

As Introduced

**135th General Assembly
Regular Session
2023-2024**

S. B. No. 326

Senator Huffman, S.

A BILL

To amend sections 928.01, 928.03, 3719.01, 5502.01, 1
5502.13, and 5502.14 and to enact sections 2
3779.01, 3779.02, 3779.03, 3779.04, 3779.05, and 3
3779.99 of the Revised Code to prohibit the sale 4
of intoxicating hemp products and to declare an 5
emergency. 6

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

Section 1. That sections 928.01, 928.03, 3719.01, 5502.01, 7
5502.13, and 5502.14 be amended and sections 3779.01, 3779.02, 8
3779.03, 3779.04, 3779.05, and 3779.99 of the Revised Code be 9
enacted to read as follows: 10

Sec. 928.01. As used in this chapter: 11

(A) "Cannabidiol" means the cannabidiol compound, 12
containing a delta-9 tetrahydrocannabinol concentration of not 13
more than three-tenths per cent, derived from hemp. 14

(B) "Cultivate" or "cultivating" means to plant, water, 15
grow, fertilize, till, or harvest a plant or crop. "Cultivating" 16
includes possessing or storing a plant or crop on a premises 17
where the plant or crop was cultivated until transported to the 18
first point of sale. 19

(C) "Hemp" means the plant *Cannabis sativa* L. and any part 20
of that plant, including the seeds thereof and all derivatives, 21
extracts, cannabinoids, isomers, acids, salts, and salts of 22
isomers, whether growing or not, ~~with~~ containing a delta-9 23
tetrahydrocannabinol concentration of not more than three-tenths 24
per cent on a dry weight basis. "Hemp" does not include any 25
plant material with any additional tetrahydrocannabinol 26
additives. 27

(D) "Hemp cultivation license" means a license to 28
cultivate hemp issued under section 928.02 of the Revised Code. 29

(E) "Hemp processing license" means a license to process 30
hemp issued under section 928.02 of the Revised Code. 31

(F) "Hemp product" means any product, containing a delta-9 32
tetrahydrocannabinol concentration of not more than three-tenths 33
per cent, that is made with hemp. "Hemp product" includes 34
cosmetics, personal care products, dietary supplements or food 35
intended for animal or human consumption, ~~cloth, cordage, fiber,~~ 36
~~fuel, paint, paper, particleboard,~~ and any other product 37
containing one or more cannabinoids derived from hemp, including 38
cannabidiol. "Hemp product" also includes non-cannabinoid hemp 39
products. "Hemp product" includes any hemp not in the possession 40
of a licensed hemp cultivator or hemp processor. 41

(G) "Marihuana" has the same meaning as in section 3719.01 42
of the Revised Code. 43

(H) "Medical marijuana" has the same meaning as in section 44
3796.01 of the Revised Code. 45

(I) "Non-cannabinoid hemp product" means any product that 46
is made from hemp that does not include cannabinoids. "Non- 47
cannabinoid hemp product" includes cloth, cordage, fiber, fuel, 48

paint, paper, particleboard, and foods that have been approved 49
by the United States food and drug administration as generally 50
recognized as safe. 51

(J) "Process" or "processing" means converting hemp into a 52
hemp product. 53

~~(J)~~ (K) "Delta-9 tetrahydrocannabinol" means the sum of 54
the percentage by weight of tetrahydrocannabinolic acid 55
multiplied by 0.877 plus the percentage by weight of delta-9 56
tetrahydrocannabinol. 57

~~(K)~~ (L) "Tetrahydrocannabinol" means naturally occurring 58
or synthetic equivalents, regardless of whether artificially or 59
naturally derived, of the substances contained in the plant, or 60
in the resinous extractives of cannabis, sp. or derivatives, and 61
their isomers with similar chemical structure to delta-1-cis or 62
trans tetrahydrocannabinol, and their optical isomers, salts and 63
salts of isomers. "Tetrahydrocannabinol" includes, but is not 64
limited to, delta-6-cis or trans tetrahydrocannabinol, delta- 65
3,4-cis or trans tetrahydrocannabinol, 9-hexahydrocannabinol, 66
and delta-9-tetrahydrocannabinol acetate. Since nomenclature of 67
these substances is not internationally standardized, compounds 68
of these structures, regardless of designation of atomic 69
positions, are included. 70

"Tetrahydrocannabinol" does not include the following: 71

(1) Tetrahydrocannabinols approved by the United States 72
food and drug administration for marketing as a medication or 73
recognized by the United States food and drug administration as 74
generally recognized as safe. 75

(2) Cannabichromene (CBC); 76

(3) Cannabicyclol (CBL); 77

<u>(4) Cannabidiol (CBD),</u>	78
<u>(5) Cannabidivanol (CBDV);</u>	79
<u>(6) Cannabielsoin (CBE);</u>	80
<u>(7) Cannabigerol (CBG);</u>	81
<u>(8) Cannabigerovarin (CBGV);</u>	82
<u>(9) Cannabinol (CBN);</u>	83
<u>(10) Cannabivarin (CBV).</u>	84
<u>(M) "University" means an institution of higher education</u>	85
as defined in section 3345.12 of the Revised Code and a private	86
nonprofit institution with a certificate of authorization issued	87
pursuant to Chapter 1713. of the Revised Code.	88
(I) <u>(N) "USDA" means the United States department of</u>	89
agriculture.	90
<u>(O) "Adult use cannabis" has the same meaning as in</u>	91
<u>section 3780.01 of the Revised Code.</u>	92
Sec. 928.03. The director of agriculture, in consultation	93
with the governor and attorney general, shall adopt rules in	94
accordance with Chapter 119. of the Revised Code establishing	95
standards and procedures for the regulation of hemp cultivation	96
and processing. The rules shall include all of the following:	97
(A) The form of an application for a hemp cultivation	98
license and hemp processing license and the information required	99
to be included in each license application;	100
(B) The amount of an initial application fee that an	101
applicant shall submit along with an application for a hemp	102
cultivation license or a hemp processing license, and the amount	103
of an annual license fee that a licensee shall submit for a hemp	104

cultivation license or a hemp processing license. In adopting 105
rules under division (B) of this section, the director shall 106
ensure both of the following: 107

(1) That the amount of the application fee and annual 108
license fee does not exceed an amount sufficient to cover the 109
costs incurred by the department of agriculture to administer 110
and enforce this chapter; 111

(2) That there is one uniform application fee and one 112
uniform annual license fee that applies to all applicants for a 113
hemp cultivation license. 114

(C) Requirements and procedures concerning background 115
investigations of each applicant for a hemp cultivation license 116
and each applicant for a hemp processing license. The director 117
shall include both of the following in the rules adopted under 118
this division: 119

(1) A requirement that each applicant comply with sections 120
4776.01 to 4776.04 of the Revised Code; 121

(2) Provisions that prohibit the director from issuing a 122
hemp cultivation license or hemp processing license to an 123
applicant that has not complied with those sections. 124

(D) Requirements regarding the experience, equipment, 125
facilities, or land necessary to obtain a hemp cultivation 126
license; 127

(E) Requirements and procedures regarding standards of 128
financial responsibility for each applicant for a hemp 129
processing license; 130

(F) Procedures and requirements for the issuance, renewal, 131
denial, suspension, and revocation of a hemp cultivation license 132

and hemp processing license, including providing for a hearing 133
under Chapter 119. of the Revised Code with regard to such a 134
denial, suspension, or revocation; 135

(G) Grounds for the denial, suspension, and revocation of 136
a hemp cultivation license and of a hemp processing license, 137
including a requirement that the director revoke a hemp 138
cultivation license or hemp processing license, for a period of 139
ten years, of any person who pleads guilty to or is convicted of 140
a felony relating to a controlled substance; 141

(H) A requirement that the director shall not issue a hemp 142
cultivation license or hemp processing license to any person who 143
has pleaded guilty to or been convicted of a felony relating to 144
a controlled substance in the ten years immediately prior to the 145
submission of the application for a license; 146

(I) A requirement that any person that materially 147
falsifies information in an application for a hemp cultivation 148
license or hemp processing license is ineligible to receive 149
either license; 150

(J) A practice for maintaining relevant information 151
regarding land on which hemp is cultivated by hemp cultivation 152
licensees, including a legal description of the land, in 153
accordance with applicable federal law; 154

(K) Requirements prohibiting a hemp cultivation licensee 155
and a hemp processing licensee from cultivating or processing 156
marihuana; 157

(L) A procedure for testing, using post-decarboxylation or 158
other similarly reliable methods, delta-9 tetrahydrocannabinol 159
concentration levels of plants and products for purposes of 160
determining compliance with this chapter and rules adopted under 161

it;	162
(M) Requirements and procedures for the issuance,	163
administration, and enforcement of corrective action plans	164
issued under this chapter;	165
(N) A procedure for conducting annual inspections of, at a	166
minimum, a random sample of hemp cultivation license holders to	167
verify that plants are not being cultivated in violation of this	168
chapter or rules adopted under it;	169
(O) A procedure for conducting annual inspections of, at a	170
minimum, a random sample of hemp processing license holders to	171
verify that such license holders are not operating in violation	172
of this chapter or rules adopted under it;	173
(P) A procedure for complying with enforcement procedures	174
required under federal law;	175
(Q) A procedure for the effective disposal of all of the	176
following:	177
(1) Plants, whether growing or not, cultivated in	178
violation of this chapter or rules adopted under it;	179
(2) Products derived from plants cultivated in violation	180
of this chapter or rules adopted under it;	181
(3) Products produced in violation of this chapter or	182
rules adopted under it.	183
(R) Requirements and procedures governing the production,	184
storage, and disposal of hemp byproducts.	185
For the purposes of this chapter and notwithstanding any	186
provision of law to the contrary, "hemp product" includes a	187
byproduct, produced as a result of processing hemp, that	188

contains a delta-9 tetrahydrocannabinol concentration of more	189
than three-tenths per cent, provided that the byproduct is	190
produced, stored, and disposed of in accordance with rules	191
adopted under division (R) of this section.	192
(S) Procedures for sharing information regarding hemp	193
cultivation license holders with the secretary of the USDA;	194
(T) A setback distance requirement that specifies the	195
distance that a hemp cultivation license holder shall locate	196
hemp plants from a location where medical marijuana <u>or -adult</u>	197
<u>use cannabis</u> is being cultivated. The requirement does not apply	198
to a hemp cultivation license holder with regard to a medical-	199
marijuana cultivator that locates medical marijuana <u>or -adult</u>	200
<u>use cannabis</u> within the established setback distance requirement	201
after the hemp cultivation license holder begins operation.	202
(U) Annual reporting requirements and procedures for hemp	203
cultivation license holders and hemp processing license holders;	204
(V) Recordkeeping and documentation maintenance	205
requirements and procedures for hemp cultivation license holders	206
and hemp processing license holders;	207
(W) Fees for the laboratory testing of plants and	208
products;	209
(X) Standards for the testing and labeling of hemp and	210
hemp products;	211
(Y) Requirements prohibiting the processing of hemp in a	212
building used as a personal residence or on land that is zoned	213
for residential use;	214
(Z) Production standards and manufacturing practices for	215
processing hemp;	216

(AA) Procedures and requirements for the transportation	217
and storage of both hemp and hemp products;	218
(BB) Any other requirements or procedures necessary to	219
administer and enforce this chapter.	220
Sec. 3719.01. As used in this chapter:	221
(A) "Administer" means the direct application of a drug,	222
whether by injection, inhalation, ingestion, or any other means	223
to a person or an animal.	224
(B) "Drug enforcement administration" means the drug	225
enforcement administration of the United States department of	226
justice or its successor agency.	227
(C) "Controlled substance" means a drug, compound,	228
mixture, preparation, or substance included in schedule I, II,	229
III, IV, or V.	230
(D) "Dangerous drug" has the same meaning as in section	231
4729.01 of the Revised Code.	232
(E) "Dispense" means to sell, leave with, give away,	233
dispose of, or deliver.	234
(F) "Distribute" means to deal in, ship, transport, or	235
deliver but does not include administering or dispensing a drug.	236
(G) "Drug" has the same meaning as in section 4729.01 of	237
the Revised Code.	238
(H) "Drug abuse offense" and "felony drug abuse offense"	239
have the same meanings as in section 2925.01 of the Revised	240
Code.	241
(I) "Federal drug abuse control laws" means the	242
"Comprehensive Drug Abuse Prevention and Control Act of 1970,"	243

84 Stat. 1242, 21 U.S.C. 801, as amended.	244
(J) "Hospital" means a facility registered as a hospital	245
with the department of health under section 3701.07 of the	246
Revised Code.	247
(K) "Hypodermic" means a hypodermic syringe or needle, or	248
other instrument or device for the injection of medication.	249
(L) "Manufacturer" means a person who manufactures a	250
controlled substance, as "manufacture" is defined in section	251
3715.01 of the Revised Code, and includes a "manufacturer of	252
dangerous drugs" as defined in section 4729.01 of the Revised	253
Code.	254
(M) "Marihuana" means all parts of a plant of the genus	255
cannabis, whether growing or not; the seeds of a plant of that	256
type; the resin extracted from a part of a plant of that type;	257
and every compound, manufacture, salt, derivative, mixture, or	258
preparation of a plant of that type or of its seeds or resin.	259
"Marihuana" does not include the mature stalks of the plant,	260
fiber produced from the stalks, oils or cake made from the seeds	261
of the plant, or any other compound, manufacture, salt,	262
derivative, mixture, or preparation of the mature stalks, except	263
the resin extracted from the mature stalks, fiber, oil or cake,	264
or the sterilized seed of the plant that is incapable of	265
germination. "Marihuana" does not include "hemp" or a "hemp	266
product" as those terms are defined in section 928.01 of the	267
Revised Code. <u>"Marihuana" does not include an "intoxicating hemp</u>	268
<u>product" as defined in section 3779.01 of the Revised Code.</u>	269
(N) "Narcotic drugs" means coca leaves, opium,	270
isonipecaïne, amidone, isoamidone, ketobemidone, as defined in	271
this division, and every substance not chemically distinguished	272

from them and every drug, other than cannabis, that may be	273
included in the meaning of "narcotic drug" under the federal	274
drug abuse control laws. As used in this division:	275
(1) "Coca leaves" includes cocaine and any compound,	276
manufacture, salt, derivative, mixture, or preparation of coca	277
leaves, except derivatives of coca leaves, that does not contain	278
cocaine, ecgonine, or substances from which cocaine or ecgonine	279
may be synthesized or made.	280
(2) "Isonipecaine" means any substance identified	281
chemically as 1-methyl-4-phenyl-piperidine-4-carboxylic acid	282
ethyl ester, or any salt thereof, by whatever trade name	283
designated.	284
(3) "Amidone" means any substance identified chemically as	285
4-4-diphenyl-6-dimethylamino-heptanone-3, or any salt thereof,	286
by whatever trade name designated.	287
(4) "Isoamidone" means any substance identified chemically	288
as 4-4-diphenyl-5-methyl-6-dimethylaminohexanone-3, or any salt	289
thereof, by whatever trade name designated.	290
(5) "Ketobemidone" means any substance identified	291
chemically as 4-(3-hydroxyphenyl)-1-methyl-4-piperidyl ethyl	292
ketone hydrochloride, or any salt thereof, by whatever trade	293
name designated.	294
(6) "Cocaine" has the same meaning as in section 2925.01	295
of the Revised Code.	296
(0) "Official written order" means an order written on a	297
form provided for that purpose by the director of the United	298
States drug enforcement administration, under any laws of the	299
United States making provision for the order, if the order forms	300
are authorized and required by federal law.	301

(P) "Person" means any individual, corporation, 302
government, governmental subdivision or agency, business trust, 303
estate, trust, partnership, association, or other legal entity. 304

(Q) "Pharmacist" means a person licensed under Chapter 305
4729. of the Revised Code to engage in the practice of pharmacy. 306

(R) "Pharmacy" has the same meaning as in section 4729.01 307
of the Revised Code. 308

(S) "Poison" means any drug, chemical, or preparation 309
likely to be deleterious or destructive to adult human life in 310
quantities of four grams or less. 311

(T) "Licensed health professional authorized to prescribe 312
drugs," "prescriber," and "prescription" have the same meanings 313
as in section 4729.01 of the Revised Code. 314

(U) "Sale" includes delivery, barter, exchange, transfer, 315
or gift, or offer thereof, and each transaction of those natures 316
made by any person, whether as principal, proprietor, agent, 317
servant, or employee. 318

(V) "Schedule I," "schedule II," "schedule III," "schedule 319
IV," and "schedule V" mean controlled substance schedules I, II, 320
III, IV, and V, respectively, as established by rule adopted 321
under section 3719.41 of the Revised Code, as amended pursuant 322
to section 3719.43 or 3719.44 of the Revised Code, or as 323
established by emergency rule adopted under section 3719.45 of 324
the Revised Code. 325

(W) "Wholesaler" means a person who, on official written 326
orders other than prescriptions, supplies controlled substances 327
that the person has not manufactured, produced, or prepared 328
personally and includes a "wholesale distributor of dangerous 329
drugs" as defined in section 4729.01 of the Revised Code. 330

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

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

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

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

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

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

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

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

(a) A controlled substance;

(b) Any substance for which there is an approved new drug

application; 359

(c) With respect to a particular person, any substance if 360
an exemption is in effect for investigational use for that 361
person pursuant to federal law to the extent that conduct with 362
respect to that substance is pursuant to that exemption; 363

(d) Any substance to the extent it is not intended for 364
human consumption before the exemption described in division (Z) 365
(2)(b) of this section takes effect with respect to that 366
substance. 367

(AA) "Benzodiazepine" means a controlled substance that 368
has United States food and drug administration approved labeling 369
indicating that it is a benzodiazepine, benzodiazepine 370
derivative, triazolobenzodiazepine, or triazolobenzodiazepine 371
derivative, including the following drugs and their varying salt 372
forms or chemical congeners: alprazolam, chlordiazepoxide 373
hydrochloride, clobazam, clonazepam, clorazepate, diazepam, 374
estazolam, flurazepam hydrochloride, lorazepam, midazolam, 375
oxazepam, quazepam, temazepam, and triazolam. 376

(BB) "Opioid analgesic" means a controlled substance that 377
has analgesic pharmacologic activity at the opioid receptors of 378
the central nervous system, including the following drugs and 379
their varying salt forms or chemical congeners: buprenorphine, 380
butorphanol, codeine (including acetaminophen and other 381
combination products), dihydrocodeine, fentanyl, hydrocodone 382
(including acetaminophen combination products), hydromorphone, 383
meperidine, methadone, morphine sulfate, oxycodone (including 384
acetaminophen, aspirin, and other combination products), 385
oxymorphone, tapentadol, and tramadol. 386

(CC) "Outsourcing facility," "repackager of dangerous 387

drugs," and "third-party logistics provider" have the same 388
meanings as in section 4729.01 of the Revised Code. 389

Sec. 3779.01. As used in this chapter: 390

(A) "Delta-9 tetrahydrocannabinol," "hemp product," and 391
"tetrahydrocannabinol" have the same meanings as in section 392
928.01 of the Revised Code. 393

(B) "Intoxicating hemp product" means a hemp product 394
containing more than five-tenths of a milligram of delta-9 395
tetrahydrocannabinol per serving, two milligrams of delta-9 396
tetrahydrocannabinol per package, or five-tenths of a milligram 397
of total non-delta-9 tetrahydrocannabinol per package. 398

(C) "Ohio investigative unit" means the investigative unit 399
maintained by the department of public safety under section 400
5502.13 of the Revised Code. 401

(D) "Sell" means the exchange, barter, gift, offer for 402
sale, and sale of an intoxicating hemp product. 403

(E) "Total non-delta-9 tetrahydrocannabinol" means the 404
sum, after the application of any necessary conversion factor, 405
of the percentage by weight of tetrahydrocannabinol, other than 406
delta-9 tetrahydrocannabinol, and the percentage by weight of 407
tetrahydrocannabinolic acid. 408

Sec. 3779.02. No person shall sell an intoxicating hemp 409
product in this state. 410

Sec. 3779.03. The Ohio investigative unit shall enforce 411
section 3779.02 of the Revised Code or cause it to be enforced. 412
If the unit has information that this chapter has been violated, 413
it shall investigate the matter and take any action as it 414
considers appropriate. 415

Sec. 3779.04. (A) The director of commerce may impose an 416
administrative penalty against a person who violates section 417
3779.02 of the Revised Code. Administrative penalties shall be 418
set forth in rules adopted under section 3779.05 of the Revised 419
Code and shall not exceed the following: 420

(1) Ten thousand dollars for a first violation; 421

(2) Twenty-five thousand dollars for a second violation; 422

(3) Fifty thousand dollars for a third or subsequent 423
violation. 424

(B) The director shall afford a person an opportunity for 425
an adjudication hearing under Chapter 119. of the Revised Code 426
to challenge the director's determination under this section, 427
the director's imposition of an administrative penalty under 428
this section, or both. The director's determination and the 429
imposition of the administrative penalty may be appealed in 430
accordance with section 119.12 of the Revised Code. 431

Sec. 3779.05. The director of commerce shall adopt rules 432
in accordance with Chapter 119. of the Revised Code that 433
establish the amount of administrative penalties to be imposed 434
by the director under section 3779.04 of the Revised Code. 435

Sec. 3779.99. (A) Except as provided in division (B) of 436
this section, whoever knowingly violates section 3779.02 of the 437
Revised Code is guilty of a misdemeanor of the first degree on a 438
first offense and a felony of the fifth degree on a second or 439
subsequent offense. 440

(B) Whoever knowingly violates section 3779.02 of the 441
Revised Code is guilty of a felony of the fifth degree if the 442
offense involves the sale of an intoxicating hemp product to a 443
person under twenty-one years of age. 444

Sec. 5502.01. (A) The department of public safety shall 445
administer and enforce the laws relating to the registration, 446
licensing, sale, and operation of motor vehicles and the laws 447
pertaining to the licensing of drivers of motor vehicles. 448

The department shall compile, analyze, and publish 449
statistics relative to motor vehicle accidents and the causes of 450
them, prepare and conduct educational programs for the purpose 451
of promoting safety in the operation of motor vehicles on the 452
highways, and conduct research and studies for the purpose of 453
promoting safety on the highways of this state. 454

(B) The department shall administer the laws and rules 455
relative to trauma and emergency medical services specified in 456
Chapter 4765. of the Revised Code and any laws and rules 457
relative to medical transportation services specified in Chapter 458
4766. of the Revised Code. 459

(C) The department shall administer and enforce the laws 460
contained in Chapters 4301. and 4303. of the Revised Code and 461
enforce the rules and orders of the liquor control commission 462
pertaining to retail liquor permit holders. 463

(D) The department shall administer the laws governing the 464
state emergency management agency and shall enforce all 465
additional duties and responsibilities as prescribed in the 466
Revised Code related to emergency management services. 467

(E) The department shall conduct investigations pursuant 468
to Chapter 5101. of the Revised Code in support of the duty of 469
the department of job and family services to administer the 470
supplemental nutrition assistance program throughout this state. 471
The department of public safety shall conduct investigations 472
necessary to protect the state's property rights and interests 473

in the supplemental nutrition assistance program. 474

(F) The department of public safety shall enforce 475
compliance with orders and rules of the public utilities 476
commission and applicable laws in accordance with Chapters 477
4905., 4921., and 4923. of the Revised Code regarding commercial 478
motor vehicle transportation safety, economic, and hazardous 479
materials requirements. 480

(G) Notwithstanding Chapter 4117. of the Revised Code, the 481
department of public safety may establish requirements for its 482
enforcement personnel, including its enforcement agents 483
described in section 5502.14 of the Revised Code, that include 484
standards of conduct, work rules and procedures, and criteria 485
for eligibility as law enforcement personnel. 486

(H) The department shall administer, maintain, and operate 487
the Ohio criminal justice network. The Ohio criminal justice 488
network shall be a computer network that supports state and 489
local criminal justice activities. The network shall be an 490
electronic repository for various data, which may include arrest 491
warrants, notices of persons wanted by law enforcement agencies, 492
criminal records, prison inmate records, stolen vehicle records, 493
vehicle operator's licenses, and vehicle registrations and 494
titles. 495

(I) The department shall coordinate all homeland security 496
activities of all state agencies and shall be a liaison between 497
state agencies and local entities for those activities and 498
related purposes. 499

(J) The department shall administer and enforce the laws 500
relative to private investigators and security service providers 501
specified in Chapter 4749. of the Revised Code. 502

(K) The department shall administer criminal justice 503
services in accordance with sections 5502.61 to 5502.66 of the 504
Revised Code. 505

(L) The department shall administer the Ohio school safety 506
and crisis center and the Ohio mobile training team in 507
accordance with sections 5502.70 to 5502.703 of the Revised 508
Code. 509

(M) The department shall coordinate security measures and 510
operations, and may direct the department of administrative 511
services to implement any security measures and operations the 512
department of public safety requires, at the Vern Riffe Center 513
and the James A. Rhodes state office tower. 514

Notwithstanding section 125.28 of the Revised Code, the 515
director of public safety may recover the costs of directing 516
security measures and operations under this division by either 517
issuing intrastate transfer voucher billings to the department 518
of administrative services, which the department shall process 519
to pay for the costs, or, upon the request of the director of 520
administrative services, the director of budget and management 521
may transfer cash in the requested amount from the building 522
management fund created under section 125.28 of the Revised 523
Code. Payments received or cash transfers made under this 524
division for the costs of directing security measures and 525
operations shall be deposited into the state treasury to the 526
credit of the security, investigations, and policing fund 527
created under section 4501.11 of the Revised Code. 528

(N) The department of public safety shall assist the 529
department of commerce in enforcing Chapter 3779. of the Revised 530
Code as provided in that chapter. 531

Sec. 5502.13. The department of public safety shall 532
maintain an investigative unit in order to conduct 533
investigations and other enforcement activity authorized by 534
Chapters 4301., 4303., 5101., 5107., and 5108. and sections 535
2903.12, 2903.13, 2903.14, 2907.09, 2913.46, 2917.11, 2921.13, 536
2921.31, 2921.32, 2921.33, 2923.12, 2923.121, 2925.11, 2925.13, 537
2927.02, 3779.03, and 4507.30 of the Revised Code. The director 538
of public safety shall appoint the employees of the unit who are 539
necessary, designate the activities to be performed by those 540
employees, and prescribe their titles and duties. 541

Sec. 5502.14. (A) As used in this section, "felony" has 542
the same meaning as in section 109.511 of the Revised Code. 543

(B) (1) Any person who is employed by the department of 544
public safety and designated by the director of public safety to 545
enforce Title XLIII of the Revised Code, and the rules adopted 546
under it, Chapter 3779. of the Revised Code and the rules 547
adopted under that chapter, and the laws and rules regulating 548
the use of supplemental nutrition assistance program benefits 549
shall be known as an enforcement agent. The employment by the 550
department of public safety and the designation by the director 551
of public safety of a person as an enforcement agent shall be 552
subject to division (D) of this section. An enforcement agent 553
has the authority vested in peace officers pursuant to section 554
2935.03 of the Revised Code to keep the peace, to enforce all 555
applicable laws and rules on any retail liquor permit premises, 556
or on any other premises of public or private property, where a 557
violation of Title XLIII of the Revised Code or any rule adopted 558
under it is occurring, and to enforce all laws and rules 559
governing the use of supplemental nutrition assistance program 560
benefits, women, infants, and children's coupons, electronically 561
transferred benefits, or any other access device that is used 562

alone or in conjunction with another access device to obtain 563
payments, allotments, benefits, money, goods, or other things of 564
value, or that can be used to initiate a transfer of funds, 565
pursuant to the supplemental nutrition assistance program 566
established under the Food and Nutrition Act of 2008 (7 U.S.C. 567
2011 et seq.) or any supplemental food program administered by 568
any department of this state pursuant to the "Child Nutrition 569
Act of 1966," 80 Stat. 885, 42 U.S.C.A. 1786. Enforcement 570
agents, in enforcing compliance with the laws and rules 571
described in this division, may keep the peace and make arrests 572
for violations of those laws and rules. 573

(2) In addition to the authority conferred by division (B) 574
(1) of this section, an enforcement agent also may execute 575
search warrants and seize and take into custody any contraband, 576
as defined in section 2901.01 of the Revised Code, or any 577
property that is otherwise necessary for evidentiary purposes 578
related to any violations of the laws or rules described in 579
division (B)(1) of this section. An enforcement agent may enter 580
public or private premises where activity alleged to violate the 581
laws or rules described in division (B)(1) of this section is 582
occurring. 583

(3) Enforcement agents who are on, immediately adjacent 584
to, or across from retail liquor permit premises and who are 585
performing investigative duties relating to that premises, 586
enforcement agents who are on premises that are not liquor 587
permit premises but on which a violation of Title XLIII of the 588
Revised Code or any rule adopted under it allegedly is 589
occurring, and enforcement agents who view a suspected violation 590
of Title XLIII of the Revised Code, of a rule adopted under it, 591
or of another law or rule described in division (B)(1) of this 592
section have the authority to enforce the laws and rules 593

described in division (B) (1) of this section, authority to 594
enforce any section in Title XXIX of the Revised Code or any 595
other section of the Revised Code listed in section 5502.13 of 596
the Revised Code if they witness a violation of the section 597
under any of the circumstances described in this division, and 598
authority to make arrests for violations of the laws and rules 599
described in division (B) (1) of this section and violations of 600
any of those sections. 601

(4) The jurisdiction of an enforcement agent under 602
division (B) of this section shall be concurrent with that of 603
the peace officers of the county, township, or municipal 604
corporation in which the violation occurs. 605

(C) Enforcement agents of the department of public safety 606
who are engaged in the enforcement of the laws and rules 607
described in division (B) (1) of this section may carry concealed 608
weapons when conducting undercover investigations pursuant to 609
their authority as law enforcement officers and while acting 610
within the scope of their authority pursuant to this chapter. 611

(D) (1) The department of public safety shall not employ, 612
and the director of public safety shall not designate, a person 613
as an enforcement agent on a permanent basis, on a temporary 614
basis, for a probationary term, or on other than a permanent 615
basis if the person previously has been convicted of or has 616
pleaded guilty to a felony. 617

(2) (a) The department of public safety shall terminate the 618
employment of a person who is designated as an enforcement agent 619
and who does either of the following: 620

(i) Pleads guilty to a felony; 621

(ii) Pleads guilty to a misdemeanor pursuant to a 622

negotiated plea agreement as provided in division (D) of section 623
2929.43 of the Revised Code in which the enforcement agent 624
agrees to surrender the certificate awarded to that agent under 625
section 109.77 of the Revised Code. 626

(b) The department shall suspend the employment of a 627
person who is designated as an enforcement agent if the person 628
is convicted, after trial, of a felony. If the enforcement agent 629
files an appeal from that conviction and the conviction is 630
upheld by the highest court to which the appeal is taken or if 631
no timely appeal is filed, the department shall terminate the 632
employment of that agent. If the enforcement agent files an 633
appeal that results in that agent's acquittal of the felony or 634
conviction of a misdemeanor, or in the dismissal of the felony 635
charge against the agent, the department shall reinstate the 636
agent. An enforcement agent who is reinstated under division (D) 637
(2) (b) of this section shall not receive any back pay unless the 638
conviction of that agent of the felony was reversed on appeal, 639
or the felony charge was dismissed, because the court found 640
insufficient evidence to convict the agent of the felony. 641

(3) Division (D) of this section does not apply regarding 642
an offense that was committed prior to January 1, 1997. 643

(4) The suspension or termination of the employment of a 644
person designated as an enforcement agent under division (D) (2) 645
of this section shall be in accordance with Chapter 119. of the 646
Revised Code. 647

Section 2. That existing sections 928.01, 928.03, 3719.01, 648
5502.01, 5502.13, and 5502.14 of the Revised Code are hereby 649
repealed. 650

Section 3. This act is hereby declared to be an emergency 651

measure necessary for the immediate preservation of the public 652
peace, health, and safety. The reason for such necessity is to 653
protect Ohioans, especially Ohio's youth, from untested, 654
unregulated dangerous tetrahydrocannabinol products. Therefore, 655
this act shall go into immediate effect. 656