

_____ moved to amend as follows:

1 After line 279292, insert:

2 "(3) No action or proceeding pending on the date the
3 transfer of the Medical Marijuana Control Program from the State
4 Board of Pharmacy to the Department of Commerce is completed is
5 affected by the transfer. Such a pending action or proceeding
6 shall be prosecuted or defended in the name of the
7 Superintendent of the Division of Marijuana Control, the
8 Director of Commerce, or the Department of Commerce, as
9 appropriate.

10 (4) When the State Board of Pharmacy is referred to in any
11 rule, contract, grant, or other document related to the
12 administration of the Medical Marijuana Control Program, the
13 reference is deemed to refer to the Superintendent of the
14 Division of Marijuana Control, the Director of Commerce, or the
15 Department of Commerce, as appropriate."

16 In line 279301, after the period insert "The Director of
17 the Legislative Service Commission shall renumber the rules of
18 the State Board of Pharmacy regulating the Medical Marijuana

19 Control Program to reflect the transfer of the program to the
20 Department of Commerce."

21 After line 279319, insert:

22 "(F)(1) Not later than January 1, 2024, and subject to the
23 layoff provisions of sections 124.321 to 124.328 of the Revised
24 Code, those employees identified and agreed upon by both the
25 executive director of the State Board of Pharmacy and the
26 Director of Commerce who administer the Medical Marijuana
27 Control Program are transferred to the Department of Commerce.

28 (2) During the period beginning July 1, 2023, and ending
29 January 1, 2024, the Director of Commerce may establish, change,
30 and abolish positions of the Department of Commerce and assign,
31 reassign, classify, reclassify, transfer, reduce, promote, or
32 demote the employees transferred from the State Board of
33 Pharmacy to the Department of Commerce, other than those
34 employees subject to Chapter 4117. of the Revised Code.

35 (3) The authority granted under division (F)(2) of this
36 section includes assigning or reassigning an exempt employee, as
37 defined in section 124.152 of the Revised Code, to a bargaining
38 unit classification if the Director determines that the
39 bargaining unit classification is the proper classification for
40 that employee. If an employee in the E-1 pay range is to be
41 assigned, reassigned, classified, reclassified, transferred,
42 reduced, or demoted to a position in a lower classification

43 during the period specified in division (F)(2) of this section,
44 the Director of Commerce, or in the case of transfer outside the
45 Department of Commerce, the Director of Administrative Services,
46 shall assign the employee to the appropriate classification and
47 place the employee in Step X. The employee shall not receive any
48 increase in compensation until the maximum rate of pay for that
49 classification exceeds the employee's compensation. Actions
50 taken by the Director of Commerce under division (F) of this
51 section are not subject to appeal to the State Personnel Board
52 of Review.

53 (4) Notwithstanding sections 4117.08 and 4117.10 of the
54 Revised Code, the transfer of the Medical Marijuana Control
55 Program from the State Board of Pharmacy to the Department of
56 Commerce and the reassignment of certain functions and duties of
57 the State Board of Pharmacy by this act are not appropriate
58 subjects for collective bargaining under Chapter 4117. of the
59 Revised Code.

60 (G) The Director of Commerce may enter into one or more
61 contracts with private or government entities for staff training
62 and development to facilitate the transfer of staff and duties
63 related to the Medical Marijuana Control Program from the State
64 Board of Pharmacy to the Department of Commerce. Division (B) of
65 section 127.16 of the Revised Code does not apply to contracts
66 entered into under this section.

67 (H) Notwithstanding any provision of law to the contrary,
68 the Director of Budget and Management shall make any budget and
69 accounting changes necessary for the transfer of the Medical
70 Marijuana Control Program from the State Board of Pharmacy to
71 the Department of Commerce, including administrative
72 organization, program transfers, the renaming of funds, the
73 creating of new funds, the transfer of state funds and the
74 consolidation of funds. The Director may, if necessary, cancel
75 or establish encumbrances or parts of encumbrances in fiscal
76 years 2024 and 2025 in the appropriate fund and appropriation
77 items for the same purpose and for payment to the same vendor.
78 The established encumbrances are hereby appropriated."

79 The motion was _____ agreed to.

80 SYNOPSIS

81 **Transfer of medical marijuana control program**

82 **Section 525.20**

83 Specifies that no action or proceeding pending on the
84 effective date of the transfer of the Medical Marijuana Control
85 Program from the State Board of Pharmacy to the Department of
86 Commerce is affected by the transfer.

87 Specifies that any reference to the State Board of Pharmacy
88 in any document related to the administration of the program is
89 deemed to refer to the Superintendent of the Division of
90 Marijuana Control, the Director of Commerce, or the Department,
91 as appropriate.

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92 Requires the Legislative Service Commission to renumber the
93 rules of the State Board of Pharmacy regulating the Medical
94 Marijuana Control Program to reflect the transfer of the program
95 to the Department of Commerce.

96 Provides for the transfer of employees from the State Board
97 of Pharmacy to the Department of Commerce in relation to the
98 transfer of the Medical Marijuana Control Program.

99 Authorizes the Director of the Department of Commerce to
100 enter into one or more contracts with private or government
101 entities for staff training and development to facilitate the
102 transfer of staff and duties.

103 Requires the Director of Budget and Management to make
104 budget and accounting changes as necessary to facilitate the
105 transfer.