of the Revised Code. 3901

(B) The amount of medical marijuana possessed by a 3902  
registered patient shall not exceed ~~a ninety-day supply, as the~~ 3903  
amount specified in rules adopted under section ~~3796.04-3796.03~~ 3904  
of the Revised Code. 3905

(C) ~~A registered patient~~ Registered patients and adult 3906  
consumers shall not be subject to arrest or criminal prosecution 3907  
for ~~doing engaging in any of the following in accordance with~~ 3908

~~activities authorized under this chapter~~ 3909

~~(1) Obtaining, using, or possessing medical marijuana;~~ 3910

~~(2) Possessing any paraphernalia or accessories specified in rules adopted under section 3796.04 of the Revised Code.~~ 3911  
3912

(D) This section does not authorize an adult use consumer 3913  
or a registered patient to operate a vehicle, streetcar, 3914  
trackless trolley, watercraft, or aircraft while under the 3915  
influence of marijuana or medical marijuana. 3916

**Sec. 3796.23.** (A) Notwithstanding any conflicting 3917  
provision of the Revised Code, a caregiver registered under this 3918  
chapter who obtains ~~medical~~ marijuana from a retail dispensary 3919  
licensed under this chapter may do both of the following: 3920

(1) Possess ~~medical~~ marijuana on behalf of a registered 3921  
patient under the caregiver's care, subject to division (B) of 3922  
this section; 3923

(2) Assist a registered patient under the caregiver's care 3924  
in the use or administration of ~~medical~~ marijuana; 3925

(3) Possess any paraphernalia or accessories specified in 3926  
rules adopted under section ~~3796.04~~ 3796.03 of the Revised Code. 3927

(B) The amount of ~~medical~~ marijuana possessed by a 3928  
registered caregiver on behalf of a registered patient shall not 3929  
exceed ~~a ninety-day supply, as the amount~~ specified in rules 3930  
adopted under section ~~3796.04~~ 3796.03 of the Revised Code. If a 3931  
caregiver provides care to more than one registered patient, the 3932  
caregiver shall maintain separate inventories of ~~medical~~ 3933  
marijuana for each patient. 3934

(C) A registered caregiver shall not be subject to arrest 3935  
or criminal prosecution for doing any of following in accordance 3936

with this chapter:	3937
(1) Obtaining or possessing medical marijuana on behalf of a registered patient;	3938 3939
(2) Assisting a registered patient in the use or administration of medical marijuana;	3940 3941
(3) Possessing any paraphernalia <del>or accessories specified in rules adopted under section 3796.04 of the Revised Code.</del>	3942 3943
(D) This section does not permit a registered caregiver to personally use medical marijuana, unless the caregiver is also a registered patient.	3944 3945 3946
<b>Sec. 3796.24.</b> (A) The holder of a license, as defined in section 4776.01 of the Revised Code, is not subject to professional disciplinary action solely for engaging in professional or occupational activities related to <del>medical</del> marijuana.	3947 3948 3949 3950 3951
(B) Unless there is clear and convincing evidence that a child is unsafe, the use, possession, or administration of medical marijuana in accordance with this chapter shall not be the sole or primary basis for any of the following:	3952 3953 3954 3955
(1) An adjudication under section 2151.28 of the Revised Code determining that a child is an abused, neglected, or dependent child;	3956 3957 3958
(2) An allocation of parental rights and responsibilities under section 3109.04 of the Revised Code;	3959 3960
(3) A parenting time order under section 3109.051 or 3109.12 of the Revised Code.	3961 3962
(C) Notwithstanding any conflicting provision of the	3963



Revised Code, the use or possession of ~~medical-marijuana~~ by a 3964  
registered patient in accordance with this chapter shall not be 3965  
used as a reason for disqualifying a registered patient from 3966  
medical care or from including a patient on a transplant waiting 3967  
list. 3968

(D) Notwithstanding any conflicting provision of the 3969  
Revised Code, the use, possession, administration, cultivation, 3970  
processing, testing, transporting, sale, delivery, transferring, 3971  
or dispensing of ~~medical-marijuana~~ in accordance with this 3972  
chapter shall not be used as the sole or primary reason for 3973  
taking action under any criminal or civil statute in the 3974  
forfeiture or seizure of any property or asset. 3975

(E) Notwithstanding any conflicting provision of the 3976  
Revised Code, a person's status as a registered patient or 3977  
caregiver is not a sufficient basis for conducting a field 3978  
sobriety test on the person or for suspending the person's 3979  
driver's license. To conduct any field sobriety test, a law 3980  
enforcement officer must have an independent, factual basis 3981  
giving reasonable suspicion that the person is operating a 3982  
vehicle under the influence of marijuana or with a prohibited 3983  
concentration of marijuana in the person's whole blood, blood 3984  
serum, plasma, breath, or urine. 3985

(F) Notwithstanding any conflicting provision of the 3986  
Revised Code, a person's status as a registered patient or 3987  
caregiver shall not be used as the sole or primary basis for 3988  
rejecting the person as a tenant unless the rejection is 3989  
required by federal law. 3990

(G) This chapter does not do any of the following: 3991

(1) Require a physician to recommend that a patient use 3992

medical marijuana to treat a qualifying medical condition;	3993
(2) Permit the use, possession, or administration of	3994
<del>medical</del> -marijuana other than as authorized by this chapter;	3995
(3) Permit the use, possession, or administration of	3996
<del>medical</del> -marijuana on federal land located in this state;	3997
(4) Require any public place to accommodate a registered	3998
patient's <u>or adult use consumer's</u> use of <del>medical</del> -marijuana;	3999
(5) Prohibit any public place from accommodating a	4000
registered patient's <u>or adult use consumer's</u> use of <del>medical</del> -	4001
marijuana;	4002
(6) Restrict research related to marijuana conducted at a	4003
state university, academic medical center, or private research	4004
and development organization as part of a research protocol	4005
approved by an institutional review board or equivalent entity.	4006
<b>Sec. 3796.27.</b> (A) As used in this section:	4007
(1) "Financial institution" means any of the following:	4008
(a) Any bank, trust company, savings and loan association,	4009
savings bank, or credit union or any affiliate, agent, or	4010
employee of a bank, trust company, savings and loan association,	4011
savings bank, or credit union;	4012
(b) Any money transmitter licensed under sections 1315.01	4013
to 1315.18 of the Revised Code or any affiliate, agent, or	4014
employee of such a licensee.	4015
(2) "Financial services" means services that a financial	4016
institution is authorized to provide under Title XI, sections	4017
1315.01 to 1315.18, or Chapter 1733. of the Revised Code, as	4018
applicable.	4019

(B) A financial institution that provides financial 4020  
services to any cultivator, processor, retail dispensary, or 4021  
laboratory licensed under this chapter shall be exempt from any 4022  
criminal law of this state an element of which may be proven by 4023  
substantiating that a person provides financial services to a 4024  
person who possesses, delivers, or manufactures marijuana or 4025  
marijuana derived products, including section 2925.05 of the 4026  
Revised Code and sections 2923.01 and 2923.03 of the Revised 4027  
Code as those sections apply to violations of Chapter 2925. of 4028  
the Revised Code, if the cultivator, processor, retail 4029  
dispensary, or laboratory is in compliance with this chapter and 4030  
the applicable tax laws of this state. 4031

(C) (1) Notwithstanding section 149.43 of the Revised Code 4032  
or any other public records law to the contrary, upon the 4033  
request of a financial institution, the department of commerce 4034  
~~or state board of pharmacy~~ shall provide to the financial 4035  
institution all of the following information: 4036

(a) Whether a person with whom the financial institution 4037  
is seeking to do business is a cultivator, processor, retail 4038  
dispensary, or laboratory licensed under this chapter; 4039

(b) The name of any other business or individual 4040  
affiliated with the person; 4041

(c) An unredacted copy of the application for a license 4042  
under this chapter, and any supporting documentation, that was 4043  
submitted by the person; 4044

(d) If applicable, information relating to sales and 4045  
volume of product sold by the person; 4046

(e) Whether the person is in compliance with this chapter; 4047

(f) Any past or pending violation by the person of this 4048

chapter, and any penalty imposed on the person for such a 4049  
violation. 4050

(2) The department ~~or board~~ may charge a financial 4051  
institution a reasonable fee to cover the administrative cost of 4052  
providing the information. 4053

(D) Information received by a financial institution under 4054  
division (C) of this section is confidential. Except as 4055  
otherwise permitted by other state law or federal law, a 4056  
financial institution shall not make the information available 4057  
to any person other than the customer to whom the information 4058  
applies and any trustee, conservator, guardian, personal 4059  
representative, or agent of that customer. 4060

**Sec. 3796.28.** (A) Nothing in this chapter does any of the 4061  
following: 4062

(1) Requires an employer to permit or accommodate an 4063  
employee's use, possession, or distribution of ~~medical~~ 4064  
marijuana; 4065

(2) Prohibits an employer from refusing to hire, 4066  
discharging, disciplining, or otherwise taking an adverse 4067  
employment action against a person with respect to hire, tenure, 4068  
terms, conditions, or privileges of employment because of that 4069  
person's use, possession, or distribution of ~~medical~~ marijuana; 4070

(3) Prohibits an employer from establishing and enforcing 4071  
a drug testing policy, drug-free workplace policy, or zero- 4072  
tolerance drug policy; 4073

(4) Interferes with any federal restrictions on 4074  
employment, including the regulations adopted by the United 4075  
States department of transportation in Title 49 of the Code of 4076  
Federal Regulations, as amended; 4077

(5) Permits a person to commence a cause of action against 4078  
an employer for refusing to hire, discharging, disciplining, 4079  
discriminating, retaliating, or otherwise taking an adverse 4080  
employment action against a person with respect to hire, tenure, 4081  
terms, conditions, or privileges of employment related to 4082  
~~medical-marijuana;~~ 4083

~~(6) Affects the authority of the administrator of workers' 4084  
compensation to grant rebates or discounts on premium rates to 4085  
employers that participate in a drug-free workplace program 4086  
established in accordance with rules adopted by the 4087  
administrator under Chapter 4123. of the Revised Code. 4088~~

(B) A person-registered patient who is discharged from 4089  
employment because of that person's use of ~~medical-marijuana~~ 4090  
shall be considered to have been discharged for just cause for 4091  
purposes of division (D) of section 4141.29 of the Revised Code 4092  
if the person's-registered patient's use of ~~medical-marijuana~~ 4093  
was in violation of an employer's drug-free workplace policy, 4094  
zero-tolerance policy, or other formal program or policy 4095  
regulating the use of ~~medical-marijuana~~. 4096

(C) It is not a violation of division (A), (D), or (E) of 4097  
section 4112.02 of the Revised Code if an employer discharges, 4098  
refuses to hire, or otherwise discriminates against a person 4099  
because of that person's use of ~~medical-marijuana~~ if the 4100  
person's use of ~~medical-marijuana~~ is in violation of the 4101  
employer's drug-free workplace policy, zero-tolerance policy, or 4102  
other formal program or policy regulating the use of ~~medical-~~ 4103  
marijuana. 4104

**Sec. 3796.29.** (A) The legislative authority of a municipal 4105  
corporation may adopt an ordinance, or a board of township 4106  
trustees may adopt a resolution, to prohibit, or limit the 4107

number of, cultivators, processors, or retail dispensaries 4108  
licensed under this chapter within the municipal corporation or 4109  
within the unincorporated territory of the township, 4110  
respectively. 4111

(B) This section does not authorize the legislative 4112  
authority of a municipal corporation or a board of township 4113  
trustees to adopt an ordinance or resolution limiting ~~research,~~ 4114  
prohibiting, or criminalizing any of the following as authorized 4115  
by this chapter: 4116

(1) Research related to marijuana conducted at a state 4117  
university, academic medical center, or private research and 4118  
development organization as part of a research protocol approved 4119  
by an institutional review board or equivalent entity; 4120

(2) Use, possession, or delivery of marijuana or medical 4121  
marijuana by adult use consumers or registered patients in 4122  
accordance with this chapter; 4123

(3) The activities authorized by division (A) (3) (d) of 4124  
section 3796.22 of the Revised Code. 4125

**Sec. 3796.30.** (A) Except as provided in division (B) of 4126  
this section, no ~~medical~~-marijuana cultivator, processor, retail 4127  
dispensary, or laboratory that tests medical marijuana shall be 4128  
located within five hundred feet of the boundaries of a parcel 4129  
of real estate having situated on it a school, church, public 4130  
library, public playground, or public park. 4131

If the relocation of a cultivator, processor, retail 4132  
dispensary, or laboratory licensed under this chapter results in 4133  
the cultivator, processor, retail dispensary, or laboratory 4134  
being located within five hundred feet of the boundaries of a 4135  
parcel of real estate having situated on it a school, church, 4136

public library, public playground, or public park, the 4137  
department of commerce ~~or state board of pharmacy shall revoke~~ 4138  
~~the license it previously issued to the cultivator, processor,~~ 4139  
~~retail dispensary, or laboratory~~ deny the request to relocate. 4140

(B) This section does not apply to research related to 4141  
marijuana conducted at a state university, academic medical 4142  
center, or private research and development organization as part 4143  
of a research protocol approved by an institutional review board 4144  
or equivalent entity. 4145

(C) As used in this section and ~~sections 3796.04 and~~ 4146  
section 3796.12 of the Revised Code: 4147

"Church" has the meaning defined in section 1710.01 of the 4148  
Revised Code. 4149

"Public library" means a library provided for under 4150  
Chapter 3375. of the Revised Code. 4151

"Public park" means a park established by the state or a 4152  
political subdivision of the state including a county, township, 4153  
municipal corporation, or park district. 4154

"Public playground" means a playground established by the 4155  
state or a political subdivision of the state including a 4156  
county, township, municipal corporation, or park district. 4157

"School" means a child day-care center as defined under 4158  
section 5104.01 of the Revised Code, a preschool as defined 4159  
under section 2950.034 of the Revised Code, or a public or 4160  
nonpublic primary school or secondary school. 4161

**Sec. 3796.32.** (A) The department may adopt rules 4162  
regulating the advertisements of cultivators, processors, retail 4163  
dispensaries, and testing laboratories to prevent advertisements 4164

that are false, misleading, or targeted to minors. 4165

(B) Rules adopted by the department pursuant to division 4166  
(A) of this section shall not do any of the following: 4167

(1) Require pre-approval by the department of any 4168  
advertisement; 4169

(2) Restrict any cultivator, processor, retail dispensary, 4170  
or testing laboratory from engaging in noncommercial speech; 4171

(3) Restrict the ability of a cultivator, processor, 4172  
retail dispensary, or testing laboratory from advertising in any 4173  
specific medium, including without limitation advertisements 4174  
placed on web sites, billboards, apparel, or radio or television 4175  
broadcasts, except that certain narrowly tailored time and place 4176  
restrictions may be adopted to prevent advertising targeted to 4177  
minors; 4178

(4) Restrict the ability of a cultivator, processor, 4179  
retail dispensary, or testing laboratory from marketing, 4180  
distributing, offering, selling, licensing, or causing to be 4181  
marketed, distributed, offered, sold, or licensed, any apparel 4182  
or other merchandise related to the sale of marijuana, except 4183  
the department may restrict the sale of such apparel or 4184  
merchandise to a minor; 4185

(5) Restrict the ability of a cultivator, processor, 4186  
retail dispensary, or testing laboratory from utilizing an 4187  
advertisement that includes marijuana leaves or slang terms that 4188  
refer to marijuana or marijuana strains; 4189

(6) Restrict the ability of a cultivator, processor, 4190  
retail dispensary, or testing laboratory from making any 4191  
statement, design, representation, picture, or illustration that 4192  
is related to the efficacy of marijuana to treat any of the 4193



qualifying conditions identified in section 3796.01 of the 4194  
Revised Code; 4195

(7) Restrict the ability of a cultivator, processor, 4196  
retail dispensary, or testing laboratory from engaging directly 4197  
with consumers, registered patients, or user-generated content 4198  
or reviews. 4199

**Sec. 3796.35.** (A) No person, including a retail dispensary 4200  
of marijuana and its agents, employees, and representatives, 4201  
shall do any of the following: 4202

(1) Recklessly give, sell, or otherwise distribute 4203  
marijuana or paraphernalia to any person under twenty-one years 4204  
of age; 4205

(2) Recklessly give away, sell, or distribute marijuana or 4206  
paraphernalia in any place that does not have posted in a 4207  
conspicuous place a legibly printed sign in letters at least 4208  
one-half inch high stating that giving, selling, or otherwise 4209  
distributing marijuana to a person under twenty-one years of age 4210  
is prohibited by law unless the person is a registered patient 4211  
under Chapter 3796. of the Revised Code; 4212

(3) Knowingly furnish any false information regarding the 4213  
name, age, or other identification of any person under twenty- 4214  
one years of age with purpose to obtain marijuana for that 4215  
person; 4216

(4) Recklessly give, sell, or otherwise distribute 4217  
marijuana over the internet or through another remote method 4218  
without age verification. 4219

(B) It is not a violation of division (A) of this section 4220  
for a person to give or otherwise distribute to a person under 4221  
twenty-one years of age marijuana if the person under twenty-one 4222

years of age is a registered patient under this chapter. 4223

(C) No person who is eighteen years of age or older but 4224  
younger than twenty-one years of age shall knowingly furnish 4225  
false information concerning that person's name, age, or other 4226  
identification for the purpose of obtaining marijuana products. 4227

**Sec. 3796.99.** (A) (1) Whoever violates division (A) of 4228  
section 3796.35 of the Revised Code is guilty of a misdemeanor 4229  
of the fourth degree. If the offender previously has been 4230  
convicted of a violation of that division, the violation is a 4231  
misdemeanor of the third degree. 4232

(2) Any marijuana that is given, sold, or otherwise 4233  
distributed to a person under twenty-one years of age in 4234  
violation of division (A) of section 3796.35 of the Revised Code 4235  
and that is used, possessed, purchased, or received by a person 4236  
under twenty-one years of age is subject to seizure and 4237  
forfeiture as contraband under Chapter 2981. of the Revised 4238  
Code. 4239

(B) Whoever violates division (C) of section 3796.35 of 4240  
the Revised Code is guilty of a misdemeanor of the fourth 4241  
degree. If the offender previously has been convicted of or 4242  
pleaded guilty to a violation of that division, the violation is 4243  
a misdemeanor of the third degree. 4244

**Sec. 4123.34.** It shall be the duty of the bureau of 4245  
workers' compensation board of directors and the administrator 4246  
of workers' compensation to safeguard and maintain the solvency 4247  
of the state insurance fund and all other funds specified in 4248  
this chapter and Chapters 4121., 4127., and 4131. of the Revised 4249  
Code. The administrator, in the exercise of the powers and 4250  
discretion conferred upon the administrator in section 4123.29 4251

of the Revised Code, shall fix and maintain, with the advice and 4252  
consent of the board, for each class of occupation or industry, 4253  
the lowest possible rates of premium consistent with the 4254  
maintenance of a solvent state insurance fund and the creation 4255  
and maintenance of a reasonable surplus, after the payment of 4256  
legitimate claims for injury, occupational disease, and death 4257  
that the administrator authorizes to be paid from the state 4258  
insurance fund for the benefit of injured, diseased, and the 4259  
dependents of killed employees. In establishing rates, the 4260  
administrator shall take into account the necessity of ensuring 4261  
sufficient money is set aside in the premium payment security 4262  
fund to cover any defaults in premium obligations. The 4263  
administrator shall observe all of the following requirements in 4264  
fixing the rates of premium for the risks of occupations or 4265  
industries: 4266

(A) The administrator shall keep an accurate account of 4267  
the money paid in premiums by each of the several classes of 4268  
occupations or industries, and the losses on account of 4269  
injuries, occupational disease, and death of employees thereof, 4270  
and also keep an account of the money received from each 4271  
individual employer and the amount of losses incurred against 4272  
the state insurance fund on account of injuries, occupational 4273  
disease, and death of the employees of the employer. 4274

(B) A portion of the money paid into the state insurance 4275  
fund shall be set aside for the creation of a surplus fund 4276  
account within the state insurance fund. Any references in this 4277  
chapter or in Chapter 4121., 4125., 4127., or 4131. of the 4278  
Revised Code to the surplus fund, the surplus created in this 4279  
division, the statutory surplus fund, or the statutory surplus 4280  
of the state insurance fund are hereby deemed to be references 4281  
to the surplus fund account. The administrator may transfer the 4282

portion of the state insurance fund to the surplus fund account 4283  
as the administrator determines is necessary to satisfy the 4284  
needs of the surplus fund account and to guarantee the solvency 4285  
of the state insurance fund and the surplus fund account. In 4286  
addition to all statutory authority under this chapter and 4287  
Chapter 4121. of the Revised Code, the administrator has 4288  
discretionary and contingency authority to make charges to the 4289  
surplus fund account. The administrator shall account for all 4290  
charges, whether statutory, discretionary, or contingency, that 4291  
the administrator may make to the surplus fund account. A 4292  
revision of basic rates shall be made annually on the first day 4293  
of July. 4294

For policy years commencing prior to July 1, 2016, 4295  
revisions of basic rates for private employers shall be in 4296  
accordance with the oldest four of the last five calendar years 4297  
of the combined accident and occupational disease experience of 4298  
the administrator in the administration of this chapter, as 4299  
shown by the accounts kept as provided in this section. For a 4300  
policy year commencing on or after July 1, 2016, revisions of 4301  
basic rates for private employers shall be in accordance with 4302  
the oldest four of the last five policy years combined accident 4303  
and occupational disease experience of the administrator in the 4304  
administration of this chapter, as shown by the accounts kept as 4305  
provided in this section. 4306

Revisions of basic rates for public employers shall be in 4307  
accordance with the oldest four of the last five policy years of 4308  
the combined accident and occupational disease experience of the 4309  
administrator in the administration of this chapter, as shown by 4310  
the accounts kept as provided in this section. 4311

In revising basic rates, the administrator shall exclude 4312

the experience of employers that are no longer active if the 4313  
administrator determines that the inclusion of those employers 4314  
would have a significant negative impact on the remainder of the 4315  
employers in a particular manual classification. The 4316  
administrator shall adopt rules, with the advice and consent of 4317  
the board, governing rate revisions, the object of which shall 4318  
be to make an equitable distribution of losses among the several 4319  
classes of occupation or industry, which rules shall be general 4320  
in their application. 4321

(C) The administrator may apply that form of rating system 4322  
that the administrator finds is best calculated to merit rate or 4323  
individually rate the risk more equitably, predicated upon the 4324  
basis of its individual industrial accident and occupational 4325  
disease experience, and may encourage and stimulate accident 4326  
prevention. The administrator shall develop fixed and equitable 4327  
rules controlling the rating system, which rules shall conserve 4328  
to each risk the basic principles of workers' compensation 4329  
insurance. 4330

(D) The administrator, from the money paid into the state 4331  
insurance fund, shall set aside into an account of the state 4332  
insurance fund titled a premium payment security fund sufficient 4333  
money to pay for any premiums due from an employer and 4334  
uncollected. 4335

The use of the moneys held by the premium payment security 4336  
fund account is restricted to reimbursement to the state 4337  
insurance fund of premiums due and uncollected. 4338

(E) The administrator may grant discounts on premium rates 4339  
for employers who meet either of the following requirements: 4340

(1) Have not incurred a compensable injury for one year or 4341

more and who maintain an employee safety committee or similar 4342  
organization or make periodic safety inspections of the 4343  
workplace. 4344

(2) Successfully complete a loss prevention program 4345  
prescribed by the superintendent of the division of safety and 4346  
hygiene and conducted by the division or by any other person 4347  
approved by the superintendent. 4348

(F) (1) In determining the premium rates for the 4349  
construction industry the administrator shall calculate the 4350  
employers' premiums based upon the actual remuneration 4351  
construction industry employees receive from construction 4352  
industry employers, provided that the amount of remuneration the 4353  
administrator uses in calculating the premiums shall not exceed 4354  
an average weekly wage equal to one hundred fifty per cent of 4355  
the statewide average weekly wage as defined in division (C) of 4356  
section 4123.62 of the Revised Code. 4357

(2) Division (F) (1) of this section shall not be construed 4358  
as affecting the manner in which benefits to a claimant are 4359  
awarded under this chapter. 4360

(3) As used in division (F) of this section, "construction 4361  
industry" includes any activity performed in connection with the 4362  
erection, alteration, repair, replacement, renovation, 4363  
installation, or demolition of any building, structure, highway, 4364  
or bridge. 4365

(G) The administrator shall not ~~place~~ do either of the 4366  
following: 4367

(1) Place a limit on the length of time that an employer 4368  
may participate in the bureau of workers' compensation drug free 4369  
workplace and workplace safety programs. 4370

(2) Require an employer, as a condition of granting rebates or discounts on premium rates to an employer that participates in the bureau of workers' compensation drug free workplace or workplace safety programs, to require the employer's employees to submit to a test to determine whether marijuana is present in an employee's system.

**Sec. 4510.17.** (A) The registrar of motor vehicles shall impose a class D suspension of the person's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for the period of time specified in division (B) (4) of section 4510.02 of the Revised Code on any person who is a resident of this state and is convicted of or pleads guilty to a violation of a statute of any other state or any federal statute that is substantially similar to section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.14, ~~2925.141~~, 2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised Code. Upon receipt of a report from a court, court clerk, or other official of any other state or from any federal authority that a resident of this state was convicted of or pleaded guilty to an offense described in this division, the registrar shall send a notice by regular first class mail to the person, at the person's last known address as shown in the records of the bureau of motor vehicles, informing the person of the suspension, that the suspension will take effect twenty-one days from the date of the notice, and that, if the person wishes to appeal the suspension or denial, the person must file a notice of appeal within twenty-one days of the date of the notice requesting a hearing on the matter. If the person requests a hearing, the registrar shall hold the hearing not more than forty days after receipt by the registrar of the

notice of appeal. The filing of a notice of appeal does not stay 4402  
the operation of the suspension that must be imposed pursuant to 4403  
this division. The scope of the hearing shall be limited to 4404  
whether the person actually was convicted of or pleaded guilty 4405  
to the offense for which the suspension is to be imposed. 4406

The suspension the registrar is required to impose under 4407  
this division shall end either on the last day of the class D 4408  
suspension period or of the suspension of the person's 4409  
nonresident operating privilege imposed by the state or federal 4410  
court, whichever is earlier. 4411

The registrar shall subscribe to or otherwise participate 4412  
in any information system or register, or enter into reciprocal 4413  
and mutual agreements with other states and federal authorities, 4414  
in order to facilitate the exchange of information with other 4415  
states and the United States government regarding persons who 4416  
plead guilty to or are convicted of offenses described in this 4417  
division and therefore are subject to the suspension or denial 4418  
described in this division. 4419

(B) The registrar shall impose a class D suspension of the 4420  
person's driver's license, commercial driver's license, 4421  
temporary instruction permit, probationary license, or 4422  
nonresident operating privilege for the period of time specified 4423  
in division (B) (4) of section 4510.02 of the Revised Code on any 4424  
person who is a resident of this state and is convicted of or 4425  
pleads guilty to a violation of a statute of any other state or 4426  
a municipal ordinance of a municipal corporation located in any 4427  
other state that is substantially similar to section 4511.19 of 4428  
the Revised Code. Upon receipt of a report from another state 4429  
made pursuant to section 4510.61 of the Revised Code indicating 4430  
that a resident of this state was convicted of or pleaded guilty 4431



to an offense described in this division, the registrar shall 4432  
send a notice by regular first class mail to the person, at the 4433  
person's last known address as shown in the records of the 4434  
bureau of motor vehicles, informing the person of the 4435  
suspension, that the suspension or denial will take effect 4436  
twenty-one days from the date of the notice, and that, if the 4437  
person wishes to appeal the suspension, the person must file a 4438  
notice of appeal within twenty-one days of the date of the 4439  
notice requesting a hearing on the matter. If the person 4440  
requests a hearing, the registrar shall hold the hearing not 4441  
more than forty days after receipt by the registrar of the 4442  
notice of appeal. The filing of a notice of appeal does not stay 4443  
the operation of the suspension that must be imposed pursuant to 4444  
this division. The scope of the hearing shall be limited to 4445  
whether the person actually was convicted of or pleaded guilty 4446  
to the offense for which the suspension is to be imposed. 4447

The suspension the registrar is required to impose under 4448  
this division shall end either on the last day of the class D 4449  
suspension period or of the suspension of the person's 4450  
nonresident operating privilege imposed by the state or federal 4451  
court, whichever is earlier. 4452

(C) The registrar shall impose a class D suspension of the 4453  
child's driver's license, commercial driver's license, temporary 4454  
instruction permit, or nonresident operating privilege for the 4455  
period of time specified in division (B) (4) of section 4510.02 4456  
of the Revised Code on any child who is a resident of this state 4457  
and is convicted of or pleads guilty to a violation of a statute 4458  
of any other state or any federal statute that is substantially 4459  
similar to section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 4460  
2925.06, 2925.11, 2925.12, 2925.13, 2925.14, ~~2925.141~~, 2925.22, 4461  
2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised 4462

Code. Upon receipt of a report from a court, court clerk, or 4463  
other official of any other state or from any federal authority 4464  
that a child who is a resident of this state was convicted of or 4465  
pleaded guilty to an offense described in this division, the 4466  
registrar shall send a notice by regular first class mail to the 4467  
child, at the child's last known address as shown in the records 4468  
of the bureau of motor vehicles, informing the child of the 4469  
suspension, that the suspension or denial will take effect 4470  
twenty-one days from the date of the notice, and that, if the 4471  
child wishes to appeal the suspension, the child must file a 4472  
notice of appeal within twenty-one days of the date of the 4473  
notice requesting a hearing on the matter. If the child requests 4474  
a hearing, the registrar shall hold the hearing not more than 4475  
forty days after receipt by the registrar of the notice of 4476  
appeal. The filing of a notice of appeal does not stay the 4477  
operation of the suspension that must be imposed pursuant to 4478  
this division. The scope of the hearing shall be limited to 4479  
whether the child actually was convicted of or pleaded guilty to 4480  
the offense for which the suspension is to be imposed. 4481

The suspension the registrar is required to impose under 4482  
this division shall end either on the last day of the class D 4483  
suspension period or of the suspension of the child's 4484  
nonresident operating privilege imposed by the state or federal 4485  
court, whichever is earlier. If the child is a resident of this 4486  
state who is sixteen years of age or older and does not have a 4487  
current, valid Ohio driver's or commercial driver's license or 4488  
permit, the notice shall inform the child that the child will be 4489  
denied issuance of a driver's or commercial driver's license or 4490  
permit for six months beginning on the date of the notice. If 4491  
the child has not attained the age of sixteen years on the date 4492  
of the notice, the notice shall inform the child that the period 4493

of denial of six months shall commence on the date the child 4494  
attains the age of sixteen years. 4495

The registrar shall subscribe to or otherwise participate 4496  
in any information system or register, or enter into reciprocal 4497  
and mutual agreements with other states and federal authorities, 4498  
in order to facilitate the exchange of information with other 4499  
states and the United States government regarding children who 4500  
are residents of this state and plead guilty to or are convicted 4501  
of offenses described in this division and therefore are subject 4502  
to the suspension or denial described in this division. 4503

(D) The registrar shall impose a class D suspension of the 4504  
child's driver's license, commercial driver's license, temporary 4505  
instruction permit, probationary license, or nonresident 4506  
operating privilege for the period of time specified in division 4507  
(B) (4) of section 4510.02 of the Revised Code on any child who 4508  
is a resident of this state and is convicted of or pleads guilty 4509  
to a violation of a statute of any other state or a municipal 4510  
ordinance of a municipal corporation located in any other state 4511  
that is substantially similar to section 4511.19 of the Revised 4512  
Code. Upon receipt of a report from another state made pursuant 4513  
to section 4510.61 of the Revised Code indicating that a child 4514  
who is a resident of this state was convicted of or pleaded 4515  
guilty to an offense described in this division, the registrar 4516  
shall send a notice by regular first class mail to the child, at 4517  
the child's last known address as shown in the records of the 4518  
bureau of motor vehicles, informing the child of the suspension, 4519  
that the suspension will take effect twenty-one days from the 4520  
date of the notice, and that, if the child wishes to appeal the 4521  
suspension, the child must file a notice of appeal within 4522  
twenty-one days of the date of the notice requesting a hearing 4523  
on the matter. If the child requests a hearing, the registrar 4524

shall hold the hearing not more than forty days after receipt by 4525  
the registrar of the notice of appeal. The filing of a notice of 4526  
appeal does not stay the operation of the suspension that must 4527  
be imposed pursuant to this division. The scope of the hearing 4528  
shall be limited to whether the child actually was convicted of 4529  
or pleaded guilty to the offense for which the suspension is to 4530  
be imposed. 4531

The suspension the registrar is required to impose under 4532  
this division shall end either on the last day of the class D 4533  
suspension period or of the suspension of the child's 4534  
nonresident operating privilege imposed by the state or federal 4535  
court, whichever is earlier. If the child is a resident of this 4536  
state who is sixteen years of age or older and does not have a 4537  
current, valid Ohio driver's or commercial driver's license or 4538  
permit, the notice shall inform the child that the child will be 4539  
denied issuance of a driver's or commercial driver's license or 4540  
permit for six months beginning on the date of the notice. If 4541  
the child has not attained the age of sixteen years on the date 4542  
of the notice, the notice shall inform the child that the period 4543  
of denial of six months shall commence on the date the child 4544  
attains the age of sixteen years. 4545

(E) (1) Any person whose license or permit has been 4546  
suspended pursuant to this section may file a petition in the 4547  
municipal or county court, or in case the person is under 4548  
eighteen years of age, the juvenile court, in whose jurisdiction 4549  
the person resides, requesting limited driving privileges and 4550  
agreeing to pay the cost of the proceedings. Except as provided 4551  
in division (E) (2) or (3) of this section, the judge may grant 4552  
the person limited driving privileges during the period during 4553  
which the suspension otherwise would be imposed for any of the 4554  
purposes set forth in division (A) of section 4510.021 of the 4555

Revised Code. 4556

(2) No judge shall grant limited driving privileges for 4557  
employment as a driver of a commercial motor vehicle to any 4558  
person who would be disqualified from operating a commercial 4559  
motor vehicle under section 4506.16 of the Revised Code if the 4560  
violation had occurred in this state. Further, no judge shall 4561  
grant limited driving privileges during any of the following 4562  
periods of time: 4563

(a) The first fifteen days of a suspension under division 4564  
(B) or (D) of this section, if the person has not been convicted 4565  
within ten years of the date of the offense giving rise to the 4566  
suspension under this section of a violation of any of the 4567  
following: 4568

(i) Section 4511.19 of the Revised Code, or a municipal 4569  
ordinance relating to operating a vehicle while under the 4570  
influence of alcohol, a drug of abuse, or alcohol and a drug of 4571  
abuse; 4572

(ii) A municipal ordinance relating to operating a motor 4573  
vehicle with a prohibited concentration of alcohol, a controlled 4574  
substance, or a metabolite of a controlled substance in the 4575  
whole blood, blood serum or plasma, breath, or urine; 4576

(iii) Section 2903.04 of the Revised Code in a case in 4577  
which the person was subject to the sanctions described in 4578  
division (D) of that section; 4579

(iv) Division (A) (1) of section 2903.06 or division (A) (1) 4580  
of section 2903.08 of the Revised Code or a municipal ordinance 4581  
that is substantially similar to either of those divisions; 4582

(v) Division (A) (2), (3), or (4) of section 2903.06, 4583  
division (A) (2) of section 2903.08, or as it existed prior to 4584

March 23, 2000, section 2903.07 of the Revised Code, or a 4585  
municipal ordinance that is substantially similar to any of 4586  
those divisions or that former section, in a case in which the 4587  
jury or judge found that the person was under the influence of 4588  
alcohol, a drug of abuse, or alcohol and a drug of abuse. 4589

(b) The first thirty days of a suspension under division 4590  
(B) or (D) of this section, if the person has been convicted one 4591  
time within ten years of the date of the offense giving rise to 4592  
the suspension under this section of any violation identified in 4593  
division (E) (1) (a) of this section. 4594

(c) The first one hundred eighty days of a suspension 4595  
under division (B) or (D) of this section, if the person has 4596  
been convicted two times within ten years of the date of the 4597  
offense giving rise to the suspension under this section of any 4598  
violation identified in division (E) (1) (a) of this section. 4599

(3) No limited driving privileges may be granted if the 4600  
person has been convicted three or more times within five years 4601  
of the date of the offense giving rise to a suspension under 4602  
division (B) or (D) of this section of any violation identified 4603  
in division (E) (1) (a) of this section. 4604

(4) In accordance with section 4510.022 of the Revised 4605  
Code, a person may petition for, and a judge may grant, 4606  
unlimited driving privileges with a certified ignition interlock 4607  
device during the period of suspension imposed under division 4608  
(B) or (D) of this section to a person described in division (E) 4609  
(2) (a) of this section. 4610

(5) If a person petitions for limited driving privileges 4611  
under division (E) (1) of this section or unlimited driving 4612  
privileges with a certified ignition interlock device as 4613

provided in division (E) (4) of this section, the registrar shall 4614  
be represented by the county prosecutor of the county in which 4615  
the person resides if the petition is filed in a juvenile court 4616  
or county court, except that if the person resides within a city 4617  
or village that is located within the jurisdiction of the county 4618  
in which the petition is filed, the city director of law or 4619  
village solicitor of that city or village shall represent the 4620  
registrar. If the petition is filed in a municipal court, the 4621  
registrar shall be represented as provided in section 1901.34 of 4622  
the Revised Code. 4623

(6) (a) In issuing an order granting limited driving 4624  
privileges under division (E) (1) of this section, the court may 4625  
impose any condition it considers reasonable and necessary to 4626  
limit the use of a vehicle by the person. The court shall 4627  
deliver to the person a copy of the order setting forth the 4628  
time, place, and other conditions limiting the person's use of a 4629  
motor vehicle. Unless division (E) (6) (b) of this section 4630  
applies, the grant of limited driving privileges shall be 4631  
conditioned upon the person's having the order in the person's 4632  
possession at all times during which the person is operating a 4633  
vehicle. 4634

(b) If, under the order, the court requires the use of an 4635  
immobilizing or disabling device as a condition of the grant of 4636  
limited or unlimited driving privileges, the person shall 4637  
present to the registrar or to a deputy registrar the copy of 4638  
the order granting limited driving privileges and a certificate 4639  
affirming the installation of an immobilizing or disabling 4640  
device that is in a form established by the director of public 4641  
safety and is signed by the person who installed the device. 4642  
Upon presentation of the order and the certificate to the 4643  
registrar or a deputy registrar, the registrar or deputy 4644

registrar shall issue to the offender a restricted license, 4645  
unless the offender's driver's or commercial driver's license or 4646  
permit is suspended under any other provision of law and limited 4647  
driving privileges have not been granted with regard to that 4648  
suspension. A restricted license issued under this division 4649  
shall be identical to an Ohio driver's license, except that it 4650  
shall have printed on its face a statement that the offender is 4651  
prohibited from operating any motor vehicle that is not equipped 4652  
with an immobilizing or disabling device in violation of the 4653  
order. 4654

(7) (a) Unless division (E) (7) (b) applies, a person granted 4655  
limited driving privileges who operates a vehicle for other than 4656  
limited purposes, in violation of any condition imposed by the 4657  
court or without having the order in the person's possession, is 4658  
guilty of a violation of section 4510.11 of the Revised Code. 4659

(b) No person who has been granted limited or unlimited 4660  
driving privileges under division (E) of this section subject to 4661  
an immobilizing or disabling device order shall operate a motor 4662  
vehicle prior to obtaining a restricted license. Any person who 4663  
violates this prohibition is subject to the penalties prescribed 4664  
in section 4510.14 of the Revised Code. 4665

(c) The offenses established under division (E) (7) of this 4666  
section are strict liability offenses and section 2901.20 of the 4667  
Revised Code does not apply. 4668

(F) The provisions of division (A) (8) of section 4510.13 4669  
of the Revised Code apply to a person who has been granted 4670  
limited or unlimited driving privileges with a certified 4671  
ignition interlock device under this section and who either 4672  
commits an ignition interlock device violation as defined under 4673  
section 4510.46 of the Revised Code or operates a motor vehicle 4674



that is not equipped with a certified ignition interlock device. 4675

(G) Any person whose license or permit has been suspended 4676  
under division (A) or (C) of this section may file a petition in 4677  
the municipal or county court, or in case the person is under 4678  
eighteen years of age, the juvenile court, in whose jurisdiction 4679  
the person resides, requesting the termination of the suspension 4680  
and agreeing to pay the cost of the proceedings. If the court, 4681  
in its discretion, determines that a termination of the 4682  
suspension is appropriate, the court shall issue an order to the 4683  
registrar to terminate the suspension. Upon receiving such an 4684  
order, the registrar shall reinstate the license. 4685

(H) As used in divisions (C) and (D) of this section: 4686

(1) "Child" means a person who is under the age of 4687  
eighteen years, except that any person who violates a statute or 4688  
ordinance described in division (C) or (D) of this section prior 4689  
to attaining eighteen years of age shall be deemed a "child" 4690  
irrespective of the person's age at the time the complaint or 4691  
other equivalent document is filed in the other state or a 4692  
hearing, trial, or other proceeding is held in the other state 4693  
on the complaint or other equivalent document, and irrespective 4694  
of the person's age when the period of license suspension or 4695  
denial prescribed in division (C) or (D) of this section is 4696  
imposed. 4697

(2) "Is convicted of or pleads guilty to" means, as it 4698  
relates to a child who is a resident of this state, that in a 4699  
proceeding conducted in a state or federal court located in 4700  
another state for a violation of a statute or ordinance 4701  
described in division (C) or (D) of this section, the result of 4702  
the proceeding is any of the following: 4703

(a) Under the laws that govern the proceedings of the 4704  
court, the child is adjudicated to be or admits to being a 4705  
delinquent child or a juvenile traffic offender for a violation 4706  
described in division (C) or (D) of this section that would be a 4707  
crime if committed by an adult; 4708

(b) Under the laws that govern the proceedings of the 4709  
court, the child is convicted of or pleads guilty to a violation 4710  
described in division (C) or (D) of this section; 4711

(c) Under the laws that govern the proceedings of the 4712  
court, irrespective of the terminology utilized in those laws, 4713  
the result of the court's proceedings is the functional 4714  
equivalent of division (H) (2) (a) or (b) of this section. 4715

**Sec. 4729.24.** (A) Subject to division (B) of this section, 4716  
in addition to the actions the state board of pharmacy may take 4717  
under Chapter 119. of the Revised Code, the board may order the 4718  
taking of depositions; examine and copy any books, accounts, 4719  
papers, records, documents, and other tangible objects; issue 4720  
subpoenas; and compel the attendance of witnesses and production 4721  
of books, accounts, papers, records, documents, and other 4722  
tangible objects. 4723

On failure of a person to comply with a subpoena issued by 4724  
the board and after reasonable notice to that person, the board 4725  
may apply to the court of common pleas of Franklin county for an 4726  
order compelling the production of persons or records pursuant 4727  
to the Ohio Rules of Civil Procedure. 4728

A subpoena issued by the board may be served by a sheriff, 4729  
sheriff's deputy, or board employee designated by the board. 4730  
Service of a subpoena may be made by delivering a copy of the 4731  
subpoena to the person named in the subpoena or by leaving it at 4732

the person's usual place of residence. 4733

(B) A subpoena for patient record information may be 4734  
issued only on approval by the board's executive director and 4735  
the president or another board member designated by the 4736  
president, in consultation with the office of the attorney 4737  
general. Before issuing the subpoena, the executive director and 4738  
the office of the attorney general shall determine whether 4739  
probable cause exists to believe that the complaint filed 4740  
alleges, or an investigation has revealed, a violation of this 4741  
chapter or Chapters 2925., 3715., or 3719., ~~or 3796.~~ of the 4742  
Revised Code or any rule adopted by the board, that the records 4743  
sought are relevant to the alleged violation and material to the 4744  
investigation, and that the records cover a reasonable period of 4745  
time surrounding the alleged violation. 4746

(C) The board may adopt rules in accordance with Chapter 4747  
119. of the Revised Code establishing procedures to be followed 4748  
in taking the actions authorized by this section, including 4749  
procedures regarding payment for and service of subpoenas. 4750

**Sec. 4729.75.** The state board of pharmacy may establish 4751  
and maintain a drug database. The board shall use the drug 4752  
database to monitor the misuse and diversion of ~~the following:~~ 4753  
controlled substances, as defined in section 3719.01 of the 4754  
Revised Code; ~~medical marijuana, as authorized under Chapter~~ 4755  
~~3796. of the Revised Code;~~ and other dangerous drugs the board 4756  
includes in the database pursuant to rules adopted under section 4757  
4729.84 of the Revised Code. 4758

The board also shall use the drug database to monitor 4759  
naltrexone. 4760

In establishing and maintaining the database, the board 4761

shall electronically collect information pursuant to sections 4762  
4729.77, ~~4729.771~~, 4729.772, 4729.78, and 4729.79 of the Revised 4763  
Code and shall disseminate information as authorized or required 4764  
by sections 4729.80 and 4729.81 of the Revised Code. The board's 4765  
collection and dissemination of information shall be conducted 4766  
in accordance with rules adopted under section 4729.84 of the 4767  
Revised Code. 4768

**Sec. 4729.772.** (A) If the state board of pharmacy 4769  
establishes and maintains a drug database pursuant to section 4770  
4729.75 of the Revised Code, in addition to the information 4771  
required to be submitted under sections 4729.77, ~~4729.771~~, 4772  
4729.78, and 4729.79 of the Revised Code, the board may accept 4773  
information from other sources, including other state agencies, 4774  
to the extent the information is related to monitoring the 4775  
misuse and diversion of drugs as set forth in section 4729.75 of 4776  
the Revised Code. 4777

(B) Any information submitted pursuant to this section 4778  
shall be transmitted as specified by the board in rules adopted 4779  
under section 4729.84 of the Revised Code. 4780

**Sec. 4729.80.** (A) If the state board of pharmacy 4781  
establishes and maintains a drug database pursuant to section 4782  
4729.75 of the Revised Code, the board is authorized or required 4783  
to provide information from the database only as follows: 4784

(1) On receipt of a request from a designated 4785  
representative of a government entity responsible for the 4786  
licensure, regulation, or discipline of health care 4787  
professionals with authority to prescribe, administer, or 4788  
dispense drugs, the board may provide to the representative 4789  
information from the database relating to the professional who 4790  
is the subject of an active investigation being conducted by the 4791

government entity or relating to a professional who is acting as 4792  
an expert witness for the government entity in such an 4793  
investigation. 4794

(2) On receipt of a request from a federal officer, or a 4795  
state or local officer of this or any other state, whose duties 4796  
include enforcing laws relating to drugs, the board shall 4797  
provide to the officer information from the database relating to 4798  
the person who is the subject of an active investigation of a 4799  
drug abuse offense, as defined in section 2925.01 of the Revised 4800  
Code, being conducted by the officer's employing government 4801  
entity. 4802

(3) Pursuant to a subpoena issued by a grand jury, the 4803  
board shall provide to the grand jury information from the 4804  
database relating to the person who is the subject of an 4805  
investigation being conducted by the grand jury. 4806

(4) Pursuant to a subpoena, search warrant, or court order 4807  
in connection with the investigation or prosecution of a 4808  
possible or alleged criminal offense, the board shall provide 4809  
information from the database as necessary to comply with the 4810  
subpoena, search warrant, or court order. 4811

(5) On receipt of a request from a prescriber or the 4812  
prescriber's delegate approved by the board, the board shall 4813  
provide to the prescriber a report of information from the 4814  
database relating to a patient who is either a current patient 4815  
of the prescriber or a potential patient of the prescriber based 4816  
on a referral of the patient to the prescriber, if all of the 4817  
following conditions are met: 4818

(a) The prescriber certifies in a form specified by the 4819  
board that it is for the purpose of providing medical treatment 4820

to the patient who is the subject of the request; 4821

(b) The prescriber has not been denied access to the 4822  
database by the board. 4823

(6) On receipt of a request from a pharmacist or the 4824  
pharmacist's delegate approved by the board, the board shall 4825  
provide to the pharmacist information from the database relating 4826  
to a current patient of the pharmacist, if the pharmacist 4827  
certifies in a form specified by the board that it is for the 4828  
purpose of the pharmacist's practice of pharmacy involving the 4829  
patient who is the subject of the request and the pharmacist has 4830  
not been denied access to the database by the board. 4831

(7) On receipt of a request from an individual seeking the 4832  
individual's own database information in accordance with the 4833  
procedure established in rules adopted under section 4729.84 of 4834  
the Revised Code, the board may provide to the individual the 4835  
individual's own prescription history. 4836

(8) On receipt of a request from a medical director or a 4837  
pharmacy director of a managed care organization that has 4838  
entered into a contract with the department of medicaid under 4839  
section 5167.10 of the Revised Code and a data security 4840  
agreement with the board required by section 5167.14 of the 4841  
Revised Code, the board shall provide to the medical director or 4842  
the pharmacy director information from the database relating to 4843  
a medicaid recipient enrolled in the managed care organization, 4844  
including information in the database related to prescriptions 4845  
for the recipient that were not covered or reimbursed under a 4846  
program administered by the department of medicaid. 4847

(9) On receipt of a request from the medicaid director, 4848  
the board shall provide to the director information from the 4849

database relating to a recipient of a program administered by 4850  
the department of medicaid, including information in the 4851  
database related to prescriptions for the recipient that were 4852  
not covered or paid by a program administered by the department. 4853

(10) On receipt of a request from a medical director of a 4854  
managed care organization that has entered into a contract with 4855  
the administrator of workers' compensation under division (B) (4) 4856  
of section 4121.44 of the Revised Code and a data security 4857  
agreement with the board required by section 4121.447 of the 4858  
Revised Code, the board shall provide to the medical director 4859  
information from the database relating to a claimant under 4860  
Chapter 4121., 4123., 4127., or 4131. of the Revised Code 4861  
assigned to the managed care organization, including information 4862  
in the database related to prescriptions for the claimant that 4863  
were not covered or reimbursed under Chapter 4121., 4123., 4864  
4127., or 4131. of the Revised Code, if the administrator of 4865  
workers' compensation confirms, upon request from the board, 4866  
that the claimant is assigned to the managed care organization. 4867

(11) On receipt of a request from the administrator of 4868  
workers' compensation, the board shall provide to the 4869  
administrator information from the database relating to a 4870  
claimant under Chapter 4121., 4123., 4127., or 4131. of the 4871  
Revised Code, including information in the database related to 4872  
prescriptions for the claimant that were not covered or 4873  
reimbursed under Chapter 4121., 4123., 4127., or 4131. of the 4874  
Revised Code. 4875

(12) On receipt of a request from a prescriber or the 4876  
prescriber's delegate approved by the board, the board shall 4877  
provide to the prescriber information from the database relating 4878  
to a patient's mother, if the prescriber certifies in a form 4879

specified by the board that it is for the purpose of providing 4880  
medical treatment to a newborn or infant patient diagnosed as 4881  
opioid dependent and the prescriber has not been denied access 4882  
to the database by the board. 4883

(13) On receipt of a request from the director of health, 4884  
the board shall provide to the director information from the 4885  
database relating to the duties of the director or the 4886  
department of health in implementing the Ohio violent death 4887  
reporting system established under section 3701.93 of the 4888  
Revised Code. 4889

(14) On receipt of a request from a requestor described in 4890  
division (A)(1), (2), (5), or (6) of this section who is from or 4891  
participating with another state's prescription monitoring 4892  
program, the board may provide to the requestor information from 4893  
the database, but only if there is a written agreement under 4894  
which the information is to be used and disseminated according 4895  
to the laws of this state. 4896

~~(15) On receipt of a request from a delegate of a retail 4897  
dispensary licensed under Chapter 3796. of the Revised Code who 4898  
is approved by the board to serve as the dispensary's delegate, 4899  
the board shall provide to the delegate a report of information 4900  
from the database pertaining only to a patient's use of medical 4901  
marijuana, if both of the following conditions are met: 4902~~

~~(a) The delegate certifies in a form specified by the 4903  
board that it is for the purpose of dispensing medical marijuana 4904  
for use in accordance with Chapter 3796. of the Revised Code. 4905~~

~~(b) The retail dispensary or delegate has not been denied 4906  
access to the database by the board. 4907~~

~~(16) On receipt of a request from a judge of a program 4908~~



certified by the Ohio supreme court as a specialized docket 4909  
program for drugs, the board shall provide to the judge, or an 4910  
employee of the program who is designated by the judge to 4911  
receive the information, information from the database that 4912  
relates specifically to a current or prospective program 4913  
participant. 4914

~~(17)~~(16) On receipt of a request from a coroner, deputy 4915  
coroner, or coroner's delegate approved by the board, the board 4916  
shall provide to the requestor information from the database 4917  
relating to a deceased person about whom the coroner is 4918  
conducting or has conducted an autopsy or investigation. 4919

~~(18)~~(17) On receipt of a request from a prescriber, the 4920  
board may provide to the prescriber a summary of the 4921  
prescriber's prescribing record if such a record is created by 4922  
the board. Information in the summary is subject to the 4923  
confidentiality requirements of this chapter. 4924

~~(19)(a)~~(18)(a) On receipt of a request from a pharmacy's 4925  
responsible person, the board may provide to the responsible 4926  
person a summary of the pharmacy's dispensing record if such a 4927  
record is created by the board. Information in the summary is 4928  
subject to the confidentiality requirements of this chapter. 4929

(b) As used in division ~~(A)(19)(a)~~(A)(18)(a) of this 4930  
section, "responsible person" has the same meaning as in rules 4931  
adopted by the board under section 4729.26 of the Revised Code. 4932

~~(20)~~(19) The board may provide information from the 4933  
database without request to a prescriber or pharmacist who is 4934  
authorized to use the database pursuant to this chapter. 4935

~~(21)(a)~~(20)(a) On receipt of a request from a prescriber 4936  
or pharmacist, or the prescriber's or pharmacist's delegate, who 4937

is a designated representative of a peer review committee, the 4938  
board shall provide to the committee information from the 4939  
database relating to a prescriber who is subject to the 4940  
committee's evaluation, supervision, or discipline if the 4941  
information is to be used for one of those purposes. The board 4942  
shall provide only information that it determines, in accordance 4943  
with rules adopted under section 4729.84 of the Revised Code, is 4944  
appropriate to be provided to the committee. 4945

(b) As used in division ~~(A) (21) (a)~~ (A) (20) (a) of this 4946  
section, "peer review committee" has the same meaning as in 4947  
section 2305.25 of the Revised Code, except that it includes 4948  
only a peer review committee of a hospital or a peer review 4949  
committee of a nonprofit health care corporation that is a 4950  
member of the hospital or of which the hospital is a member. 4951

~~(22)~~ (21) On receipt of a request from a requestor 4952  
described in division (A) (5) or (6) of this section who is from 4953  
or participating with a prescription monitoring program that is 4954  
operated by a federal agency and approved by the board, the 4955  
board may provide to the requestor information from the 4956  
database, but only if there is a written agreement under which 4957  
the information is to be used and disseminated according to the 4958  
laws of this state. 4959

~~(23)~~ (22) Any personal health information submitted to the 4960  
board pursuant to section 4729.772 of the Revised Code may be 4961  
provided by the board only as authorized by the submitter of the 4962  
information and in accordance with rules adopted under section 4963  
4729.84 of the Revised Code. 4964

~~(24)~~ (23) On receipt of a request from a person described 4965  
in division (A) (5), (6), or ~~(17)~~ (16) of this section who is 4966  
participating in a drug overdose fatality review committee 4967

described in section 307.631 of the Revised Code, the board may 4968  
provide to the requestor information from the database, but only 4969  
if there is a written agreement under which the information is 4970  
to be used and disseminated according to the laws of this state. 4971

~~(25)~~(24) On receipt of a request from a person described 4972  
in division (A) (5), (6), or ~~(17)~~(16) of this section who is 4973  
participating in a suicide fatality review committee described 4974  
in section 307.641 of the Revised Code, the board may provide to 4975  
the requestor information from the database, but only if there 4976  
is a written agreement under which the information is to be used 4977  
and disseminated according to the laws of this state. 4978

(B) The state board of pharmacy shall maintain a record of 4979  
each individual or entity that requests information from the 4980  
database pursuant to this section. In accordance with rules 4981  
adopted under section 4729.84 of the Revised Code, the board may 4982  
use the records to document and report statistics and law 4983  
enforcement outcomes. 4984

The board may provide records of an individual's requests 4985  
for database information only to the following: 4986

(1) A designated representative of a government entity 4987  
that is responsible for the licensure, regulation, or discipline 4988  
of health care professionals with authority to prescribe, 4989  
administer, or dispense drugs who is involved in an active 4990  
criminal or disciplinary investigation being conducted by the 4991  
government entity of the individual who submitted the requests 4992  
for database information; 4993

(2) A federal officer, or a state or local officer of this 4994  
or any other state, whose duties include enforcing laws relating 4995  
to drugs and who is involved in an active investigation being 4996

conducted by the officer's employing government entity of the 4997  
individual who submitted the requests for database information; 4998

(3) A designated representative of the department of 4999  
medicaid regarding a prescriber who is treating or has treated a 5000  
recipient of a program administered by the department and who 5001  
submitted the requests for database information. 5002

(C) Information contained in the database and any 5003  
information obtained from it is confidential and is not a public 5004  
record. Information contained in the records of requests for 5005  
information from the database is confidential and is not a 5006  
public record. Information contained in the database that does 5007  
not identify a person, including any licensee or registrant of 5008  
the board or other entity, may be released in summary, 5009  
statistical, or aggregate form. 5010

(D) A pharmacist or prescriber shall not be held liable in 5011  
damages to any person in any civil action for injury, death, or 5012  
loss to person or property on the basis that the pharmacist or 5013  
prescriber did or did not seek or obtain information from the 5014  
database. 5015

**Sec. 4729.84.** For purposes of establishing and maintaining 5016  
a drug database pursuant to section 4729.75 of the Revised Code, 5017  
the state board of pharmacy shall adopt rules in accordance with 5018  
Chapter 119. of the Revised Code to carry out and enforce 5019  
sections 4729.75 to 4729.83 of the Revised Code. The rules shall 5020  
specify all of the following: 5021

(A) A means of identifying each patient, each terminal 5022  
distributor of dangerous drugs, and each purchase at wholesale 5023  
of dangerous drugs, ~~and each retail dispensary licensed under~~ 5024  
~~Chapter 3796. of the Revised Code~~ about which information is 5025

entered into the drug database; 5026

(B) Requirements for the transmission of information from 5027  
terminal distributors of dangerous drugs, manufacturers of 5028  
dangerous drugs, outsourcing facilities, repackagers of 5029  
dangerous drugs, wholesale distributors of dangerous drugs, and 5030  
~~prescribers, and retail dispensaries;~~ 5031

(C) An electronic format for the submission of information 5032  
from persons identified in division (B) of this section; 5033

(D) A procedure whereby a person unable to submit 5034  
information electronically may obtain a waiver to submit 5035  
information in another format; 5036

(E) A procedure whereby the board may grant a request from 5037  
a law enforcement agency or a government entity responsible for 5038  
the licensure, regulation, or discipline of licensed health 5039  
professionals authorized to prescribe drugs that information 5040  
that has been stored for three years be retained when the 5041  
information pertains to an open investigation being conducted by 5042  
the agency or entity; 5043

(F) A procedure whereby a person identified in division 5044  
(B) of this section may apply for an extension to the time by 5045  
which information must be transmitted to the board; 5046

(G) A procedure whereby a person or government entity to 5047  
which the board is authorized to provide information may submit 5048  
a request to the board for the information and the board may 5049  
verify the identity of the requestor; 5050

(H) Standards for determining what information is 5051  
appropriate to be provided under division ~~(A) (21)~~ (A) (20) of 5052  
section 4729.80 of the Revised Code; 5053

(I) A procedure whereby the board can use the database 5054  
request records required by division (B) of section 4729.80 of 5055  
the Revised Code to document and report statistics and law 5056  
enforcement outcomes; 5057

(J) A procedure whereby an individual may request the 5058  
individual's own database information and the board may verify 5059  
the identity of the requestor; 5060

(K) A reasonable fee that the board may charge under 5061  
section 4729.83 of the Revised Code for providing an individual 5062  
with the individual's own database information pursuant to 5063  
section 4729.80 of the Revised Code; 5064

(L) The other specific dangerous drugs that, in addition 5065  
to controlled substances, must be included in the database; 5066

(M) The types of pharmacies licensed as terminal 5067  
distributors of dangerous drugs that are required to submit 5068  
prescription information to the board pursuant to section 5069  
4729.77 of the Revised Code; 5070

(N) Additional data fields, recognized by the American 5071  
society for automation in pharmacy, that licensed terminal 5072  
distributors of dangerous drugs must submit to the board 5073  
pursuant to section 4729.77 of the Revised Code; 5074

~~(O) The information regarding medical marijuana dispensed 5075  
to a patient that a retail dispensary is required to submit to 5076  
the board pursuant to section 4729.771 of the Revised Code; 5077~~

~~(P) Requirements for the transmission of information 5078  
pursuant to section 4729.772 of the Revised Code and 5079  
requirements for the release of such information by the board. 5080~~

**Sec. 4729.85.** If the state board of pharmacy establishes 5081

and maintains a drug database pursuant to section 4729.75 of the Revised Code, the board shall prepare reports regarding the database and present or submit them in accordance with both of the following:

(A) The board shall present a biennial report to the standing committees of the house of representatives and the senate that are primarily responsible for considering health and human services issues. Each report shall include all of the following:

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

(2) Information from the board, terminal distributors of dangerous drugs, ~~and prescribers, and retail dispensaries licensed under Chapter 3796. of the Revised Code~~ regarding the board's effectiveness in providing information from the database;

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

(B) The board shall submit a semiannual report to the governor, the president of the senate, the speaker of the house of representatives, the attorney general, the chairpersons of the standing committees of the house of representatives and the senate that are primarily responsible for considering health and human services issues, the department of public safety, the state dental board, the board of nursing, the state vision professionals board, the state medical board, and the state veterinary medical licensing board. The state board of pharmacy shall make the report available to the public on its internet web site. Each report submitted shall include all of the

following for the period covered by the report:	5111
(1) An aggregate of the information submitted to the board	5112
under section 4729.77 of the Revised Code regarding	5113
prescriptions for controlled substances containing opioids,	5114
including all of the following:	5115
(a) The number of prescribers who issued the	5116
prescriptions;	5117
(b) The number of patients to whom the controlled	5118
substances were dispensed;	5119
(c) The average quantity of the controlled substances	5120
dispensed per prescription;	5121
(d) The average daily morphine equivalent dose of the	5122
controlled substances dispensed per prescription.	5123
(2) An aggregate of the information submitted to the board	5124
under section 4729.79 of the Revised Code regarding controlled	5125
substances containing opioids that have been personally	5126
furnished to a patient by a prescriber, other than a prescriber	5127
who is a veterinarian, including all of the following:	5128
(a) The number of prescribers who personally furnished the	5129
controlled substances;	5130
(b) The number of patients to whom the controlled	5131
substances were personally furnished;	5132
(c) The average quantity of the controlled substances that	5133
were furnished at one time;	5134
(d) The average daily morphine equivalent dose of the	5135
controlled substances that were furnished at one time.	5136
(3) <del>An aggregate of the information submitted to the board</del>	5137



~~under section 4729.771 of the Revised Code regarding medical- 5138  
marijuana; 5139~~

~~(4) An aggregate of the information submitted to the board 5140  
under sections 4729.77 and 4729.79 of the Revised Code regarding 5141  
naltrexone, including all of the following: 5142~~

~~(a) The number of prescribers who issued the prescriptions 5143  
for or personally furnished the drug; 5144~~

~~(b) The number of patients to whom the drug was dispensed 5145  
or personally furnished; 5146~~

~~(c) The average quantity of the drug dispensed per 5147  
prescription or furnished at one time. 5148~~

**Sec. 4729.86.** If the state board of pharmacy establishes 5149  
and maintains a drug database pursuant to section 4729.75 of the 5150  
Revised Code, all of the following apply: 5151

~~(A) (1) No person identified in divisions (A) (1) to (13), 5152  
(15) to ~~(25)~~(24), or (B) of section 4729.80 of the Revised Code 5153  
shall disseminate any written or electronic information the 5154  
person receives from the drug database or otherwise provide 5155  
another person access to the information that the person 5156  
receives from the database, except as follows: 5157~~

~~(a) When necessary in the investigation or prosecution of 5158  
a possible or alleged criminal offense; 5159~~

~~(b) When a person provides the information to the 5160  
prescriber, or pharmacist, ~~or retail dispensary licensed under 5161  
Chapter 3796. of the Revised Code~~ for whom the person is 5162  
approved by the board to serve as a delegate of the prescriber,  ~~5163  
or pharmacist, ~~or retail dispensary~~ for purposes of requesting 5164  
and receiving information from the drug database under division 5165~~~~

(A) (5) ~~7~~ or (6) ~~7~~ ~~or~~ ~~(15)~~ of section 4729.80 of the Revised Code; 5166

(c) When a prescriber, pharmacist, or retail dispensary 5167  
licensed under Chapter 3796. of the Revised Code provides the 5168  
information to a person who is approved by the board to serve as 5169  
such a delegate of the prescriber, or pharmacist, ~~or retail-~~ 5170  
~~dispensary;~~ 5171

(d) When a prescriber or pharmacist includes the 5172  
information in a medical record, as defined in section 3701.74 5173  
of the Revised Code. 5174

(2) No person shall provide false information to the state 5175  
board of pharmacy with the intent to obtain or alter information 5176  
contained in the drug database. 5177

(3) No person shall obtain drug database information by 5178  
any means except as provided under section 4729.80 or 4729.81 of 5179  
the Revised Code. 5180

(B) A person shall not use information obtained pursuant 5181  
to division (A) of section 4729.80 of the Revised Code as 5182  
evidence in any civil or administrative proceeding. 5183

(C) (1) Except as provided in division (C) (2) of this 5184  
section, after providing notice and affording an opportunity for 5185  
a hearing in accordance with Chapter 119. of the Revised Code, 5186  
the board may restrict a person from obtaining further 5187  
information from the drug database if any of the following is 5188  
the case: 5189

(a) The person violates division (A) (1), (2), or (3) of 5190  
this section; 5191

(b) The person is a requestor identified in division (A) 5192  
(14) or ~~(22)~~ (21) of section 4729.80 of the Revised Code and the 5193

board determines that the person's actions in another state 5194  
would have constituted a violation of division (A) (1), (2), or 5195  
(3) of this section; 5196

(c) The person fails to comply with division (B) of this 5197  
section, regardless of the jurisdiction in which the failure to 5198  
comply occurred; 5199

(d) The person creates, by clear and convincing evidence, 5200  
a threat to the security of information contained in the 5201  
database. 5202

(2) If the board determines that allegations regarding a 5203  
person's actions warrant restricting the person from obtaining 5204  
further information from the drug database without a prior 5205  
hearing, the board may summarily impose the restriction. A 5206  
telephone conference call may be used for reviewing the 5207  
allegations and taking a vote on the summary restriction. The 5208  
summary restriction shall remain in effect, unless removed by 5209  
the board, until the board's final adjudication order becomes 5210  
effective. 5211

(3) The board shall determine the extent to which the 5212  
person is restricted from obtaining further information from the 5213  
database. 5214

**Sec. 4731.30.** (A) As used in this section and ~~sections~~ 5215  
section 4731.301 and 4731.302 of the Revised Code, "medical 5216  
marijuana," "~~drug database,~~" "physician," and "qualifying 5217  
medical condition" have the same meanings as in section 3796.01 5218  
of the Revised Code. 5219

(B) (1) Except as provided in division (B) (4) of this 5220  
section, a physician seeking to recommend treatment with medical 5221  
marijuana shall apply to the state medical board for a 5222

certificate to recommend. An application shall be submitted in 5223  
the manner established in rules adopted under section 4731.301 5224  
of the Revised Code. 5225

(2) The board shall grant a certificate to recommend if 5226  
both of the following conditions are met: 5227

(a) The application is complete and meets the requirements 5228  
established in rules. 5229

(b) The applicant demonstrates that the applicant does not 5230  
have an ownership or investment interest in or compensation 5231  
arrangement with an entity licensed under Chapter 3796. of the 5232  
Revised Code or an applicant for licensure. 5233

(3) A certificate to recommend expires according to the 5234  
renewal schedule established in rules adopted under section 5235  
4731.301 of the Revised Code and may be renewed in accordance 5236  
with the procedures established in those rules. 5237

(4) This section does not apply to a physician who 5238  
recommends treatment with marijuana or a drug derived from 5239  
marijuana under any of the following that is approved by an 5240  
investigational review board or equivalent entity, the United 5241  
States food and drug administration, or the national institutes 5242  
of health or one of its cooperative groups or centers under the 5243  
United States department of health and human services: 5244

(a) A research protocol; 5245

(b) A clinical trial; 5246

(c) An investigational new drug application; 5247

(d) An expanded access submission. 5248

(C) (1) A physician who holds a certificate to recommend 5249

may recommend that a patient be treated with medical marijuana 5250  
if ~~all~~ both of the following conditions are met: 5251

(a) The patient has been diagnosed with a qualifying 5252  
medical condition; 5253

(b) A bona fide physician-patient relationship has been 5254  
established through all of the following: 5255

(i) An in-person physical examination of the patient by 5256  
the physician; 5257

(ii) A review of the patient's medical history by the 5258  
physician; 5259

(iii) An expectation of providing care and receiving care 5260  
on an ongoing basis. 5261

~~(c) The physician has requested, or a physician delegate 5262  
approved by the state board of pharmacy has requested, from the 5263  
drug database a report of information related to the patient 5264  
that covers at least the twelve months immediately preceding the 5265  
date of the report, and the physician has reviewed the report. 5266~~

(2) In the case of a patient who is a minor, the physician 5267  
may recommend treatment with medical marijuana only after 5268  
obtaining the consent of the patient's parent or other person 5269  
responsible for providing consent to treatment. 5270

(D) (1) When issuing a written recommendation to a patient, 5271  
the physician shall specify any information required in rules 5272  
adopted by the board under section 4731.301 of the Revised Code. 5273

(2) A written recommendation issued to a patient under 5274  
this section is valid for a period of not more than ninety days. 5275  
The physician may renew the recommendation for not more than 5276  
three additional periods of not more than ninety days each. 5277

Thereafter, the physician may issue another recommendation to 5278  
the patient only upon a physical examination of the patient. 5279

(E) Annually, the physician shall submit to the state 5280  
medical board a report that describes the physician's 5281  
observations regarding the effectiveness of medical marijuana in 5282  
treating the physician's patients during the year covered by the 5283  
report. When submitting reports, a physician shall not include 5284  
any information that identifies or would tend to identify any 5285  
specific patient. 5286

(F) Each physician who holds a certificate to recommend 5287  
shall complete annually at least two hours of continuing medical 5288  
education in medical marijuana approved by the state medical 5289  
board. 5290

(G) A physician shall not do any of the following: 5291

(1) Personally furnish or otherwise dispense medical 5292  
marijuana; 5293

(2) Issue a recommendation for a family member or the 5294  
physician's self. 5295

(H) A physician is immune from civil liability, is not 5296  
subject to professional disciplinary action by the state medical 5297  
board or state board of pharmacy, and is not subject to criminal 5298  
prosecution for any of the following actions: 5299

(1) Advising a patient, patient representative, or 5300  
caregiver about the benefits and risks of medical marijuana to 5301  
treat a qualifying medical condition; 5302

(2) Recommending that a patient use medical marijuana to 5303  
treat or alleviate the condition; 5304

(3) Monitoring a patient's treatment with medical 5305

marijuana. 5306

**Sec. 4731.301.** (A) Not later than one year after ~~the~~ 5307  
~~effective date of this section~~ September 8, 2016, the state 5308  
medical board shall adopt rules establishing all of the 5309  
following: 5310

(1) The procedures when applying for a certificate to 5311  
recommend under section 4731.301 of the Revised Code; 5312

(2) The conditions that must be met to be eligible for a 5313  
certificate to recommend; 5314

(3) The schedule and procedures for renewing a certificate 5315  
to recommend; 5316

(4) The reasons for which a certificate may be suspended 5317  
or revoked; 5318

(5) The standards under which a certificate suspension may 5319  
be lifted; 5320

(6) The minimal standards of care when recommending 5321  
treatment with medical marijuana. 5322

The rules shall be adopted in accordance with Chapter 119. 5323  
of the Revised Code. 5324

(B) In addition to the rules described in division (A) of 5325  
this section, the board may adopt any other rules it considers 5326  
necessary to implement ~~sections~~ section 4731.30 and ~~4731.302~~ of 5327  
the Revised Code which may include rules specifying the 5328  
information that must be included in a written recommendation 5329  
issued under section 4731.30 of the Revised Code. The rules 5330  
shall be adopted in accordance with Chapter 119. of the Revised 5331  
Code. 5332

(C) The board shall approve one or more continuing medical education courses of study, which may be a course or courses certified by the Ohio state medical association or Ohio osteopathic association, that assist physicians holding certificates to recommend in both of the following:

(1) Diagnosing qualifying medical conditions as defined in section 3796.01 of the Revised Code;

(2) Treating qualifying medical conditions with medical marijuana.

**Sec. 4743.11.** (A) As used in this section:

(1) "License" means an authorization evidenced by a license, certificate, registration, permit, card, or other authority that is issued or conferred by a licensing authority to an individual by which the individual has or claims the privilege to engage in a profession, occupation, or occupational activity over which the licensing authority has jurisdiction.

(2) "Licensing authority" means a state agency that issues licenses under Title XLVII or any other provision of the Revised Code to practice an occupation or profession.

(3) "State agency" has the same meaning as in section 1.60 of the Revised Code.

(B) Notwithstanding any provision of the Revised Code to the contrary, but subject to division (C) of this section, no licensing authority shall do either of the following:

(1) Refuse to issue an initial license to an individual based solely or in part on the individual's legal use of marijuana;

(2) Discipline a license holder for obtaining, possessing,



or using marijuana as permitted by Chapter 3796. of the Revised 5361  
Code. 5362

(C) If the law governing the applicable profession, 5363  
occupation, or occupational activity requires or permits a 5364  
licensing authority to do so, a licensing authority may refuse 5365  
to issue a license to an individual or discipline a license 5366  
holder for either of the following reasons: 5367

(1) Practicing the applicable profession, occupation, or 5368  
occupational activity while under the influence of marijuana; 5369

(2) Impairment of the individual's or license holder's 5370  
ability to practice the profession, occupation, or occupational 5371  
activity because of marijuana use. 5372

**Sec. 4776.01.** As used in this chapter: 5373

(A) "License" means an authorization evidenced by a 5374  
license, certificate, registration, permit, card, or other 5375  
authority that is issued or conferred by a licensing agency to a 5376  
licensee or to an applicant for an initial license by which the 5377  
licensee or initial license applicant has or claims the 5378  
privilege to engage in a profession, occupation, or occupational 5379  
activity, or, except in the case of the state dental board, to 5380  
have control of and operate certain specific equipment, 5381  
machinery, or premises, over which the licensing agency has 5382  
jurisdiction. 5383

(B) Except as provided in section 4776.20 of the Revised 5384  
Code, "licensee" means the person to whom the license is issued 5385  
by a licensing agency. "Licensee" includes a person who, for 5386  
purposes of section 3796.13 of the Revised Code, has complied 5387  
with sections 4776.01 to 4776.04 of the Revised Code and has 5388  
been determined by the department of commerce ~~or state board of~~ 5389

~~pharmacy, as the applicable licensing agency,~~ to meet the 5390  
requirements for employment. 5391

(C) Except as provided in section 4776.20 of the Revised 5392  
Code, "licensing agency" means any of the following: 5393

(1) The board authorized by Chapters 4701., 4717., 4725., 5394  
4729., 4730., 4731., 4732., 4734., 4740., 4741., 4747., 4751., 5395  
4753., 4755., 4757., 4759., 4760., 4761., 4762., 4774., 4778., 5396  
4779., and 4783. of the Revised Code to issue a license to 5397  
engage in a specific profession, occupation, or occupational 5398  
activity, or to have charge of and operate certain specific 5399  
equipment, machinery, or premises. 5400

(2) The state dental board, relative to its authority to 5401  
issue a license pursuant to section 4715.12, 4715.16, 4715.21, 5402  
or 4715.27 of the Revised Code; 5403

(3) ~~The department of commerce or state board of pharmacy,~~ 5404  
relative to its authority under Chapter 3796. of the Revised 5405  
Code and any rules adopted under that chapter with respect to a 5406  
person who is subject to section 3796.13 of the Revised Code; 5407

(4) The director of agriculture, relative to the 5408  
director's authority to issue licenses under Chapter 928. of the 5409  
Revised Code. 5410

(D) "Applicant for an initial license" includes persons 5411  
seeking a license for the first time and persons seeking a 5412  
license by reciprocity, endorsement, or similar manner of a 5413  
license issued in another state. "Applicant for an initial 5414  
license" also includes a person who, for purposes of section 5415  
3796.13 of the Revised Code, is required to comply with sections 5416  
4776.01 to 4776.04 of the Revised Code. 5417

(E) "Applicant for a restored license" includes persons 5418

seeking restoration of a license under section 4730.14, 4730.28, 5419  
4731.222, 4731.281, 4759.062, 4759.063, 4760.06, 4760.061, 5420  
4761.06, 4761.061, 4762.06, 4762.061, 4774.06, 4774.061, 5421  
4778.07, or 4778.071 of the Revised Code. "Applicant for a 5422  
restored license" does not include a person seeking restoration 5423  
of a license under section 4751.33 of the Revised Code. 5424

(F) "Criminal records check" has the same meaning as in 5425  
section 109.572 of the Revised Code. 5426

**Sec. 5739.01.** As used in this chapter: 5427

(A) "Person" includes individuals, receivers, assignees, 5428  
trustees in bankruptcy, estates, firms, partnerships, 5429  
associations, joint-stock companies, joint ventures, clubs, 5430  
societies, corporations, the state and its political 5431  
subdivisions, and combinations of individuals of any form. 5432

(B) "Sale" and "selling" include all of the following 5433  
transactions for a consideration in any manner, whether 5434  
absolutely or conditionally, whether for a price or rental, in 5435  
money or by exchange, and by any means whatsoever: 5436

(1) All transactions by which title or possession, or 5437  
both, of tangible personal property, is or is to be transferred, 5438  
or a license to use or consume tangible personal property is or 5439  
is to be granted; 5440

(2) All transactions by which lodging by a hotel is or is 5441  
to be furnished to transient guests; 5442

(3) All transactions by which: 5443

(a) An item of tangible personal property is or is to be 5444  
repaired, except property, the purchase of which would not be 5445  
subject to the tax imposed by section 5739.02 of the Revised 5446

Code; 5447

(b) An item of tangible personal property is or is to be 5448  
installed, except property, the purchase of which would not be 5449  
subject to the tax imposed by section 5739.02 of the Revised 5450  
Code or property that is or is to be incorporated into and will 5451  
become a part of a production, transmission, transportation, or 5452  
distribution system for the delivery of a public utility 5453  
service; 5454

(c) The service of washing, cleaning, waxing, polishing, 5455  
or painting a motor vehicle is or is to be furnished; 5456

(d) Laundry and dry cleaning services are or are to be 5457  
provided; 5458

(e) Automatic data processing, computer services, or 5459  
electronic information services are or are to be provided for 5460  
use in business when the true object of the transaction is the 5461  
receipt by the consumer of automatic data processing, computer 5462  
services, or electronic information services rather than the 5463  
receipt of personal or professional services to which automatic 5464  
data processing, computer services, or electronic information 5465  
services are incidental or supplemental. Notwithstanding any 5466  
other provision of this chapter, such transactions that occur 5467  
between members of an affiliated group are not sales. An 5468  
"affiliated group" means two or more persons related in such a 5469  
way that one person owns or controls the business operation of 5470  
another member of the group. In the case of corporations with 5471  
stock, one corporation owns or controls another if it owns more 5472  
than fifty per cent of the other corporation's common stock with 5473  
voting rights. 5474

(f) Telecommunications service, including prepaid calling 5475

service, prepaid wireless calling service, or ancillary service,	5476
is or is to be provided, but not including coin-operated	5477
telephone service;	5478
(g) Landscaping and lawn care service is or is to be	5479
provided;	5480
(h) Private investigation and security service is or is to	5481
be provided;	5482
(i) Information services or tangible personal property is	5483
provided or ordered by means of a nine hundred telephone call;	5484
(j) Building maintenance and janitorial service is or is	5485
to be provided;	5486
(k) Exterminating service is or is to be provided;	5487
(l) Physical fitness facility service is or is to be	5488
provided;	5489
(m) Recreation and sports club service is or is to be	5490
provided;	5491
(n) Satellite broadcasting service is or is to be	5492
provided;	5493
(o) Personal care service is or is to be provided to an	5494
individual. As used in this division, "personal care service"	5495
includes skin care, the application of cosmetics, manicuring,	5496
pedicuring, hair removal, tattooing, body piercing, tanning,	5497
massage, and other similar services. "Personal care service"	5498
does not include a service provided by or on the order of a	5499
licensed physician or licensed chiropractor, or the cutting,	5500
coloring, or styling of an individual's hair.	5501
(p) The transportation of persons by motor vehicle or	5502

aircraft is or is to be provided, when the transportation is 5503  
entirely within this state, except for transportation provided 5504  
by an ambulance service, by a transit bus, as defined in section 5505  
5735.01 of the Revised Code, and transportation provided by a 5506  
citizen of the United States holding a certificate of public 5507  
convenience and necessity issued under 49 U.S.C. 41102; 5508

(q) Motor vehicle towing service is or is to be provided. 5509  
As used in this division, "motor vehicle towing service" means 5510  
the towing or conveyance of a wrecked, disabled, or illegally 5511  
parked motor vehicle. 5512

(r) Snow removal service is or is to be provided. As used 5513  
in this division, "snow removal service" means the removal of 5514  
snow by any mechanized means, but does not include the providing 5515  
of such service by a person that has less than five thousand 5516  
dollars in sales of such service during the calendar year. 5517

(s) Electronic publishing service is or is to be provided 5518  
to a consumer for use in business, except that such transactions 5519  
occurring between members of an affiliated group, as defined in 5520  
division (B)(3)(e) of this section, are not sales. 5521

(4) All transactions by which printed, imprinted, 5522  
overprinted, lithographic, multilithic, blueprinted, 5523  
photostatic, or other productions or reproductions of written or 5524  
graphic matter are or are to be furnished or transferred; 5525

(5) The production or fabrication of tangible personal 5526  
property for a consideration for consumers who furnish either 5527  
directly or indirectly the materials used in the production of 5528  
fabrication work; and include the furnishing, preparing, or 5529  
serving for a consideration of any tangible personal property 5530  
consumed on the premises of the person furnishing, preparing, or 5531

serving such tangible personal property. Except as provided in 5532  
section 5739.03 of the Revised Code, a construction contract 5533  
pursuant to which tangible personal property is or is to be 5534  
incorporated into a structure or improvement on and becoming a 5535  
part of real property is not a sale of such tangible personal 5536  
property. The construction contractor is the consumer of such 5537  
tangible personal property, provided that the sale and 5538  
installation of carpeting, the sale and installation of 5539  
agricultural land tile, the sale and erection or installation of 5540  
portable grain bins, or the provision of landscaping and lawn 5541  
care service and the transfer of property as part of such 5542  
service is never a construction contract. 5543

As used in division (B) (5) of this section: 5544

(a) "Agricultural land tile" means fired clay or concrete 5545  
tile, or flexible or rigid perforated plastic pipe or tubing, 5546  
incorporated or to be incorporated into a subsurface drainage 5547  
system appurtenant to land used or to be used primarily in 5548  
production by farming, agriculture, horticulture, or 5549  
floriculture. The term does not include such materials when they 5550  
are or are to be incorporated into a drainage system appurtenant 5551  
to a building or structure even if the building or structure is 5552  
used or to be used in such production. 5553

(b) "Portable grain bin" means a structure that is used or 5554  
to be used by a person engaged in farming or agriculture to 5555  
shelter the person's grain and that is designed to be 5556  
disassembled without significant damage to its component parts. 5557

(6) All transactions in which all of the shares of stock 5558  
of a closely held corporation are transferred, or an ownership 5559  
interest in a pass-through entity, as defined in section 5733.04 5560  
of the Revised Code, is transferred, if the corporation or pass- 5561

through entity is not engaging in business and its entire assets 5562  
consist of boats, planes, motor vehicles, or other tangible 5563  
personal property operated primarily for the use and enjoyment 5564  
of the shareholders or owners; 5565

(7) All transactions in which a warranty, maintenance or 5566  
service contract, or similar agreement by which the vendor of 5567  
the warranty, contract, or agreement agrees to repair or 5568  
maintain the tangible personal property of the consumer is or is 5569  
to be provided; 5570

(8) The transfer of copyrighted motion picture films used 5571  
solely for advertising purposes, except that the transfer of 5572  
such films for exhibition purposes is not a sale; 5573

(9) All transactions by which tangible personal property 5574  
is or is to be stored, except such property that the consumer of 5575  
the storage holds for sale in the regular course of business; 5576

(10) All transactions in which "guaranteed auto 5577  
protection" is provided whereby a person promises to pay to the 5578  
consumer the difference between the amount the consumer receives 5579  
from motor vehicle insurance and the amount the consumer owes to 5580  
a person holding title to or a lien on the consumer's motor 5581  
vehicle in the event the consumer's motor vehicle suffers a 5582  
total loss under the terms of the motor vehicle insurance policy 5583  
or is stolen and not recovered, if the protection and its price 5584  
are included in the purchase or lease agreement; 5585

(11) (a) Except as provided in division (B) (11) (b) of this 5586  
section, all transactions by which health care services are paid 5587  
for, reimbursed, provided, delivered, arranged for, or otherwise 5588  
made available by a medicaid health insuring corporation 5589  
pursuant to the corporation's contract with the state. 5590



(b) If the centers for medicare and medicaid services of 5591  
the United States department of health and human services 5592  
determines that the taxation of transactions described in 5593  
division (B) (11) (a) of this section constitutes an impermissible 5594  
health care-related tax under the "Social Security Act," section 5595  
1903(w), 42 U.S.C. 1396b(w), and regulations adopted thereunder, 5596  
the medicaid director shall notify the tax commissioner of that 5597  
determination. Beginning with the first day of the month 5598  
following that notification, the transactions described in 5599  
division (B) (11) (a) of this section are not sales for the 5600  
purposes of this chapter or Chapter 5741. of the Revised Code. 5601  
The tax commissioner shall order that the collection of taxes 5602  
under sections 5739.02, 5739.021, 5739.023, 5739.026, 5741.02, 5603  
5741.021, 5741.022, and 5741.023 of the Revised Code shall cease 5604  
for transactions occurring on or after that date. 5605

(12) All transactions by which a specified digital product 5606  
is provided for permanent use or less than permanent use, 5607  
regardless of whether continued payment is required. 5608

Except as provided in this section, "sale" and "selling" 5609  
do not include transfers of interest in leased property where 5610  
the original lessee and the terms of the original lease 5611  
agreement remain unchanged, or professional, insurance, or 5612  
personal service transactions that involve the transfer of 5613  
tangible personal property as an inconsequential element, for 5614  
which no separate charges are made. 5615

(C) "Vendor" means the person providing the service or by 5616  
whom the transfer effected or license given by a sale is or is 5617  
to be made or given and, for sales described in division (B) (3) 5618  
(i) of this section, the telecommunications service vendor that 5619  
provides the nine hundred telephone service; if two or more 5620

persons are engaged in business at the same place of business 5621  
under a single trade name in which all collections on account of 5622  
sales by each are made, such persons shall constitute a single 5623  
vendor. 5624

Physicians, dentists, hospitals, and veterinarians who are 5625  
engaged in selling tangible personal property as received from 5626  
others, such as eyeglasses, mouthwashes, dentifrices, or similar 5627  
articles, are vendors. Veterinarians who are engaged in 5628  
transferring to others for a consideration drugs, the dispensing 5629  
of which does not require an order of a licensed veterinarian or 5630  
physician under federal law, are vendors. 5631

The operator of any peer-to-peer car sharing program shall 5632  
be considered to be the vendor. 5633

(D) (1) "Consumer" means the person for whom the service is 5634  
provided, to whom the transfer effected or license given by a 5635  
sale is or is to be made or given, to whom the service described 5636  
in division (B) (3) (f) or (i) of this section is charged, or to 5637  
whom the admission is granted. 5638

(2) Physicians, dentists, hospitals, and blood banks 5639  
operated by nonprofit institutions and persons licensed to 5640  
practice veterinary medicine, surgery, and dentistry are 5641  
consumers of all tangible personal property and services 5642  
purchased by them in connection with the practice of medicine, 5643  
dentistry, the rendition of hospital or blood bank service, or 5644  
the practice of veterinary medicine, surgery, and dentistry. In 5645  
addition to being consumers of drugs administered by them or by 5646  
their assistants according to their direction, veterinarians 5647  
also are consumers of drugs that under federal law may be 5648  
dispensed only by or upon the order of a licensed veterinarian 5649  
or physician, when transferred by them to others for a 5650

consideration to provide treatment to animals as directed by the veterinarian. 5651  
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(3) A person who performs a facility management, or similar service contract for a contractee is a consumer of all tangible personal property and services purchased for use in connection with the performance of such contract, regardless of whether title to any such property vests in the contractee. The purchase of such property and services is not subject to the exception for resale under division (E) of this section. 5653  
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(4) (a) In the case of a person who purchases printed matter for the purpose of distributing it or having it distributed to the public or to a designated segment of the public, free of charge, that person is the consumer of that printed matter, and the purchase of that printed matter for that purpose is a sale. 5660  
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(b) In the case of a person who produces, rather than purchases, printed matter for the purpose of distributing it or having it distributed to the public or to a designated segment of the public, free of charge, that person is the consumer of all tangible personal property and services purchased for use or consumption in the production of that printed matter. That person is not entitled to claim exemption under division (B) (42) (f) of section 5739.02 of the Revised Code for any material incorporated into the printed matter or any equipment, supplies, or services primarily used to produce the printed matter. 5666  
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(c) The distribution of printed matter to the public or to a designated segment of the public, free of charge, is not a sale to the members of the public to whom the printed matter is distributed or to any persons who purchase space in the printed matter for advertising or other purposes. 5676  
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(5) A person who makes sales of any of the services listed 5681  
in division (B) (3) of this section is the consumer of any 5682  
tangible personal property used in performing the service. The 5683  
purchase of that property is not subject to the resale exception 5684  
under division (E) of this section. 5685

(6) A person who engages in highway transportation for 5686  
hire is the consumer of all packaging materials purchased by 5687  
that person and used in performing the service, except for 5688  
packaging materials sold by such person in a transaction 5689  
separate from the service. 5690

(7) In the case of a transaction for health care services 5691  
under division (B) (11) of this section, a medicaid health 5692  
insuring corporation is the consumer of such services. The 5693  
purchase of such services by a medicaid health insuring 5694  
corporation is not subject to the exception for resale under 5695  
division (E) of this section or to the exemptions provided under 5696  
divisions (B) (12), (18), (19), and (22) of section 5739.02 of 5697  
the Revised Code. 5698

(E) "Retail sale" and "sales at retail" include all sales, 5699  
except those in which the purpose of the consumer is to resell 5700  
the thing transferred or benefit of the service provided, by a 5701  
person engaging in business, in the form in which the same is, 5702  
or is to be, received by the person. 5703

(F) "Business" includes any activity engaged in by any 5704  
person with the object of gain, benefit, or advantage, either 5705  
direct or indirect. "Business" does not include the activity of 5706  
a person in managing and investing the person's own funds. 5707

(G) "Engaging in business" means commencing, conducting, 5708  
or continuing in business, and liquidating a business when the 5709

liquidator thereof holds itself out to the public as conducting 5710  
such business. Making a casual sale is not engaging in business. 5711

(H) (1) (a) "Price," except as provided in divisions (H) (2), 5712  
(3), and (4) of this section, means the total amount of 5713  
consideration, including cash, credit, property, and services, 5714  
for which tangible personal property or services are sold, 5715  
leased, or rented, valued in money, whether received in money or 5716  
otherwise, without any deduction for any of the following: 5717

(i) The vendor's cost of the property sold; 5718

(ii) The cost of materials used, labor or service costs, 5719  
interest, losses, all costs of transportation to the vendor, all 5720  
taxes imposed on the vendor, including the tax imposed under 5721  
Chapter 5751. of the Revised Code, and any other expense of the 5722  
vendor; 5723

(iii) Charges by the vendor for any services necessary to 5724  
complete the sale; 5725

(iv) Delivery charges. As used in this division, "delivery 5726  
charges" means charges by the vendor for preparation and 5727  
delivery to a location designated by the consumer of tangible 5728  
personal property or a service, including transportation, 5729  
shipping, postage, handling, crating, and packing. 5730

(v) Installation charges; 5731

(vi) Credit for any trade-in. 5732

(b) "Price" includes consideration received by the vendor 5733  
from a third party, if the vendor actually receives the 5734  
consideration from a party other than the consumer, and the 5735  
consideration is directly related to a price reduction or 5736  
discount on the sale; the vendor has an obligation to pass the 5737

price reduction or discount through to the consumer; the amount 5738  
of the consideration attributable to the sale is fixed and 5739  
determinable by the vendor at the time of the sale of the item 5740  
to the consumer; and one of the following criteria is met: 5741

(i) The consumer presents a coupon, certificate, or other 5742  
document to the vendor to claim a price reduction or discount 5743  
where the coupon, certificate, or document is authorized, 5744  
distributed, or granted by a third party with the understanding 5745  
that the third party will reimburse any vendor to whom the 5746  
coupon, certificate, or document is presented; 5747

(ii) The consumer identifies the consumer's self to the 5748  
seller as a member of a group or organization entitled to a 5749  
price reduction or discount. A preferred customer card that is 5750  
available to any patron does not constitute membership in such a 5751  
group or organization. 5752

(iii) The price reduction or discount is identified as a 5753  
third party price reduction or discount on the invoice received 5754  
by the consumer, or on a coupon, certificate, or other document 5755  
presented by the consumer. 5756

(c) "Price" does not include any of the following: 5757

(i) Discounts, including cash, term, or coupons that are 5758  
not reimbursed by a third party that are allowed by a vendor and 5759  
taken by a consumer on a sale; 5760

(ii) Interest, financing, and carrying charges from credit 5761  
extended on the sale of tangible personal property or services, 5762  
if the amount is separately stated on the invoice, bill of sale, 5763  
or similar document given to the purchaser; 5764

(iii) Any taxes legally imposed directly on the consumer 5765  
that are separately stated on the invoice, bill of sale, or 5766

similar document given to the consumer. For the purpose of this 5767  
division, the tax imposed under Chapter 5751. of the Revised 5768  
Code is not a tax directly on the consumer, even if the tax or a 5769  
portion thereof is separately stated. 5770

(iv) Notwithstanding divisions (H) (1) (b) (i) to (iii) of 5771  
this section, any discount allowed by an automobile manufacturer 5772  
to its employee, or to the employee of a supplier, on the 5773  
purchase of a new motor vehicle from a new motor vehicle dealer 5774  
in this state. 5775

(v) The dollar value of a gift card that is not sold by a 5776  
vendor or purchased by a consumer and that is redeemed by the 5777  
consumer in purchasing tangible personal property or services if 5778  
the vendor is not reimbursed and does not receive compensation 5779  
from a third party to cover all or part of the gift card value. 5780  
For the purposes of this division, a gift card is not sold by a 5781  
vendor or purchased by a consumer if it is distributed pursuant 5782  
to an awards, loyalty, or promotional program. Past and present 5783  
purchases of tangible personal property or services by the 5784  
consumer shall not be treated as consideration exchanged for a 5785  
gift card. 5786

(2) In the case of a sale of any new motor vehicle by a 5787  
new motor vehicle dealer, as defined in section 4517.01 of the 5788  
Revised Code, in which another motor vehicle is accepted by the 5789  
dealer as part of the consideration received, "price" has the 5790  
same meaning as in division (H) (1) of this section, reduced by 5791  
the credit afforded the consumer by the dealer for the motor 5792  
vehicle received in trade. 5793

(3) In the case of a sale of any watercraft or outboard 5794  
motor by a watercraft dealer licensed in accordance with section 5795  
1547.543 of the Revised Code, in which another watercraft, 5796

watercraft and trailer, or outboard motor is accepted by the 5797  
dealer as part of the consideration received, "price" has the 5798  
same meaning as in division (H) (1) of this section, reduced by 5799  
the credit afforded the consumer by the dealer for the 5800  
watercraft, watercraft and trailer, or outboard motor received 5801  
in trade. As used in this division, "watercraft" includes an 5802  
outdrive unit attached to the watercraft. 5803

(4) In the case of transactions for health care services 5804  
under division (B) (11) of this section, "price" means the amount 5805  
of managed care premiums received each month by a medicaid 5806  
health insuring corporation. 5807

(I) "Receipts" means the total amount of the prices of the 5808  
sales of vendors, provided that the dollar value of gift cards 5809  
distributed pursuant to an awards, loyalty, or promotional 5810  
program, and cash discounts allowed and taken on sales at the 5811  
time they are consummated are not included, minus any amount 5812  
deducted as a bad debt pursuant to section 5739.121 of the 5813  
Revised Code. "Receipts" does not include the sale price of 5814  
property returned or services rejected by consumers when the 5815  
full sale price and tax are refunded either in cash or by 5816  
credit. 5817

(J) "Place of business" means any location at which a 5818  
person engages in business. 5819

(K) "Premises" includes any real property or portion 5820  
thereof upon which any person engages in selling tangible 5821  
personal property at retail or making retail sales and also 5822  
includes any real property or portion thereof designated for, or 5823  
devoted to, use in conjunction with the business engaged in by 5824  
such person. 5825



(L) "Casual sale" means a sale of an item of tangible personal property that was obtained by the person making the sale, through purchase or otherwise, for the person's own use and was previously subject to any state's taxing jurisdiction on its sale or use, and includes such items acquired for the seller's use that are sold by an auctioneer employed directly by the person for such purpose, provided the location of such sales is not the auctioneer's permanent place of business. As used in this division, "permanent place of business" includes any location where such auctioneer has conducted more than two auctions during the year.

(M) "Hotel" means every establishment kept, used, maintained, advertised, or held out to the public to be a place where sleeping accommodations are offered to guests, in which five or more rooms are used for the accommodation of such guests, whether the rooms are in one or several structures, except as otherwise provided in section 5739.091 of the Revised Code.

(N) "Transient guests" means persons occupying a room or rooms for sleeping accommodations for less than thirty consecutive days.

(O) "Making retail sales" means the effecting of transactions wherein one party is obligated to pay the price and the other party is obligated to provide a service or to transfer title to or possession of the item sold. "Making retail sales" does not include the preliminary acts of promoting or soliciting the retail sales, other than the distribution of printed matter which displays or describes and prices the item offered for sale, nor does it include delivery of a predetermined quantity of tangible personal property or transportation of property or

personnel to or from a place where a service is performed. 5856

(P) "Used directly in the rendition of a public utility 5857  
service" means that property that is to be incorporated into and 5858  
will become a part of the consumer's production, transmission, 5859  
transportation, or distribution system and that retains its 5860  
classification as tangible personal property after such 5861  
incorporation; fuel or power used in the production, 5862  
transmission, transportation, or distribution system; and 5863  
tangible personal property used in the repair and maintenance of 5864  
the production, transmission, transportation, or distribution 5865  
system, including only such motor vehicles as are specially 5866  
designed and equipped for such use. Tangible personal property 5867  
and services used primarily in providing highway transportation 5868  
for hire are not used directly in the rendition of a public 5869  
utility service. In this definition, "public utility" includes a 5870  
citizen of the United States holding, and required to hold, a 5871  
certificate of public convenience and necessity issued under 49 5872  
U.S.C. 41102. 5873

(Q) "Refining" means removing or separating a desirable 5874  
product from raw or contaminated materials by distillation or 5875  
physical, mechanical, or chemical processes. 5876

(R) "Assembly" and "assembling" mean attaching or fitting 5877  
together parts to form a product, but do not include packaging a 5878  
product. 5879

(S) "Manufacturing operation" means a process in which 5880  
materials are changed, converted, or transformed into a 5881  
different state or form from which they previously existed and 5882  
includes refining materials, assembling parts, and preparing raw 5883  
materials and parts by mixing, measuring, blending, or otherwise 5884  
committing such materials or parts to the manufacturing process. 5885

"Manufacturing operation" does not include packaging. 5886

(T) "Fiscal officer" means, with respect to a regional 5887  
transit authority, the secretary-treasurer thereof, and with 5888  
respect to a county that is a transit authority, the fiscal 5889  
officer of the county transit board if one is appointed pursuant 5890  
to section 306.03 of the Revised Code or the county auditor if 5891  
the board of county commissioners operates the county transit 5892  
system. 5893

(U) "Transit authority" means a regional transit authority 5894  
created pursuant to section 306.31 of the Revised Code or a 5895  
county in which a county transit system is created pursuant to 5896  
section 306.01 of the Revised Code. For the purposes of this 5897  
chapter, a transit authority must extend to at least the entire 5898  
area of a single county. A transit authority that includes 5899  
territory in more than one county must include all the area of 5900  
the most populous county that is a part of such transit 5901  
authority. County population shall be measured by the most 5902  
recent census taken by the United States census bureau. 5903

(V) "Legislative authority" means, with respect to a 5904  
regional transit authority, the board of trustees thereof, and 5905  
with respect to a county that is a transit authority, the board 5906  
of county commissioners. 5907

(W) "Territory of the transit authority" means all of the 5908  
area included within the territorial boundaries of a transit 5909  
authority as they from time to time exist. Such territorial 5910  
boundaries must at all times include all the area of a single 5911  
county or all the area of the most populous county that is a 5912  
part of such transit authority. County population shall be 5913  
measured by the most recent census taken by the United States 5914  
census bureau. 5915

(X) "Providing a service" means providing or furnishing 5916  
anything described in division (B) (3) of this section for 5917  
consideration. 5918

(Y) (1) (a) "Automatic data processing" means processing of 5919  
others' data, including keypunching or similar data entry 5920  
services together with verification thereof, or providing access 5921  
to computer equipment for the purpose of processing data. 5922

(b) "Computer services" means providing services 5923  
consisting of specifying computer hardware configurations and 5924  
evaluating technical processing characteristics, computer 5925  
programming, and training of computer programmers and operators, 5926  
provided in conjunction with and to support the sale, lease, or 5927  
operation of taxable computer equipment or systems. 5928

(c) "Electronic information services" means providing 5929  
access to computer equipment by means of telecommunications 5930  
equipment for the purpose of either of the following: 5931

(i) Examining or acquiring data stored in or accessible to 5932  
the computer equipment; 5933

(ii) Placing data into the computer equipment to be 5934  
retrieved by designated recipients with access to the computer 5935  
equipment. 5936

"Electronic information services" does not include 5937  
electronic publishing. 5938

(d) "Automatic data processing, computer services, or 5939  
electronic information services" shall not include personal or 5940  
professional services. 5941

(2) As used in divisions (B) (3) (e) and (Y) (1) of this 5942  
section, "personal and professional services" means all services 5943

other than automatic data processing, computer services, or	5944
electronic information services, including but not limited to:	5945
(a) Accounting and legal services such as advice on tax	5946
matters, asset management, budgetary matters, quality control,	5947
information security, and auditing and any other situation where	5948
the service provider receives data or information and studies,	5949
alters, analyzes, interprets, or adjusts such material;	5950
(b) Analyzing business policies and procedures;	5951
(c) Identifying management information needs;	5952
(d) Feasibility studies, including economic and technical	5953
analysis of existing or potential computer hardware or software	5954
needs and alternatives;	5955
(e) Designing policies, procedures, and custom software	5956
for collecting business information, and determining how data	5957
should be summarized, sequenced, formatted, processed,	5958
controlled, and reported so that it will be meaningful to	5959
management;	5960
(f) Developing policies and procedures that document how	5961
business events and transactions are to be authorized, executed,	5962
and controlled;	5963
(g) Testing of business procedures;	5964
(h) Training personnel in business procedure applications;	5965
(i) Providing credit information to users of such	5966
information by a consumer reporting agency, as defined in the	5967
"Fair Credit Reporting Act," 84 Stat. 1114, 1129 (1970), 15	5968
U.S.C. 1681a(f), or as hereafter amended, including but not	5969
limited to gathering, organizing, analyzing, recording, and	5970
furnishing such information by any oral, written, graphic, or	5971

electronic medium;	5972
(j) Providing debt collection services by any oral,	5973
written, graphic, or electronic means;	5974
(k) Providing digital advertising services.	5975
The services listed in divisions (Y) (2) (a) to (k) of this	5976
section are not automatic data processing or computer services.	5977
(Z) "Highway transportation for hire" means the	5978
transportation of personal property belonging to others for	5979
consideration by any of the following:	5980
(1) The holder of a permit or certificate issued by this	5981
state or the United States authorizing the holder to engage in	5982
transportation of personal property belonging to others for	5983
consideration over or on highways, roadways, streets, or any	5984
similar public thoroughfare;	5985
(2) A person who engages in the transportation of personal	5986
property belonging to others for consideration over or on	5987
highways, roadways, streets, or any similar public thoroughfare	5988
but who could not have engaged in such transportation on	5989
December 11, 1985, unless the person was the holder of a permit	5990
or certificate of the types described in division (Z) (1) of this	5991
section;	5992
(3) A person who leases a motor vehicle to and operates it	5993
for a person described by division (Z) (1) or (2) of this	5994
section.	5995
(AA) (1) "Telecommunications service" means the electronic	5996
transmission, conveyance, or routing of voice, data, audio,	5997
video, or any other information or signals to a point, or	5998
between or among points. "Telecommunications service" includes	5999

such transmission, conveyance, or routing in which computer 6000  
processing applications are used to act on the form, code, or 6001  
protocol of the content for purposes of transmission, 6002  
conveyance, or routing without regard to whether the service is 6003  
referred to as voice-over internet protocol service or is 6004  
classified by the federal communications commission as enhanced 6005  
or value-added. "Telecommunications service" does not include 6006  
any of the following: 6007

(a) Data processing and information services that allow 6008  
data to be generated, acquired, stored, processed, or retrieved 6009  
and delivered by an electronic transmission to a consumer where 6010  
the consumer's primary purpose for the underlying transaction is 6011  
the processed data or information; 6012

(b) Installation or maintenance of wiring or equipment on 6013  
a customer's premises; 6014

(c) Tangible personal property; 6015

(d) Advertising, including directory advertising; 6016

(e) Billing and collection services provided to third 6017  
parties; 6018

(f) Internet access service; 6019

(g) Radio and television audio and video programming 6020  
services, regardless of the medium, including the furnishing of 6021  
transmission, conveyance, and routing of such services by the 6022  
programming service provider. Radio and television audio and 6023  
video programming services include, but are not limited to, 6024  
cable service, as defined in 47 U.S.C. 522(6), and audio and 6025  
video programming services delivered by commercial mobile radio 6026  
service providers, as defined in 47 C.F.R. 20.3; 6027

- (h) Ancillary service; 6028
- (i) Digital products delivered electronically, including 6029  
software, music, video, reading materials, or ring tones. 6030
- (2) "Ancillary service" means a service that is associated 6031  
with or incidental to the provision of telecommunications 6032  
service, including conference bridging service, detailed 6033  
telecommunications billing service, directory assistance, 6034  
vertical service, and voice mail service. As used in this 6035  
division: 6036
- (a) "Conference bridging service" means an ancillary 6037  
service that links two or more participants of an audio or video 6038  
conference call, including providing a telephone number. 6039  
"Conference bridging service" does not include 6040  
telecommunications services used to reach the conference bridge. 6041
- (b) "Detailed telecommunications billing service" means an 6042  
ancillary service of separately stating information pertaining 6043  
to individual calls on a customer's billing statement. 6044
- (c) "Directory assistance" means an ancillary service of 6045  
providing telephone number or address information. 6046
- (d) "Vertical service" means an ancillary service that is 6047  
offered in connection with one or more telecommunications 6048  
services, which offers advanced calling features that allow 6049  
customers to identify callers and manage multiple calls and call 6050  
connections, including conference bridging service. 6051
- (e) "Voice mail service" means an ancillary service that 6052  
enables the customer to store, send, or receive recorded 6053  
messages. "Voice mail service" does not include any vertical 6054  
services that the customer may be required to have in order to 6055  
utilize the voice mail service. 6056



(3) "900 service" means an inbound toll telecommunications service purchased by a subscriber that allows the subscriber's customers to call in to the subscriber's prerecorded announcement or live service, and which is typically marketed under the name "900 service" and any subsequent numbers designated by the federal communications commission. "900 service" does not include the charge for collection services provided by the seller of the telecommunications service to the subscriber, or services or products sold by the subscriber to the subscriber's customer.

(4) "Prepaid calling service" means the right to access exclusively telecommunications services, which must be paid for in advance and which enables the origination of calls using an access number or authorization code, whether manually or electronically dialed, and that is sold in predetermined units or dollars of which the number declines with use in a known amount.

(5) "Prepaid wireless calling service" means a telecommunications service that provides the right to utilize mobile telecommunications service as well as other non-telecommunications services, including the download of digital products delivered electronically, and content and ancillary services, that must be paid for in advance and that is sold in predetermined units or dollars of which the number declines with use in a known amount.

(6) "Value-added non-voice data service" means a telecommunications service in which computer processing applications are used to act on the form, content, code, or protocol of the information or data primarily for a purpose other than transmission, conveyance, or routing.

(7) "Coin-operated telephone service" means a 6087  
telecommunications service paid for by inserting money into a 6088  
telephone accepting direct deposits of money to operate. 6089

(8) "Customer" has the same meaning as in section 5739.034 6090  
of the Revised Code. 6091

(BB) "Laundry and dry cleaning services" means removing 6092  
soil or dirt from towels, linens, articles of clothing, or other 6093  
fabric items that belong to others and supplying towels, linens, 6094  
articles of clothing, or other fabric items. "Laundry and dry 6095  
cleaning services" does not include the provision of self- 6096  
service facilities for use by consumers to remove soil or dirt 6097  
from towels, linens, articles of clothing, or other fabric 6098  
items. 6099

(CC) "Magazines distributed as controlled circulation 6100  
publications" means magazines containing at least twenty-four 6101  
pages, at least twenty-five per cent editorial content, issued 6102  
at regular intervals four or more times a year, and circulated 6103  
without charge to the recipient, provided that such magazines 6104  
are not owned or controlled by individuals or business concerns 6105  
which conduct such publications as an auxiliary to, and 6106  
essentially for the advancement of the main business or calling 6107  
of, those who own or control them. 6108

(DD) "Landscaping and lawn care service" means the 6109  
services of planting, seeding, sodding, removing, cutting, 6110  
trimming, pruning, mulching, aerating, applying chemicals, 6111  
watering, fertilizing, and providing similar services to 6112  
establish, promote, or control the growth of trees, shrubs, 6113  
flowers, grass, ground cover, and other flora, or otherwise 6114  
maintaining a lawn or landscape grown or maintained by the owner 6115  
for ornamentation or other nonagricultural purpose. However, 6116

"landscaping and lawn care service" does not include the 6117  
providing of such services by a person who has less than five 6118  
thousand dollars in sales of such services during the calendar 6119  
year. 6120

(EE) "Private investigation and security service" means 6121  
the performance of any activity for which the provider of such 6122  
service is required to be licensed pursuant to Chapter 4749. of 6123  
the Revised Code, or would be required to be so licensed in 6124  
performing such services in this state, and also includes the 6125  
services of conducting polygraph examinations and of monitoring 6126  
or overseeing the activities on or in, or the condition of, the 6127  
consumer's home, business, or other facility by means of 6128  
electronic or similar monitoring devices. "Private investigation 6129  
and security service" does not include special duty services 6130  
provided by off-duty police officers, deputy sheriffs, and other 6131  
peace officers regularly employed by the state or a political 6132  
subdivision. 6133

(FF) "Information services" means providing conversation, 6134  
giving consultation or advice, playing or making a voice or 6135  
other recording, making or keeping a record of the number of 6136  
callers, and any other service provided to a consumer by means 6137  
of a nine hundred telephone call, except when the nine hundred 6138  
telephone call is the means by which the consumer makes a 6139  
contribution to a recognized charity. 6140

(GG) "Research and development" means designing, creating, 6141  
or formulating new or enhanced products, equipment, or 6142  
manufacturing processes, and also means conducting scientific or 6143  
technological inquiry and experimentation in the physical 6144  
sciences with the goal of increasing scientific knowledge which 6145  
may reveal the bases for new or enhanced products, equipment, or 6146

manufacturing processes. 6147

(HH) "Qualified research and development equipment" means 6148  
capitalized tangible personal property, and leased personal 6149  
property that would be capitalized if purchased, used by a 6150  
person primarily to perform research and development. Tangible 6151  
personal property primarily used in testing, as defined in 6152  
division (A)(4) of section 5739.011 of the Revised Code, or used 6153  
for recording or storing test results, is not qualified research 6154  
and development equipment unless such property is primarily used 6155  
by the consumer in testing the product, equipment, or 6156  
manufacturing process being created, designed, or formulated by 6157  
the consumer in the research and development activity or in 6158  
recording or storing such test results. 6159

(II) "Building maintenance and janitorial service" means 6160  
cleaning the interior or exterior of a building and any tangible 6161  
personal property located therein or thereon, including any 6162  
services incidental to such cleaning for which no separate 6163  
charge is made. However, "building maintenance and janitorial 6164  
service" does not include the providing of such service by a 6165  
person who has less than five thousand dollars in sales of such 6166  
service during the calendar year. As used in this division, 6167  
"cleaning" does not include sanitation services necessary for an 6168  
establishment described in 21 U.S.C. 608 to comply with rules 6169  
and regulations adopted pursuant to that section. 6170

(JJ) "Exterminating service" means eradicating or 6171  
attempting to eradicate vermin infestations from a building or 6172  
structure, or the area surrounding a building or structure, and 6173  
includes activities to inspect, detect, or prevent vermin 6174  
infestation of a building or structure. 6175

(KK) "Physical fitness facility service" means all 6176

transactions by which a membership is granted, maintained, or 6177  
renewed, including initiation fees, membership dues, renewal 6178  
fees, monthly minimum fees, and other similar fees and dues, by 6179  
a physical fitness facility such as an athletic club, health 6180  
spa, or gymnasium, which entitles the member to use the facility 6181  
for physical exercise. 6182

(LL) "Recreation and sports club service" means all 6183  
transactions by which a membership is granted, maintained, or 6184  
renewed, including initiation fees, membership dues, renewal 6185  
fees, monthly minimum fees, and other similar fees and dues, by 6186  
a recreation and sports club, which entitles the member to use 6187  
the facilities of the organization. "Recreation and sports club" 6188  
means an organization that has ownership of, or controls or 6189  
leases on a continuing, long-term basis, the facilities used by 6190  
its members and includes an aviation club, gun or shooting club, 6191  
yacht club, card club, swimming club, tennis club, golf club, 6192  
country club, riding club, amateur sports club, or similar 6193  
organization. 6194

(MM) "Livestock" means farm animals commonly raised for 6195  
food, food production, or other agricultural purposes, 6196  
including, but not limited to, cattle, sheep, goats, swine, 6197  
poultry, and captive deer. "Livestock" does not include 6198  
invertebrates, amphibians, reptiles, domestic pets, animals for 6199  
use in laboratories or for exhibition, or other animals not 6200  
commonly raised for food or food production. 6201

(NN) "Livestock structure" means a building or structure 6202  
used exclusively for the housing, raising, feeding, or 6203  
sheltering of livestock, and includes feed storage or handling 6204  
structures and structures for livestock waste handling. 6205

(OO) "Horticulture" means the growing, cultivation, and 6206

production of flowers, fruits, herbs, vegetables, sod, 6207  
mushrooms, and nursery stock. As used in this division, "nursery 6208  
stock" has the same meaning as in section 927.51 of the Revised 6209  
Code. 6210

(PP) "Horticulture structure" means a building or 6211  
structure used exclusively for the commercial growing, raising, 6212  
or overwintering of horticultural products, and includes the 6213  
area used for stocking, storing, and packing horticultural 6214  
products when done in conjunction with the production of those 6215  
products. 6216

(QQ) "Newspaper" means an unbound publication bearing a 6217  
title or name that is regularly published, at least as 6218  
frequently as biweekly, and distributed from a fixed place of 6219  
business to the public in a specific geographic area, and that 6220  
contains a substantial amount of news matter of international, 6221  
national, or local events of interest to the general public. 6222

(RR) (1) "Feminine hygiene products" means tampons, panty 6223  
liners, menstrual cups, sanitary napkins, and other similar 6224  
tangible personal property designed for feminine hygiene in 6225  
connection with the human menstrual cycle, but does not include 6226  
grooming and hygiene products. 6227

(2) "Grooming and hygiene products" means soaps and 6228  
cleaning solutions, shampoo, toothpaste, mouthwash, 6229  
antiperspirants, and sun tan lotions and screens, regardless of 6230  
whether any of these products are over-the-counter drugs. 6231

(3) "Over-the-counter drugs" means a drug that contains a 6232  
label that identifies the product as a drug as required by 21 6233  
C.F.R. 201.66, which label includes a drug facts panel or a 6234  
statement of the active ingredients with a list of those 6235

ingredients contained in the compound, substance, or 6236  
preparation. 6237

(SS) (1) "Lease" or "rental" means any transfer of the 6238  
possession or control of tangible personal property for a fixed 6239  
or indefinite term, for consideration. "Lease" or "rental" 6240  
includes future options to purchase or extend, and agreements 6241  
described in 26 U.S.C. 7701(h) (1) covering motor vehicles and 6242  
trailers where the amount of consideration may be increased or 6243  
decreased by reference to the amount realized upon the sale or 6244  
disposition of the property. "Lease" or "rental" does not 6245  
include: 6246

(a) A transfer of possession or control of tangible 6247  
personal property under a security agreement or a deferred 6248  
payment plan that requires the transfer of title upon completion 6249  
of the required payments; 6250

(b) A transfer of possession or control of tangible 6251  
personal property under an agreement that requires the transfer 6252  
of title upon completion of required payments and payment of an 6253  
option price that does not exceed the greater of one hundred 6254  
dollars or one per cent of the total required payments; 6255

(c) Providing tangible personal property along with an 6256  
operator for a fixed or indefinite period of time, if the 6257  
operator is necessary for the property to perform as designed. 6258  
For purposes of this division, the operator must do more than 6259  
maintain, inspect, or set up the tangible personal property. 6260

(2) "Lease" and "rental," as defined in division (SS) of 6261  
this section, shall not apply to leases or rentals that exist 6262  
before June 26, 2003. 6263

(3) "Lease" and "rental" have the same meaning as in 6264

division (SS) (1) of this section regardless of whether a 6265  
transaction is characterized as a lease or rental under 6266  
generally accepted accounting principles, the Internal Revenue 6267  
Code, Title XIII of the Revised Code, or other federal, state, 6268  
or local laws. 6269

(TT) "Mobile telecommunications service" has the same 6270  
meaning as in the "Mobile Telecommunications Sourcing Act," Pub. 6271  
L. No. 106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as 6272  
amended, and, on and after August 1, 2003, includes related fees 6273  
and ancillary services, including universal service fees, 6274  
detailed billing service, directory assistance, service 6275  
initiation, voice mail service, and vertical services, such as 6276  
caller ID and three-way calling. 6277

(UU) "Certified service provider" has the same meaning as 6278  
in section 5740.01 of the Revised Code. 6279

(VV) "Satellite broadcasting service" means the 6280  
distribution or broadcasting of programming or services by 6281  
satellite directly to the subscriber's receiving equipment 6282  
without the use of ground receiving or distribution equipment, 6283  
except the subscriber's receiving equipment or equipment used in 6284  
the uplink process to the satellite, and includes all service 6285  
and rental charges, premium channels or other special services, 6286  
installation and repair service charges, and any other charges 6287  
having any connection with the provision of the satellite 6288  
broadcasting service. 6289

(WW) "Tangible personal property" means personal property 6290  
that can be seen, weighed, measured, felt, or touched, or that 6291  
is in any other manner perceptible to the senses. For purposes 6292  
of this chapter and Chapter 5741. of the Revised Code, "tangible 6293  
personal property" includes motor vehicles, electricity, water, 6294



gas, steam, and prewritten computer software. 6295

(XX) "Municipal gas utility" means a municipal corporation 6296  
that owns or operates a system for the distribution of natural 6297  
gas. 6298

(YY) "Computer" means an electronic device that accepts 6299  
information in digital or similar form and manipulates it for a 6300  
result based on a sequence of instructions. 6301

(ZZ) "Computer software" means a set of coded instructions 6302  
designed to cause a computer or automatic data processing 6303  
equipment to perform a task. 6304

(AAA) "Delivered electronically" means delivery of 6305  
computer software from the seller to the purchaser by means 6306  
other than tangible storage media. 6307

(BBB) "Prewritten computer software" means computer 6308  
software, including prewritten upgrades, that is not designed 6309  
and developed by the author or other creator to the 6310  
specifications of a specific purchaser. The combining of two or 6311  
more prewritten computer software programs or prewritten 6312  
portions thereof does not cause the combination to be other than 6313  
prewritten computer software. "Prewritten computer software" 6314  
includes software designed and developed by the author or other 6315  
creator to the specifications of a specific purchaser when it is 6316  
sold to a person other than the purchaser. If a person modifies 6317  
or enhances computer software of which the person is not the 6318  
author or creator, the person shall be deemed to be the author 6319  
or creator only of such person's modifications or enhancements. 6320  
Prewritten computer software or a prewritten portion thereof 6321  
that is modified or enhanced to any degree, where such 6322  
modification or enhancement is designed and developed to the 6323

specifications of a specific purchaser, remains prewritten 6324  
computer software; provided, however, that where there is a 6325  
reasonable, separately stated charge or an invoice or other 6326  
statement of the price given to the purchaser for the 6327  
modification or enhancement, the modification or enhancement 6328  
shall not constitute prewritten computer software. 6329

(CCC) (1) "Food" means substances, whether in liquid, 6330  
concentrated, solid, frozen, dried, or dehydrated form, that are 6331  
sold for ingestion or chewing by humans and are consumed for 6332  
their taste or nutritional value. "Food" does not include 6333  
alcoholic beverages, dietary supplements, soft drinks, or 6334  
tobacco. 6335

(2) As used in division (CCC) (1) of this section: 6336

(a) "Alcoholic beverages" means beverages that are 6337  
suitable for human consumption and contain one-half of one per 6338  
cent or more of alcohol by volume. 6339

(b) "Dietary supplements" means any product, other than 6340  
tobacco, that is intended to supplement the diet and that is 6341  
intended for ingestion in tablet, capsule, powder, softgel, 6342  
gelcap, or liquid form, or, if not intended for ingestion in 6343  
such a form, is not represented as conventional food for use as 6344  
a sole item of a meal or of the diet; that is required to be 6345  
labeled as a dietary supplement, identifiable by the "supplement 6346  
facts" box found on the label, as required by 21 C.F.R. 101.36; 6347  
and that contains one or more of the following dietary 6348  
ingredients: 6349

(i) A vitamin; 6350

(ii) A mineral; 6351

(iii) An herb or other botanical; 6352

- (iv) An amino acid; 6353
- (v) A dietary substance for use by humans to supplement 6354  
the diet by increasing the total dietary intake; 6355
- (vi) A concentrate, metabolite, constituent, extract, or 6356  
combination of any ingredient described in divisions (CCC) (2) (b) 6357  
(i) to (v) of this section. 6358
- (c) "Soft drinks" means nonalcoholic beverages that 6359  
contain natural or artificial sweeteners. "Soft drinks" does not 6360  
include beverages that contain milk or milk products, soy, rice, 6361  
or similar milk substitutes, or that contains greater than fifty 6362  
per cent vegetable or fruit juice by volume. 6363
- (d) "Tobacco" means cigarettes, cigars, chewing or pipe 6364  
tobacco, or any other item that contains tobacco. 6365
- (DDD) "Drug" means a compound, substance, or preparation, 6366  
and any component of a compound, substance, or preparation, 6367  
other than food, dietary supplements, or alcoholic beverages 6368  
that is recognized in the official United States pharmacopoeia, 6369  
official homeopathic pharmacopoeia of the United States, or 6370  
official national formulary, and supplements to them; is 6371  
intended for use in the diagnosis, cure, mitigation, treatment, 6372  
or prevention of disease; or is intended to affect the structure 6373  
or any function of the body. 6374
- (EEE) "Prescription" means an order, formula, or recipe 6375  
issued in any form of oral, written, electronic, or other means 6376  
of transmission by a duly licensed practitioner authorized by 6377  
the laws of this state to issue a prescription. 6378
- (FFF) "Durable medical equipment" means equipment, 6379  
including repair and replacement parts for such equipment, that 6380  
can withstand repeated use, is primarily and customarily used to 6381

serve a medical purpose, generally is not useful to a person in 6382  
the absence of illness or injury, and is not worn in or on the 6383  
body. "Durable medical equipment" does not include mobility 6384  
enhancing equipment. 6385

(GGG) "Mobility enhancing equipment" means equipment, 6386  
including repair and replacement parts for such equipment, that 6387  
is primarily and customarily used to provide or increase the 6388  
ability to move from one place to another and is appropriate for 6389  
use either in a home or a motor vehicle, that is not generally 6390  
used by persons with normal mobility, and that does not include 6391  
any motor vehicle or equipment on a motor vehicle normally 6392  
provided by a motor vehicle manufacturer. "Mobility enhancing 6393  
equipment" does not include durable medical equipment. 6394

(HHH) "Prosthetic device" means a replacement, corrective, 6395  
or supportive device, including repair and replacement parts for 6396  
the device, worn on or in the human body to artificially replace 6397  
a missing portion of the body, prevent or correct physical 6398  
deformity or malfunction, or support a weak or deformed portion 6399  
of the body. As used in this division, before July 1, 2019, 6400  
"prosthetic device" does not include corrective eyeglasses, 6401  
contact lenses, or dental prosthesis. On or after July 1, 2019, 6402  
"prosthetic device" does not include dental prosthesis but does 6403  
include corrective eyeglasses or contact lenses. 6404

(III) (1) "Fractional aircraft ownership program" means a 6405  
program in which persons within an affiliated group sell and 6406  
manage fractional ownership program aircraft, provided that at 6407  
least one hundred airworthy aircraft are operated in the program 6408  
and the program meets all of the following criteria: 6409

(a) Management services are provided by at least one 6410  
program manager within an affiliated group on behalf of the 6411

fractional owners. 6412

(b) Each program aircraft is owned or possessed by at 6413  
least one fractional owner. 6414

(c) Each fractional owner owns or possesses at least a 6415  
one-sixteenth interest in at least one fixed-wing program 6416  
aircraft. 6417

(d) A dry-lease aircraft interchange arrangement is in 6418  
effect among all of the fractional owners. 6419

(e) Multi-year program agreements are in effect regarding 6420  
the fractional ownership, management services, and dry-lease 6421  
aircraft interchange arrangement aspects of the program. 6422

(2) As used in division (III) (1) of this section: 6423

(a) "Affiliated group" has the same meaning as in division 6424  
(B) (3) (e) of this section. 6425

(b) "Fractional owner" means a person that owns or 6426  
possesses at least a one-sixteenth interest in a program 6427  
aircraft and has entered into the agreements described in 6428  
division (III) (1) (e) of this section. 6429

(c) "Fractional ownership program aircraft" or "program 6430  
aircraft" means a turbojet aircraft that is owned or possessed 6431  
by a fractional owner and that has been included in a dry-lease 6432  
aircraft interchange arrangement and agreement under divisions 6433  
(III) (1) (d) and (e) of this section, or an aircraft a program 6434  
manager owns or possesses primarily for use in a fractional 6435  
aircraft ownership program. 6436

(d) "Management services" means administrative and 6437  
aviation support services furnished under a fractional aircraft 6438  
ownership program in accordance with a management services 6439

agreement under division (III) (1) (e) of this section, and 6440  
offered by the program manager to the fractional owners, 6441  
including, at a minimum, the establishment and implementation of 6442  
safety guidelines; the coordination of the scheduling of the 6443  
program aircraft and crews; program aircraft maintenance; 6444  
program aircraft insurance; crew training for crews employed, 6445  
furnished, or contracted by the program manager or the 6446  
fractional owner; the satisfaction of record-keeping 6447  
requirements; and the development and use of an operations 6448  
manual and a maintenance manual for the fractional aircraft 6449  
ownership program. 6450

(e) "Program manager" means the person that offers 6451  
management services to fractional owners pursuant to a 6452  
management services agreement under division (III) (1) (e) of this 6453  
section. 6454

(JJJ) "Electronic publishing" means providing access to 6455  
one or more of the following primarily for business customers, 6456  
including the federal government or a state government or a 6457  
political subdivision thereof, to conduct research: news; 6458  
business, financial, legal, consumer, or credit materials; 6459  
editorials, columns, reader commentary, or features; photos or 6460  
images; archival or research material; legal notices, identity 6461  
verification, or public records; scientific, educational, 6462  
instructional, technical, professional, trade, or other literary 6463  
materials; or other similar information which has been gathered 6464  
and made available by the provider to the consumer in an 6465  
electronic format. Providing electronic publishing includes the 6466  
functions necessary for the acquisition, formatting, editing, 6467  
storage, and dissemination of data or information that is the 6468  
subject of a sale. 6469

(KKK) "Medicaid health insuring corporation" means a health insuring corporation that holds a certificate of authority under Chapter 1751. of the Revised Code and is under contract with the department of medicaid pursuant to section 5167.10 of the Revised Code.

(LLL) "Managed care premium" means any premium, capitation, or other payment a medicaid health insuring corporation receives for providing or arranging for the provision of health care services to its members or enrollees residing in this state.

(MMM) "Captive deer" means deer and other cervidae that have been legally acquired, or their offspring, that are privately owned for agricultural or farming purposes.

(NNN) "Gift card" means a document, card, certificate, or other record, whether tangible or intangible, that may be redeemed by a consumer for a dollar value when making a purchase of tangible personal property or services.

(OOO) "Specified digital product" means an electronically transferred digital audiovisual work, digital audio work, or digital book.

As used in division (OOO) of this section:

(1) "Digital audiovisual work" means a series of related images that, when shown in succession, impart an impression of motion, together with accompanying sounds, if any.

(2) "Digital audio work" means a work that results from the fixation of a series of musical, spoken, or other sounds, including digitized sound files that are downloaded onto a device and that may be used to alert the customer with respect to a communication.

(3) "Digital book" means a work that is generally 6499  
recognized in the ordinary and usual sense as a book. 6500

(4) "Electronically transferred" means obtained by the 6501  
purchaser by means other than tangible storage media. 6502

(PPP) "Digital advertising services" means providing 6503  
access, by means of telecommunications equipment, to computer 6504  
equipment that is used to enter, upload, download, review, 6505  
manipulate, store, add, or delete data for the purpose of 6506  
electronically displaying, delivering, placing, or transferring 6507  
promotional advertisements to potential customers about products 6508  
or services or about industry or business brands. 6509

(QQQ) "Peer-to-peer car sharing program" has the same 6510  
meaning as in section 4516.01 of the Revised Code. 6511

(RRR) "Marijuana" means marihuana as defined in section 6512  
3719.01 of the Revised Code. "Marijuana" does not include 6513  
medical marijuana as defined in section 3796.01 of the Revised 6514  
Code. 6515

**Sec. 5739.02.** For the purpose of providing revenue with 6516  
which to meet the needs of the state, for the use of the general 6517  
revenue fund of the state, for the purpose of securing a 6518  
thorough and efficient system of common schools throughout the 6519  
state, for the purpose of affording revenues, in addition to 6520  
those from general property taxes, permitted under 6521  
constitutional limitations, and from other sources, for the 6522  
support of local governmental functions, and for the purpose of 6523  
reimbursing the state for the expense of administering this 6524  
chapter, an excise tax is hereby levied on each retail sale made 6525  
in this state. 6526

(A) (1) The tax shall be collected as provided in section 6527



5739.025 of the Revised Code. The rate of the tax shall be ten 6528  
per cent for the retail sale of marijuana and 6529  
five and three-  
fourths per cent for all other retail sales. The tax applies and 6530  
is collectible when the sale is made, regardless of the time 6531  
when the price is paid or delivered. 6532

(2) In the case of the lease or rental, with a fixed term 6533  
of more than thirty days or an indefinite term with a minimum 6534  
period of more than thirty days, of any motor vehicles designed 6535  
by the manufacturer to carry a load of not more than one ton, 6536  
watercraft, outboard motor, or aircraft, or of any tangible 6537  
personal property, other than motor vehicles designed by the 6538  
manufacturer to carry a load of more than one ton, to be used by 6539  
the lessee or renter primarily for business purposes, the tax 6540  
shall be collected by the vendor at the time the lease or rental 6541  
is consummated and shall be calculated by the vendor on the 6542  
basis of the total amount to be paid by the lessee or renter 6543  
under the lease agreement. If the total amount of the 6544  
consideration for the lease or rental includes amounts that are 6545  
not calculated at the time the lease or rental is executed, the 6546  
tax shall be calculated and collected by the vendor at the time 6547  
such amounts are billed to the lessee or renter. In the case of 6548  
an open-end lease or rental, the tax shall be calculated by the 6549  
vendor on the basis of the total amount to be paid during the 6550  
initial fixed term of the lease or rental, and for each 6551  
subsequent renewal period as it comes due. As used in this 6552  
division, "motor vehicle" has the same meaning as in section 6553  
4501.01 of the Revised Code, and "watercraft" includes an 6554  
outdrive unit attached to the watercraft. 6555

A lease with a renewal clause and a termination penalty or 6556  
similar provision that applies if the renewal clause is not 6557  
exercised is presumed to be a sham transaction. In such a case, 6558

the tax shall be calculated and paid on the basis of the entire 6559  
length of the lease period, including any renewal periods, until 6560  
the termination penalty or similar provision no longer applies. 6561  
The taxpayer shall bear the burden, by a preponderance of the 6562  
evidence, that the transaction or series of transactions is not 6563  
a sham transaction. 6564

(3) Except as provided in division (A) (2) of this section, 6565  
in the case of a sale, the price of which consists in whole or 6566  
in part of the lease or rental of tangible personal property, 6567  
the tax shall be measured by the installments of that lease or 6568  
rental. 6569

(4) In the case of a sale of a physical fitness facility 6570  
service or recreation and sports club service, the price of 6571  
which consists in whole or in part of a membership for the 6572  
receipt of the benefit of the service, the tax applicable to the 6573  
sale shall be measured by the installments thereof. 6574

(B) The tax does not apply to the following: 6575

(1) Sales to the state or any of its political 6576  
subdivisions, or to any other state or its political 6577  
subdivisions if the laws of that state exempt from taxation 6578  
sales made to this state and its political subdivisions; 6579

(2) Sales of food for human consumption off the premises 6580  
where sold; 6581

(3) Sales of food sold to students only in a cafeteria, 6582  
dormitory, fraternity, or sorority maintained in a private, 6583  
public, or parochial school, college, or university; 6584

(4) Sales of newspapers and sales or transfers of 6585  
magazines distributed as controlled circulation publications; 6586

(5) The furnishing, preparing, or serving of meals without charge by an employer to an employee provided the employer records the meals as part compensation for services performed or work done;

(6) (a) Sales of motor fuel upon receipt, use, distribution, or sale of which in this state a tax is imposed by the law of this state, but this exemption shall not apply to the sale of motor fuel on which a refund of the tax is allowable under division (A) of section 5735.14 of the Revised Code; and the tax commissioner may deduct the amount of tax levied by this section applicable to the price of motor fuel when granting a refund of motor fuel tax pursuant to division (A) of section 5735.14 of the Revised Code and shall cause the amount deducted to be paid into the general revenue fund of this state;

(b) Sales of motor fuel other than that described in division (B) (6) (a) of this section and used for powering a refrigeration unit on a vehicle other than one used primarily to provide comfort to the operator or occupants of the vehicle.

(7) Sales of natural gas by a natural gas company or municipal gas utility, of water by a water-works company, or of steam by a heating company, if in each case the thing sold is delivered to consumers through pipes or conduits, and all sales of communications services by a telegraph company, all terms as defined in section 5727.01 of the Revised Code, and sales of electricity delivered through wires;

(8) Casual sales by a person, or auctioneer employed directly by the person to conduct such sales, except as to such sales of motor vehicles, watercraft or outboard motors required to be titled under section 1548.06 of the Revised Code, watercraft documented with the United States coast guard,

snowmobiles, and all-purpose vehicles as defined in section 6617  
4519.01 of the Revised Code; 6618

(9) (a) Sales of services or tangible personal property, 6619  
other than motor vehicles, mobile homes, and manufactured homes, 6620  
by churches, organizations exempt from taxation under section 6621  
501(c) (3) of the Internal Revenue Code of 1986, or nonprofit 6622  
organizations operated exclusively for charitable purposes as 6623  
defined in division (B) (12) of this section, provided that the 6624  
number of days on which such tangible personal property or 6625  
services, other than items never subject to the tax, are sold 6626  
does not exceed six in any calendar year, except as otherwise 6627  
provided in division (B) (9) (b) of this section. If the number of 6628  
days on which such sales are made exceeds six in any calendar 6629  
year, the church or organization shall be considered to be 6630  
engaged in business and all subsequent sales by it shall be 6631  
subject to the tax. In counting the number of days, all sales by 6632  
groups within a church or within an organization shall be 6633  
considered to be sales of that church or organization. 6634

(b) The limitation on the number of days on which tax- 6635  
exempt sales may be made by a church or organization under 6636  
division (B) (9) (a) of this section does not apply to sales made 6637  
by student clubs and other groups of students of a primary or 6638  
secondary school, or a parent-teacher association, booster 6639  
group, or similar organization that raises money to support or 6640  
fund curricular or extracurricular activities of a primary or 6641  
secondary school. 6642

(c) Divisions (B) (9) (a) and (b) of this section do not 6643  
apply to sales by a noncommercial educational radio or 6644  
television broadcasting station. 6645

(10) Sales not within the taxing power of this state under 6646

the Constitution or laws of the United States or the 6647  
Constitution of this state; 6648

(11) Except for transactions that are sales under division 6649  
(B) (3) (p) of section 5739.01 of the Revised Code, the 6650  
transportation of persons or property, unless the transportation 6651  
is by a private investigation and security service; 6652

(12) Sales of tangible personal property or services to 6653  
churches, to organizations exempt from taxation under section 6654  
501(c) (3) of the Internal Revenue Code of 1986, and to any other 6655  
nonprofit organizations operated exclusively for charitable 6656  
purposes in this state, no part of the net income of which 6657  
inures to the benefit of any private shareholder or individual, 6658  
and no substantial part of the activities of which consists of 6659  
carrying on propaganda or otherwise attempting to influence 6660  
legislation; sales to offices administering one or more homes 6661  
for the aged or one or more hospital facilities exempt under 6662  
section 140.08 of the Revised Code; and sales to organizations 6663  
described in division (D) of section 5709.12 of the Revised 6664  
Code. 6665

"Charitable purposes" means the relief of poverty; the 6666  
improvement of health through the alleviation of illness, 6667  
disease, or injury; the operation of an organization exclusively 6668  
for the provision of professional, laundry, printing, and 6669  
purchasing services to hospitals or charitable institutions; the 6670  
operation of a home for the aged, as defined in section 5701.13 6671  
of the Revised Code; the operation of a radio or television 6672  
broadcasting station that is licensed by the federal 6673  
communications commission as a noncommercial educational radio 6674  
or television station; the operation of a nonprofit animal 6675  
adoption service or a county humane society; the promotion of 6676

education by an institution of learning that maintains a faculty 6677  
of qualified instructors, teaches regular continuous courses of 6678  
study, and confers a recognized diploma upon completion of a 6679  
specific curriculum; the operation of a parent-teacher 6680  
association, booster group, or similar organization primarily 6681  
engaged in the promotion and support of the curricular or 6682  
extracurricular activities of a primary or secondary school; the 6683  
operation of a community or area center in which presentations 6684  
in music, dramatics, the arts, and related fields are made in 6685  
order to foster public interest and education therein; the 6686  
production of performances in music, dramatics, and the arts; or 6687  
the promotion of education by an organization engaged in 6688  
carrying on research in, or the dissemination of, scientific and 6689  
technological knowledge and information primarily for the 6690  
public. 6691

Nothing in this division shall be deemed to exempt sales 6692  
to any organization for use in the operation or carrying on of a 6693  
trade or business, or sales to a home for the aged for use in 6694  
the operation of independent living facilities as defined in 6695  
division (A) of section 5709.12 of the Revised Code. 6696

(13) Building and construction materials and services sold 6697  
to construction contractors for incorporation into a structure 6698  
or improvement to real property under a construction contract 6699  
with this state or a political subdivision of this state, or 6700  
with the United States government or any of its agencies; 6701  
building and construction materials and services sold to 6702  
construction contractors for incorporation into a structure or 6703  
improvement to real property that are accepted for ownership by 6704  
this state or any of its political subdivisions, or by the 6705  
United States government or any of its agencies at the time of 6706  
completion of the structures or improvements; building and 6707

construction materials sold to construction contractors for 6708  
incorporation into a horticulture structure or livestock 6709  
structure for a person engaged in the business of horticulture 6710  
or producing livestock; building materials and services sold to 6711  
a construction contractor for incorporation into a house of 6712  
public worship or religious education, or a building used 6713  
exclusively for charitable purposes under a construction 6714  
contract with an organization whose purpose is as described in 6715  
division (B) (12) of this section; building materials and 6716  
services sold to a construction contractor for incorporation 6717  
into a building under a construction contract with an 6718  
organization exempt from taxation under section 501(c) (3) of the 6719  
Internal Revenue Code of 1986 when the building is to be used 6720  
exclusively for the organization's exempt purposes; building and 6721  
construction materials sold for incorporation into the original 6722  
construction of a sports facility under section 307.696 of the 6723  
Revised Code; building and construction materials and services 6724  
sold to a construction contractor for incorporation into real 6725  
property outside this state if such materials and services, when 6726  
sold to a construction contractor in the state in which the real 6727  
property is located for incorporation into real property in that 6728  
state, would be exempt from a tax on sales levied by that state; 6729  
building and construction materials for incorporation into a 6730  
transportation facility pursuant to a public-private agreement 6731  
entered into under sections 5501.70 to 5501.83 of the Revised 6732  
Code; and, until one calendar year after the construction of a 6733  
convention center that qualifies for property tax exemption 6734  
under section 5709.084 of the Revised Code is completed, 6735  
building and construction materials and services sold to a 6736  
construction contractor for incorporation into the real property 6737  
comprising that convention center; 6738

(14) Sales of ships or vessels or rail rolling stock used 6739  
or to be used principally in interstate or foreign commerce, and 6740  
repairs, alterations, fuel, and lubricants for such ships or 6741  
vessels or rail rolling stock; 6742

(15) Sales to persons primarily engaged in any of the 6743  
activities mentioned in division (B)(42)(a), (g), or (h) of this 6744  
section, to persons engaged in making retail sales, or to 6745  
persons who purchase for sale from a manufacturer tangible 6746  
personal property that was produced by the manufacturer in 6747  
accordance with specific designs provided by the purchaser, of 6748  
packages, including material, labels, and parts for packages, 6749  
and of machinery, equipment, and material for use primarily in 6750  
packaging tangible personal property produced for sale, 6751  
including any machinery, equipment, and supplies used to make 6752  
labels or packages, to prepare packages or products for 6753  
labeling, or to label packages or products, by or on the order 6754  
of the person doing the packaging, or sold at retail. "Packages" 6755  
includes bags, baskets, cartons, crates, boxes, cans, bottles, 6756  
bindings, wrappings, and other similar devices and containers, 6757  
but does not include motor vehicles or bulk tanks, trailers, or 6758  
similar devices attached to motor vehicles. "Packaging" means 6759  
placing in a package. Division (B)(15) of this section does not 6760  
apply to persons engaged in highway transportation for hire. 6761

(16) Sales of food to persons using supplemental nutrition 6762  
assistance program benefits to purchase the food. As used in 6763  
this division, "food" has the same meaning as in 7 U.S.C. 2012 6764  
and federal regulations adopted pursuant to the Food and 6765  
Nutrition Act of 2008. 6766

(17) Sales to persons engaged in farming, agriculture, 6767  
horticulture, or floriculture, of tangible personal property for 6768



use or consumption primarily in the production by farming, 6769  
agriculture, horticulture, or floriculture of other tangible 6770  
personal property for use or consumption primarily in the 6771  
production of tangible personal property for sale by farming, 6772  
agriculture, horticulture, or floriculture; or material and 6773  
parts for incorporation into any such tangible personal property 6774  
for use or consumption in production; and of tangible personal 6775  
property for such use or consumption in the conditioning or 6776  
holding of products produced by and for such use, consumption, 6777  
or sale by persons engaged in farming, agriculture, 6778  
horticulture, or floriculture, except where such property is 6779  
incorporated into real property; 6780

(18) Sales of drugs for a human being that may be 6781  
dispensed only pursuant to a prescription; insulin as recognized 6782  
in the official United States pharmacopoeia; urine and blood 6783  
testing materials when used by diabetics or persons with 6784  
hypoglycemia to test for glucose or acetone; hypodermic syringes 6785  
and needles when used by diabetics for insulin injections; 6786  
epoetin alfa when purchased for use in the treatment of persons 6787  
with medical disease; hospital beds when purchased by hospitals, 6788  
nursing homes, or other medical facilities; and medical oxygen 6789  
and medical oxygen-dispensing equipment when purchased by 6790  
hospitals, nursing homes, or other medical facilities; 6791

(19) Sales of prosthetic devices, durable medical 6792  
equipment for home use, or mobility enhancing equipment, when 6793  
made pursuant to a prescription and when such devices or 6794  
equipment are for use by a human being. 6795

(20) Sales of emergency and fire protection vehicles and 6796  
equipment to nonprofit organizations for use solely in providing 6797  
fire protection and emergency services, including trauma care 6798

and emergency medical services, for political subdivisions of 6799  
the state; 6800

(21) Sales of tangible personal property manufactured in 6801  
this state, if sold by the manufacturer in this state to a 6802  
retailer for use in the retail business of the retailer outside 6803  
of this state and if possession is taken from the manufacturer 6804  
by the purchaser within this state for the sole purpose of 6805  
immediately removing the same from this state in a vehicle owned 6806  
by the purchaser; 6807

(22) Sales of services provided by the state or any of its 6808  
political subdivisions, agencies, instrumentalities, 6809  
institutions, or authorities, or by governmental entities of the 6810  
state or any of its political subdivisions, agencies, 6811  
instrumentalities, institutions, or authorities; 6812

(23) Sales of motor vehicles to nonresidents of this state 6813  
under the circumstances described in division (B) of section 6814  
5739.029 of the Revised Code; 6815

(24) Sales to persons engaged in the preparation of eggs 6816  
for sale of tangible personal property used or consumed directly 6817  
in such preparation, including such tangible personal property 6818  
used for cleaning, sanitizing, preserving, grading, sorting, and 6819  
classifying by size; packages, including material and parts for 6820  
packages, and machinery, equipment, and material for use in 6821  
packaging eggs for sale; and handling and transportation 6822  
equipment and parts therefor, except motor vehicles licensed to 6823  
operate on public highways, used in intraplant or interplant 6824  
transfers or shipment of eggs in the process of preparation for 6825  
sale, when the plant or plants within or between which such 6826  
transfers or shipments occur are operated by the same person. 6827  
"Packages" includes containers, cases, baskets, flats, fillers, 6828

filler flats, cartons, closure materials, labels, and labeling materials, and "packaging" means placing therein.	6829 6830
(25) (a) Sales of water to a consumer for residential use;	6831
(b) Sales of water by a nonprofit corporation engaged exclusively in the treatment, distribution, and sale of water to consumers, if such water is delivered to consumers through pipes or tubing.	6832 6833 6834 6835
(26) Fees charged for inspection or reinspection of motor vehicles under section 3704.14 of the Revised Code;	6836 6837
(27) Sales to persons licensed to conduct a food service operation pursuant to section 3717.43 of the Revised Code, of tangible personal property primarily used directly for the following:	6838 6839 6840 6841
(a) To prepare food for human consumption for sale;	6842
(b) To preserve food that has been or will be prepared for human consumption for sale by the food service operator, not including tangible personal property used to display food for selection by the consumer;	6843 6844 6845 6846
(c) To clean tangible personal property used to prepare or serve food for human consumption for sale.	6847 6848
(28) Sales of animals by nonprofit animal adoption services or county humane societies;	6849 6850
(29) Sales of services to a corporation described in division (A) of section 5709.72 of the Revised Code, and sales of tangible personal property that qualifies for exemption from taxation under section 5709.72 of the Revised Code;	6851 6852 6853 6854
(30) Sales and installation of agricultural land tile, as	6855

defined in division (B) (5) (a) of section 5739.01 of the Revised Code; 6856  
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(31) Sales and erection or installation of portable grain bins, as defined in division (B) (5) (b) of section 5739.01 of the Revised Code; 6858  
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(32) The sale, lease, repair, and maintenance of, parts for, or items attached to or incorporated in, motor vehicles that are primarily used for transporting tangible personal property belonging to others by a person engaged in highway transportation for hire, except for packages and packaging used for the transportation of tangible personal property; 6861  
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(33) Sales to the state headquarters of any veterans' organization in this state that is either incorporated and issued a charter by the congress of the United States or is recognized by the United States veterans administration, for use by the headquarters; 6867  
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(34) Sales to a telecommunications service vendor, mobile telecommunications service vendor, or satellite broadcasting service vendor of tangible personal property and services used directly and primarily in transmitting, receiving, switching, or recording any interactive, one- or two-way electromagnetic communications, including voice, image, data, and information, through the use of any medium, including, but not limited to, poles, wires, cables, switching equipment, computers, and record storage devices and media, and component parts for the tangible personal property. The exemption provided in this division shall be in lieu of all other exemptions under division (B) (42) (a) or (n) of this section to which the vendor may otherwise be entitled, based upon the use of the thing purchased in providing the telecommunications, mobile telecommunications, or satellite 6872  
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broadcasting service. 6886

(35) (a) Sales where the purpose of the consumer is to use 6887  
or consume the things transferred in making retail sales and 6888  
consisting of newspaper inserts, catalogues, coupons, flyers, 6889  
gift certificates, or other advertising material that prices and 6890  
describes tangible personal property offered for retail sale. 6891

(b) Sales to direct marketing vendors of preliminary 6892  
materials such as photographs, artwork, and typesetting that 6893  
will be used in printing advertising material; and of printed 6894  
matter that offers free merchandise or chances to win sweepstake 6895  
prizes and that is mailed to potential customers with 6896  
advertising material described in division (B) (35) (a) of this 6897  
section; 6898

(c) Sales of equipment such as telephones, computers, 6899  
facsimile machines, and similar tangible personal property 6900  
primarily used to accept orders for direct marketing retail 6901  
sales. 6902

(d) Sales of automatic food vending machines that preserve 6903  
food with a shelf life of forty-five days or less by 6904  
refrigeration and dispense it to the consumer. 6905

For purposes of division (B) (35) of this section, "direct 6906  
marketing" means the method of selling where consumers order 6907  
tangible personal property by United States mail, delivery 6908  
service, or telecommunication and the vendor delivers or ships 6909  
the tangible personal property sold to the consumer from a 6910  
warehouse, catalogue distribution center, or similar fulfillment 6911  
facility by means of the United States mail, delivery service, 6912  
or common carrier. 6913

(36) Sales to a person engaged in the business of 6914

horticulture or producing livestock of materials to be 6915  
incorporated into a horticulture structure or livestock 6916  
structure; 6917

(37) Sales of personal computers, computer monitors, 6918  
computer keyboards, modems, and other peripheral computer 6919  
equipment to an individual who is licensed or certified to teach 6920  
in an elementary or a secondary school in this state for use by 6921  
that individual in preparation for teaching elementary or 6922  
secondary school students; 6923

(38) Sales of tangible personal property that is not 6924  
required to be registered or licensed under the laws of this 6925  
state to a citizen of a foreign nation that is not a citizen of 6926  
the United States, provided the property is delivered to a 6927  
person in this state that is not a related member of the 6928  
purchaser, is physically present in this state for the sole 6929  
purpose of temporary storage and package consolidation, and is 6930  
subsequently delivered to the purchaser at a delivery address in 6931  
a foreign nation. As used in division (B)(38) of this section, 6932  
"related member" has the same meaning as in section 5733.042 of 6933  
the Revised Code, and "temporary storage" means the storage of 6934  
tangible personal property for a period of not more than sixty 6935  
days. 6936

(39) Sales of used manufactured homes and used mobile 6937  
homes, as defined in section 5739.0210 of the Revised Code, made 6938  
on or after January 1, 2000; 6939

(40) Sales of tangible personal property and services to a 6940  
provider of electricity used or consumed directly and primarily 6941  
in generating, transmitting, or distributing electricity for use 6942  
by others, including property that is or is to be incorporated 6943  
into and will become a part of the consumer's production, 6944

transmission, or distribution system and that retains its 6945  
classification as tangible personal property after 6946  
incorporation; fuel or power used in the production, 6947  
transmission, or distribution of electricity; energy conversion 6948  
equipment as defined in section 5727.01 of the Revised Code; and 6949  
tangible personal property and services used in the repair and 6950  
maintenance of the production, transmission, or distribution 6951  
system, including only those motor vehicles as are specially 6952  
designed and equipped for such use. The exemption provided in 6953  
this division shall be in lieu of all other exemptions in 6954  
division (B) (42) (a) or (n) of this section to which a provider 6955  
of electricity may otherwise be entitled based on the use of the 6956  
tangible personal property or service purchased in generating, 6957  
transmitting, or distributing electricity. 6958

(41) Sales to a person providing services under division 6959  
(B) (3) (p) of section 5739.01 of the Revised Code of tangible 6960  
personal property and services used directly and primarily in 6961  
providing taxable services under that section. 6962

(42) Sales where the purpose of the purchaser is to do any 6963  
of the following: 6964

(a) To incorporate the thing transferred as a material or 6965  
a part into tangible personal property to be produced for sale 6966  
by manufacturing, assembling, processing, or refining; or to use 6967  
or consume the thing transferred directly in producing tangible 6968  
personal property for sale by mining, including, without 6969  
limitation, the extraction from the earth of all substances that 6970  
are classed geologically as minerals, or directly in the 6971  
rendition of a public utility service, except that the sales tax 6972  
levied by this section shall be collected upon all meals, 6973  
drinks, and food for human consumption sold when transporting 6974

persons. This paragraph does not exempt from "retail sale" or 6975  
"sales at retail" the sale of tangible personal property that is 6976  
to be incorporated into a structure or improvement to real 6977  
property. 6978

(b) To hold the thing transferred as security for the 6979  
performance of an obligation of the vendor; 6980

(c) To resell, hold, use, or consume the thing transferred 6981  
as evidence of a contract of insurance; 6982

(d) To use or consume the thing directly in commercial 6983  
fishing; 6984

(e) To incorporate the thing transferred as a material or 6985  
a part into, or to use or consume the thing transferred directly 6986  
in the production of, magazines distributed as controlled 6987  
circulation publications; 6988

(f) To use or consume the thing transferred in the 6989  
production and preparation in suitable condition for market and 6990  
sale of printed, imprinted, overprinted, lithographic, 6991  
multilithic, blueprinted, photostatic, or other productions or 6992  
reproductions of written or graphic matter; 6993

(g) To use the thing transferred, as described in section 6994  
5739.011 of the Revised Code, primarily in a manufacturing 6995  
operation to produce tangible personal property for sale; 6996

(h) To use the benefit of a warranty, maintenance or 6997  
service contract, or similar agreement, as described in division 6998  
(B) (7) of section 5739.01 of the Revised Code, to repair or 6999  
maintain tangible personal property, if all of the property that 7000  
is the subject of the warranty, contract, or agreement would not 7001  
be subject to the tax imposed by this section; 7002



- (i) To use the thing transferred as qualified research and development equipment; 7003  
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- (j) To use or consume the thing transferred primarily in storing, transporting, mailing, or otherwise handling purchased sales inventory in a warehouse, distribution center, or similar facility when the inventory is primarily distributed outside this state to retail stores of the person who owns or controls the warehouse, distribution center, or similar facility, to retail stores of an affiliated group of which that person is a member, or by means of direct marketing. This division does not apply to motor vehicles registered for operation on the public highways. As used in this division, "affiliated group" has the same meaning as in division (B) (3) (e) of section 5739.01 of the Revised Code and "direct marketing" has the same meaning as in division (B) (35) of this section. 7005  
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- (k) To use or consume the thing transferred to fulfill a contractual obligation incurred by a warrantor pursuant to a warranty provided as a part of the price of the tangible personal property sold or by a vendor of a warranty, maintenance or service contract, or similar agreement the provision of which is defined as a sale under division (B) (7) of section 5739.01 of the Revised Code; 7018  
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- (l) To use or consume the thing transferred in the production of a newspaper for distribution to the public; 7025  
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- (m) To use tangible personal property to perform a service listed in division (B) (3) of section 5739.01 of the Revised Code, if the property is or is to be permanently transferred to the consumer of the service as an integral part of the performance of the service; 7027  
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(n) To use or consume the thing transferred primarily in producing tangible personal property for sale by farming, agriculture, horticulture, or floriculture. Persons engaged in rendering farming, agriculture, horticulture, or floriculture services for others are deemed engaged primarily in farming, agriculture, horticulture, or floriculture. This paragraph does not exempt from "retail sale" or "sales at retail" the sale of tangible personal property that is to be incorporated into a structure or improvement to real property.

(o) To use or consume the thing transferred in acquiring, formatting, editing, storing, and disseminating data or information by electronic publishing;

(p) To provide the thing transferred to the owner or lessee of a motor vehicle that is being repaired or serviced, if the thing transferred is a rented motor vehicle and the purchaser is reimbursed for the cost of the rented motor vehicle by a manufacturer, warrantor, or provider of a maintenance, service, or other similar contract or agreement, with respect to the motor vehicle that is being repaired or serviced;

(q) To use or consume the thing transferred directly in production of crude oil and natural gas for sale. Persons engaged in rendering production services for others are deemed engaged in production.

As used in division (B) (42) (q) of this section, "production" means operations and tangible personal property directly used to expose and evaluate an underground reservoir that may contain hydrocarbon resources, prepare the wellbore for production, and lift and control all substances yielded by the reservoir to the surface of the earth.

(i) For the purposes of division (B) (42) (q) of this	7061
section, the "thing transferred" includes, but is not limited	7062
to, any of the following:	7063
(I) Services provided in the construction of permanent	7064
access roads, services provided in the construction of the well	7065
site, and services provided in the construction of temporary	7066
impoundments;	7067
(II) Equipment and rigging used for the specific purpose	7068
of creating with integrity a wellbore pathway to underground	7069
reservoirs;	7070
(III) Drilling and workover services used to work within a	7071
subsurface wellbore, and tangible personal property directly	7072
used in providing such services;	7073
(IV) Casing, tubulars, and float and centralizing	7074
equipment;	7075
(V) Trailers to which production equipment is attached;	7076
(VI) Well completion services, including cementing of	7077
casing, and tangible personal property directly used in	7078
providing such services;	7079
(VII) Wireline evaluation, mud logging, and perforation	7080
services, and tangible personal property directly used in	7081
providing such services;	7082
(VIII) Reservoir stimulation, hydraulic fracturing, and	7083
acidizing services, and tangible personal property directly used	7084
in providing such services, including all material pumped	7085
downhole;	7086
(IX) Pressure pumping equipment;	7087

(X) Artificial lift systems equipment;	7088
(XI) Wellhead equipment and well site equipment used to separate, stabilize, and control hydrocarbon phases and produced water;	7089 7090 7091
(XII) Tangible personal property directly used to control production equipment.	7092 7093
(ii) For the purposes of division (B) (42) (q) of this section, the "thing transferred" does not include any of the following:	7094 7095 7096
(I) Tangible personal property used primarily in the exploration and production of any mineral resource regulated under Chapter 1509. of the Revised Code other than oil or gas;	7097 7098 7099
(II) Tangible personal property used primarily in storing, holding, or delivering solutions or chemicals used in well stimulation as defined in section 1509.01 of the Revised Code;	7100 7101 7102
(III) Tangible personal property used primarily in preparing, installing, or reclaiming foundations for drilling or pumping equipment or well stimulation material tanks;	7103 7104 7105
(IV) Tangible personal property used primarily in transporting, delivering, or removing equipment to or from the well site or storing such equipment before its use at the well site;	7106 7107 7108 7109
(V) Tangible personal property used primarily in gathering operations occurring off the well site, including gathering pipelines transporting hydrocarbon gas or liquids away from a crude oil or natural gas production facility;	7110 7111 7112 7113
(VI) Tangible personal property that is to be incorporated into a structure or improvement to real property;	7114 7115

(VII) Well site fencing, lighting, or security systems;	7116
(VIII) Communication devices or services;	7117
(IX) Office supplies;	7118
(X) Trailers used as offices or lodging;	7119
(XI) Motor vehicles of any kind;	7120
(XII) Tangible personal property used primarily for the storage of drilling byproducts and fuel not used for production;	7121 7122
(XIII) Tangible personal property used primarily as a safety device;	7123 7124
(XIV) Data collection or monitoring devices;	7125
(XV) Access ladders, stairs, or platforms attached to storage tanks.	7126 7127
The enumeration of tangible personal property in division (B) (42) (q) (ii) of this section is not intended to be exhaustive, and any tangible personal property not so enumerated shall not necessarily be construed to be a "thing transferred" for the purposes of division (B) (42) (q) of this section.	7128 7129 7130 7131 7132
The commissioner shall adopt and promulgate rules under sections 119.01 to 119.13 of the Revised Code that the commissioner deems necessary to administer division (B) (42) (q) of this section.	7133 7134 7135 7136
As used in division (B) (42) of this section, "thing" includes all transactions included in divisions (B) (3) (a), (b), and (e) of section 5739.01 of the Revised Code.	7137 7138 7139
(43) Sales conducted through a coin operated device that activates vacuum equipment or equipment that dispenses water, whether or not in combination with soap or other cleaning agents	7140 7141 7142

or wax, to the consumer for the consumer's use on the premises 7143  
in washing, cleaning, or waxing a motor vehicle, provided no 7144  
other personal property or personal service is provided as part 7145  
of the transaction. 7146

(44) Sales of replacement and modification parts for 7147  
engines, airframes, instruments, and interiors in, and paint 7148  
for, aircraft used primarily in a fractional aircraft ownership 7149  
program, and sales of services for the repair, modification, and 7150  
maintenance of such aircraft, and machinery, equipment, and 7151  
supplies primarily used to provide those services. 7152

(45) Sales of telecommunications service that is used 7153  
directly and primarily to perform the functions of a call 7154  
center. As used in this division, "call center" means any 7155  
physical location where telephone calls are placed or received 7156  
in high volume for the purpose of making sales, marketing, 7157  
customer service, technical support, or other specialized 7158  
business activity, and that employs at least fifty individuals 7159  
that engage in call center activities on a full-time basis, or 7160  
sufficient individuals to fill fifty full-time equivalent 7161  
positions. 7162

(46) Sales by a telecommunications service vendor of 900 7163  
service to a subscriber. This division does not apply to 7164  
information services. 7165

(47) Sales of value-added non-voice data service. This 7166  
division does not apply to any similar service that is not 7167  
otherwise a telecommunications service. 7168

(48) Sales of feminine hygiene products. 7169

(49) Sales of materials, parts, equipment, or engines used 7170  
in the repair or maintenance of aircraft or avionics systems of 7171

such aircraft, and sales of repair, remodeling, replacement, or 7172  
maintenance services in this state performed on aircraft or on 7173  
an aircraft's avionics, engine, or component materials or parts. 7174  
As used in division (B) (49) of this section, "aircraft" means 7175  
aircraft of more than six thousand pounds maximum certified 7176  
takeoff weight or used exclusively in general aviation. 7177

(50) Sales of full flight simulators that are used for 7178  
pilot or flight-crew training, sales of repair or replacement 7179  
parts or components, and sales of repair or maintenance services 7180  
for such full flight simulators. "Full flight simulator" means a 7181  
replica of a specific type, or make, model, and series of 7182  
aircraft cockpit. It includes the assemblage of equipment and 7183  
computer programs necessary to represent aircraft operations in 7184  
ground and flight conditions, a visual system providing an out- 7185  
of-the-cockpit view, and a system that provides cues at least 7186  
equivalent to those of a three-degree-of-freedom motion system, 7187  
and has the full range of capabilities of the systems installed 7188  
in the device as described in appendices A and B of part 60 of 7189  
chapter 1 of title 14 of the Code of Federal Regulations. 7190

(51) Any transfer or lease of tangible personal property 7191  
between the state and JobsOhio in accordance with section 7192  
4313.02 of the Revised Code. 7193

(52) (a) Sales to a qualifying corporation. 7194

(b) As used in division (B) (52) of this section: 7195

(i) "Qualifying corporation" means a nonprofit corporation 7196  
organized in this state that leases from an eligible county 7197  
land, buildings, structures, fixtures, and improvements to the 7198  
land that are part of or used in a public recreational facility 7199  
used by a major league professional athletic team or a class A 7200

to class AAA minor league affiliate of a major league 7201  
professional athletic team for a significant portion of the 7202  
team's home schedule, provided the following apply: 7203

(I) The facility is leased from the eligible county 7204  
pursuant to a lease that requires substantially all of the 7205  
revenue from the operation of the business or activity conducted 7206  
by the nonprofit corporation at the facility in excess of 7207  
operating costs, capital expenditures, and reserves to be paid 7208  
to the eligible county at least once per calendar year. 7209

(II) Upon dissolution and liquidation of the nonprofit 7210  
corporation, all of its net assets are distributable to the 7211  
board of commissioners of the eligible county from which the 7212  
corporation leases the facility. 7213

(ii) "Eligible county" has the same meaning as in section 7214  
307.695 of the Revised Code. 7215

(53) Sales to or by a cable service provider, video 7216  
service provider, or radio or television broadcast station 7217  
regulated by the federal government of cable service or 7218  
programming, video service or programming, audio service or 7219  
programming, or electronically transferred digital audiovisual 7220  
or audio work. As used in division (B) (53) of this section, 7221  
"cable service" and "cable service provider" have the same 7222  
meanings as in section 1332.01 of the Revised Code, and "video 7223  
service," "video service provider," and "video programming" have 7224  
the same meanings as in section 1332.21 of the Revised Code. 7225

(54) Sales of a digital audio work electronically 7226  
transferred for delivery through use of a machine, such as a 7227  
juke box, that does all of the following: 7228

(a) Accepts direct payments to operate; 7229



(b) Automatically plays a selected digital audio work for a single play upon receipt of a payment described in division (B) (54) (a) of this section;	7230 7231 7232
(c) Operates exclusively for the purpose of playing digital audio works in a commercial establishment.	7233 7234
(55) (a) Sales of the following occurring on the first Friday of August and the following Saturday and Sunday of each year, beginning in 2018:	7235 7236 7237
(i) An item of clothing, the price of which is seventy-five dollars or less;	7238 7239
(ii) An item of school supplies, the price of which is twenty dollars or less;	7240 7241
(iii) An item of school instructional material, the price of which is twenty dollars or less.	7242 7243
(b) As used in division (B) (55) of this section:	7244
(i) "Clothing" means all human wearing apparel suitable for general use. "Clothing" includes, but is not limited to, aprons, household and shop; athletic supporters; baby receiving blankets; bathing suits and caps; beach capes and coats; belts and suspenders; boots; coats and jackets; costumes; diapers, children and adult, including disposable diapers; earmuffs; footlets; formal wear; garters and garter belts; girdles; gloves and mittens for general use; hats and caps; hosiery; insoles for shoes; lab coats; neckties; overshoes; pantyhose; rainwear; rubber pants; sandals; scarves; shoes and shoe laces; slippers; sneakers; socks and stockings; steel-toed shoes; underwear; uniforms, athletic and nonathletic; and wedding apparel. "Clothing" does not include items purchased for use in a trade or business; clothing accessories or equipment; protective	7245 7246 7247 7248 7249 7250 7251 7252 7253 7254 7255 7256 7257 7258

equipment; sports or recreational equipment; belt buckles sold 7259  
separately; costume masks sold separately; patches and emblems 7260  
sold separately; sewing equipment and supplies including, but 7261  
not limited to, knitting needles, patterns, pins, scissors, 7262  
sewing machines, sewing needles, tape measures, and thimbles; 7263  
and sewing materials that become part of "clothing" including, 7264  
but not limited to, buttons, fabric, lace, thread, yarn, and 7265  
zippers. 7266

(ii) "School supplies" means items commonly used by a 7267  
student in a course of study. "School supplies" includes only 7268  
the following items: binders; book bags; calculators; cellophane 7269  
tape; blackboard chalk; compasses; composition books; crayons; 7270  
erasers; folders, expandable, pocket, plastic, and manila; glue, 7271  
paste, and paste sticks; highlighters; index cards; index card 7272  
boxes; legal pads; lunch boxes; markers; notebooks; paper, 7273  
loose-leaf ruled notebook paper, copy paper, graph paper, 7274  
tracing paper, manila paper, colored paper, poster board, and 7275  
construction paper; pencil boxes and other school supply boxes; 7276  
pencil sharpeners; pencils; pens; protractors; rulers; scissors; 7277  
and writing tablets. "School supplies" does not include any item 7278  
purchased for use in a trade or business. 7279

(iii) "School instructional material" means written 7280  
material commonly used by a student in a course of study as a 7281  
reference and to learn the subject being taught. "School 7282  
instructional material" includes only the following items: 7283  
reference books, reference maps and globes, textbooks, and 7284  
workbooks. "School instructional material" does not include any 7285  
material purchased for use in a trade or business. 7286

(56) (a) Sales of diapers or incontinence underpads sold 7287  
pursuant to a prescription, for the benefit of a medicaid 7288

recipient with a diagnosis of incontinence, and by a medicaid 7289  
provider that maintains a valid provider agreement under section 7290  
5164.30 of the Revised Code with the department of medicaid, 7291  
provided that the medicaid program covers diapers or 7292  
incontinence underpads as an incontinence garment. 7293

(b) As used in division (B) (56) (a) of this section: 7294

(i) "Diaper" means an absorbent garment worn by humans who 7295  
are incapable of, or have difficulty, controlling their bladder 7296  
or bowel movements. 7297

(ii) "Incontinence underpad" means an absorbent product, 7298  
not worn on the body, designed to protect furniture or other 7299  
tangible personal property from soiling or damage due to human 7300  
incontinence. 7301

(57) Sales of investment metal bullion and investment 7302  
coins. "Investment metal bullion" means any bullion described in 7303  
section 408(m) (3) (B) of the Internal Revenue Code, regardless of 7304  
whether that bullion is in the physical possession of a trustee. 7305  
"Investment coin" means any coin composed primarily of gold, 7306  
silver, platinum, or palladium. 7307

(C) For the purpose of the proper administration of this 7308  
chapter, and to prevent the evasion of the tax, it is presumed 7309  
that all sales made in this state are subject to the tax until 7310  
the contrary is established. 7311

(D) The tax collected by the vendor from the consumer 7312  
under this chapter is not part of the price, but is a tax 7313  
collection for the benefit of the state, and of counties levying 7314  
an additional sales tax pursuant to section 5739.021 or 5739.026 7315  
of the Revised Code and of transit authorities levying an 7316  
additional sales tax pursuant to section 5739.023 of the Revised 7317

Code. Except for the discount authorized under section 5739.12 7318  
of the Revised Code and the effects of any rounding pursuant to 7319  
section 5703.055 of the Revised Code, no person other than the 7320  
state or such a county or transit authority shall derive any 7321  
benefit from the collection or payment of the tax levied by this 7322  
section or section 5739.021, 5739.023, or 5739.026 of the 7323  
Revised Code. 7324

**Sec. 5739.021.** (A) For the purpose of providing additional 7325  
general revenues for the county, supporting criminal and 7326  
administrative justice services in the county, funding a 7327  
regional transportation improvement project under section 7328  
5595.06 of the Revised Code, or any combination of the 7329  
foregoing, and to pay the expenses of administering such levy, 7330  
any county may levy a tax at the rate of not more than one per 7331  
cent upon every retail sale made in the county, except sales of 7332  
watercraft and outboard motors required to be titled pursuant to 7333  
Chapter 1548. of the Revised Code and sales of motor vehicles 7334  
and marijuana, and may increase the rate of an existing tax to 7335  
not more than one per cent. The rate of any tax levied pursuant 7336  
to this section shall be a multiple of one-twentieth of one per 7337  
cent. The rate levied under this section in any county other 7338  
than a county that adopted a charter under Article X, Section 3, 7339  
Ohio Constitution, may exceed one per cent, but may not exceed 7340  
one and one-half per cent minus the amount by which the rate 7341  
levied under section 5739.023 of the Revised Code by the county 7342  
transit authority exceeds one per cent. 7343

The tax shall be levied and the rate increased pursuant to 7344  
a resolution of the board of county commissioners. The 7345  
resolution shall state the purpose for which the tax is to be 7346  
levied and the number of years for which the tax is to be 7347  
levied, or that it is for a continuing period of time. If the 7348

tax is to be levied for the purpose of providing additional 7349  
general revenues and for the purpose of supporting criminal and 7350  
administrative justice services, the resolution shall state the 7351  
rate or amount of the tax to be apportioned to each such 7352  
purpose. The rate or amount may be different for each year the 7353  
tax is to be levied, but the rates or amounts actually 7354  
apportioned each year shall not be different from that stated in 7355  
the resolution for that year. Any amount by which the rate of 7356  
the tax exceeds one per cent shall be apportioned exclusively 7357  
for the construction, operation, acquisition, equipping, or 7358  
repair of a detention facility in the county. 7359

If the resolution is adopted as an emergency measure 7360  
necessary for the immediate preservation of the public peace, 7361  
health, or safety, it must receive an affirmative vote of all of 7362  
the members of the board of county commissioners and shall state 7363  
the reasons for such necessity. The board shall deliver a 7364  
certified copy of the resolution to the tax commissioner, not 7365  
later than the sixty-fifth day prior to the date on which the 7366  
tax is to become effective, which shall be the first day of the 7367  
calendar quarter. A resolution proposing to levy a tax at a rate 7368  
that would cause the rate levied under this section to exceed 7369  
one per cent may not be adopted as an emergency measure. 7370

Prior to the adoption of any resolution under this 7371  
section, the board of county commissioners shall conduct two 7372  
public hearings on the resolution, the second hearing to be not 7373  
less than three nor more than ten days after the first. Notice 7374  
of the date, time, and place of the hearings shall be given by 7375  
publication in a newspaper of general circulation in the county, 7376  
or as provided in section 7.16 of the Revised Code, once a week 7377  
on the same day of the week for two consecutive weeks, the 7378  
second publication being not less than ten nor more than thirty 7379

days prior to the first hearing. 7380

Except as provided in division (B) (1) or (3) of this 7381  
section, the resolution shall be subject to a referendum as 7382  
provided in sections 305.31 to 305.41 of the Revised Code. 7383

If a petition for a referendum is filed, the county 7384  
auditor with whom the petition was filed shall, within five 7385  
days, notify the board of county commissioners and the tax 7386  
commissioner of the filing of the petition by certified mail. If 7387  
the board of elections with which the petition was filed 7388  
declares the petition invalid, the board of elections, within 7389  
five days, shall notify the board of county commissioners and 7390  
the tax commissioner of that declaration by certified mail. If 7391  
the petition is declared to be invalid, the effective date of 7392  
the tax or increased rate of tax levied by this section shall be 7393  
the first day of a calendar quarter following the expiration of 7394  
sixty-five days from the date the commissioner receives notice 7395  
from the board of elections that the petition is invalid. 7396

(B) (1) A resolution that is not adopted as an emergency 7397  
measure may direct the board of elections to submit the question 7398  
of levying the tax or increasing the rate of tax to the electors 7399  
of the county at a special election held on the date specified 7400  
by the board of county commissioners in the resolution, provided 7401  
that the election occurs not less than ninety days after a 7402  
certified copy of such resolution is transmitted to the board of 7403  
elections and the election is not held in August of any year. A 7404  
resolution proposing to levy a tax at a rate that would cause 7405  
the rate levied under this section to exceed one per cent may 7406  
not go into effect unless the question is submitted to electors 7407  
under this division. Upon transmission of the resolution to the 7408  
board of elections, the board of county commissioners shall 7409

notify the tax commissioner in writing of the levy question to 7410  
be submitted to the electors. No resolution adopted under this 7411  
division shall go into effect unless approved by a majority of 7412  
those voting upon it, and, except as provided in division (B) (3) 7413  
of this section, shall become effective on the first day of a 7414  
calendar quarter following the expiration of sixty-five days 7415  
from the date the tax commissioner receives notice from the 7416  
board of elections of the affirmative vote. 7417

(2) A resolution that is adopted as an emergency measure 7418  
shall go into effect as provided in division (A) of this 7419  
section, but may direct the board of elections to submit the 7420  
question of repealing the tax or increase in the rate of the tax 7421  
to the electors of the county at the next general election in 7422  
the county occurring not less than ninety days after a certified 7423  
copy of the resolution is transmitted to the board of elections. 7424  
Upon transmission of the resolution to the board of elections, 7425  
the board of county commissioners shall notify the tax 7426  
commissioner in writing of the levy question to be submitted to 7427  
the electors. The ballot question shall be the same as that 7428  
prescribed in section 5739.022 of the Revised Code. The board of 7429  
elections shall notify the board of county commissioners and the 7430  
tax commissioner of the result of the election immediately after 7431  
the result has been declared. If a majority of the qualified 7432  
electors voting on the question of repealing the tax or increase 7433  
in the rate of the tax vote for repeal of the tax or repeal of 7434  
the increase, the board of county commissioners, on the first 7435  
day of a calendar quarter following the expiration of sixty-five 7436  
days after the date the board and tax commissioner receive 7437  
notice of the result of the election, shall, in the case of a 7438  
repeal of the tax, cease to levy the tax, or, in the case of a 7439  
repeal of an increase in the rate of the tax, cease to levy the 7440

increased rate and levy the tax at the rate at which it was 7441  
imposed immediately prior to the increase in rate. 7442

(3) If a vendor makes a sale in this state by printed 7443  
catalog and the consumer computed the tax on the sale based on 7444  
local rates published in the catalog, any tax levied or repealed 7445  
or rate changed under this section shall not apply to such a 7446  
sale until the first day of a calendar quarter following the 7447  
expiration of one hundred twenty days from the date of notice by 7448  
the tax commissioner pursuant to division (H) of this section. 7449

(C) If a resolution is rejected at a referendum or if a 7450  
resolution adopted after January 1, 1982, as an emergency 7451  
measure is repealed by the electors pursuant to division (B) (2) 7452  
of this section or section 5739.022 of the Revised Code, then 7453  
for one year after the date of the election at which the 7454  
resolution was rejected or repealed the board of county 7455  
commissioners may not adopt any resolution authorized by this 7456  
section as an emergency measure. 7457

(D) The board of county commissioners, at any time while a 7458  
tax levied under this section is in effect, may by resolution 7459  
reduce the rate at which the tax is levied to a lower rate 7460  
authorized by this section. Any reduction in the rate at which 7461  
the tax is levied shall be made effective on the first day of a 7462  
calendar quarter next following the sixty-fifth day after a 7463  
certified copy of the resolution is delivered to the tax 7464  
commissioner. 7465

(E) The tax on every retail sale subject to a tax levied 7466  
pursuant to this section shall be in addition to the tax levied 7467  
by section 5739.02 of the Revised Code and any tax levied 7468  
pursuant to section 5739.023 or 5739.026 of the Revised Code. 7469



A county that levies a tax pursuant to this section shall 7470  
levy a tax at the same rate pursuant to section 5741.021 of the 7471  
Revised Code. 7472

The additional tax levied by the county shall be collected 7473  
pursuant to section 5739.025 of the Revised Code. If the 7474  
additional tax or some portion thereof is levied for the purpose 7475  
of criminal and administrative justice services or specifically 7476  
for the purpose of constructing, operating, acquiring, 7477  
equipping, or repairing a detention facility, the revenue from 7478  
the tax, or the amount or rate apportioned to that purpose, 7479  
shall be credited to one or more special funds created in the 7480  
county treasury for receipt of that revenue. 7481

Any tax levied pursuant to this section is subject to the 7482  
exemptions provided in section 5739.02 of the Revised Code and 7483  
in addition shall not be applicable to sales not within the 7484  
taxing power of a county under the Constitution of the United 7485  
States or the Ohio Constitution. 7486

(F) For purposes of this section, a copy of a resolution 7487  
is "certified" when it contains a written statement attesting 7488  
that the copy is a true and exact reproduction of the original 7489  
resolution. 7490

(G) If a board of commissioners intends to adopt a 7491  
resolution to levy a tax in whole or in part for the purpose of 7492  
criminal and administrative justice services, the board shall 7493  
prepare and make available at the first public hearing at which 7494  
the resolution is considered a statement containing the 7495  
following information: 7496

(1) For each of the two preceding fiscal years, the amount 7497  
of expenditures made by the county from the county general fund 7498

for the purpose of criminal and administrative justice services; 7499

(2) For the fiscal year in which the resolution is 7500  
adopted, the board's estimate of the amount of expenditures to 7501  
be made by the county from the county general fund for the 7502  
purpose of criminal and administrative justice services; 7503

(3) For each of the two fiscal years after the fiscal year 7504  
in which the resolution is adopted, the board's preliminary plan 7505  
for expenditures to be made from the county general fund for the 7506  
purpose of criminal and administrative justice services, both 7507  
under the assumption that the tax will be imposed for that 7508  
purpose and under the assumption that the tax would not be 7509  
imposed for that purpose, and for expenditures to be made from 7510  
the special fund created under division (E) of this section 7511  
under the assumption that the tax will be imposed for that 7512  
purpose. 7513

The board shall prepare the statement and the preliminary 7514  
plan using the best information available to the board at the 7515  
time the statement is prepared. Neither the statement nor the 7516  
preliminary plan shall be used as a basis to challenge the 7517  
validity of the tax in any court of competent jurisdiction, nor 7518  
shall the statement or preliminary plan limit the authority of 7519  
the board to appropriate, pursuant to section 5705.38 of the 7520  
Revised Code, an amount different from that specified in the 7521  
preliminary plan. 7522

(H) Upon receipt from a board of county commissioners of a 7523  
certified copy of a resolution required by division (A) or (D) 7524  
of this section, or from the board of elections of a notice of 7525  
the results of an election required by division (A) or (B) (1) or 7526  
(2) of this section, the tax commissioner shall provide notice 7527  
of a tax rate change in a manner that is reasonably accessible 7528

to all affected vendors. The commissioner shall provide this 7529  
notice at least sixty days prior to the effective date of the 7530  
rate change. The commissioner, by rule, may establish the method 7531  
by which notice will be provided. 7532

(I) As used in this section: 7533

(1) "Criminal and administrative justice services" means 7534  
the exercise by the county sheriff of all powers and duties 7535  
vested in that office by law; the exercise by the county 7536  
prosecuting attorney of all powers and duties vested in that 7537  
office by law; the exercise by any court in the county of all 7538  
powers and duties vested in that court; the exercise by the 7539  
clerk of the court of common pleas, any clerk of a municipal 7540  
court having jurisdiction throughout the county, or the clerk of 7541  
any county court of all powers and duties vested in the clerk by 7542  
law except, in the case of the clerk of the court of common 7543  
pleas, the titling of motor vehicles or watercraft pursuant to 7544  
Chapter 1548. or 4505. of the Revised Code; the exercise by the 7545  
county coroner of all powers and duties vested in that office by 7546  
law; making payments to any other public agency or a private, 7547  
nonprofit agency, the purposes of which in the county include 7548  
the diversion, adjudication, detention, or rehabilitation of 7549  
criminals or juvenile offenders; the operation and maintenance 7550  
of any detention facility; and the construction, acquisition, 7551  
equipping, or repair of such a detention facility. 7552

(2) "Detention facility" has the same meaning as in 7553  
section 2921.01 of the Revised Code. 7554

(3) "Construction, operation, acquisition, equipping, or 7555  
repair" of a detention facility includes the payment of any debt 7556  
charges incurred in the issuance of securities pursuant to 7557  
Chapter 133. of the Revised Code for the purpose of 7558

constructing, acquiring, equipping, or repairing such a 7559  
facility. 7560

**Sec. 5739.023.** (A) (1) For the purpose of providing 7561  
additional general revenues for a transit authority, funding a 7562  
regional transportation improvement project under section 7563  
5595.06 of the Revised Code, or funding public infrastructure 7564  
projects as described in section 306.353 of the Revised Code, 7565  
and to pay the expenses of administering such levy, any transit 7566  
authority may levy a tax upon every retail sale made in the 7567  
territory of the transit authority, except sales of watercraft 7568  
and outboard motors required to be titled pursuant to Chapter 7569  
1548. of the Revised Code and sales of motor vehicles and 7570  
marijuana, and may increase the rate of an existing tax. The 7571  
rate of any tax levied pursuant to this section shall be a 7572  
multiple of one-twentieth of one per cent. The rate shall not 7573  
exceed one and one-half per cent minus the amount by which the 7574  
rate levied under section 5739.021 of the Revised Code by a 7575  
county located in the territory of the transit authority exceeds 7576  
one per cent. The tax shall be levied and the rate increased 7577  
pursuant to a resolution of the legislative authority of the 7578  
transit authority and a certified copy of the resolution shall 7579  
be delivered by the fiscal officer to the board of elections as 7580  
provided in section 3505.071 of the Revised Code and to the tax 7581  
commissioner. The resolution shall specify the number of years 7582  
for which the tax is to be in effect or that the tax is for a 7583  
continuing period of time, the purpose or purposes of the levy, 7584  
and the date of the election on the question of the tax pursuant 7585  
to section 306.70 of the Revised Code. The board of elections 7586  
shall certify the results of the election to the transit 7587  
authority and tax commissioner. 7588

A resolution adopted under this section may not specify 7589

that the sole purpose of the tax is to fund infrastructure 7590  
projects as described in section 306.353 of the Revised Code; 7591  
that purpose must be combined with the purpose of providing 7592  
additional general revenues for the transit authority, funding a 7593  
regional transportation improvement project under section 7594  
5595.06 of the Revised Code, or both. The resolution may specify 7595  
the percentage of the proceeds of the tax that will be allocated 7596  
among each of the purposes for which the tax is to be levied. If 7597  
one of the purposes of the tax is to provide general revenue for 7598  
the transit authority, the resolution may identify specific 7599  
projects, functions, or other uses to which that general revenue 7600  
will be allocated and the percentage of the tax proceeds to be 7601  
allocated to each of those projects, functions, or other uses. 7602

(2) Except as provided in division (C) of this section, 7603  
the tax levied by the resolution shall become effective on the 7604  
first day of a calendar quarter next following the sixty-fifth 7605  
day following the date the tax commissioner receives from the 7606  
board of elections the certification of the results of the 7607  
election on the question of the tax. 7608

(B) The legislative authority may, at any time while the 7609  
tax is in effect, by resolution fix the rate of the tax at any 7610  
rate authorized by this section and not in excess of that 7611  
approved by the voters pursuant to section 306.70 of the Revised 7612  
Code. Except as provided in division (C) of this section, any 7613  
change in the rate of the tax shall be made effective on the 7614  
first day of a calendar quarter next following the sixty-fifth 7615  
day following the date the tax commissioner receives the 7616  
certification of the resolution; provided, that in any case 7617  
where bonds, or notes in anticipation of bonds, of a regional 7618  
transit authority have been issued under section 306.40 of the 7619  
Revised Code without a vote of the electors while the tax 7620

proposed to be reduced was in effect, the board of trustees of 7621  
the regional transit authority shall continue to levy and 7622  
collect under authority of the original election authorizing the 7623  
tax a rate of tax that the board of trustees reasonably 7624  
estimates will produce an amount in that year equal to the 7625  
amount of principal of and interest on those bonds as is payable 7626  
in that year. 7627

(C) Upon receipt from the board of elections of the 7628  
certification of the results of the election required by 7629  
division (A) of this section, or from the legislative authority 7630  
of the certification of a resolution under division (B) of this 7631  
section, the tax commissioner shall provide notice of a tax rate 7632  
change in a manner that is reasonably accessible to all affected 7633  
vendors. The commissioner shall provide this notice at least 7634  
sixty days prior to the effective date of the rate change. The 7635  
commissioner, by rule, may establish the method by which notice 7636  
will be provided. 7637

(D) If a vendor makes a sale in this state by printed 7638  
catalog and the consumer computed the tax on the sale based on 7639  
local rates published in the catalog, any tax levied or rate 7640  
changed under this section shall not apply to such a sale until 7641  
the first day of a calendar quarter following the expiration of 7642  
one hundred twenty days from the date of notice by the tax 7643  
commissioner pursuant to division (C) of this section. 7644

(E) The tax on every retail sale subject to a tax levied 7645  
pursuant to this section is in addition to the tax levied by 7646  
section 5739.02 of the Revised Code and any tax levied pursuant 7647  
to section 5739.021 or 5739.026 of the Revised Code. 7648

(F) The additional tax levied by the transit authority 7649  
shall be collected pursuant to section 5739.025 of the Revised 7650

Code. 7651

(G) Any tax levied pursuant to this section is subject to 7652  
the exemptions provided in section 5739.02 of the Revised Code 7653  
and in addition shall not be applicable to sales not within the 7654  
taxing power of a transit authority under the constitution of 7655  
the United States or the constitution of this state. 7656

(H) The rate of a tax levied under this section is subject 7657  
to reduction under section 5739.028 of the Revised Code, if a 7658  
ballot question is approved by voters pursuant to that section. 7659

**Sec. 5739.026.** (A) A board of county commissioners may 7660  
levy a tax on every retail sale in the county, except sales of 7661  
watercraft and outboard motors required to be titled pursuant to 7662  
Chapter 1548. of the Revised Code and sales of motor vehicles 7663  
and marijuana, at a rate of not more than one-half of one per 7664  
cent and may increase the rate of an existing tax to not more 7665  
than one-half of one per cent to pay the expenses of 7666  
administering the tax and, except as provided in division (A) (6) 7667  
of this section, for any one or more of the following purposes 7668  
provided that the aggregate levy for all such purposes does not 7669  
exceed one-half of one per cent: 7670

(1) To provide additional revenues for the payment of 7671  
bonds or notes issued in anticipation of bonds issued by a 7672  
convention facilities authority established by the board of 7673  
county commissioners under Chapter 351. of the Revised Code and 7674  
to provide additional operating revenues for the convention 7675  
facilities authority; 7676

(2) To provide additional revenues for a transit authority 7677  
operating in the county; 7678

(3) To provide additional revenue for the county's general 7679

fund; 7680

(4) To provide additional revenue for permanent 7681  
improvements to be distributed by the community improvements 7682  
board in accordance with section 307.283 and to pay principal, 7683  
interest, and premium on bonds issued under section 307.284 of 7684  
the Revised Code; 7685

(5) To provide additional revenue for the acquisition, 7686  
construction, equipping, or repair of any specific permanent 7687  
improvement or any class or group of permanent improvements, 7688  
which improvement or class or group of improvements shall be 7689  
enumerated in the resolution required by division (D) of this 7690  
section, and to pay principal, interest, premium, and other 7691  
costs associated with the issuance of bonds or notes in 7692  
anticipation of bonds issued pursuant to Chapter 133. of the 7693  
Revised Code for the acquisition, construction, equipping, or 7694  
repair of the specific permanent improvement or class or group 7695  
of permanent improvements; 7696

(6) To provide revenue for the implementation and 7697  
operation of a 9-1-1 system in the county. If the tax is levied 7698  
or the rate increased exclusively for such purpose, the tax 7699  
shall not be levied or the rate increased for more than five 7700  
years. At the end of the last year the tax is levied or the rate 7701  
increased, any balance remaining in the special fund established 7702  
for such purpose shall remain in that fund and be used 7703  
exclusively for such purpose until the fund is completely 7704  
expended, and, notwithstanding section 5705.16 of the Revised 7705  
Code, the board of county commissioners shall not petition for 7706  
the transfer of money from such special fund, and the tax 7707  
commissioner shall not approve such a petition. 7708

If the tax is levied or the rate increased for such 7709



purpose for more than five years, the board of county 7710  
commissioners also shall levy the tax or increase the rate of 7711  
the tax for one or more of the purposes described in divisions 7712  
(A) (1) to (5) of this section and shall prescribe the method for 7713  
allocating the revenues from the tax each year in the manner 7714  
required by division (C) of this section. 7715

(7) To provide additional revenue for the operation or 7716  
maintenance of a detention facility, as that term is defined 7717  
under division (F) of section 2921.01 of the Revised Code; 7718

(8) To provide revenue to finance the construction or 7719  
renovation of a sports facility, but only if the tax is levied 7720  
for that purpose in the manner prescribed by section 5739.028 of 7721  
the Revised Code. 7722

As used in division (A) (8) of this section: 7723

(a) "Sports facility" means a facility intended to house 7724  
major league professional athletic teams. 7725

(b) "Constructing" or "construction" includes providing 7726  
fixtures, furnishings, and equipment. 7727

(9) To provide additional revenue for the acquisition of 7728  
agricultural easements, as defined in section 5301.67 of the 7729  
Revised Code; to pay principal, interest, and premium on bonds 7730  
issued under section 133.60 of the Revised Code; and for the 7731  
supervision and enforcement of agricultural easements held by 7732  
the county; 7733

(10) To provide revenue for the provision of ambulance, 7734  
paramedic, or other emergency medical services; 7735

(11) To provide revenue for the operation of a lake 7736  
facilities authority and the remediation of an impacted 7737

watershed by a lake facilities authority, as provided in Chapter 7738  
353. of the Revised Code; 7739

(12) To provide additional revenue for a regional 7740  
transportation improvement project under section 5595.06 of the 7741  
Revised Code. 7742

Pursuant to section 755.171 of the Revised Code, a board 7743  
of county commissioners may pledge and contribute revenue from a 7744  
tax levied for the purpose of division (A)(5) of this section to 7745  
the payment of debt charges on bonds issued under section 755.17 7746  
of the Revised Code. 7747

The rate of tax shall be a multiple of one-twentieth of 7748  
one per cent, unless a portion of the rate of an existing tax 7749  
levied under section 5739.023 of the Revised Code has been 7750  
reduced, and the rate of tax levied under this section has been 7751  
increased, pursuant to section 5739.028 of the Revised Code, in 7752  
which case the aggregate of the rates of tax levied under this 7753  
section and section 5739.023 of the Revised Code shall be a 7754  
multiple of one-twentieth of one per cent. 7755

The tax shall be levied and the rate increased pursuant to 7756  
a resolution adopted by a majority of the members of the board. 7757  
The board shall deliver a certified copy of the resolution to 7758  
the tax commissioner, not later than the sixty-fifth day prior 7759  
to the date on which the tax is to become effective, which shall 7760  
be the first day of a calendar quarter. 7761

Prior to the adoption of any resolution to levy the tax or 7762  
to increase the rate of tax exclusively for the purpose set 7763  
forth in division (A)(3) of this section, the board of county 7764  
commissioners shall conduct two public hearings on the 7765  
resolution, the second hearing to be no fewer than three nor 7766

more than ten days after the first. Notice of the date, time, 7767  
and place of the hearings shall be given by publication in a 7768  
newspaper of general circulation in the county, or as provided 7769  
in section 7.16 of the Revised Code, once a week on the same day 7770  
of the week for two consecutive weeks. The second publication 7771  
shall be no fewer than ten nor more than thirty days prior to 7772  
the first hearing. Except as provided in division (E) of this 7773  
section, the resolution shall be subject to a referendum as 7774  
provided in sections 305.31 to 305.41 of the Revised Code. If 7775  
the resolution is adopted as an emergency measure necessary for 7776  
the immediate preservation of the public peace, health, or 7777  
safety, it must receive an affirmative vote of all of the 7778  
members of the board of county commissioners and shall state the 7779  
reasons for the necessity. 7780

If the tax is for more than one of the purposes set forth 7781  
in divisions (A)(1) to (7), (9), (10), and (12) of this section, 7782  
or is exclusively for one of the purposes set forth in division 7783  
(A)(1), (2), (4), (5), (6), (7), (9), (10), or (12) of this 7784  
section, the resolution shall not go into effect unless it is 7785  
approved by a majority of the electors voting on the question of 7786  
the tax. 7787

(B) The board of county commissioners shall adopt a 7788  
resolution under section 351.02 of the Revised Code creating the 7789  
convention facilities authority, or under section 307.283 of the 7790  
Revised Code creating the community improvements board, before 7791  
adopting a resolution levying a tax for the purpose of a 7792  
convention facilities authority under division (A)(1) of this 7793  
section or for the purpose of a community improvements board 7794  
under division (A)(4) of this section. 7795

(C)(1) If the tax is to be used for more than one of the 7796

purposes set forth in divisions (A) (1) to (7), (9), (10), and 7797  
(12) of this section, the board of county commissioners shall 7798  
establish the method that will be used to determine the amount 7799  
or proportion of the tax revenue received by the county during 7800  
each year that will be distributed for each of those purposes, 7801  
including, if applicable, provisions governing the reallocation 7802  
of a convention facilities authority's allocation if the 7803  
authority is dissolved while the tax is in effect. The 7804  
allocation method may provide that different proportions or 7805  
amounts of the tax shall be distributed among the purposes in 7806  
different years, but it shall clearly describe the method that 7807  
will be used for each year. Except as otherwise provided in 7808  
division (C) (2) of this section, the allocation method 7809  
established by the board is not subject to amendment during the 7810  
life of the tax. 7811

(2) Subsequent to holding a public hearing on the proposed 7812  
amendment, the board of county commissioners may amend the 7813  
allocation method established under division (C) (1) of this 7814  
section for any year, if the amendment is approved by the 7815  
governing board of each entity whose allocation for the year 7816  
would be reduced by the proposed amendment. In the case of a tax 7817  
that is levied for a continuing period of time, the board may 7818  
not so amend the allocation method for any year before the sixth 7819  
year that the tax is in effect. 7820

(a) If the additional revenues provided to the convention 7821  
facilities authority are pledged by the authority for the 7822  
payment of convention facilities authority revenue bonds for as 7823  
long as such bonds are outstanding, no reduction of the 7824  
authority's allocation of the tax shall be made for any year 7825  
except to the extent that the reduced authority allocation, when 7826  
combined with the authority's other revenues pledged for that 7827

purpose, is sufficient to meet the debt service requirements for 7828  
that year on such bonds. 7829

(b) If the additional revenues provided to the county are 7830  
pledged by the county for the payment of bonds or notes 7831  
described in division (A) (4) or (5) of this section, for as long 7832  
as such bonds or notes are outstanding, no reduction of the 7833  
county's or the community improvements board's allocation of the 7834  
tax shall be made for any year, except to the extent that the 7835  
reduced county or community improvements board allocation is 7836  
sufficient to meet the debt service requirements for that year 7837  
on such bonds or notes. 7838

(c) If the additional revenues provided to the transit 7839  
authority are pledged by the authority for the payment of 7840  
revenue bonds issued under section 306.37 of the Revised Code, 7841  
for as long as such bonds are outstanding, no reduction of the 7842  
authority's allocation of tax shall be made for any year, except 7843  
to the extent that the authority's reduced allocation, when 7844  
combined with the authority's other revenues pledged for that 7845  
purpose, is sufficient to meet the debt service requirements for 7846  
that year on such bonds. 7847

(d) If the additional revenues provided to the county are 7848  
pledged by the county for the payment of bonds or notes issued 7849  
under section 133.60 of the Revised Code, for so long as the 7850  
bonds or notes are outstanding, no reduction of the county's 7851  
allocation of the tax shall be made for any year, except to the 7852  
extent that the reduced county allocation is sufficient to meet 7853  
the debt service requirements for that year on the bonds or 7854  
notes. 7855

(D) (1) The resolution levying the tax or increasing the 7856  
rate of tax shall state the rate of the tax or the rate of the 7857

increase; the purpose or purposes for which it is to be levied; 7858  
the number of years for which it is to be levied or that it is 7859  
for a continuing period of time; the allocation method required 7860  
by division (C) of this section; and if required to be submitted 7861  
to the electors of the county under division (A) of this 7862  
section, the date of the election at which the proposal shall be 7863  
submitted to the electors of the county, which shall be not less 7864  
than ninety days after the certification of a copy of the 7865  
resolution to the board of elections and, if the tax is to be 7866  
levied exclusively for the purpose set forth in division (A) (3) 7867  
of this section, shall not occur in August of any year. Upon 7868  
certification of the resolution to the board of elections, the 7869  
board of county commissioners shall notify the tax commissioner 7870  
in writing of the levy question to be submitted to the electors. 7871  
If approved by a majority of the electors, the tax shall become 7872  
effective on the first day of a calendar quarter next following 7873  
the sixty-fifth day following the date the board of county 7874  
commissioners and tax commissioner receive from the board of 7875  
elections the certification of the results of the election, 7876  
except as provided in division (E) of this section. 7877

(2) (a) A resolution specifying that the tax is to be used 7878  
exclusively for the purpose set forth in division (A) (3) of this 7879  
section that is not adopted as an emergency measure may direct 7880  
the board of elections to submit the question of levying the tax 7881  
or increasing the rate of the tax to the electors of the county 7882  
at a special election held on the date specified by the board of 7883  
county commissioners in the resolution, provided that the 7884  
election occurs not less than ninety days after the resolution 7885  
is certified to the board of elections and the election is not 7886  
held in August of any year. Upon certification of the resolution 7887  
to the board of elections, the board of county commissioners 7888

shall notify the tax commissioner in writing of the levy 7889  
question to be submitted to the electors. No resolution adopted 7890  
under division (D) (2) (a) of this section shall go into effect 7891  
unless approved by a majority of those voting upon it and, 7892  
except as provided in division (E) of this section, not until 7893  
the first day of a calendar quarter following the expiration of 7894  
sixty-five days from the date the tax commissioner receives 7895  
notice from the board of elections of the affirmative vote. 7896

(b) A resolution specifying that the tax is to be used 7897  
exclusively for the purpose set forth in division (A) (3) of this 7898  
section that is adopted as an emergency measure shall become 7899  
effective as provided in division (A) of this section, but may 7900  
direct the board of elections to submit the question of 7901  
repealing the tax or increase in the rate of the tax to the 7902  
electors of the county at the next general election in the 7903  
county occurring not less than ninety days after the resolution 7904  
is certified to the board of elections. Upon certification of 7905  
the resolution to the board of elections, the board of county 7906  
commissioners shall notify the tax commissioner in writing of 7907  
the levy question to be submitted to the electors. The ballot 7908  
question shall be the same as that prescribed in section 7909  
5739.022 of the Revised Code. The board of elections shall 7910  
notify the board of county commissioners and the tax 7911  
commissioner of the result of the election immediately after the 7912  
result has been declared. If a majority of the qualified 7913  
electors voting on the question of repealing the tax or increase 7914  
in the rate of the tax vote for repeal of the tax or repeal of 7915  
the increase, the board of county commissioners, on the first 7916  
day of a calendar quarter following the expiration of sixty-five 7917  
days after the date the board and tax commissioner received 7918  
notice of the result of the election, shall, in the case of a 7919

repeal of the tax, cease to levy the tax, or, in the case of a 7920  
repeal of an increase in the rate of the tax, cease to levy the 7921  
increased rate and levy the tax at the rate at which it was 7922  
imposed immediately prior to the increase in rate. 7923

(c) A board of county commissioners, by resolution, may 7924  
reduce the rate of a tax levied exclusively for the purpose set 7925  
forth in division (A) (3) of this section to a lower rate 7926  
authorized by this section. Any such reduction shall be made 7927  
effective on the first day of the calendar quarter next 7928  
following the sixty-fifth day after the tax commissioner 7929  
receives a certified copy of the resolution from the board. 7930

(E) If a vendor makes a sale in this state by printed 7931  
catalog and the consumer computed the tax on the sale based on 7932  
local rates published in the catalog, any tax levied or repealed 7933  
or rate changed under this section shall not apply to such a 7934  
sale until the first day of a calendar quarter following the 7935  
expiration of one hundred twenty days from the date of notice by 7936  
the tax commissioner pursuant to division (G) of this section. 7937

(F) The tax levied pursuant to this section shall be in 7938  
addition to the tax levied by section 5739.02 of the Revised 7939  
Code and any tax levied pursuant to section 5739.021 or 5739.023 7940  
of the Revised Code. 7941

A county that levies a tax pursuant to this section shall 7942  
levy a tax at the same rate pursuant to section 5741.023 of the 7943  
Revised Code. 7944

The additional tax levied by the county shall be collected 7945  
pursuant to section 5739.025 of the Revised Code. 7946

Any tax levied pursuant to this section is subject to the 7947  
exemptions provided in section 5739.02 of the Revised Code and 7948



in addition shall not be applicable to sales not within the 7949  
taxing power of a county under the Constitution of the United 7950  
States or the Ohio Constitution. 7951

(G) Upon receipt from a board of county commissioners of a 7952  
certified copy of a resolution required by division (A) of this 7953  
section, or from the board of elections a notice of the results 7954  
of an election required by division (D) (1), (2) (a), (b), or (c) 7955  
of this section, the tax commissioner shall provide notice of a 7956  
tax rate change in a manner that is reasonably accessible to all 7957  
affected vendors. The commissioner shall provide this notice at 7958  
least sixty days prior to the effective date of the rate change. 7959  
The commissioner, by rule, may establish the method by which 7960  
notice will be provided. 7961

**Sec. 5739.21.** (A) One hundred per cent of all money 7962  
deposited into the state treasury under sections 5739.01 to 7963  
5739.31 of the Revised Code that is not required to be 7964  
distributed as provided in section 5739.102 or 5739.214 of the 7965  
Revised Code or division (B) of this section shall be credited 7966  
to the general revenue fund. 7967

(B) (1) In any case where any county or transit authority 7968  
has levied a tax or taxes pursuant to section 5739.021, 7969  
5739.023, or 5739.026 of the Revised Code, the tax commissioner 7970  
shall, within forty-five days after the end of each month, 7971  
determine and certify to the director of budget and management 7972  
the amount of the proceeds of such tax or taxes received during 7973  
that month from billings and assessments, or associated with tax 7974  
returns or reports filed during that month, to be returned to 7975  
the county or transit authority levying the tax or taxes. The 7976  
amount to be returned to each county and transit authority shall 7977  
be a fraction of the aggregate amount of money collected with 7978

respect to each area in which one or more of such taxes are 7979  
concurrently in effect with the tax levied by section 5739.02 of 7980  
the Revised Code. The numerator of the fraction is the rate of 7981  
the tax levied by the county or transit authority and the 7982  
denominator of the fraction is the aggregate rate of such taxes 7983  
applicable to such area. The amount to be returned to each 7984  
county or transit authority shall be reduced by the amount of 7985  
any refunds of county or transit authority tax paid pursuant to 7986  
section 5739.07 of the Revised Code during the same month, or 7987  
transfers made pursuant to division (B) (2) of section 5703.052 7988  
of the Revised Code. 7989

(2) On a periodic basis, using the best information 7990  
available, the tax commissioner shall distribute any amount of a 7991  
county or transit authority tax that cannot be distributed under 7992  
division (B) (1) of this section. Through audit or other means, 7993  
the commissioner shall attempt to obtain the information 7994  
necessary to make the distribution as provided under that 7995  
division and, on receipt of that information, shall make 7996  
adjustments to distributions previously made under this 7997  
division. 7998

(3) Eight and thirty-three one-hundredths of one per cent 7999  
of the revenue collected from the tax due under division (A) of 8000  
section 5739.029 of the Revised Code shall be distributed to the 8001  
county where the sale of the motor vehicle is situated under 8002  
section 5739.033 of the Revised Code. The amount to be so 8003  
distributed to the county shall be apportioned on the basis of 8004  
the rates of taxes the county levies pursuant to sections 8005  
5739.021 and 5739.026 of the Revised Code, as applicable, and 8006  
shall be credited to the funds of the county as provided in 8007  
divisions (A) and (B) of section 5739.211 of the Revised Code. 8008

(C) The aggregate amount to be returned to any county or transit authority shall be reduced by one per cent, which shall be certified directly to the credit of the local sales tax administrative fund, which is hereby created in the state treasury. For the purpose of determining the amount to be returned to a county and transit authority in which the rate of tax imposed by the transit authority has been reduced under section 5739.028 of the Revised Code, the tax commissioner shall use the respective rates of tax imposed by the county or transit authority that results from the change in the rates authorized under that section.

(D) The director of budget and management shall transfer, from the same funds and in the same proportions specified in division (A) of this section, to the permissive tax distribution fund created by division (B) (1) of section 4301.423 of the Revised Code and to the local sales tax administrative fund, the amounts certified by the tax commissioner. The tax commissioner shall then, on or before the twentieth day of the month in which such certification is made, provide for payment of such respective amounts to the county treasurer and to the fiscal officer of the transit authority levying the tax or taxes. The amount transferred to the local sales tax administrative fund is for use by the tax commissioner in defraying costs incurred in administering such taxes levied by a county or transit authority.

Sec. 5739.214. (A) For the purpose of receiving, distributing, and accounting for amounts collected from the tax imposed under section 5739.02 of the Revised Code from the sale of marijuana and under section 5741.02 of the Revised Code from the storage, use, or other consumption of marijuana, the following funds are created in the state treasury:

<u>(1) The marijuana receipts fund;</u>	8040
<u>(2) The illegal drug trafficking enforcement fund, which</u>	8041
<u>the department of public safety shall use to combat illegal drug</u>	8042
<u>trafficking in this state;</u>	8043
<u>(3) The chemical dependency rehabilitation fund, which the</u>	8044
<u>department of mental health and addiction services shall use to</u>	8045
<u>assist individuals in this state suffering from chemical</u>	8046
<u>dependency or substance abuse.</u>	8047
<u>(B) All of the following shall be deposited into the</u>	8048
<u>marijuana receipts fund:</u>	8049
<u>(1) All amounts collected from the tax levied under</u>	8050
<u>section 5739.02 of the Revised Code from the sale of marijuana;</u>	8051
<u>(2) All amounts collected from the tax levied under</u>	8052
<u>section 5741.02 of the Revised Code from the storage, use, or</u>	8053
<u>other consumption of marijuana.</u>	8054
<u>(C) From the marijuana receipts fund, the director of</u>	8055
<u>budget and management shall transfer as needed to the tax refund</u>	8056
<u>fund amounts equal to the refunds certified by the tax</u>	8057
<u>commissioner under sections 5739.07 and 5741.10 of the Revised</u>	8058
<u>Code of any amounts described in division (B) of this section.</u>	8059
<u>(D) After making any transfers required by divisions (C)</u>	8060
<u>of this section, but not later than the fifteenth day of each</u>	8061
<u>month, the director of budget and management shall credit all</u>	8062
<u>amounts remaining in the marijuana receipts fund as follows:</u>	8063
<u>(1) Fifty per cent to the general revenue fund;</u>	8064
<u>(2) Twenty-five per cent to the illegal drug trafficking</u>	8065
<u>enforcement fund;</u>	8066

(3) Twenty-five per cent to the chemical dependency 8067  
rehabilitation fund. 8068

(E) All investment earnings of funds created in this 8069  
section shall be credited back to them. 8070

**Sec. 5741.01.** As used in this chapter: 8071

(A) "Person" includes individuals, receivers, assignees, 8072  
trustees in bankruptcy, estates, firms, partnerships, 8073  
associations, joint-stock companies, joint ventures, clubs, 8074  
societies, corporations, business trusts, governments, and 8075  
combinations of individuals of any form. 8076

(B) "Storage" means and includes any keeping or retention 8077  
in this state for use or other consumption in this state. 8078

(C) "Use" means and includes the exercise of any right or 8079  
power incidental to the ownership of the thing used. A thing is 8080  
also "used" in this state if its consumer gives or otherwise 8081  
distributes it, without charge, to recipients in this state. 8082

(D) "Purchase" means acquired or received for a 8083  
consideration, whether such acquisition or receipt was effected 8084  
by a transfer of title, or of possession, or of both, or a 8085  
license to use or consume; whether such transfer was absolute or 8086  
conditional, and by whatever means the transfer was effected; 8087  
and whether the consideration was money, credit, barter, or 8088  
exchange. Purchase includes production, even though the article 8089  
produced was used, stored, or consumed by the producer. The 8090  
transfer of copyrighted motion picture films for exhibition 8091  
purposes is not a purchase, except such films as are used solely 8092  
for advertising purposes. 8093

(E) "Seller" means the person from whom a purchase is 8094  
made, and includes every person engaged in this state or 8095

elsewhere in the business of selling tangible personal property 8096  
or providing a service for storage, use, or other consumption or 8097  
benefit in this state; and when, in the opinion of the tax 8098  
commissioner, it is necessary for the efficient administration 8099  
of this chapter, to regard any salesperson, representative, 8100  
peddler, or canvasser as the agent of a dealer, distributor, 8101  
supervisor, or employer under whom the person operates, or from 8102  
whom the person obtains tangible personal property, sold by the 8103  
person for storage, use, or other consumption in this state, 8104  
irrespective of whether or not the person is making such sales 8105  
on the person's own behalf, or on behalf of such dealer, 8106  
distributor, supervisor, or employer, the commissioner may 8107  
regard the person as such agent, and may regard such dealer, 8108  
distributor, supervisor, or employer as the seller. A 8109  
marketplace facilitator shall be treated as the "seller" with 8110  
respect to all sales facilitated by the marketplace facilitator 8111  
on behalf of one or more marketplace sellers on and after the 8112  
first day of the first month that begins at least thirty days 8113  
after the marketplace facilitator first has substantial nexus 8114  
with this state. Otherwise, "seller" does not include any person 8115  
to the extent the person provides a communications medium, such 8116  
as, but not limited to, newspapers, magazines, radio, 8117  
television, or cable television, by means of which sellers 8118  
solicit purchases of their goods or services. 8119

(F) "Consumer" means any person who has purchased tangible 8120  
personal property or has been provided a service for storage, 8121  
use, or other consumption or benefit in this state. "Consumer" 8122  
does not include a person who receives, without charge, tangible 8123  
personal property or a service. 8124

A person who performs a facility management or similar 8125  
service contract for a contractee is a consumer of all tangible 8126

personal property and services purchased for use in connection 8127  
with the performance of such contract, regardless of whether 8128  
title to any such property vests in the contractee. The purchase 8129  
of such property and services is not subject to the exception 8130  
for resale under division (E) of section 5739.01 of the Revised 8131  
Code. 8132

(G) (1) "Price," except as provided in divisions (G) (2) to 8133  
(6) of this section, has the same meaning as in division (H) (1) 8134  
of section 5739.01 of the Revised Code. 8135

(2) In the case of watercraft, outboard motors, or new 8136  
motor vehicles, "price" has the same meaning as in divisions (H) 8137  
(2) and (3) of section 5739.01 of the Revised Code. 8138

(3) In the case of a nonresident business consumer that 8139  
purchases and uses tangible personal property outside this state 8140  
and subsequently temporarily stores, uses, or otherwise consumes 8141  
such tangible personal property in the conduct of business in 8142  
this state, the consumer or the tax commissioner may determine 8143  
the price based on the value of the temporary storage, use, or 8144  
other consumption, in lieu of determining the price pursuant to 8145  
division (G) (1) of this section. A price determination made by 8146  
the consumer is subject to review and redetermination by the 8147  
commissioner. 8148

(4) In the case of tangible personal property held in this 8149  
state as inventory for sale or lease, and that is temporarily 8150  
stored, used, or otherwise consumed in a taxable manner, the 8151  
price is the value of the temporary use. A price determination 8152  
made by the consumer is subject to review and redetermination by 8153  
the commissioner. 8154

(5) In the case of tangible personal property originally 8155

purchased and used by the consumer outside this state, and that 8156  
becomes permanently stored, used, or otherwise consumed in this 8157  
state more than six months after its acquisition by the 8158  
consumer, the consumer or the commissioner may determine the 8159  
price based on the current value of such tangible personal 8160  
property, in lieu of determining the price pursuant to division 8161  
(G) (1) of this section. A price determination made by the 8162  
consumer is subject to review and redetermination by the 8163  
commissioner. 8164

(6) If a consumer produces tangible personal property for 8165  
sale and removes that property from inventory for the consumer's 8166  
own use, the price is the produced cost of that tangible 8167  
personal property. 8168

(H) "Nexus with this state" means that the seller engages 8169  
in continuous and widespread solicitation of purchases from 8170  
residents of this state or otherwise purposefully directs its 8171  
business activities at residents of this state. 8172

(I) (1) "Substantial nexus with this state" means that the 8173  
seller has sufficient contact with this state, in accordance 8174  
with Section 8 of Article I of the Constitution of the United 8175  
States, to allow the state to require the seller to collect and 8176  
remit use tax on sales of tangible personal property or services 8177  
made to consumers in this state. 8178

(2) "Substantial nexus with this state" is presumed to 8179  
exist when the seller does any of the following: 8180

(a) Uses an office, distribution facility, warehouse, 8181  
storage facility, or similar place of business within this 8182  
state, whether operated by the seller or any other person, other 8183  
than a common carrier acting in its capacity as a common 8184



carrier.	8185
(b) Regularly uses employees, agents, representatives,	8186
solicitors, installers, repairers, salespersons, or other	8187
persons in this state for the purpose of conducting the business	8188
of the seller or either to engage in a business with the same or	8189
a similar industry classification as the seller selling a	8190
similar product or line of products as the seller, or to use	8191
trademarks, service marks, or trade names in this state that are	8192
the same or substantially similar to those used by the seller.	8193
(c) Uses any person, other than a common carrier acting in	8194
its capacity as a common carrier, in this state for any of the	8195
following purposes:	8196
(i) Receiving or processing orders of the seller's goods	8197
or services;	8198
(ii) Using that person's employees or facilities in this	8199
state to advertise, promote, or facilitate sales by the seller	8200
to customers;	8201
(iii) Delivering, installing, assembling, or performing	8202
maintenance services for the seller's customers;	8203
(iv) Facilitating the seller's delivery of tangible	8204
personal property to customers in this state by allowing the	8205
seller's customers to pick up property sold by the seller at an	8206
office, distribution facility, warehouse, storage facility, or	8207
similar place of business.	8208
(d) Makes regular deliveries of tangible personal property	8209
into this state by means other than common carrier.	8210
(e) Has an affiliated person that has substantial nexus	8211
with this state.	8212

(f) Owns tangible personal property that is rented or 8213  
leased to a consumer in this state, or offers tangible personal 8214  
property, on approval, to consumers in this state. 8215

(g) Has gross receipts in excess of one hundred thousand 8216  
dollars in the current or preceding calendar year from the sale 8217  
of tangible personal property for storage, use, or consumption 8218  
in this state or from providing services the benefit of which is 8219  
realized in this state. 8220

(h) Engages, in the current or preceding calendar year, in 8221  
two hundred or more separate transactions selling tangible 8222  
personal property for storage, use, or consumption in this state 8223  
or providing services the benefit of which is realized in this 8224  
state. 8225

(3) A seller presumed to have substantial nexus with this 8226  
state under divisions (I) (2) (a) to (f), (g), and (h) of this 8227  
section may rebut that presumption by demonstrating that 8228  
activities described in any of those divisions that are 8229  
conducted by a person in this state on the seller's behalf are 8230  
not significantly associated with the seller's ability to 8231  
establish or maintain a market in this state for the seller's 8232  
sales. 8233

(4) A marketplace facilitator is presumed to have 8234  
substantial nexus with this state if either of the following 8235  
apply in the current or preceding calendar year: 8236

(a) The aggregate gross receipts derived from sales of 8237  
tangible personal property for storage, use, or consumption in 8238  
this state or services the benefit of which is realized in this 8239  
state, including sales made by the marketplace facilitator on 8240  
its own behalf and sales facilitated by the marketplace 8241

facilitator on behalf of one or more marketplace sellers, exceed 8242  
one hundred thousand dollars; 8243

(b) The marketplace facilitator engages in on its own 8244  
behalf, or facilitates on behalf of one or more marketplace 8245  
sellers, two hundred or more separate transactions selling 8246  
tangible personal property for storage, use, or consumption in 8247  
this state or services the benefit of which is realized in this 8248  
state. 8249

(5) A seller that does not have substantial nexus with 8250  
this state, and any affiliated person of the seller, before 8251  
selling or leasing tangible personal property or services to a 8252  
state agency, shall register with the tax commissioner in the 8253  
same manner as a seller described in division (A) (1) of section 8254  
5741.17 of the Revised Code. 8255

(6) As used in division (I) of this section: 8256

(a) "Affiliated person" means any person that is a member 8257  
of the same controlled group of corporations as the seller or 8258  
any other person that, notwithstanding the form of organization, 8259  
bears the same ownership relationship to the seller as a 8260  
corporation that is a member of the same controlled group of 8261  
corporations. 8262

(b) "Controlled group of corporations" has the same 8263  
meaning as in section 1563(a) of the Internal Revenue Code. 8264

(c) "State agency" has the same meaning as in section 1.60 8265  
of the Revised Code. 8266

(J) "Fiscal officer" means, with respect to a regional 8267  
transit authority, the secretary-treasurer thereof, and with 8268  
respect to a county which is a transit authority, the fiscal 8269  
officer of the county transit board appointed pursuant to 8270

section 306.03 of the Revised Code or, if the board of county  
commissioners operates the county transit system, the county  
auditor.

(K) "Territory of the transit authority" means all of the  
area included within the territorial boundaries of a transit  
authority as they from time to time exist. Such territorial  
boundaries must at all times include all the area of a single  
county or all the area of the most populous county which is a  
part of such transit authority. County population shall be  
measured by the most recent census taken by the United States  
census bureau.

(L) "Transit authority" means a regional transit authority  
created pursuant to section 306.31 of the Revised Code or a  
county in which a county transit system is created pursuant to  
section 306.01 of the Revised Code. For the purposes of this  
chapter, a transit authority must extend to at least the entire  
area of a single county. A transit authority which includes  
territory in more than one county must include all the area of  
the most populous county which is a part of such transit  
authority. County population shall be measured by the most  
recent census taken by the United States census bureau.

(M) "Providing a service" has the same meaning as in  
section 5739.01 of the Revised Code.

(N) "Other consumption" includes receiving the benefits of  
a service.

(O) "Lease" or "rental" has the same meaning as in section  
5739.01 of the Revised Code.

(P) "Certified service provider" has the same meaning as  
in section 5740.01 of the Revised Code.

(Q) "Marketplace facilitator" means a person that owns, 8300  
operates, or controls a physical or electronic marketplace 8301  
through which retail sales are facilitated on behalf of one or 8302  
more marketplace sellers, or an affiliate of such a person. 8303  
"Marketplace facilitator" does not include a person that 8304  
provides advertising services, including tangible personal 8305  
property or services listed for sale, if the advertising service 8306  
platform or forum does not engage directly or indirectly through 8307  
one or more affiliated persons in the activities described in 8308  
division (T) (2) of this section. 8309

(R) "Marketplace seller" means a person on behalf of which 8310  
a marketplace facilitator facilitates the sale of tangible 8311  
personal property for storage, use, or consumption in this state 8312  
or services the benefit of which are realized in this state, 8313  
regardless of whether or not the person has a substantial nexus 8314  
with this state. 8315

(S) "Electronic marketplace" includes digital distribution 8316  
services, digital distribution platforms, online portals, 8317  
application stores, computer software applications, in-app 8318  
purchase mechanisms, or other digital products. 8319

(T) A sale is "facilitated" by a marketplace facilitator 8320  
on behalf of a marketplace seller if it satisfies divisions (T) 8321  
(1), (2), and (3) of this section: 8322

(1) The marketplace facilitator, directly or indirectly, 8323  
does any of the following: 8324

(a) Lists, makes available, or advertises the tangible 8325  
personal property or services that are the subject of the sale 8326  
in a physical or electronic marketplace owned, operated, or 8327  
controlled by the marketplace facilitator; 8328

- (b) Transmits or otherwise communicates an offer or 8329  
acceptance of the sale between the marketplace seller and the 8330  
purchaser in a shop, store, booth, catalog, internet site, or 8331  
other similar forum; 8332
- (c) Owns, rents, licenses, makes available, or operates 8333  
any electronic or physical infrastructure or any property, 8334  
process, method, copyright, trademark, or patent that connects 8335  
the marketplace seller to the purchaser for the purpose of 8336  
making sales; 8337
- (d) Provides the marketplace in which the sale was made or 8338  
otherwise facilitates the sale regardless of ownership or 8339  
control of the tangible personal property or services that are 8340  
the subject of the sale; 8341
- (e) Provides software development or research and 8342  
development services directly related to a physical or 8343  
electronic marketplace that is involved in one or more of the 8344  
activities described in division (T)(1) of this section; 8345
- (f) Provides fulfillment or storage services for the 8346  
marketplace seller that are related to the tangible personal 8347  
property or services that are the subject of the sale; 8348
- (g) Sets the price of the sale on behalf of the 8349  
marketplace seller; 8350
- (h) Provides or offers customer service to the marketplace 8351  
seller or the marketplace seller's customers, or accepts or 8352  
assists with taking orders, returns, or exchanges of the 8353  
tangible personal property or services that are the subject of 8354  
the sale; 8355
- (i) Brands or otherwise identifies the sale as a sale of 8356  
the marketplace facilitator. 8357

(2) The marketplace facilitator, directly or indirectly, 8358  
does any of the following: 8359

(a) Collects the price of the tangible personal property 8360  
or services sold to the consumer; 8361

(b) Provides payment processing services for the sale; 8362

(c) Collects payment in connection with the sale from the 8363  
consumer through terms and conditions, agreements, or 8364  
arrangements with a third party, and transmits that payment to 8365  
the marketplace seller, regardless of whether the person 8366  
collecting and transmitting such payment receives compensation 8367  
or other consideration in exchange for the service; 8368

(d) Provides virtual currency that consumers are allowed 8369  
or required to use to purchase the tangible personal property or 8370  
services that are the subject of the sale. 8371

(3) The subject of the sale is tangible personal property 8372  
or services other than lodging by a hotel that is or is to be 8373  
furnished to transient guests. 8374

(U) "Marijuana" means marihuana as defined in section 8375  
3719.01 of the Revised Code. "Marijuana" does not include 8376  
medical marijuana as defined in section 3796.01 of the Revised 8377  
Code. 8378

**Sec. 5741.02.** (A) (1) For the use of the general revenue 8379  
fund of the state, an excise tax is hereby levied on the 8380  
storage, use, or other consumption in this state of tangible 8381  
personal property or the benefit realized in this state of any 8382  
service provided. The tax shall be collected as provided in 8383  
section 5739.025 of the Revised Code. The rate of the tax shall 8384  
be ten per cent for the storage, use, or other consumption of 8385  
marijuana and five and three-fourths per cent for the storage, 8386

use, or other consumption of any other tangible personal 8387  
property and benefit realized of any service provided. 8388

(2) In the case of the lease or rental, with a fixed term 8389  
of more than thirty days or an indefinite term with a minimum 8390  
period of more than thirty days, of any motor vehicles designed 8391  
by the manufacturer to carry a load of not more than one ton, 8392  
watercraft, outboard motor, or aircraft, or of any tangible 8393  
personal property, other than motor vehicles designed by the 8394  
manufacturer to carry a load of more than one ton, to be used by 8395  
the lessee or renter primarily for business purposes, the tax 8396  
shall be collected by the seller at the time the lease or rental 8397  
is consummated and shall be calculated by the seller on the 8398  
basis of the total amount to be paid by the lessee or renter 8399  
under the lease or rental agreement. If the total amount of the 8400  
consideration for the lease or rental includes amounts that are 8401  
not calculated at the time the lease or rental is executed, the 8402  
tax shall be calculated and collected by the seller at the time 8403  
such amounts are billed to the lessee or renter. In the case of 8404  
an open-end lease or rental, the tax shall be calculated by the 8405  
seller on the basis of the total amount to be paid during the 8406  
initial fixed term of the lease or rental, and for each 8407  
subsequent renewal period as it comes due. As used in this 8408  
division, "motor vehicle" has the same meaning as in section 8409  
4501.01 of the Revised Code, and "watercraft" includes an 8410  
outdrive unit attached to the watercraft. 8411

(3) Except as provided in division (A) (2) of this section, 8412  
in the case of a transaction, the price of which consists in 8413  
whole or part of the lease or rental of tangible personal 8414  
property, the tax shall be measured by the installments of those 8415  
leases or rentals. 8416



(B) Each consumer, storing, using, or otherwise consuming 8417  
in this state tangible personal property or realizing in this 8418  
state the benefit of any service provided, shall be liable for 8419  
the tax, and such liability shall not be extinguished until the 8420  
tax has been paid to this state; provided, that the consumer 8421  
shall be relieved from further liability for the tax if the tax 8422  
has been paid to a seller in accordance with section 5741.04 of 8423  
the Revised Code or prepaid by the seller in accordance with 8424  
section 5741.06 of the Revised Code. 8425

(C) The tax does not apply to the storage, use, or 8426  
consumption in this state of the following described tangible 8427  
personal property or services, nor to the storage, use, or 8428  
consumption or benefit in this state of tangible personal 8429  
property or services purchased under the following described 8430  
circumstances: 8431

(1) When the sale of property or service in this state is 8432  
subject to the excise tax imposed by sections 5739.01 to 5739.31 8433  
of the Revised Code, provided said tax has been paid; 8434

(2) Except as provided in division (D) of this section, 8435  
tangible personal property or services, the acquisition of 8436  
which, if made in Ohio, would be a sale not subject to the tax 8437  
imposed by sections 5739.01 to 5739.31 of the Revised Code; 8438

(3) Property or services, the storage, use, or other 8439  
consumption of or benefit from which this state is prohibited 8440  
from taxing by the Constitution of the United States, laws of 8441  
the United States, or the Constitution of this state. This 8442  
exemption shall not exempt from the application of the tax 8443  
imposed by this section the storage, use, or consumption of 8444  
tangible personal property that was purchased in interstate 8445  
commerce, but that has come to rest in this state, provided that 8446

fuel to be used or transported in carrying on interstate 8447  
commerce that is stopped within this state pending transfer from 8448  
one conveyance to another is exempt from the excise tax imposed 8449  
by this section and section 5739.02 of the Revised Code; 8450

(4) Transient use of tangible personal property in this 8451  
state by a nonresident tourist or vacationer, or a nonbusiness 8452  
use within this state by a nonresident of this state, if the 8453  
property so used was purchased outside this state for use 8454  
outside this state and is not required to be registered or 8455  
licensed under the laws of this state; 8456

(5) Tangible personal property or services rendered, upon 8457  
which taxes have been paid to another jurisdiction to the extent 8458  
of the amount of the tax paid to such other jurisdiction. Where 8459  
the amount of the tax imposed by this section and imposed 8460  
pursuant to section 5741.021, 5741.022, or 5741.023 of the 8461  
Revised Code exceeds the amount paid to another jurisdiction, 8462  
the difference shall be allocated between the tax imposed by 8463  
this section and any tax imposed by a county or a transit 8464  
authority pursuant to section 5741.021, 5741.022, or 5741.023 of 8465  
the Revised Code, in proportion to the respective rates of such 8466  
taxes. 8467

As used in this subdivision, "taxes paid to another 8468  
jurisdiction" means the total amount of retail sales or use tax 8469  
or similar tax based upon the sale, purchase, or use of tangible 8470  
personal property or services rendered legally, levied by and 8471  
paid to another state or political subdivision thereof, or to 8472  
the District of Columbia, where the payment of such tax does not 8473  
entitle the taxpayer to any refund or credit for such payment. 8474

(6) The transfer of a used manufactured home or used 8475  
mobile home, as defined by section 5739.0210 of the Revised 8476

Code, made on or after January 1, 2000; 8477

(7) Drugs that are or are intended to be distributed free 8478  
of charge to a practitioner licensed to prescribe, dispense, and 8479  
administer drugs to a human being in the course of a 8480  
professional practice and that by law may be dispensed only by 8481  
or upon the order of such a practitioner; 8482

(8) Computer equipment and related software leased from a 8483  
lessor located outside this state and initially received in this 8484  
state on behalf of the consumer by a third party that will 8485  
retain possession of such property for not more than ninety days 8486  
and that will, within that ninety-day period, deliver such 8487  
property to the consumer at a location outside this state. 8488  
Division (C) (8) of this section does not provide exemption from 8489  
taxation for any otherwise taxable charges associated with such 8490  
property while it is in this state or for any subsequent 8491  
storage, use, or consumption of such property in this state by 8492  
or on behalf of the consumer. 8493

(9) Tangible personal property held for sale by a person 8494  
but not for that person's own use and donated by that person, 8495  
without charge or other compensation, to either of the 8496  
following: 8497

(a) A nonprofit organization operated exclusively for 8498  
charitable purposes in this state, no part of the net income of 8499  
which inures to the benefit of any private shareholder or 8500  
individual and no substantial part of the activities of which 8501  
consists of carrying on propaganda or otherwise attempting to 8502  
influence legislation; or 8503

(b) This state or any political subdivision of this state, 8504  
but only if donated for exclusively public purposes. 8505

For the purposes of division (C) (9) of this section, 8506  
"charitable purposes" has the same meaning as in division (B) 8507  
(12) of section 5739.02 of the Revised Code. 8508

(10) Equipment stored, used, or otherwise consumed in this 8509  
state by an out-of-state disaster business during a disaster 8510  
response period during which the business conducts disaster work 8511  
pursuant to a qualifying solicitation received by the business, 8512  
provided the equipment is removed from the state before the last 8513  
day of that period. All terms used in division (C) (10) of this 8514  
section have the same meanings as in section 5703.94 of the 8515  
Revised Code. 8516

(D) The tax applies to the storage, use, or other 8517  
consumption in this state of tangible personal property or 8518  
services, the acquisition of which at the time of sale was 8519  
excepted under division (E) of section 5739.01 of the Revised 8520  
Code from the tax imposed by section 5739.02 of the Revised 8521  
Code, but which has subsequently been temporarily or permanently 8522  
stored, used, or otherwise consumed in a taxable manner. 8523

(E) (1) (a) If any transaction is claimed to be exempt under 8524  
division (E) of section 5739.01 of the Revised Code or under 8525  
section 5739.02 of the Revised Code, with the exception of 8526  
divisions (B) (1) to (11) or (28) of section 5739.02 of the 8527  
Revised Code, the consumer shall provide to the seller, and the 8528  
seller shall obtain from the consumer, a certificate specifying 8529  
the reason that the transaction is not subject to the tax. The 8530  
certificate shall be in such form, and shall be provided either 8531  
in a hard copy form or electronic form, as the tax commissioner 8532  
prescribes. 8533

(b) A seller that obtains a fully completed exemption 8534  
certificate from a consumer is relieved of liability for 8535

collecting and remitting tax on any sale covered by that 8536  
certificate. If it is determined the exemption was improperly 8537  
claimed, the consumer shall be liable for any tax due on that 8538  
sale under this chapter. Relief under this division from 8539  
liability does not apply to any of the following: 8540

(i) A seller that fraudulently fails to collect tax; 8541

(ii) A seller that solicits consumers to participate in 8542  
the unlawful claim of an exemption; 8543

(iii) A seller that accepts an exemption certificate from 8544  
a consumer that claims an exemption based on who purchases or 8545  
who sells property or a service, when the subject of the 8546  
transaction sought to be covered by the exemption certificate is 8547  
actually received by the consumer at a location operated by the 8548  
seller in this state, and this state has posted to its web site 8549  
an exemption certificate form that clearly and affirmatively 8550  
indicates that the claimed exemption is not available in this 8551  
state; 8552

(iv) A seller that accepts an exemption certificate from a 8553  
consumer who claims a multiple points of use exemption under 8554  
division (D) of section 5739.033 of the Revised Code, if the 8555  
item purchased is tangible personal property, other than 8556  
prewritten computer software. 8557

(2) The seller shall maintain records, including exemption 8558  
certificates, of all sales on which a consumer has claimed an 8559  
exemption, and provide them to the tax commissioner on request. 8560

(3) If no certificate is provided or obtained within 8561  
ninety days after the date on which the transaction is 8562  
consummated, it shall be presumed that the tax applies. Failure 8563  
to have so provided or obtained a certificate shall not preclude 8564

a seller, within one hundred twenty days after the tax commissioner gives written notice of intent to levy an assessment, from either establishing that the transaction is not subject to the tax, or obtaining, in good faith, a fully completed exemption certificate.

(4) If a transaction is claimed to be exempt under division (B)(13) of section 5739.02 of the Revised Code, the contractor shall obtain certification of the claimed exemption from the contractee. This certification shall be in addition to an exemption certificate provided by the contractor to the seller. A contractee that provides a certification under this division shall be deemed to be the consumer of all items purchased by the contractor under the claim of exemption, if it is subsequently determined that the exemption is not properly claimed. The certification shall be in such form as the tax commissioner prescribes.

(F) A seller who files a petition for reassessment contesting the assessment of tax on transactions for which the seller obtained no valid exemption certificates, and for which the seller failed to establish that the transactions were not subject to the tax during the one-hundred-twenty-day period allowed under division (E) of this section, may present to the tax commissioner additional evidence to prove that the transactions were exempt. The seller shall file such evidence within ninety days of the receipt by the seller of the notice of assessment, except that, upon application and for reasonable cause, the tax commissioner may extend the period for submitting such evidence thirty days.

(G) For the purpose of the proper administration of sections 5741.01 to 5741.22 of the Revised Code, and to prevent

the evasion of the tax hereby levied, it shall be presumed that 8595  
any use, storage, or other consumption of tangible personal 8596  
property in this state is subject to the tax until the contrary 8597  
is established. 8598

(H) The tax collected by the seller from the consumer 8599  
under this chapter is not part of the price, but is a tax 8600  
collection for the benefit of the state, and of counties levying 8601  
an additional use tax pursuant to section 5741.021 or 5741.023 8602  
of the Revised Code and of transit authorities levying an 8603  
additional use tax pursuant to section 5741.022 of the Revised 8604  
Code. Except for the discount authorized under section 5741.12 8605  
of the Revised Code and the effects of any rounding pursuant to 8606  
section 5703.055 of the Revised Code, no person other than the 8607  
state or such a county or transit authority shall derive any 8608  
benefit from the collection of such tax. 8609

**Sec. 5741.021.** (A) For the purpose of providing additional 8610  
general revenues for the county, supporting criminal and 8611  
administrative justice services in the county, funding a 8612  
regional transportation improvement project under section 8613  
5595.06 of the Revised Code, or any combination of the 8614  
foregoing, and to pay the expenses of administering such levy, 8615  
any county which levies a tax pursuant to section 5739.021 of 8616  
the Revised Code shall levy a tax at the same rate levied 8617  
pursuant to section 5739.021 of the Revised Code on the storage, 8618  
use, or other consumption in the county of the following: 8619

(1) Motor vehicles, and watercraft and outboard motors 8620  
required to be titled in the county pursuant to Chapter 1548. of 8621  
the Revised Code and acquired by a transaction subject to the 8622  
tax imposed by section 5739.02 of the Revised Code; 8623

(2) In addition to the tax imposed by section 5741.02 of 8624

the Revised Code, tangible personal property, except marijuana, 8625  
and services subject to the tax levied by this state as provided 8626  
in section 5741.02 of the Revised Code, and tangible personal 8627  
property, except marijuana, and services purchased in another 8628  
county within this state by a transaction subject to the tax 8629  
imposed by section 5739.02 of the Revised Code. 8630

The tax shall be levied pursuant to a resolution of the 8631  
board of county commissioners which shall be adopted after 8632  
publication of notice and hearing in the same manner as provided 8633  
in section 5739.021 of the Revised Code. Such resolution shall 8634  
be adopted and shall become effective on the same day as the 8635  
resolution adopted by the board of county commissioners levying 8636  
a sales tax pursuant to section 5739.021 of the Revised Code and 8637  
shall remain in effect until such sales tax is repealed. 8638

(B) The tax levied pursuant to this section on the 8639  
storage, use, or other consumption of tangible personal property 8640  
and on the benefit of a service realized shall be in addition to 8641  
the tax levied by section 5741.02 of the Revised Code and, 8642  
except as provided in division (D) of this section, any tax 8643  
levied pursuant to sections 5741.022 and 5741.023 of the Revised 8644  
Code. 8645

(C) The additional tax levied by the county shall be 8646  
collected pursuant to section 5739.025 of the Revised Code. If 8647  
the additional tax or some portion thereof is levied for the 8648  
purpose of criminal and administrative justice services, the 8649  
revenue from the tax, or the amount or rate apportioned to that 8650  
purpose, shall be credited to a special fund created in the 8651  
county treasury for receipt of that revenue. 8652

(D) The tax levied pursuant to this section shall not be 8653  
applicable to any benefit of a service realized or to any 8654



storage, use, or consumption of property not within the taxing 8655  
power of a county under the constitution of the United States or 8656  
the constitution of this state, or to property or services on 8657  
which a tax levied by a county or transit authority pursuant to 8658  
this section or section 5739.021, 5739.023, 5739.026, 5741.022, 8659  
or 5741.023 of the Revised Code has been paid, if the sum of the 8660  
taxes paid pursuant to those sections is equal to or greater 8661  
than the sum of the taxes due under this section and sections 8662  
5741.022 and 5741.023 of the Revised Code. If the sum of the 8663  
taxes paid is less than the sum of the taxes due under this 8664  
section and sections 5741.022 and 5741.023 of the Revised Code, 8665  
the amount of tax paid shall be credited against the amount of 8666  
tax due. 8667

(E) As used in this section, "criminal and administrative 8668  
justice services" has the same meaning as in section 5739.021 of 8669  
the Revised Code. 8670

**Sec. 5741.022.** (A) For the purpose of providing additional 8671  
general revenues for the transit authority, funding a regional 8672  
transportation improvement project under section 5595.06 of the 8673  
Revised Code, or funding public infrastructure projects as 8674  
described in section 306.353 of the Revised Code, and to pay the 8675  
expenses of administering such levy, any transit authority that 8676  
levies a tax pursuant to section 5739.023 of the Revised Code 8677  
shall levy a tax at the same rate levied pursuant to such 8678  
section on the storage, use, or other consumption in the 8679  
territory of the transit authority of the following: 8680

(1) Motor vehicles, and watercraft and outboard motors 8681  
required to be titled in the county pursuant to Chapter 1548. of 8682  
the Revised Code and acquired by a transaction subject to the 8683  
tax imposed by section 5739.02 of the Revised Code; 8684

(2) In addition to the tax imposed by section 5741.02 of 8685  
the Revised Code, tangible personal property, except marijuana, 8686  
and services subject to the tax levied by this state as provided 8687  
in section 5741.02 of the Revised Code, and tangible personal 8688  
property, except marijuana, and services purchased in another 8689  
county within this state by a transaction subject to the tax 8690  
imposed by section 5739.02 of the Revised Code. 8691

The tax shall be in effect at the same time and at the 8692  
same rate and shall be levied pursuant to the resolution of the 8693  
legislative authority of the transit authority levying a sales 8694  
tax pursuant to section 5739.023 of the Revised Code. 8695

(B) The tax levied pursuant to this section on the 8696  
storage, use, or other consumption of tangible personal property 8697  
and on the benefit of a service realized shall be in addition to 8698  
the tax levied by section 5741.02 of the Revised Code and, 8699  
except as provided in division (D) of this section, any tax 8700  
levied pursuant to sections 5741.021 and 5741.023 of the Revised 8701  
Code. 8702

(C) The additional tax levied by the authority shall be 8703  
collected pursuant to section 5739.025 of the Revised Code. 8704

(D) The tax levied pursuant to this section shall not be 8705  
applicable to any benefit of a service realized or to any 8706  
storage, use, or consumption of property not within the taxing 8707  
power of a transit authority under the constitution of the 8708  
United States or the constitution of this state, or to property 8709  
or services on which a tax levied by a county or transit 8710  
authority pursuant to this section or section 5739.021, 8711  
5739.023, 5739.026, 5741.021, or 5741.023 of the Revised Code 8712  
has been paid, if the sum of the taxes paid pursuant to those 8713  
sections is equal to or greater than the sum of the taxes due 8714

under this section and sections 5741.021 and 5741.023 of the Revised Code. If the sum of the taxes paid is less than the sum of the taxes due under this section and sections 5741.021 and 5741.023 of the Revised Code, the amount of tax paid shall be credited against the amount of tax due.

(E) The rate of a tax levied under this section is subject to reduction under section 5739.028 of the Revised Code if a ballot question is approved by voters pursuant to that section.

**Sec. 5741.023.** (A) For the same purposes for which it has imposed a tax under section 5739.026 of the Revised Code, any county that levies a tax pursuant to such section shall levy a tax at the same rate levied pursuant to such section on the storage, use, or other consumption in the county of the following:

(1) Motor vehicles, and watercraft and outboard motors required to be titled in the county pursuant to Chapter 1548. of the Revised Code, acquired by a transaction subject to the tax imposed by section 5739.02 of the Revised Code;

(2) In addition to the tax imposed by section 5741.02 of the Revised Code, tangible personal property, except marijuana, and services subject to the tax levied by this state as provided in section 5741.02 of the Revised Code, and tangible personal property, except marijuana, and services purchased in another county within this state by a transaction subject to the tax imposed by section 5739.02 of the Revised Code.

The tax shall be levied pursuant to a resolution of the board of county commissioners, which shall be adopted in the same manner as provided in section 5739.026 of the Revised Code. Such resolution shall be adopted and shall become effective on

the same day as the resolution adopted by the board of county 8744  
commissioners levying a sales tax pursuant to such section and 8745  
shall remain in effect until such sales tax is repealed or 8746  
expires. 8747

(B) The tax levied pursuant to this section shall be in 8748  
addition to the tax levied by section 5741.02 of the Revised 8749  
Code and, except as provided in division (D) of this section, 8750  
any tax levied pursuant to sections 5741.021 and 5741.022 of the 8751  
Revised Code. 8752

(C) The additional tax levied by the county shall be 8753  
collected pursuant to section 5739.025 of the Revised Code. 8754

(D) The tax levied pursuant to this section shall not be 8755  
applicable to any benefit of a service realized or to any 8756  
storage, use, or consumption of property not within the taxing 8757  
power of a county under the constitution of the United States or 8758  
the constitution of this state, or to property or services on 8759  
which tax levied by a county or transit authority pursuant to 8760  
this section or section 5739.021, 5739.023, 5739.026, 5741.021, 8761  
or 5741.022 of the Revised Code has been paid, if the sum of the 8762  
taxes paid pursuant to those sections is equal to or greater 8763  
than the sum of the taxes due under this section and sections 8764  
5741.021 and 5741.022 of the Revised Code. If the sum of the 8765  
taxes paid is less than the sum of the taxes due under this 8766  
section and sections 5741.021 and 5741.022 of the Revised Code, 8767  
the amount of tax paid shall be credited against the amount of 8768  
tax due. 8769

**Sec. 5741.03.** (A) One hundred per cent of all money 8770  
deposited into the state treasury under sections 5741.01 to 8771  
5741.22 of the Revised Code that is not required to be 8772  
distributed as provided in division (B) or (C) of this section 8773

shall be credited to the general revenue fund. 8774

(B) In any case where any county or transit authority has 8775  
levied a tax or taxes pursuant to section 5741.021, 5741.022, or 8776  
5741.023 of the Revised Code, the tax commissioner shall, within 8777  
forty-five days after the end of each month, determine and 8778  
certify to the director of budget and management the amount of 8779  
the proceeds of such tax or taxes from billings and assessments 8780  
received during that month, or shown on tax returns or reports 8781  
filed during that month, to be returned to the county or transit 8782  
authority levying the tax or taxes, which amounts shall be 8783  
determined in the manner provided in section 5739.21 of the 8784  
Revised Code. The director of budget and management shall 8785  
transfer, from the general revenue fund, to the permissive tax 8786  
distribution fund created by division (B)(1) of section 4301.423 8787  
of the Revised Code and to the local sales tax administrative 8788  
fund created by division (C) of section 5739.21 of the Revised 8789  
Code, the amounts certified by the tax commissioner. The tax 8790  
commissioner shall then, on or before the twentieth day of the 8791  
month in which such certification is made, provide for payment 8792  
of such respective amounts to the county treasurer or to the 8793  
fiscal officer of the transit authority levying the tax or 8794  
taxes. The amount transferred to the local sales tax 8795  
administrative fund is for use by the tax commissioner in 8796  
defraying costs the commissioner incurs in administering such 8797  
taxes levied by a county or transit authority. 8798

(C) One hundred per cent of the money collected pursuant 8799  
to the tax levied under section 5741.02 of the Revised Code for 8800  
the storage, use, or other consumption of marijuana shall be 8801  
credited to the marijuana receipts fund created in section 8802  
5739.214 of the Revised Code. 8803

**Section 2.** That existing sections 109.572, 2925.02, 8804  
2925.03, 2925.04, 2925.11, 2925.12, 2925.14, 2925.36, 2925.38, 8805  
3796.01, 3796.02, 3796.03, 3796.032, 3796.05, 3796.06, 3796.061, 8806  
3796.07, 3796.08, 3796.09, 3796.10, 3796.11, 3796.12, 3796.13, 8807  
3796.14, 3796.15, 3796.16, 3796.17, 3796.18, 3796.19, 3796.20, 8808  
3796.21, 3796.22, 3796.23, 3796.24, 3796.27, 3796.28, 3796.29, 8809  
3796.30, 4123.34, 4510.17, 4729.24, 4729.75, 4729.772, 4729.80, 8810  
4729.84, 4729.85, 4729.86, 4731.30, 4731.301, 4776.01, 5739.01, 8811  
5739.02, 5739.021, 5739.023, 5739.026, 5739.21, 5741.01, 8812  
5741.02, 5741.021, 5741.022, 5741.023, and 5741.03 of the 8813  
Revised Code are hereby repealed. 8814

**Section 3.** That sections 2925.141, 3796.021, 3796.031, 8815  
3796.04, 4729.771, and 4731.302 of the Revised Code are hereby 8816  
repealed. 8817

**Section 4.** (A) Not later than two hundred forty days after 8818  
the effective date of this section, the Medical Marijuana 8819  
Control Program in the State Board of Pharmacy is abolished. All 8820  
records of the Medical Marijuana Control Program in the State 8821  
Board of Pharmacy shall be transferred to the Department of 8822  
Commerce Division of Marijuana Control, and all of its other 8823  
assets and liabilities relating to the Medical Marijuana Control 8824  
Program shall be transferred to the Department of Commerce. The 8825  
Division of Marijuana Control in the Department of Commerce is 8826  
successor to, and assumes the obligations of, the Medical 8827  
Marijuana Control Program in the State Board of Pharmacy. Any 8828  
business commenced, but not completed by the State Board of 8829  
Pharmacy Medical Marijuana Control Program two hundred forty 8830  
days after the effective date of this section shall be completed 8831  
by the Director of Commerce in the same manner, and with the 8832  
same effect, as if completed by the State Board of Pharmacy. No 8833  
validation, cure, right, privilege, remedy, obligation, or 8834

liability is lost or impaired by reason of the transfer required 8835  
by this section. 8836

(B) Any license issued by the State Board of Pharmacy 8837  
pursuant to section 3796.10 of the Revised Code remains in 8838  
effect for the remainder of the license's term, unless otherwise 8839  
suspended or revoked. Any registration issued by the State Board 8840  
of Pharmacy pursuant to section 3796.08 of the Revised Code 8841  
remains in effect for the remainder of the registration's term, 8842  
unless otherwise revoked. Renewals shall be conducted through 8843  
the Division of Marijuana Control. 8844

(C) Any form of marijuana approved by the State Board of 8845  
Pharmacy pursuant to section 3796.061 of the Revised Code as it 8846  
existed prior to the effective date of the amendment to that 8847  
section shall remain approved until the Department of Commerce 8848  
revokes that approval. The Department of Commerce may revoke the 8849  
approval of a form of marijuana made by the State Board of 8850  
Pharmacy prior to that effective date. If the Department revokes 8851  
approval, the Department shall notify in writing the person who 8852  
filed the petition pursuant to section 3796.061 of the Revised 8853  
Code and shall post notice of that revocation on the web site of 8854  
the Division of Marijuana Control. 8855

(D) The rules adopted by the State Board of Pharmacy 8856  
regulating the Medical Marijuana Control Program in existence on 8857  
the effective date of this section continue in effect until 8858  
repealed or amended by the Department of Commerce. 8859

(E) Unless removed by the Department of Commerce within 8860  
sixty days after the effective date of this section, any 8861  
qualifying medical conditions added by the State Medical Board 8862  
pursuant to section 4731.302 of the Revised Code, as that 8863  
section existed immediately prior to being repealed in this act, 8864

continues to be a qualifying medical condition. 8865

**Section 5.** The General Assembly, applying the principle 8866  
stated in division (B) of section 1.52 of the Revised Code that 8867  
amendments are to be harmonized if reasonably capable of 8868  
simultaneous operation, finds that the following sections, 8869  
presented in this act as composites of the sections as amended 8870  
by the acts indicated, are the resulting versions of the 8871  
sections in effect prior to the effective date of the sections 8872  
as presented in this act: 8873

Section 109.572 of the Revised Code as amended by H.B. 110 8874  
and S.B. 3 of the 134th General Assembly and H.B. 263 and S.B. 8875  
260 of the 133rd General Assembly. 8876

Section 2925.02 of the Revised Code as amended by both 8877  
S.B. 1 and S.B. 201 of the 132nd General Assembly. 8878

Section 2925.03 of the Revised Code as amended by H.B. 8879  
111, S.B. 1, S.B. 201, and S.B. 229, all of the 132nd General 8880  
Assembly. 8881

Section 2925.04 of the Revised Code as amended by both 8882  
S.B. 1 and S.B. 201 of the 132nd General Assembly. 8883

Section 2925.11 of the Revised Code as amended by S.B. 1, 8884  
S.B. 201, and S.B. 229, all of the 132nd General Assembly. 8885

Section 4510.17 of the Revised Code as amended by both 8886  
H.B. 388 and S.B. 204 of the 131st General Assembly. 8887

Section 4776.01 of the Revised Code as amended by both 8888  
H.B. 166 and S.B. 57 of the 133rd General Assembly. 8889

Section 109.572 of the Revised Code is presented in this 8890  
act as a composite of the section as amended by H.B. 110 and 8891  
S.B. 3 of the 134th General Assembly and H.B. 263 and S.B. 260 8892



of the 133rd General Assembly. The General Assembly, applying 8893  
the principle stated in division (B) of section 1.52 of the 8894  
Revised Code that amendments are to be harmonized if reasonably 8895  
capable of simultaneous operation, finds that the composite is 8896  
the resulting version of the section in effect prior to the 8897  
effective date of the section as presented in this act. 8898

**Section 6.** In enacting this section, it is the intent of 8899  
the General Assembly to urge the Congress of the United States 8900  
to enact H.R. 3105 of the 117th Congress, or substantially 8901  
similar legislation. In addition, it is the intent of the 8902  
General Assembly to urge Congress to protect the United States 8903  
Constitution Second Amendment rights of Ohioans that are engaged 8904  
in the legal use of cannabis under the laws of this state. The 8905  
Clerk of the Ohio House of Representatives shall send a letter 8906  
to the Speaker and Minority Leader of the United States House of 8907  
Representatives, the President and Minority Leader of the United 8908  
States Senate, the President of the United States, the Ohio 8909  
congressional delegation, and the media urging the United States 8910  
Congress to enact H.R. 3105 of the 117th Congress or 8911  
substantially similar legislation and to protect the Second 8912  
Amendment rights of Ohioans that are engaged in the legal use of 8913  
cannabis. 8914