

**As Passed by the Senate**

**134th General Assembly**

**Regular Session**

**2021-2022**

**S. B. No. 261**

**Senator Huffman, S.**

**Cosponsors: Senators Yuko, Schuring, Cirino, Antonio, Blessing, Thomas**

---

**A BILL**

To amend sections 109.572, 3796.01, 3796.02, 1  
3796.03, 3796.032, 3796.05, 3796.06, 3796.061, 2  
3796.08, 3796.10, 3796.11, 3796.12, 3796.13, 3  
3796.14, 3796.15, 3796.16, 3796.17, 3796.18, 4  
3796.19, 3796.20, 3796.21, 3796.22, 3796.23, 5  
3796.27, 3796.30, 4731.30, and 4776.01; to enact 6  
sections 3796.35, 4731.303, and 4731.304; and to 7  
repeal sections 3796.031 and 3796.04 of the 8  
Revised Code to amend the law related to medical 9  
marijuana. 10

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

**Section 1.** That sections 109.572, 3796.01, 3796.02, 11  
3796.03, 3796.032, 3796.05, 3796.06, 3796.061, 3796.08, 3796.10, 12  
3796.11, 3796.12, 3796.13, 3796.14, 3796.15, 3796.16, 3796.17, 13  
3796.18, 3796.19, 3796.20, 3796.21, 3796.22, 3796.23, 3796.27, 14  
3796.30, 4731.30, and 4776.01 be amended and sections 3796.35, 15  
4731.303, and 4731.304 of the Revised Code be enacted to read as 16  
follows: 17

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

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

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2923.17, 2923.21, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 2925.37, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, or a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense;

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

division (A) (1) (a) of this section; 50

(c) If the request is made pursuant to section 3319.39 of 51  
the Revised Code for an applicant who is a teacher, any offense 52  
specified under section 9.79 of the Revised Code or in section 53  
3319.31 of the Revised Code. 54

(2) On receipt of a request pursuant to section 3712.09 or 55  
3721.121 of the Revised Code, a completed form prescribed 56  
pursuant to division (C) (1) of this section, and a set of 57  
fingerprint impressions obtained in the manner described in 58  
division (C) (2) of this section, the superintendent of the 59  
bureau of criminal identification and investigation shall 60  
conduct a criminal records check with respect to any person who 61  
has applied for employment in a position for which a criminal 62  
records check is required by those sections. The superintendent 63  
shall conduct the criminal records check in the manner described 64  
in division (B) of this section to determine whether any 65  
information exists that indicates that the person who is the 66  
subject of the request previously has been convicted of or 67  
pleaded guilty to any of the following: 68

(a) A violation of section 2903.01, 2903.02, 2903.03, 69  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 70  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 71  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 72  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 73  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 74  
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 75  
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 76  
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 77

(b) An existing or former law of this state, any other 78  
state, or the United States that is substantially equivalent to 79

any of the offenses listed in division (A) (2) (a) of this 80  
section. 81

(3) On receipt of a request pursuant to section 173.27, 82  
173.38, 173.381, 3740.11, 5119.34, 5164.34, 5164.341, 5164.342, 83  
5123.081, or 5123.169 of the Revised Code, a completed form 84  
prescribed pursuant to division (C) (1) of this section, and a 85  
set of fingerprint impressions obtained in the manner described 86  
in division (C) (2) of this section, the superintendent of the 87  
bureau of criminal identification and investigation shall 88  
conduct a criminal records check of the person for whom the 89  
request is made. The superintendent shall conduct the criminal 90  
records check in the manner described in division (B) of this 91  
section to determine whether any information exists that 92  
indicates that the person who is the subject of the request 93  
previously has been convicted of, has pleaded guilty to, or 94  
(except in the case of a request pursuant to section 5164.34, 95  
5164.341, or 5164.342 of the Revised Code) has been found 96  
eligible for intervention in lieu of conviction for any of the 97  
following, regardless of the date of the conviction, the date of 98  
entry of the guilty plea, or (except in the case of a request 99  
pursuant to section 5164.34, 5164.341, or 5164.342 of the 100  
Revised Code) the date the person was found eligible for 101  
intervention in lieu of conviction: 102

(a) A violation of section 959.13, 959.131, 2903.01, 103  
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 104  
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 105  
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 106  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 107  
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 108  
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 109  
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 110

2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05,	111
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42,	112
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48,	113
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12,	114
2919.121, 2919.123, 2919.124, 2919.22, 2919.23, 2919.24,	115
2919.25, 2921.03, 2921.11, 2921.12, 2921.13, 2921.21, 2921.24,	116
2921.32, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12,	117
2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21,	118
2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05,	119
2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 2925.141, 2925.22,	120
2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 2927.12, or 3716.11	121
of the Revised Code;	122
(b) Felonious sexual penetration in violation of former	123
section 2907.12 of the Revised Code;	124
(c) A violation of section 2905.04 of the Revised Code as	125
it existed prior to July 1, 1996;	126
(d) A violation of section 2923.01, 2923.02, or 2923.03 of	127
the Revised Code when the underlying offense that is the object	128
of the conspiracy, attempt, or complicity is one of the offenses	129
listed in divisions (A) (3) (a) to (c) of this section;	130
(e) A violation of an existing or former municipal	131
ordinance or law of this state, any other state, or the United	132
States that is substantially equivalent to any of the offenses	133
listed in divisions (A) (3) (a) to (d) of this section.	134
(4) On receipt of a request pursuant to section 2151.86 or	135
2151.904 of the Revised Code, a completed form prescribed	136
pursuant to division (C) (1) of this section, and a set of	137
fingerprint impressions obtained in the manner described in	138
division (C) (2) of this section, the superintendent of the	139

bureau of criminal identification and investigation shall 140  
conduct a criminal records check in the manner described in 141  
division (B) of this section to determine whether any 142  
information exists that indicates that the person who is the 143  
subject of the request previously has been convicted of or 144  
pleaded guilty to any of the following: 145

(a) A violation of section 959.13, 2903.01, 2903.02, 146  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 147  
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 148  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 149  
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 150  
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 151  
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 152  
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 153  
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 154  
2927.12, or 3716.11 of the Revised Code, a violation of section 155  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 156  
a violation of section 2919.23 of the Revised Code that would 157  
have been a violation of section 2905.04 of the Revised Code as 158  
it existed prior to July 1, 1996, had the violation been 159  
committed prior to that date, a violation of section 2925.11 of 160  
the Revised Code that is not a minor drug possession offense, 161  
two or more OVI or OVUAC violations committed within the three 162  
years immediately preceding the submission of the application or 163  
petition that is the basis of the request, or felonious sexual 164  
penetration in violation of former section 2907.12 of the 165  
Revised Code; 166

(b) A violation of an existing or former law of this 167  
state, any other state, or the United States that is 168  
substantially equivalent to any of the offenses listed in 169  
division (A) (4) (a) of this section. 170

(5) Upon receipt of a request pursuant to section 5104.013 171  
of the Revised Code, a completed form prescribed pursuant to 172  
division (C)(1) of this section, and a set of fingerprint 173  
impressions obtained in the manner described in division (C)(2) 174  
of this section, the superintendent of the bureau of criminal 175  
identification and investigation shall conduct a criminal 176  
records check in the manner described in division (B) of this 177  
section to determine whether any information exists that 178  
indicates that the person who is the subject of the request has 179  
been convicted of or pleaded guilty to any of the following: 180

(a) A violation of section 2151.421, 2903.01, 2903.02, 181  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 182  
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 183  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 184  
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 185  
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 186  
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 187  
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 188  
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 189  
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 190  
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 191  
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 192  
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 193  
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 194  
3716.11 of the Revised Code, felonious sexual penetration in 195  
violation of former section 2907.12 of the Revised Code, a 196  
violation of section 2905.04 of the Revised Code as it existed 197  
prior to July 1, 1996, a violation of section 2919.23 of the 198  
Revised Code that would have been a violation of section 2905.04 199  
of the Revised Code as it existed prior to July 1, 1996, had the 200  
violation been committed prior to that date, a violation of 201

section 2925.11 of the Revised Code that is not a minor drug 202  
possession offense, a violation of section 2923.02 or 2923.03 of 203  
the Revised Code that relates to a crime specified in this 204  
division, or a second violation of section 4511.19 of the 205  
Revised Code within five years of the date of application for 206  
licensure or certification. 207

(b) A violation of an existing or former law of this 208  
state, any other state, or the United States that is 209  
substantially equivalent to any of the offenses or violations 210  
described in division (A) (5) (a) of this section. 211

(6) Upon receipt of a request pursuant to section 5153.111 212  
of the Revised Code, a completed form prescribed pursuant to 213  
division (C) (1) of this section, and a set of fingerprint 214  
impressions obtained in the manner described in division (C) (2) 215  
of this section, the superintendent of the bureau of criminal 216  
identification and investigation shall conduct a criminal 217  
records check in the manner described in division (B) of this 218  
section to determine whether any information exists that 219  
indicates that the person who is the subject of the request 220  
previously has been convicted of or pleaded guilty to any of the 221  
following: 222

(a) A violation of section 2903.01, 2903.02, 2903.03, 223  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 224  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 225  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 226  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 227  
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 228  
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 229  
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 230  
Code, felonious sexual penetration in violation of former 231



section 2907.12 of the Revised Code, a violation of section 232  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 233  
a violation of section 2919.23 of the Revised Code that would 234  
have been a violation of section 2905.04 of the Revised Code as 235  
it existed prior to July 1, 1996, had the violation been 236  
committed prior to that date, or a violation of section 2925.11 237  
of the Revised Code that is not a minor drug possession offense; 238

(b) A violation of an existing or former law of this 239  
state, any other state, or the United States that is 240  
substantially equivalent to any of the offenses listed in 241  
division (A) (6) (a) of this section. 242

(7) On receipt of a request for a criminal records check 243  
from an individual pursuant to section 4749.03 or 4749.06 of the 244  
Revised Code, accompanied by a completed copy of the form 245  
prescribed in division (C) (1) of this section and a set of 246  
fingerprint impressions obtained in a manner described in 247  
division (C) (2) of this section, the superintendent of the 248  
bureau of criminal identification and investigation shall 249  
conduct a criminal records check in the manner described in 250  
division (B) of this section to determine whether any 251  
information exists indicating that the person who is the subject 252  
of the request has been convicted of or pleaded guilty to any 253  
criminal offense in this state or in any other state. If the 254  
individual indicates that a firearm will be carried in the 255  
course of business, the superintendent shall require information 256  
from the federal bureau of investigation as described in 257  
division (B) (2) of this section. Subject to division (F) of this 258  
section, the superintendent shall report the findings of the 259  
criminal records check and any information the federal bureau of 260  
investigation provides to the director of public safety. 261

(8) On receipt of a request pursuant to section 1321.37, 262  
1321.53, or 4763.05 of the Revised Code, a completed form 263  
prescribed pursuant to division (C)(1) of this section, and a 264  
set of fingerprint impressions obtained in the manner described 265  
in division (C)(2) of this section, the superintendent of the 266  
bureau of criminal identification and investigation shall 267  
conduct a criminal records check with respect to any person who 268  
has applied for a license, permit, or certification from the 269  
department of commerce or a division in the department. The 270  
superintendent shall conduct the criminal records check in the 271  
manner described in division (B) of this section to determine 272  
whether any information exists that indicates that the person 273  
who is the subject of the request previously has been convicted 274  
of or pleaded guilty to any criminal offense in this state, any 275  
other state, or the United States. 276

(9) On receipt of a request for a criminal records check 277  
from the treasurer of state under section 113.041 of the Revised 278  
Code or from an individual under section 928.03, 4701.08, 279  
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 280  
4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 281  
4731.171, 4731.222, 4731.281, 4731.531, 4732.091, 4734.202, 282  
4740.061, 4741.10, 4747.051, 4751.20, 4751.201, 4751.202, 283  
4751.21, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 284  
4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 285  
4776.021, 4778.04, 4778.07, 4779.091, or 4783.04 of the Revised 286  
Code, accompanied by a completed form prescribed under division 287  
(C)(1) of this section and a set of fingerprint impressions 288  
obtained in the manner described in division (C)(2) of this 289  
section, the superintendent of the bureau of criminal 290  
identification and investigation shall conduct a criminal 291  
records check in the manner described in division (B) of this 292

section to determine whether any information exists that 293  
indicates that the person who is the subject of the request has 294  
been convicted of or pleaded guilty to any criminal offense in 295  
this state or any other state. Subject to division (F) of this 296  
section, the superintendent shall send the results of a check 297  
requested under section 113.041 of the Revised Code to the 298  
treasurer of state and shall send the results of a check 299  
requested under any of the other listed sections to the 300  
licensing board specified by the individual in the request. 301

(10) On receipt of a request pursuant to section 124.74, 302  
718.131, 1121.23, 1315.141, 1733.47, or 1761.26 of the Revised 303  
Code, a completed form prescribed pursuant to division (C)(1) of 304  
this section, and a set of fingerprint impressions obtained in 305  
the manner described in division (C)(2) of this section, the 306  
superintendent of the bureau of criminal identification and 307  
investigation shall conduct a criminal records check in the 308  
manner described in division (B) of this section to determine 309  
whether any information exists that indicates that the person 310  
who is the subject of the request previously has been convicted 311  
of or pleaded guilty to any criminal offense under any existing 312  
or former law of this state, any other state, or the United 313  
States. 314

(11) On receipt of a request for a criminal records check 315  
from an appointing or licensing authority under section 3772.07 316  
of the Revised Code, a completed form prescribed under division 317  
(C)(1) of this section, and a set of fingerprint impressions 318  
obtained in the manner prescribed in division (C)(2) of this 319  
section, the superintendent of the bureau of criminal 320  
identification and investigation shall conduct a criminal 321  
records check in the manner described in division (B) of this 322  
section to determine whether any information exists that 323

indicates that the person who is the subject of the request 324  
previously has been convicted of or pleaded guilty or no contest 325  
to any offense under any existing or former law of this state, 326  
any other state, or the United States that is a disqualifying 327  
offense as defined in section 3772.07 of the Revised Code or 328  
substantially equivalent to such an offense. 329

(12) On receipt of a request pursuant to section 2151.33 330  
or 2151.412 of the Revised Code, a completed form prescribed 331  
pursuant to division (C)(1) of this section, and a set of 332  
fingerprint impressions obtained in the manner described in 333  
division (C)(2) of this section, the superintendent of the 334  
bureau of criminal identification and investigation shall 335  
conduct a criminal records check with respect to any person for 336  
whom a criminal records check is required under that section. 337  
The superintendent shall conduct the criminal records check in 338  
the manner described in division (B) of this section to 339  
determine whether any information exists that indicates that the 340  
person who is the subject of the request previously has been 341  
convicted of or pleaded guilty to any of the following: 342

(a) A violation of section 2903.01, 2903.02, 2903.03, 343  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 344  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 345  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 346  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 347  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 348  
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 349  
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 350  
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 351

(b) An existing or former law of this state, any other 352  
state, or the United States that is substantially equivalent to 353

any of the offenses listed in division (A) (12) (a) of this 354  
section. 355

(13) On receipt of a request pursuant to section 3796.12 356  
of the Revised Code, a completed form prescribed pursuant to 357  
division (C) (1) of this section, and a set of fingerprint 358  
impressions obtained in a manner described in division (C) (2) of 359  
this section, the superintendent of the bureau of criminal 360  
identification and investigation shall conduct a criminal 361  
records check in the manner described in division (B) of this 362  
section to determine whether any information exists that 363  
indicates that the person who is the subject of the request 364  
previously has been convicted of or pleaded guilty to ~~the~~ 365  
~~following:~~ 366

~~(a) A a~~ disqualifying offense as specified in rules 367  
adopted under section 9.79 and division (B) (2) (b) of section 368  
3796.03 of the Revised Code if the person who is the subject of 369  
the request is an administrator or other person responsible for 370  
the daily operation of, or an owner or prospective owner, 371  
officer or prospective officer, or board member or prospective 372  
board member of, an entity seeking a license from the department 373  
of commerce under Chapter 3796. of the Revised Code; 374

~~(b) A disqualifying offense as specified in rules adopted~~ 375  
~~under section 9.79 and division (B) (2) (b) of section 3796.04 of~~ 376  
~~the Revised Code if the person who is the subject of the request~~ 377  
~~is an administrator or other person responsible for the daily~~ 378  
~~operation of, or an owner or prospective owner, officer or~~ 379  
~~prospective officer, or board member or prospective board member~~ 380  
~~of, an entity seeking a license from the state board of pharmacy~~ 381  
~~under Chapter 3796. of the Revised Code.~~ 382

(14) On receipt of a request required by section 3796.13 383

of the Revised Code, a completed form prescribed pursuant to 384  
division (C) (1) of this section, and a set of fingerprint 385  
impressions obtained in a manner described in division (C) (2) of 386  
this section, the superintendent of the bureau of criminal 387  
identification and investigation shall conduct a criminal 388  
records check in the manner described in division (B) of this 389  
section to determine whether any information exists that 390  
indicates that the person who is the subject of the request 391  
previously has been convicted of or pleaded guilty to ~~the~~ 392  
~~following:~~ 393

~~(a) A~~ a disqualifying offense as specified in rules 394  
adopted under division ~~(B) (8) (a)~~ (B) (10) (a) of section 3796.03 395  
of the Revised Code if the person who is the subject of the 396  
request is seeking employment with an entity licensed by the 397  
department of commerce under Chapter 3796. of the Revised Code, ~~—~~ 398

~~(b) A disqualifying offense as specified in rules adopted~~ 399  
~~under division (B) (14) (a) of section 3796.04 of the Revised Code~~ 400  
~~if the person who is the subject of the request is seeking~~ 401  
~~employment with an entity licensed by the state board of~~ 402  
~~pharmacy under Chapter 3796. of the Revised Code.~~ 403

(15) On receipt of a request pursuant to section 4768.06 404  
of the Revised Code, a completed form prescribed under division 405  
(C) (1) of this section, and a set of fingerprint impressions 406  
obtained in the manner described in division (C) (2) of this 407  
section, the superintendent of the bureau of criminal 408  
identification and investigation shall conduct a criminal 409  
records check in the manner described in division (B) of this 410  
section to determine whether any information exists indicating 411  
that the person who is the subject of the request has been 412  
convicted of or pleaded guilty to any criminal offense in this 413

state or in any other state. 414

(16) On receipt of a request pursuant to division (B) of 415  
section 4764.07 or division (A) of section 4735.143 of the 416  
Revised Code, a completed form prescribed under division (C)(1) 417  
of this section, and a set of fingerprint impressions obtained 418  
in the manner described in division (C)(2) of this section, the 419  
superintendent of the bureau of criminal identification and 420  
investigation shall conduct a criminal records check in the 421  
manner described in division (B) of this section to determine 422  
whether any information exists indicating that the person who is 423  
the subject of the request has been convicted of or pleaded 424  
guilty to any criminal offense in any state or the United 425  
States. 426

(17) On receipt of a request for a criminal records check 427  
under section 147.022 of the Revised Code, a completed form 428  
prescribed under division (C)(1) of this section, and a set of 429  
fingerprint impressions obtained in the manner prescribed in 430  
division (C)(2) of this section, the superintendent of the 431  
bureau of criminal identification and investigation shall 432  
conduct a criminal records check in the manner described in 433  
division (B) of this section to determine whether any 434  
information exists that indicates that the person who is the 435  
subject of the request previously has been convicted of or 436  
pleaded guilty or no contest to any criminal offense under any 437  
existing or former law of this state, any other state, or the 438  
United States. 439

(18) Upon receipt of a request pursuant to division (F) of 440  
section 2915.081 or division (E) of section 2915.082 of the 441  
Revised Code, a completed form prescribed under division (C)(1) 442  
of this section, and a set of fingerprint impressions obtained 443

in the manner described in division (C) (2) of this section, the 444  
superintendent of the bureau of criminal identification and 445  
investigation shall conduct a criminal records check in the 446  
manner described in division (B) of this section to determine 447  
whether any information exists indicating that the person who is 448  
the subject of the request has been convicted of or pleaded 449  
guilty or no contest to any offense that is a violation of 450  
Chapter 2915. of the Revised Code or to any offense under any 451  
existing or former law of this state, any other state, or the 452  
United States that is substantially equivalent to such an 453  
offense. 454

(B) Subject to division (F) of this section, the 455  
superintendent shall conduct any criminal records check to be 456  
conducted under this section as follows: 457

(1) The superintendent shall review or cause to be 458  
reviewed any relevant information gathered and compiled by the 459  
bureau under division (A) of section 109.57 of the Revised Code 460  
that relates to the person who is the subject of the criminal 461  
records check, including, if the criminal records check was 462  
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 463  
173.381, 718.131, 928.03, 1121.23, 1315.141, 1321.37, 1321.53, 464  
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3740.11, 465  
3712.09, 3721.121, 3772.07, 3796.12, 3796.13, 4729.071, 4729.53, 466  
4729.90, 4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 4768.06, 467  
5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 468  
5153.111 of the Revised Code, any relevant information contained 469  
in records that have been sealed under section 2953.32 of the 470  
Revised Code; 471

(2) If the request received by the superintendent asks for 472  
information from the federal bureau of investigation, the 473



superintendent shall request from the federal bureau of 474  
investigation any information it has with respect to the person 475  
who is the subject of the criminal records check, including 476  
fingerprint-based checks of national crime information databases 477  
as described in 42 U.S.C. 671 if the request is made pursuant to 478  
section 2151.86 or 5104.013 of the Revised Code or if any other 479  
Revised Code section requires fingerprint-based checks of that 480  
nature, and shall review or cause to be reviewed any information 481  
the superintendent receives from that bureau. If a request under 482  
section 3319.39 of the Revised Code asks only for information 483  
from the federal bureau of investigation, the superintendent 484  
shall not conduct the review prescribed by division (B) (1) of 485  
this section. 486

(3) The superintendent or the superintendent's designee 487  
may request criminal history records from other states or the 488  
federal government pursuant to the national crime prevention and 489  
privacy compact set forth in section 109.571 of the Revised 490  
Code. 491

(4) The superintendent shall include in the results of the 492  
criminal records check a list or description of the offenses 493  
listed or described in the relevant provision of division (A) of 494  
this section. The superintendent shall exclude from the results 495  
any information the dissemination of which is prohibited by 496  
federal law. 497

(5) The superintendent shall send the results of the 498  
criminal records check to the person to whom it is to be sent 499  
not later than the following number of days after the date the 500  
superintendent receives the request for the criminal records 501  
check, the completed form prescribed under division (C) (1) of 502  
this section, and the set of fingerprint impressions obtained in 503

the manner described in division (C) (2) of this section: 504

(a) If the superintendent is required by division (A) of 505  
this section (other than division (A) (3) of this section) to 506  
conduct the criminal records check, thirty; 507

(b) If the superintendent is required by division (A) (3) 508  
of this section to conduct the criminal records check, sixty. 509

(C) (1) The superintendent shall prescribe a form to obtain 510  
the information necessary to conduct a criminal records check 511  
from any person for whom a criminal records check is to be 512  
conducted under this section. The form that the superintendent 513  
prescribes pursuant to this division may be in a tangible 514  
format, in an electronic format, or in both tangible and 515  
electronic formats. 516

(2) The superintendent shall prescribe standard impression 517  
sheets to obtain the fingerprint impressions of any person for 518  
whom a criminal records check is to be conducted under this 519  
section. Any person for whom a records check is to be conducted 520  
under this section shall obtain the fingerprint impressions at a 521  
county sheriff's office, municipal police department, or any 522  
other entity with the ability to make fingerprint impressions on 523  
the standard impression sheets prescribed by the superintendent. 524  
The office, department, or entity may charge the person a 525  
reasonable fee for making the impressions. The standard 526  
impression sheets the superintendent prescribes pursuant to this 527  
division may be in a tangible format, in an electronic format, 528  
or in both tangible and electronic formats. 529

(3) Subject to division (D) of this section, the 530  
superintendent shall prescribe and charge a reasonable fee for 531  
providing a criminal records check under this section. The 532

person requesting the criminal records check shall pay the fee 533  
prescribed pursuant to this division. In the case of a request 534  
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 535  
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 536  
fee shall be paid in the manner specified in that section. 537

(4) The superintendent of the bureau of criminal 538  
identification and investigation may prescribe methods of 539  
forwarding fingerprint impressions and information necessary to 540  
conduct a criminal records check, which methods shall include, 541  
but not be limited to, an electronic method. 542

(D) The results of a criminal records check conducted 543  
under this section, other than a criminal records check 544  
specified in division (A) (7) of this section, are valid for the 545  
person who is the subject of the criminal records check for a 546  
period of one year from the date upon which the superintendent 547  
completes the criminal records check. If during that period the 548  
superintendent receives another request for a criminal records 549  
check to be conducted under this section for that person, the 550  
superintendent shall provide the results from the previous 551  
criminal records check of the person at a lower fee than the fee 552  
prescribed for the initial criminal records check. 553

(E) When the superintendent receives a request for 554  
information from a registered private provider, the 555  
superintendent shall proceed as if the request was received from 556  
a school district board of education under section 3319.39 of 557  
the Revised Code. The superintendent shall apply division (A) (1) 558  
(c) of this section to any such request for an applicant who is 559  
a teacher. 560

(F) (1) Subject to division (F) (2) of this section, all 561  
information regarding the results of a criminal records check 562

conducted under this section that the superintendent reports or 563  
sends under division (A) (7) or (9) of this section to the 564  
director of public safety, the treasurer of state, or the 565  
person, board, or entity that made the request for the criminal 566  
records check shall relate to the conviction of the subject 567  
person, or the subject person's plea of guilty to, a criminal 568  
offense. 569

(2) Division (F) (1) of this section does not limit, 570  
restrict, or preclude the superintendent's release of 571  
information that relates to the arrest of a person who is 572  
eighteen years of age or older, to an adjudication of a child as 573  
a delinquent child, or to a criminal conviction of a person 574  
under eighteen years of age in circumstances in which a release 575  
of that nature is authorized under division (E) (2), (3), or (4) 576  
of section 109.57 of the Revised Code pursuant to a rule adopted 577  
under division (E) (1) of that section. 578

(G) As used in this section: 579

(1) "Criminal records check" means any criminal records 580  
check conducted by the superintendent of the bureau of criminal 581  
identification and investigation in accordance with division (B) 582  
of this section. 583

(2) "Minor drug possession offense" has the same meaning 584  
as in section 2925.01 of the Revised Code. 585

(3) "OVI or OVUAC violation" means a violation of section 586  
4511.19 of the Revised Code or a violation of an existing or 587  
former law of this state, any other state, or the United States 588  
that is substantially equivalent to section 4511.19 of the 589  
Revised Code. 590

(4) "Registered private provider" means a nonpublic school 591

or entity registered with the superintendent of public 592  
instruction under section 3310.41 of the Revised Code to 593  
participate in the autism scholarship program or section 3310.58 594  
of the Revised Code to participate in the Jon Peterson special 595  
needs scholarship program. 596

**Sec. 3796.01.** (A) As used in this chapter: 597

(1) "Marijuana" means marihuana as defined in section 598  
3719.01 of the Revised Code. 599

(2) "Medical marijuana" means marijuana that is 600  
cultivated, processed, dispensed, tested, possessed, or used for 601  
a medical purpose. 602

(3) "Academic medical center" has the same meaning as in 603  
section 4731.297 of the Revised Code. 604

(4) "Drug database" means the database established and 605  
maintained by the state board of pharmacy pursuant to section 606  
4729.75 of the Revised Code. 607

(5) "Marijuana cultivation area" means the boundaries of 608  
the enclosed areas in which medical marijuana is cultivated 609  
during the vegetative stage and flowering stage of the 610  
cultivation process. For purposes of calculating the marijuana 611  
cultivation area square footage, "marijuana cultivation area" 612  
does not include enclosed areas used solely for the storage and 613  
maintenance of mother plants, clones, or seedlings. 614

(6) "Physician" means an individual authorized under 615  
Chapter 4731. of the Revised Code to practice medicine and 616  
surgery or osteopathic medicine and surgery. 617

~~(6)~~ (7) "Qualifying medical condition" means any of the 618  
following: 619

(a) Acquired immune deficiency syndrome;	620
(b) Alzheimer's disease;	621
(c) Amyotrophic lateral sclerosis;	622
(d) Cancer;	623
(e) Chronic traumatic encephalopathy;	624
(f) Crohn's disease;	625
(g) Epilepsy or another seizure disorder;	626
(h) Fibromyalgia;	627
(i) Glaucoma;	628
(j) Hepatitis C;	629
(k) Inflammatory bowel disease;	630
(l) Multiple sclerosis;	631
(m) Pain that is either of the following:	632
(i) Chronic and severe;	633
(ii) Intractable.	634
(n) Parkinson's disease;	635
(o) Positive status for HIV;	636
(p) Post-traumatic stress disorder;	637
(q) Sickle cell anemia;	638
(r) Spinal cord disease or injury;	639
(s) Tourette's syndrome;	640
(t) Traumatic brain injury;	641

(u) Ulcerative colitis;	642
(v) <u>Arthritis;</u>	643
<u>(w) Migraines;</u>	644
<u>(x) Autism spectrum disorder;</u>	645
<u>(y) Spasticity or chronic muscle spasms;</u>	646
<u>(z) Hospice care or terminal illness;</u>	647
<u>(aa) Opioid use disorder;</u>	648
<u>(bb) Any condition not specified in this division, if a</u>	649
<u>recommending physician, in the physician's sole discretion and</u>	650
<u>medical opinion, finds either of the following:</u>	651
<u>(i) That the patient's symptoms may reasonably be expected</u>	652
<u>to be relieved from medical marijuana;</u>	653
<u>(ii) That the patient may otherwise reasonably be expected</u>	654
<u>to benefit from medical marijuana;</u>	655
<u>(cc) Any other disease or condition added by the state</u>	656
<u>medical board under section 4731.302 of the Revised Code.</u>	657
<u><del>(7)</del>(8) "Recommending physician" means a physician</u>	658
<u>certified to recommend medical marijuana for the treatment of a</u>	659
<u>qualifying medical condition pursuant to section 4731.30 of the</u>	660
<u>Revised Code.</u>	661
<u>(9) "Stand-alone processor" means a licensed processor</u>	662
<u>that has obtained its certificate of operation by October 1,</u>	663
<u>2021, and initially applied for a cultivator license and was not</u>	664
<u>awarded a provisional license.</u>	665
<u>(10) "State university" has the same meaning as in section</u>	666
<u>3345.011 of the Revised Code.</u>	667

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

**Sec. 3796.02.** There is hereby established a ~~medical-marijuana control program~~ division of marijuana control in the department of commerce ~~and the state board of pharmacy~~. The ~~department~~ division shall provide for the licensure of medical marijuana cultivators ~~and, processors, and retail dispensaries,~~ and also the licensure of laboratories that test medical marijuana. The ~~board~~ division shall provide for ~~the licensure of retail dispensaries and~~ the registration of patients and their caregivers. The ~~department and board~~ division shall administer the medical marijuana control program.

**Sec. 3796.03.** (A) (1) Except as provided in division (A) (2) of this section, not later than one year after September 8, 2016, the ~~department of commerce~~ division of marijuana control shall adopt rules establishing standards and procedures for the medical marijuana control program.

(2) The ~~department~~ division shall adopt rules establishing standards and procedures for the licensure of cultivators not later than two hundred forty days after September 8, 2016.

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

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

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

(2) Specify ~~both~~ all of the following:



(a) The conditions that must be met to be eligible for licensure; 696  
697

(b) In accordance with section 9.79 of the Revised Code, 698  
the criminal offenses for which an applicant will be 699  
disqualified from licensure pursuant to that section; 700

(c) Which of the criminal offenses specified pursuant to 701  
division (B) (2) (b) of this section will not disqualify an 702  
applicant from holding a retail dispensary license if the 703  
applicant was convicted of or pleaded guilty to the offense more 704  
than five years before the date the application for licensure is 705  
filed. 706

(3) (a) (i) Establish, in accordance with section 3796.05 of 707  
the Revised Code, the number of cultivator licenses that will be 708  
permitted at any one time; 709

(ii) Establish a new category of cultivator license for 710  
stand-alone processors and rules for the prompt establishment 711  
thereof. 712

(b) (i) Establish, in accordance with section 3796.05 of 713  
the Revised Code, the number of retail dispensary licenses that 714  
will be permitted at any one time, endeavoring to achieve a 715  
ratio of at least one retail dispensary per one thousand 716  
registered patients up to the first three hundred thousand 717  
registered patients and then adding additional retail 718  
dispensaries on an as-needed basis thereafter, to be evaluated 719  
and awarded at least once every two years. 720

(ii) When determining the number of retail dispensaries to 721  
license during any licensing event, the division shall take into 722  
account anticipated growth in patient numbers and patient demand 723  
based on sales and market data to ensure that new retail 724

<u>dispensary openings are timed to meet such demand.</u>	725
(4) Establish a license renewal schedule, renewal procedures, and renewal fees;	726 727
(5)(a) 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;	728 729 730 731
<u>(b)(i) The division may revoke a license for failure to secure a certificate of operation within eighteen months of provisional licensure.</u>	732 733 734
<u>(ii) The holder of a provisional license may apply to the division for not more than two six-month extensions of this deadline. The division shall approve the extension if the license holder demonstrates that the license holder has made a good-faith effort at becoming operational.</u>	735 736 737 738 739
(6) Establish standards under which a license suspension may be lifted;	740 741
(7) <u>Establish procedures for registration of patients and caregivers and requirements that must be met to be eligible for registration;</u>	742 743 744
(8) <u>Establish training requirements for employees of retail dispensaries;</u>	745 746
(9) <u>Specify if a cultivator, retail dispensary, processor, or laboratory 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, may remain in operation or shall relocate or have its license</u>	747 748 749 750 751 752

revoked by the ~~board~~division; 753

~~(8)~~(10) Specify both of the following: 754

(a) Subject to division ~~(B) (8) (b)~~(B) (10) (b) of this 755  
section, the criminal offenses for which a person will be 756  
disqualified from employment with a license holder; 757

(b) Which of the criminal offenses specified pursuant to 758  
division ~~(B) (8) (a)~~(B) (10) (a) of this section will not 759  
disqualify a person from employment with a license holder if the 760  
person was convicted of or pleaded guilty to the offense more 761  
than five years before the date the employment begins. 762

~~(9)~~(11) Establish, in accordance with section 3796.05 of 763  
the Revised Code, standards and procedures for the testing and 764  
retesting of medical marijuana by a laboratory licensed under 765  
this chapter; 766

(12) Specify, by form and tetrahydrocannabinol content, a 767  
maximum ninety-day supply of medical marijuana that may be 768  
possessed; 769

(13) Specify the paraphernalia or other accessories that 770  
may be used in the administration of medical marijuana to a 771  
registered patient; 772

(14) Establish procedures for the issuance of patient or 773  
caregiver identification cards; 774

(15) Specify the forms of or methods of using medical 775  
marijuana that are attractive to children; 776

(16) Establish a program to assist patients who are 777  
veterans or indigent in obtaining medical marijuana in 778  
accordance with this chapter; 779

(17) Allow licensed dispensaries to advertise, on social media or otherwise, without receiving prior approval from the division; 780  
781  
782

(18) Allow licensed dispensaries to display products on advertisements and within the dispensary; 783  
784

(19) Impose a fine or other penalties for licensed entities that fail to comply with rules adopted under divisions (B) (17) and (18) of this section or any other rules adopted by the division pertaining to advertisements. 785  
786  
787  
788

(C) In addition to the rules described in division (B) of this section, the ~~department~~division may adopt any other rules it considers necessary for the program's administration and the implementation and enforcement of this chapter. 789  
790  
791  
792

(D) When adopting rules under this section, the ~~department~~division shall consider standards and procedures that have been found to be best practices relative to the use and regulation of medical marijuana. 793  
794  
795  
796

**Sec. 3796.032.** This chapter does not authorize the ~~department of commerce or the state board of pharmacy~~division of marijuana control to oversee or limit research conducted at a state university, academic medical center, or private research and development organization that is related to marijuana and is approved by an agency, board, center, department, or institute of the United States government, including any of the following: 797  
798  
799  
800  
801  
802  
803

(A) The agency for health care research and quality; 804

(B) The national institutes of health; 805

(C) The national academy of sciences; 806

(D) The centers for medicare and medicaid services; 807

(E) The United States department of defense;	808
(F) The centers for disease control and prevention;	809
(G) The United States department of veterans affairs;	810
(H) The drug enforcement administration;	811
(I) The food and drug administration;	812
(J) Any board recognized by the national institutes of health for the purpose of evaluating the medical value of health care services.	813 814 815
<b>Sec. 3796.05.</b> (A) When establishing the number of cultivator licenses that will be permitted at any one time, the <del>department of commerce</del> <u>division of marijuana control</u> shall consider <del>both</del> <u>all</u> of the following:	816 817 818 819
(1) The population of this state;	820
(2) The number of patients seeking to use medical marijuana;	821 822
<u>(3) Whether licensed cultivators have expanded to full capacity.</u>	823 824
(B) When establishing the number of retail dispensary licenses that will be permitted at any one time, the <del>state board of pharmacy</del> <u>division</u> shall consider all of the following:	825 826 827
(1) The population of this state;	828
(2) The number of patients seeking to use medical marijuana;	829 830
(3) The geographic distribution of dispensary sites in an effort to ensure patient access to medical marijuana;	831 832
<u>(4) Projected growth of the patient registry over the next</u>	833

<u>two years.</u>	834
(C) When establishing standards and procedures for the testing of medical marijuana, the <del>department</del> <u>division</u> shall do all of the following:	835 836 837
(1) Specify when testing must be conducted;	838
(2) Determine the minimum amount of medical marijuana that must be tested;	839 840
(3) Specify the manner in which testing is to be conducted in an effort to ensure uniformity of medical marijuana products processed for and dispensed to patients;	841 842 843
(4) Specify the manner in which test results are provided.	844
<b>Sec. 3796.06.</b> (A) Only the following forms of medical marijuana may be dispensed under this chapter:	845 846
(1) Oils;	847
(2) Tinctures;	848
(3) Plant material;	849
(4) Edibles;	850
(5) Patches;	851
(6) <u>Pills;</u>	852
<u>(7) Capsules and suppositories;</u>	853
<u>(8) Oral pouches;</u>	854
<u>(9) Oral strips;</u>	855
<u>(10) Oral or topical sprays;</u>	856
<u>(11) Salves, lotions, or similar items;</u>	857

<u>(12) Inhalers;</u>	858
<u>(13) Any other form approved by the <del>state board of</del></u>	859
<u>pharmacy under section 3796.061 of the Revised Code</u>	860
<u>division of marijuana control.</u>	861
(B) With respect to the methods of using medical	862
marijuana, all of the following apply:	863
(1) The smoking or combustion of medical marijuana is	864
prohibited.	865
(2) The vaporization <u>and inhalation</u> of medical marijuana	866
<del>is</del> <u>are</u> permitted.	867
(3) <u>Oral administration of medical marijuana is permitted.</u>	868
<u>(4) Transdermal administration of medical marijuana is</u>	869
<u>permitted.</u>	870
<u>(5) Oral absorption of medical marijuana into the</u>	871
<u>bloodstream, either buccally or sublingually, is permitted.</u>	872
<u>(6) The <del>state board of pharmacy</del> <u>division</u> may approve</u>	873
additional methods of using medical marijuana, other than	874
smoking or combustion, under section 3796.061 of the Revised	875
Code.	876
(C) Any form or method that is considered attractive to	877
children, as specified in rules adopted by the <del>board</del> <u>division</u> , is	878
prohibited.	879
(D) With respect to tetrahydrocannabinol content, all of	880
the following apply:	881
(1) Plant material shall have a tetrahydrocannabinol	882
content of not more than thirty-five per cent.	883
(2) Extracts shall have a tetrahydrocannabinol content of	884

not more than ~~seventy-ninety~~ per cent. 885

(E) A ninety-day supply of plant material shall have a 886  
weight of not less than nine ounces. 887

**Sec. 3796.061.** (A) Any person may submit a petition to the 888  
~~state board of pharmacy division of marijuana control~~ requesting 889  
that a form of or method of using medical marijuana be approved 890  
for the purposes of section 3796.06 of the Revised Code. A 891  
petition shall be submitted to the ~~board~~ division in a manner 892  
prescribed by the ~~board~~ division. A petition shall not seek to 893  
approve a method of using medical marijuana that involves 894  
smoking or combustion. 895

(B) On receipt of a petition, the ~~board~~ division shall 896  
review it to determine whether to approve the form of or method 897  
of using medical marijuana described in the petition. ~~The board~~ 898  
~~may consolidate the review of petitions for the same or similar~~ 899  
~~forms or methods. In making its determination, the board shall~~ 900  
~~consult with one or more experts and review any relevant~~ 901  
~~scientific evidence~~ The division shall make its determination 902  
within sixty days of receiving the petition. 903

~~(C) The board shall approve or deny the petition in~~ 904  
~~accordance with any rules adopted by the board under this~~ 905  
~~section. The board's decision is final.~~ 906

~~(D)~~ (C) The ~~board~~ division may adopt rules as necessary to 907  
implement this section. The rules shall be adopted in accordance 908  
with Chapter 119. of the Revised Code. 909

**Sec. 3796.08.** (A) (1) A ~~Until sixty days following the~~ 910  
effective date of this amendment, a patient seeking to use 911  
medical marijuana or a caregiver seeking to assist a patient in 912  
the use or administration of medical marijuana shall apply to 913



the state board of pharmacy for registration. On and after sixty 914  
days following the effective date of this amendment, a patient 915  
seeking to use medical marijuana or a caregiver seeking to 916  
assist a patient in the use or administration of medical 917  
marijuana shall apply to the division of marijuana control for 918  
registration. The physician who holds a certificate to recommend 919  
issued by the state medical board and is treating the patient or 920  
the physician's delegate shall submit the application on the 921  
patient's or caregiver's behalf in the manner established in 922  
rules adopted under section ~~3796.04~~3796.03 of the Revised Code. 923

(2) The application shall include all of the following: 924

(a) A statement from the physician certifying all of the 925  
following: 926

(i) That a bona fide physician-patient relationship exists 927  
between the physician and patient; 928

(ii) That the patient has been diagnosed with a qualifying 929  
medical condition; 930

(iii) That the physician or physician delegate has 931  
requested from the drug database a report of information related 932  
to the patient that covers at least the twelve months 933  
immediately preceding the date of the report; 934

(iv) That the physician has informed the patient of the 935  
risks and benefits of medical marijuana as it pertains to the 936  
patient's qualifying medical condition and medical history. 937

(b) In the case of an application submitted on behalf of a 938  
patient, the name or names of the one or more caregivers that 939  
will assist the patient in the use or administration of medical 940  
marijuana; 941

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

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

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

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

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

**Sec. 3796.10.** (A) An entity that seeks to dispense at retail medical marijuana shall file an application for licensure with the ~~state board of pharmacy~~ division of marijuana control. The entity shall file an application for each location from which it seeks to operate. Each application shall be submitted in accordance with rules adopted under section ~~3796.04~~ 3796.03

of the Revised Code.	971
(B) The <del>board</del> <u>division</u> shall issue a license to an applicant if all of the following conditions are met:	972 973
(1) The report of the criminal records check conducted pursuant to section 3796.12 of the Revised Code with respect to the application demonstrates that the person subject to the criminal records check requirement has not been convicted of or pleaded guilty to any of the disqualifying offenses specified in rules adopted under section 9.79 and division (B) (2) (b) of section <del>3796.04</del> <u>3796.03</u> of the Revised Code.	974 975 976 977 978 979 980
(2) The applicant demonstrates that it does not have an ownership or investment interest in or compensation arrangement with any of the following:	981 982 983
(a) A laboratory licensed under this chapter;	984
(b) An applicant for a license to conduct laboratory testing.	985 986
(3) The applicant demonstrates that it does not share any corporate officers or employees with any of the following:	987 988
(a) A laboratory licensed under this chapter;	989
(b) An applicant for a license to conduct laboratory testing.	990 991
(4) The applicant demonstrates that it will not be located within five hundred feet of a school, church, public library, public playground, or public park.	992 993 994
(5) The information provided to the <del>board</del> <u>division</u> pursuant to section 3796.11 of the Revised Code demonstrates that the applicant is in compliance with the applicable tax laws	995 996 997

of this state. 998

(6) The applicant meets all other licensure eligibility 999  
conditions established in rules adopted under section ~~3796.04~~ 1000  
3796.03 of the Revised Code. 1001

(C) The ~~board~~-division shall issue not less than fifteen 1002  
per cent of retail dispensary licenses to entities that are 1003  
owned and controlled by United States citizens who are residents 1004  
of this state and are members of one of the following 1005  
economically disadvantaged groups: Blacks or African Americans, 1006  
American Indians, Hispanics or Latinos, and Asians. If no 1007  
applications or an insufficient number of applications are 1008  
submitted by such entities that meet the conditions set forth in 1009  
division (B) of this section, the licenses shall be issued 1010  
according to usual procedures. 1011

As used in this division, "owned and controlled" means 1012  
that at least fifty-one per cent of the business, including 1013  
corporate stock if a corporation, is owned by persons who belong 1014  
to one or more of the groups set forth in this division, and 1015  
that those owners have control over the management and day-to- 1016  
day operations of the business and an interest in the capital, 1017  
assets, and profits and losses of the business proportionate to 1018  
their percentage of ownership. 1019

(D) A license expires according to the renewal schedule 1020  
established in rules adopted under section ~~3796.04~~-3796.03 of 1021  
the Revised Code and may be renewed in accordance with the 1022  
procedures established in those rules. 1023

**Sec. 3796.11.** (A) (1) Notwithstanding section 149.43 of the 1024  
Revised Code or any other public records law to the contrary or 1025  
any law relating to the confidentiality of tax return 1026

information, upon the request of the ~~department of commerce or~~ 1027  
~~state board of pharmacy~~division of marijuana control, the 1028  
department of taxation shall provide to the ~~department of~~ 1029  
~~commerce or board~~division all of the following information: 1030

(a) Whether an applicant for licensure under this chapter 1031  
is in compliance with the applicable tax laws of this state; 1032

(b) Any past or pending violation by the applicant of 1033  
those tax laws, and any penalty imposed on the applicant for 1034  
such a violation. 1035

(2) The ~~department of commerce or board~~division shall 1036  
request the information only as it pertains to an application 1037  
for licensure that the ~~department of commerce or board, as~~ 1038  
~~applicable, division~~ is reviewing. 1039

(3) The department of taxation may charge the ~~department~~ 1040  
~~of commerce or board~~division a reasonable fee to cover the 1041  
administrative cost of providing the information. 1042

(B) Information received under this section is 1043  
confidential. Except as otherwise permitted by other state law 1044  
or federal law, the ~~department of commerce or board~~division 1045  
shall not make the information available to any person other 1046  
than the applicant for licensure to whom the information 1047  
applies. 1048

**Sec. 3796.12.** (A) As used in this section, "criminal 1049  
records check" has the same meaning as in section 109.572 of the 1050  
Revised Code. 1051

(B) (1) As part of the application process for a license 1052  
issued under this chapter, the ~~department of commerce or state~~ 1053  
~~board of pharmacy, whichever is issuing the license, division of~~ 1054  
marijuana control shall require each of the following to 1055

complete a criminal records check: 1056

(a) An administrator or other person responsible for the 1057  
daily operation of the entity seeking the license; 1058

(b) An owner or prospective owner, officer or prospective 1059  
officer, or board member or prospective board member of the 1060  
entity seeking the license. 1061

(2) If a person subject to the criminal records check 1062  
requirement does not present proof of having been a resident of 1063  
this state for the five-year period immediately prior to the 1064  
date the criminal records check is requested or provide evidence 1065  
that within that five-year period the superintendent of the 1066  
bureau of criminal identification and investigation has 1067  
requested information about the person from the federal bureau 1068  
of investigation in a criminal records check, the ~~department or~~ 1069  
~~board division~~ shall request that the person obtain through the 1070  
superintendent a criminal records request from the federal 1071  
bureau of investigation as part of the criminal records check of 1072  
the person. Even if a person presents proof of having been a 1073  
resident of this state for the five-year period, the ~~department~~ 1074  
~~or board division~~ may request that the person obtain information 1075  
through the superintendent from the federal bureau of 1076  
investigation in the criminal records check. 1077

(C) The ~~department or board division~~ shall provide the 1078  
following to each person who is subject to the criminal records 1079  
check requirement: 1080

(1) Information about accessing, completing, and 1081  
forwarding to the superintendent of the bureau of criminal 1082  
identification and investigation the form prescribed pursuant to 1083  
division (C) (1) of section 109.572 of the Revised Code and the 1084

standard impression sheet to obtain fingerprint impressions 1085  
prescribed pursuant to division (C) (2) of that section; 1086

(2) Written notification that the person is to instruct 1087  
the superintendent to submit the completed report of the 1088  
criminal records check directly to the ~~department or~~ 1089  
~~board~~division. 1090

(D) Each person who is subject to the criminal records 1091  
check requirement shall pay to the bureau of criminal 1092  
identification and investigation the fee prescribed pursuant to 1093  
division (C) (3) of section 109.572 of the Revised Code for the 1094  
criminal records check conducted of the person. 1095

(E) The report of any criminal records check conducted by 1096  
the bureau of criminal identification and investigation in 1097  
accordance with section 109.572 of the Revised Code and pursuant 1098  
to a request made under this section is not a public record for 1099  
the purposes of section 149.43 of the Revised Code and shall not 1100  
be made available to any person other than the following: 1101

(1) The person who is the subject of the criminal records 1102  
check or the person's representative; 1103

(2) The members and staff of the ~~department or~~ 1104  
~~board~~division; 1105

(3) A court, hearing officer, or other necessary 1106  
individual involved in a case dealing with either of the 1107  
following: 1108

(a) A license denial resulting from the criminal records 1109  
check; 1110

(b) A civil or criminal action regarding the medical 1111  
marijuana control program or any violation of this chapter. 1112

(F) The ~~department or board~~ division shall deny a license 1113  
if, after receiving the information and notification required by 1114  
this section, a person subject to the criminal records check 1115  
requirement fails to do either of the following: 1116

(1) Access, complete, or forward to the superintendent of 1117  
the bureau of criminal identification and investigation the form 1118  
prescribed pursuant to division (C) (1) of section 109.572 of the 1119  
Revised Code or the standard impression sheet prescribed 1120  
pursuant to division (C) (2) of that section; 1121

(2) Instruct the superintendent to submit the completed 1122  
report of the criminal records check directly to the ~~department~~ 1123  
~~or board~~ division. 1124

**Sec. 3796.13.** (A) Each person seeking employment with an 1125  
entity licensed under this chapter shall comply with sections 1126  
4776.01 to 4776.04 of the Revised Code. Except as provided in 1127  
division (B) of this section, such an entity shall not employ 1128  
the person unless the person ~~complies with those sections and~~ 1129  
~~the has submitted a criminal records check under those sections.~~ 1130  
The report of the resulting criminal records check demonstrates 1131  
shall demonstrate that the person has not been convicted of or 1132  
pleaded guilty to ~~the following:~~ 1133

~~(1) Any~~ any of the disqualifying offenses specified in 1134  
rules adopted under division ~~(B) (8) (a)~~ (B) (10) (a) of section 1135  
3796.03 of the Revised Code if the person is seeking employment 1136  
with an entity licensed by the ~~department of commerce~~ division 1137  
of marijuana control under this chapter; 1138

~~(2) Any of the disqualifying offenses specified in rules~~ 1139  
~~adopted under division (B) (14) (a) of section 3796.04 of the~~ 1140  
~~Revised Code if the person is seeking employment with an entity~~ 1141



~~licensed by the state board of pharmacy under this chapter.~~ 1142

(B) (1) An entity is not prohibited by division (A) of this 1143  
section from employing a person if ~~the following applies:~~ 1144

~~(1) In the case of a person seeking employment with an~~ 1145  
~~entity licensed by the department of commerce under this~~ 1146  
~~chapter,~~ the disqualifying offense the person was convicted of 1147  
or pleaded guilty to is one of the offenses specified in rules 1148  
adopted under division ~~(B) (8) (b)~~ (B) (10) (b) of section 3796.03 1149  
of the Revised Code and the person was convicted of or pleaded 1150  
guilty to the offense more than five years before the date the 1151  
employment begins. 1152

~~(2) In the case of a person seeking employment with an~~ 1153  
~~entity licensed by the state board of pharmacy under this~~ 1154  
~~chapter,~~ the disqualifying offense the person was convicted of 1155  
or pleaded guilty to is one of the offenses specified in rules 1156  
adopted under division ~~(B) (14) (b)~~ of section 3796.04 of the 1157  
Revised Code and the person was convicted of or pleaded guilty 1158  
to the offense more than five years before the date the 1159  
~~employment begins.~~ The division may issue a person a temporary 1160  
employment badge if the person has submitted a criminal records 1161  
check and the results have not been received by the division 1162  
within ten business days of submission. 1163

**Sec. 3796.14.** (A) (1) The ~~department of commerce~~ division 1164  
of marijuana control may do any of the following for any reason 1165  
specified in rules adopted under section 3796.03 of the Revised 1166  
Code: 1167

(a) Suspend, suspend without prior hearing, revoke, or 1168  
refuse to renew a license it issued under this chapter or a 1169  
license or registration the state board of pharmacy issued prior 1170

to transfer of regulatory authority over the marijuana control 1171  
program to the division; 1172

(b) Refuse to issue a license; 1173

(c) Impose on a license holder a civil penalty in an 1174  
amount to be determined by the ~~department~~division. 1175

~~The department's~~ division's actions under this division 1176  
shall be taken in accordance with Chapter 119. of the Revised 1177  
Code. 1178

(2) The ~~department~~ division may inspect the premises of an 1179  
applicant for licensure or holder of a current, valid 1180  
cultivator, processor, retail dispensary, or laboratory license 1181  
issued under this chapter without prior notice to the applicant 1182  
or license holder. 1183

~~(B) (1) The state board of pharmacy may do any of the~~ 1184  
~~following for any reason specified in rules adopted under~~ 1185  
~~section 3796.04 of the Revised Code:~~ 1186

~~(a) Suspend, suspend without prior hearing, revoke, or~~ 1187  
~~refuse to renew a license or registration it issued under this~~ 1188  
~~chapter;~~ 1189

~~(b) Refuse to issue a license;~~ 1190

~~(c) Impose on a license holder a civil penalty in an~~ 1191  
~~amount to be determined by the board.~~ 1192

~~The board's actions under this division shall be taken in~~ 1193  
~~accordance with Chapter 119. of the Revised Code.~~ 1194

~~(2) The board~~ division may inspect all of the following 1195  
without prior notice to the applicant or license holder; 1196

~~(a) The premises of an applicant for licensure;~~ 1197

~~(b) The premises of and~~ all records maintained pursuant to 1198  
this chapter by a holder of a current, valid retail dispensary 1199  
license. 1200

~~(3) With respect to a suspension without prior hearing,~~ 1201  
~~the board may utilize a telephone conference call to review the~~ 1202  
~~allegations and take a vote. The board-~~ (B) (1) The division shall 1203  
suspend a license without prior hearing only if it finds clear 1204  
and convincing evidence that continued distribution or 1205  
cultivation of medical marijuana, as applicable, by the license 1206  
holder presents a danger of immediate and serious harm to 1207  
others. The board- 1208

(2) The division shall comply with section 119.07 of the 1209  
Revised Code. 1210

(3) The suspension shall remain in effect, unless lifted 1211  
by the board division, until the ~~board division~~ issues its final 1212  
adjudication order. If the ~~board division~~ does not issue the 1213  
order within ninety days after the adjudication hearing, the 1214  
suspension shall be lifted on the ninety-first day following the 1215  
hearing. 1216

**Sec. 3796.15.** (A) ~~The state board of pharmacy division of~~ 1217  
marijuana control shall enforce, or cause to be enforced, 1218  
~~sections 3796.08, 3796.10, 3796.20, 3796.22, and 3796.23 of the~~ 1219  
~~Revised Code~~ this chapter. If it has information that any 1220  
provision of ~~these sections this chapter~~ or any rule adopted 1221  
under this chapter has been violated, it shall investigate the 1222  
matter and take any action as it considers appropriate. 1223

(B) Nothing in this chapter shall be construed to require 1224  
the ~~state board of pharmacy division~~ to enforce minor violations 1225  
if the ~~board division~~ determines that the public interest is 1226

adequately served by a notice or warning to the alleged 1227  
offender. 1228

(C) If the ~~board~~division suspends, revokes, or refuses to 1229  
renew any license or registration issued under this chapter and 1230  
determines that there is clear and convincing evidence of a 1231  
danger of immediate and serious harm to any person, the ~~board~~ 1232  
division may place under seal all medical marijuana owned by or 1233  
in the possession, custody, or control of the affected license 1234  
holder or registrant. Except as provided in this division, the 1235  
~~board~~division shall not dispose of the medical marijuana sealed 1236  
under this division until the license holder or registrant 1237  
exhausts all of the holder's or registrant's appeal rights under 1238  
Chapter 119. of the Revised Code. The court involved in such an 1239  
appeal may order the ~~board~~division, during the pendency of the 1240  
appeal, to sell medical marijuana that is perishable. The ~~board~~ 1241  
division shall deposit the proceeds of the sale with the court. 1242

**Sec. 3796.16.** (A) (1) The ~~state board of pharmacy~~division 1243  
of marijuana control shall attempt in good faith to negotiate 1244  
and enter into a reciprocity agreement with any other state 1245  
under which a medical marijuana registry identification card or 1246  
equivalent authorization that is issued by the other state is 1247  
recognized in this state, if the ~~board~~division determines that 1248  
both of the following apply: 1249

(a) The eligibility requirements imposed by the other 1250  
state for that authorization are substantially comparable to the 1251  
eligibility requirements for a patient or caregiver registration 1252  
and identification card issued under this chapter. 1253

(b) The other state recognizes a patient or caregiver 1254  
registration and identification card issued under this chapter. 1255

(2) The ~~board~~division shall not negotiate any agreement 1256  
with any other state under which an authorization issued by the 1257  
other state is recognized in this state other than as provided 1258  
in division (A) (1) of this section. 1259

(B) If a reciprocity agreement is entered into in 1260  
accordance with division (A) of this section, the authorization 1261  
issued by the other state shall be recognized in this state, 1262  
shall be accepted and valid in this state, and grants the 1263  
patient or caregiver the same right to use, possess, obtain, or 1264  
administer medical marijuana in this state as a patient or 1265  
caregiver who was registered and issued an identification card 1266  
under this chapter. 1267

(C) The ~~board~~division may adopt any rules as necessary to 1268  
implement this section. 1269

**Sec. 3796.17.** The ~~state board of pharmacy~~division of 1270  
marijuana control shall establish a toll-free telephone line to 1271  
respond to inquiries from patients, caregivers, and health 1272  
professionals regarding adverse reactions to medical marijuana 1273  
and to provide information about available services and 1274  
assistance. The ~~board~~division may contract with a separate 1275  
entity to establish and maintain the telephone line on behalf of 1276  
the ~~board~~division. 1277

**Sec. 3796.18.** (A) Notwithstanding any conflicting 1278  
provision of the Revised Code and except as provided in division 1279  
(B) of this section, the holder of a current, valid cultivator 1280  
license issued under this chapter may do ~~either~~all of the 1281  
following: 1282

(1) Cultivate medical marijuana, including the acquisition 1283  
of seeds or clones necessary to begin cultivation of a 1284

particular cultivar of medical marijuana from another licensed 1285  
cultivator; 1286

(2) Deliver or sell medical marijuana to one or more 1287  
licensed cultivators, processors, or retail dispensaries; 1288

(3) Register cuttings with the Ohio marijuana enforcement 1289  
tracking reporting and compliance system if both of the 1290  
following are met: 1291

(a) The cuttings were obtained from a legal, out-of-state 1292  
cultivator. 1293

(b) The cuttings have not otherwise been rooted as a 1294  
clone. 1295

(B) A cultivator license holder shall not cultivate 1296  
medical marijuana for personal, family, or household use or on 1297  
any public land, including a state park as defined in section 1298  
154.01 of the Revised Code. 1299

(C) When processing medical marijuana, a licensed 1300  
cultivator shall do all of the following: 1301

(1) Package the medical marijuana in accordance with 1302  
child-resistant effectiveness standards described in 16 C.F.R. 1303  
1700.15(b), as of the effective date of this amendment; 1304

(2) Label the medical marijuana packaging with the 1305  
product's tetrahydrocannabinol and cannabidiol content; 1306

(3) Comply with any packaging or labeling requirements 1307  
established in rules adopted by the division of marijuana 1308  
control under section 3796.03 of the Revised Code. 1309

(D) The division of marijuana control may issue two levels 1310  
of cultivator licenses. 1311

(1) The division may approve a cultivation area of up to 1312  
fifty thousand square feet for the holder of a level I 1313  
cultivator license. 1314

(2) The division may approve a cultivation area of up six 1315  
thousand square feet for the holder of a level II cultivator 1316  
license. 1317

(E) (1) The division, at the division's discretion, may 1318  
approve an expansion of an existing facility's marijuana 1319  
cultivation area, based on cultivator compliance with licensure 1320  
requirements, if the population of the state, number of patients 1321  
seeking to use medical marijuana, and data from the drug 1322  
database regarding patient recommendations and patient usage of 1323  
medical marijuana support such expansion. If the division 1324  
approves an expansion of a facility's marijuana cultivation 1325  
area, the marijuana cultivation area shall not exceed the 1326  
following: 1327

(a) Seventy-five thousand square feet for a level I 1328  
license holder; 1329

(b) Twenty thousand square feet for a level II license 1330  
holder. 1331

(2) A cultivator shall not submit a request for expansion 1332  
more than once during any twelve-month period. 1333

(F) A cultivator seeking to expand its marijuana 1334  
cultivation area in accordance with division (E) of this section 1335  
shall submit an expansion plan, that, at a minimum, does all of 1336  
the following: 1337

(1) Includes plans and specifications for the expansion or 1338  
alteration in accordance with rules adopted by the division that 1339  
demonstrate compliance with the requirements of the rules 1340

adopted by the board of building standards pursuant to Chapters 1341  
3781. and 3791. of the Revised Code and the rules adopted by the 1342  
state fire marshal pursuant to sections 3737.82 and 3737.86 of 1343  
the Revised Code; 1344

(2) Proposes a timeline for completion of the proposed 1345  
expansion, which, if approved, will become a mandatory 1346  
condition; 1347

(3) Demonstrates a history of compliance with this chapter 1348  
and the rules adopted under it, which includes a history of 1349  
enforcement actions and sanctions issued by the department of 1350  
commerce or law enforcement agencies against the cultivator; 1351

(4) Provides supporting documentation that the cultivator 1352  
has consistently met the cultivation requirements established in 1353  
rules adopted by the division; 1354

(5) Demonstrates that the proposed expansion meets the 1355  
applicable requirements established by the division in rule and 1356  
that the cultivator will remain in compliance with this chapter 1357  
and the rules adopted under it, if the expansion is permitted. 1358

(G) Upon the division's receipt of a request for expansion 1359  
under division (E) of this section, the division has thirty 1360  
calendar days to review and approve or deny the request for 1361  
expansion. If the division does not deny the request for 1362  
expansion prior to the expiration of thirty calendar days, the 1363  
request is deemed approved. If the request is approved, the 1364  
cultivator is bound to the terms in the request for expansion 1365  
and shall, prior to cultivating medical marijuana in the 1366  
expanded marijuana cultivation area, pass an inspection 1367  
conducted in accordance with rules adopted by the division. A 1368  
cultivator's failure to comply with the approved request for 1369



expansion may result in the revocation of the division's 1370  
approval or additional sanctions under this chapter or rules 1371  
adopted under it. 1372

(H) When reviewing applicants for a level I license, the 1373  
division shall give preference to level II cultivator license 1374  
holders. 1375

**Sec. 3796.19.** (A) Notwithstanding any conflicting 1376  
provision of the Revised Code, the holder of a current, valid 1377  
processor license issued under this chapter may do any of the 1378  
following: 1379

(1) (a) Obtain medical marijuana from one or more licensed 1380  
cultivators or processors; 1381

(b) Physically travel to the location of a cultivator and 1382  
directly obtain the medical marijuana from the cultivator; 1383

(2) Subject to division (B) of this section, process 1384  
medical marijuana obtained from one or more licensed cultivators 1385  
or processors into a form described in section 3796.06 of the 1386  
Revised Code; 1387

(3) Deliver or sell processed medical marijuana to one or 1388  
more licensed cultivators, processors, or retail dispensaries. 1389

(B) When processing medical marijuana, a licensed 1390  
processor shall do both of the following: 1391

(1) Package the medical marijuana in accordance with 1392  
child-resistant effectiveness standards described in 16 C.F.R. 1393  
1700.15(b) ~~on the effective date of this section~~ September 8, 1394  
2016; 1395

(2) Label the medical marijuana packaging with the 1396  
product's tetrahydrocannabinol and cannabidiol content; 1397

(3) Comply with any packaging or labeling requirements 1398  
established in rules adopted by the ~~department of commerce~~ 1399  
division of marijuana control under section 3796.03 of the 1400  
Revised Code. 1401

**Sec. 3796.20.** (A) Notwithstanding any conflicting 1402  
provision of the Revised Code, the holder of a current, valid 1403  
retail dispensary license issued under this chapter may do both 1404  
of the following: 1405

(1) (a) Obtain or purchase medical marijuana from one or 1406  
more cultivators or processors; 1407

(b) Obtain or purchase medical marijuana from another 1408  
retail dispensary if the two retail dispensaries are under 1409  
common ownership; 1410

(2) Dispense or sell medical marijuana in accordance with 1411  
division (B) of this section. 1412

(B) When dispensing or selling medical marijuana, a 1413  
licensed retail dispensary shall do all of the following: 1414

(1) Dispense or sell only upon a showing of a current, 1415  
valid identification card and in accordance with a written 1416  
recommendation issued by a physician ~~in accordance with an~~ 1417  
holding a certificate to recommend issued by the state medical 1418  
board under section 4731.30 of the Revised Code; 1419

(2) Report to the drug database the information required 1420  
by section 4729.771 of the Revised Code; 1421

(3) Label the package containing medical marijuana with 1422  
the following information: 1423

(a) The name and address of the licensed cultivator or 1424  
processor and retail dispensary; 1425

(b) The name of the patient and caregiver, if any;	1426
(c) The name of the physician who recommended treatment with medical marijuana;	1427 1428
(d) The directions for use, if any, as recommended by the physician;	1429 1430
(e) The date on which the medical marijuana was dispensed;	1431
(f) The quantity, strength, kind, or form of medical marijuana contained in the package.	1432 1433
(C) When operating a licensed retail dispensary, both of the following apply:	1434 1435
(1) A dispensary shall use only employees who have met the training requirements established in rules adopted under section <del>3796.04</del> <u>3796.03</u> of the Revised Code, <u>including any course of</u> <u>education adopted by the state medical board under section</u> <u>4731.304 of the Revised Code.</u>	1436 1437 1438 1439 1440
(2) A dispensary shall not make public any information it collects that identifies or would tend to identify any specific patient.	1441 1442 1443
<b>Sec. 3796.21.</b> (A) Notwithstanding any conflicting provision of the Revised Code, the holder of a current, valid laboratory license issued under this chapter may do <del>both</del> <u>all</u> of the following:	1444 1445 1446 1447
(1) Obtain medical marijuana from one or more cultivators, processors, and retail dispensaries licensed under this chapter;	1448 1449
(2) Conduct medical marijuana testing in the manner specified in rules adopted under section 3796.03 of the Revised Code; <u></u>	1450 1451 1452

<u>(3) Conduct research and development testing for</u>	1453
<u>cultivators and processors;</u>	1454
<u>(4) In-process testing for processors;</u>	1455
<u>(5) Research and development testing for cultivators and</u>	1456
<u>processors.</u>	1457
<u>(B) Licensees may use state-licensed labs to conduct in-</u>	1458
<u>process product testing for internal use.</u>	1459
<u>(C) (1) Retesting shall be permitted if the product fails</u>	1460
<u>testing or if the product test results fall outside of the</u>	1461
<u>typical results for that specific product.</u>	1462
<u>(2) Retesting may be conducted by a licensed laboratory</u>	1463
<u>that is not the original laboratory on a new sample taken from</u>	1464
<u>the same batch or lot of product that was originally tested. For</u>	1465
<u>purposes of testing product, a "batch or lot" is either of the</u>	1466
<u>following:</u>	1467
<u>(a) All of the plant material of the same strain grown</u>	1468
<u>together under the same growing conditions;</u>	1469
<u>(b) All of the manufactured product of the same type</u>	1470
<u>produced from the same oil.</u>	1471
<u>(D) Plant material and products that fall outside of the</u>	1472
<u>testing limits for contaminants established by the division of</u>	1473
<u>marijuana control may be refined using a method approved by the</u>	1474
<u>division.</u>	1475
<del>(B)</del> <u>(E) When testing medical marijuana, a licensed</u>	1476
laboratory shall do <del>both</del> <u>all</u> of the following:	1477
<u>(1) Collect a sample of a size sufficient to conduct the</u>	1478
<u>requested tests, but equaling not more than twice the amount of</u>	1479

<u>material needed for such tests;</u>	1480
<u>(2) Test the marijuana for potency, homogeneity, and</u>	1481
contamination;	1482
<del>(2)</del> <u>(3) Prepare a report of the test results.</u>	1483
<u>(F) Plant material and processed products tested under</u>	1484
<u>research and development may be sold to patients only after all</u>	1485
<u>required testing is completed and the product passes testing</u>	1486
<u>required for sale.</u>	1487
<b>Sec. 3796.22.</b> (A) Notwithstanding any conflicting	1488
provision of the Revised Code, a patient registered under this	1489
chapter who obtains medical marijuana from a retail dispensary	1490
licensed under this chapter may do both of the following:	1491
(1) Use medical marijuana;	1492
(2) Possess medical marijuana, subject to division (B) of	1493
this section;	1494
(3) Possess any paraphernalia or accessories specified in	1495
rules adopted under section <del>3796.04</del> <u>3796.03</u> of the Revised Code.	1496
(B) The amount of medical marijuana possessed by a	1497
registered patient shall not exceed a ninety-day supply, as	1498
specified in rules adopted under section <del>3796.04</del> <u>3796.03</u> of the	1499
Revised Code.	1500
(C) A registered patient shall not be subject to arrest or	1501
criminal prosecution for doing any of the following in	1502
accordance with this chapter:	1503
(1) Obtaining, using, or possessing medical marijuana;	1504
(2) Possessing any paraphernalia or accessories specified	1505
in rules adopted under section <del>3796.04</del> <u>3796.03</u> of the <del>Revised</del>	1506

Revised Code. 1507

(D) This section does not authorize a registered patient 1508  
to operate a vehicle, streetcar, trackless trolley, watercraft, 1509  
or aircraft while under the influence of medical marijuana. 1510

**Sec. 3796.23.** (A) Notwithstanding any conflicting 1511  
provision of the Revised Code, a caregiver registered under this 1512  
chapter who obtains medical marijuana from a retail dispensary 1513  
licensed under this chapter may do both of the following: 1514

(1) Possess medical marijuana on behalf of a registered 1515  
patient under the caregiver's care, subject to division (B) of 1516  
this section; 1517

(2) Assist a registered patient under the caregiver's care 1518  
in the use or administration of medical marijuana; 1519

(3) Possess any paraphernalia or accessories specified in 1520  
rules adopted under section ~~3796.04~~3796.03 of the Revised Code. 1521

(B) The amount of medical marijuana possessed by a 1522  
registered caregiver on behalf of a registered patient shall not 1523  
exceed a ninety-day supply, as specified in rules adopted under 1524  
section ~~3796.04~~3796.03 of the Revised Code. If a caregiver 1525  
provides care to more than one registered patient, the caregiver 1526  
shall maintain separate inventories of medical marijuana for 1527  
each patient. 1528

(C) A registered caregiver shall not be subject to arrest 1529  
or criminal prosecution for doing any of following in accordance 1530  
with this chapter: 1531

(1) Obtaining or possessing medical marijuana on behalf of 1532  
a registered patient; 1533

(2) Assisting a registered patient in the use or 1534

administration of medical marijuana; 1535

(3) Possessing any paraphernalia or accessories specified 1536  
in rules adopted under section ~~3796.04~~3796.03 of the Revised 1537  
Code. 1538

(D) This section does not permit a registered caregiver to 1539  
personally use medical marijuana, unless the caregiver is also a 1540  
registered patient. 1541

**Sec. 3796.27.** (A) As used in this section: 1542

(1) "Financial institution" means any of the following: 1543

(a) Any bank, trust company, savings and loan association, 1544  
savings bank, or credit union or any affiliate, agent, or 1545  
employee of a bank, trust company, savings and loan association, 1546  
savings bank, or credit union; 1547

(b) Any money transmitter licensed under sections 1315.01 1548  
to 1315.18 of the Revised Code or any affiliate, agent, or 1549  
employee of such a licensee. 1550

(2) "Financial services" means services that a financial 1551  
institution is authorized to provide under Title XI, sections 1552  
1315.01 to 1315.18, or Chapter 1733. of the Revised Code, as 1553  
applicable. 1554

(B) A financial institution that provides financial 1555  
services to any cultivator, processor, retail dispensary, or 1556  
laboratory licensed under this chapter shall be exempt from any 1557  
criminal law of this state an element of which may be proven by 1558  
substantiating that a person provides financial services to a 1559  
person who possesses, delivers, or manufactures marijuana or 1560  
marijuana derived products, including section 2925.05 of the 1561  
Revised Code and sections 2923.01 and 2923.03 of the Revised 1562

Code as those sections apply to violations of Chapter 2925. of 1563  
the Revised Code, if the cultivator, processor, retail 1564  
dispensary, or laboratory is in compliance with this chapter and 1565  
the applicable tax laws of this state. 1566

(C) (1) Notwithstanding section 149.43 of the Revised Code 1567  
or any other public records law to the contrary, upon the 1568  
request of a financial institution, the ~~department of commerce~~ 1569  
~~or state board of pharmacy~~ division of marijuana control shall 1570  
provide to the financial institution all of the following 1571  
information: 1572

(a) Whether a person with whom the financial institution 1573  
is seeking to do business is a cultivator, processor, retail 1574  
dispensary, or laboratory licensed under this chapter; 1575

(b) The name of any other business or individual 1576  
affiliated with the person; 1577

(c) An unredacted copy of the application for a license 1578  
under this chapter, and any supporting documentation, that was 1579  
submitted by the person; 1580

(d) If applicable, information relating to sales and 1581  
volume of product sold by the person; 1582

(e) Whether the person is in compliance with this chapter; 1583

(f) Any past or pending violation by the person of this 1584  
chapter, and any penalty imposed on the person for such a 1585  
violation. 1586

(2) The ~~department or board~~ division may charge a 1587  
financial institution a reasonable fee to cover the 1588  
administrative cost of providing the information. 1589

(D) Information received by a financial institution under 1590



division (C) of this section is confidential. Except as 1591  
otherwise permitted by other state law or federal law, a 1592  
financial institution shall not make the information available 1593  
to any person other than the customer to whom the information 1594  
applies and any trustee, conservator, guardian, personal 1595  
representative, or agent of that customer. 1596

**Sec. 3796.30.** (A) Except as provided in division (B) of 1597  
this section, no medical marijuana cultivator, processor, retail 1598  
dispensary, or laboratory that tests medical marijuana shall be 1599  
located within five hundred feet of the boundaries of a parcel 1600  
of real estate having situated on it a school, church, public 1601  
library, public playground, or public park. 1602

If the relocation of a cultivator, processor, retail 1603  
dispensary, or laboratory licensed under this chapter results in 1604  
the cultivator, processor, retail dispensary, or laboratory 1605  
being located within five hundred feet of the boundaries of a 1606  
parcel of real estate having situated on it a school, church, 1607  
public library, public playground, or public park, the 1608  
~~department of commerce or state board of pharmacy division of~~ 1609  
marijuana control shall revoke the license it previously issued 1610  
to the cultivator, processor, retail dispensary, or laboratory. 1611

(B) This section does not apply to research related to 1612  
marijuana conducted at a state university, academic medical 1613  
center, or private research and development organization as part 1614  
of a research protocol approved by an institutional review board 1615  
or equivalent entity. 1616

(C) As used in this section and sections ~~3796.04~~ 3796.03 1617  
and 3796.12 of the Revised Code: 1618

"Church" has the meaning defined in section 1710.01 of the 1619

Revised Code.	1620
"Public library" means a library provided for under	1621
Chapter 3375. of the Revised Code.	1622
"Public park" means a park established by the state or a	1623
political subdivision of the state including a county, township,	1624
municipal corporation, or park district.	1625
"Public playground" means a playground established by the	1626
state or a political subdivision of the state including a	1627
county, township, municipal corporation, or park district.	1628
"School" means a child day-care center as defined under	1629
section 5104.01 of the Revised Code, a preschool as defined	1630
under section 2950.034 of the Revised Code, or a public or	1631
nonpublic primary school or secondary school.	1632
<u>Sec. 3796.35. (A) As used in this section, "medical</u>	1633
<u>cannabis" means "medical marijuana" as defined in section</u>	1634
<u>3796.01 of the Revised Code.</u>	1635
<u>(B) The state board of pharmacy and the department of</u>	1636
<u>commerce shall collaborate on conducting an equity study of the</u>	1637
<u>medical cannabis industry and the medical cannabis market to</u>	1638
<u>determine whether there is a compelling interest to implement</u>	1639
<u>remedial measures, which may include applying the requirements</u>	1640
<u>of the minority business enterprise program described in section</u>	1641
<u>122.921 of the Revised Code, to assist minorities and women in</u>	1642
<u>the medical cannabis industry.</u>	1643
<b>Sec. 4731.30.</b> (A) As used in this section and sections	1644
4731.301 <del>and 4731.302</del> <u>to 4731.303</u> of the Revised Code, "medical	1645
marijuana," "drug database," "physician," and "qualifying	1646
medical condition" have the same meanings as in section 3796.01	1647
of the Revised Code.	1648

(B) (1) Except as provided in division (B) (4) of this 1649  
section, a physician seeking to recommend treatment with medical 1650  
marijuana shall apply to the state medical board for a 1651  
certificate to recommend. An application shall be submitted in 1652  
the manner established in rules adopted under section 4731.301 1653  
of the Revised Code. 1654

(2) The board shall grant a certificate to recommend if 1655  
both of the following conditions are met: 1656

(a) The application is complete and meets the requirements 1657  
established in rules. 1658

(b) ~~The~~ Except as provided in division (I) of this 1659  
section, the applicant demonstrates that the applicant does not 1660  
have an ownership or investment interest in or compensation 1661  
arrangement with an entity licensed under Chapter 3796. of the 1662  
Revised Code or an applicant for licensure. 1663

(3) A certificate to recommend expires according to the 1664  
renewal schedule established in rules adopted under section 1665  
4731.301 of the Revised Code and may be renewed in accordance 1666  
with the procedures established in those rules. 1667

(4) This section does not apply to a physician who 1668  
recommends treatment with marijuana or a drug derived from 1669  
marijuana under any of the following that is approved by an 1670  
investigational review board or equivalent entity, the United 1671  
States food and drug administration, or the national institutes 1672  
of health or one of its cooperative groups or centers under the 1673  
United States department of health and human services: 1674

(a) A research protocol; 1675

(b) A clinical trial; 1676

- (c) An investigational new drug application; 1677
- (d) An expanded access submission. 1678
- (C) (1) A physician who holds a certificate to recommend 1679  
may recommend that a patient be treated with medical marijuana 1680  
if all of the following conditions are met: 1681
- (a) The patient has been diagnosed with a qualifying 1682  
medical condition; 1683
- (b) A bona fide physician-patient relationship has been 1684  
established through ~~all~~ both of the following: 1685
- (i) ~~An in-person physical examination of the patient by~~ 1686  
~~the physician;~~ 1687
- ~~(ii)~~ A review of the patient's medical history by the 1688  
physician; 1689
- ~~(iii)~~ (ii) An expectation of providing care and receiving 1690  
care on an ongoing basis. 1691
- (c) The physician has requested, or a physician delegate 1692  
approved by the state board of pharmacy has requested, from the 1693  
drug database a report of information related to the patient 1694  
that covers at least the twelve months immediately preceding the 1695  
date of the report, and the physician has reviewed the report. 1696
- (2) In the case of a patient who is a minor, the physician 1697  
may recommend treatment with medical marijuana only after 1698  
obtaining the consent of the patient's parent or other person 1699  
responsible for providing consent to treatment. 1700
- (D) (1) When issuing a written recommendation to a patient, 1701  
the physician shall specify any information required in rules 1702  
adopted by the board under section 4731.301 of the Revised Code. 1703

(2) A written recommendation issued to a patient under 1704  
this section is valid for a period of not more than ninety days. 1705  
The physician may renew the recommendation for not more than 1706  
three additional periods of not more than ninety days each. 1707  
Thereafter, the physician may issue another recommendation to 1708  
the patient only upon a physical examination of the patient. 1709

(E) Annually, the physician shall submit to the state 1710  
medical board a report that describes the physician's 1711  
observations regarding the effectiveness of medical marijuana in 1712  
treating the physician's patients during the year covered by the 1713  
report. When submitting reports, a physician shall not include 1714  
any information that identifies or would tend to identify any 1715  
specific patient. 1716

(F) Each physician who holds a certificate to recommend 1717  
shall complete annually at least two hours of continuing medical 1718  
education in medical marijuana approved by the state medical 1719  
board. 1720

(G) A physician shall not do any of the following: 1721

(1) Personally furnish or otherwise dispense medical 1722  
marijuana; 1723

(2) Issue a recommendation for a family member or the 1724  
physician's self. 1725

(H) A physician is immune from civil liability, is not 1726  
subject to professional disciplinary action by the state medical 1727  
board or state board of pharmacy, and is not subject to criminal 1728  
prosecution for any of the following actions: 1729

(1) Advising a patient, patient representative, or 1730  
caregiver about the benefits and risks of medical marijuana to 1731  
treat a qualifying medical condition; 1732

(2) Recommending that a patient use medical marijuana to  
treat or alleviate the condition; 1733  
1734

(3) Monitoring a patient's treatment with medical  
marijuana. 1735  
1736

(I) If the medical director of a dispensary licensed under  
Chapter 3796. of the Revised Code is certified under this  
section, then the medical director may recommend medical  
marijuana as a treatment in accordance with the requirement of  
this section. 1737  
1738  
1739  
1740  
1741

Sec. 4731.303. A physician certified to recommend  
treatment of a qualifying medical condition, as defined in  
section 3796.01 of the Revised Code, with medical marijuana may  
make such a recommendation via telemedicine. 1742  
1743  
1744  
1745

Sec. 4731.304. The state medical board may approve a  
course of education for employees of a medical marijuana  
dispensary licensed under Chapter 3796. of the Revised Code to  
complete. 1746  
1747  
1748  
1749

**Sec. 4776.01.** As used in this chapter: 1750

(A) "License" means an authorization evidenced by a  
license, certificate, registration, permit, card, or other  
authority that is issued or conferred by a licensing agency to a  
licensee or to an applicant for an initial license by which the  
licensee or initial license applicant has or claims the  
privilege to engage in a profession, occupation, or occupational  
activity, or, except in the case of the state dental board, to  
have control of and operate certain specific equipment,  
machinery, or premises, over which the licensing agency has  
jurisdiction. 1751  
1752  
1753  
1754  
1755  
1756  
1757  
1758  
1759  
1760

(B) Except as provided in section 4776.20 of the Revised 1761

Code, "licensee" means the person to whom the license is issued 1762  
by a licensing agency. "Licensee" includes a person who, for 1763  
purposes of section 3796.13 of the Revised Code, has complied 1764  
with sections 4776.01 to 4776.04 of the Revised Code and has 1765  
been determined by the ~~department of commerce or state board of~~ 1766  
~~pharmacy, as the applicable licensing agency,~~ division of 1767  
marijuana control to meet the requirements for employment. 1768

(C) Except as provided in section 4776.20 of the Revised 1769  
Code, "licensing agency" means any of the following: 1770

(1) The board authorized by Chapters 4701., 4717., 4725., 1771  
4729., 4730., 4731., 4732., 4734., 4740., 4741., 4747., 4751., 1772  
4753., 4755., 4757., 4759., 4760., 4761., 4762., 4774., 4778., 1773  
4779., and 4783. of the Revised Code to issue a license to 1774  
engage in a specific profession, occupation, or occupational 1775  
activity, or to have charge of and operate certain specific 1776  
equipment, machinery, or premises. 1777

(2) The state dental board, relative to its authority to 1778  
issue a license pursuant to section 4715.12, 4715.16, 4715.21, 1779  
or 4715.27 of the Revised Code; 1780

(3) The ~~department of commerce or state board of~~ 1781  
~~pharmacy~~ division of marijuana control, relative to its authority 1782  
under Chapter 3796. of the Revised Code and any rules adopted 1783  
under that chapter with respect to a person who is subject to 1784  
section 3796.13 of the Revised Code; 1785

(4) The director of agriculture, relative to the 1786  
director's authority to issue licenses under Chapter 928. of the 1787  
Revised Code. 1788

(D) "Applicant for an initial license" includes persons 1789  
seeking a license for the first time and persons seeking a 1790

license by reciprocity, endorsement, or similar manner of a 1791  
license issued in another state. "Applicant for an initial 1792  
license" also includes a person who, for purposes of section 1793  
3796.13 of the Revised Code, is required to comply with sections 1794  
4776.01 to 4776.04 of the Revised Code. 1795

(E) "Applicant for a restored license" includes persons 1796  
seeking restoration of a license under section 4730.14, 4730.28, 1797  
4731.222, 4731.281, 4759.062, 4759.063, 4760.06, 4760.061, 1798  
4761.06, 4761.061, 4762.06, 4762.061, 4774.06, 4774.061, 1799  
4778.07, or 4778.071 of the Revised Code. "Applicant for a 1800  
restored license" does not include a person seeking restoration 1801  
of a license under section 4751.33 of the Revised Code. 1802

(F) "Criminal records check" has the same meaning as in 1803  
section 109.572 of the Revised Code. 1804

**Section 2.** That existing sections 109.572, 3796.01, 1805  
3796.02, 3796.03, 3796.032, 3796.05, 3796.06, 3796.061, 3796.08, 1806  
3796.10, 3796.11, 3796.12, 3796.13, 3796.14, 3796.15, 3796.16, 1807  
3796.17, 3796.18, 3796.19, 3796.20, 3796.21, 3796.22, 3796.23, 1808  
3796.27, 3796.30, 4731.30, and 4776.01 of the Revised Code are 1809  
hereby repealed. 1810

**Section 3.** That sections 3796.031 and 3796.04 of the 1811  
Revised Code are hereby repealed. 1812

**Section 4.** (A) Not later than sixty days after the 1813  
effective date of this section, the Department of Commerce and 1814  
the State Board of Pharmacy shall transfer regulation of the 1815  
Medical Marijuana Control Program to the Division of Marijuana 1816  
Control in the Department of Commerce. Until the transfer is 1817  
complete, the State Board of Pharmacy retains regulatory 1818  
authority over licensing of retail dispensaries, registering 1819



patients and caregivers, and related duties. 1820

Upon the completion of the transfer, the Medical Marijuana 1821  
Control Program in the State Board of Pharmacy is abolished. All 1822  
records of the Medical Marijuana Control Program in the State 1823  
Board of Pharmacy shall be transferred to the Division, and all 1824  
of its other assets and liabilities relating to the Medical 1825  
Marijuana Control Program shall be transferred to the Division. 1826  
The Division is successor to, and assumes the obligations of, 1827  
the Medical Marijuana Control Program in the State Board of 1828  
Pharmacy. Any business commenced, but not completed by the State 1829  
Board of Pharmacy Medical Marijuana Control Program on the date 1830  
of the completion of the transfer shall be completed by the 1831  
Division in the same manner, and with the same effect, as if 1832  
completed by the State Board of Pharmacy. No validation, cure, 1833  
right, privilege, remedy, obligation, or liability is lost or 1834  
impaired by reason of the transfer required by this section. 1835

(B) Upon this transfer, the Division is responsible for 1836  
adopting rules establishing standards and procedures for the 1837  
Medical Marijuana Control Program. The rules regulating the 1838  
Medical Marijuana Control Program in existence on the effective 1839  
date of this section continue in effect until repealed or 1840  
amended by the Division of Marijuana Control. 1841

(C) Not later than ninety days after the effective date of 1842  
this section, the Division shall review and propose revisions to 1843  
the rules in the Administrative Code related to medical 1844  
marijuana retail dispensaries. 1845

(D) A license to operate as a retail dispensary issued by 1846  
the State Board of Pharmacy pursuant to section 3796.10 of the 1847  
Revised Code as it existed immediately prior to the effective 1848  
date of the amendment to that section by this act, and a 1849

registration issued by the State Board of Pharmacy pursuant to 1850  
section 3796.08 of the Revised Code as it existed immediately 1851  
prior to the effective date of the amendment to that section by 1852  
this act remain in effect for the remainder of the license's or 1853  
registration's term, unless earlier suspended or revoked. 1854  
Renewals shall be issued by the State Board of Pharmacy until 1855  
the transfer is complete, at which time renewals shall be issued 1856  
by the Division of Marijuana Control. 1857

(E) Any form of medical marijuana approved by the State 1858  
Board of Pharmacy under section 3796.061 of the Revised Code as 1859  
it existed immediately prior to the effective date of the 1860  
amendment to that section by this act remain approved until that 1861  
approval is revoked by the Division of Marijuana Control, after 1862  
giving notice to the petitioner described in section 3796.061 of 1863  
the Revised Code. The Division shall post notice of that 1864  
revocation on its web site. 1865

**Section 5.** The General Assembly, applying the principle 1866  
stated in division (B) of section 1.52 of the Revised Code that 1867  
amendments are to be harmonized if reasonably capable of 1868  
simultaneous operation, finds that the following sections, 1869  
presented in this act as composites of the sections as amended 1870  
by the acts indicated, are the resulting versions of the 1871  
sections in effect prior to the effective date of the sections 1872  
as presented in this act: 1873

Section 109.572 of the Revised Code as amended by H.B. 110 1874  
and S.B. 3 of the 134th General Assembly and H.B. 263 and S.B. 1875  
260 of the 133rd General Assembly. 1876

Section 4776.01 of the Revised Code as amended by both 1877  
H.B. 166 and S.B. 57 of the 133rd General Assembly. 1878