

As Introduced

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

S. B. No. 9

Senators Huffman, S., Schuring

A BILL

To amend sections 102.02, 109.572, 3796.01, 1
3796.02, 3796.03, 3796.032, 3796.05, 3796.06, 2
3796.061, 3796.08, 3796.10, 3796.11, 3796.12, 3
3796.13, 3796.14, 3796.15, 3796.16, 3796.17, 4
3796.18, 3796.19, 3796.20, 3796.21, 3796.22, 5
3796.23, 3796.27, 3796.30, 4731.30, and 4776.01; 6
to enact new section 3796.021 and sections 7
3796.35, 4731.303, and 4731.304; and to repeal 8
sections 3796.021, 3796.031, and 3796.04 of the 9
Revised Code to amend the law related to medical 10
marijuana. 11

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

Section 1. That sections 102.02, 109.572, 3796.01, 12
3796.02, 3796.03, 3796.032, 3796.05, 3796.06, 3796.061, 3796.08, 13
3796.10, 3796.11, 3796.12, 3796.13, 3796.14, 3796.15, 3796.16, 14
3796.17, 3796.18, 3796.19, 3796.20, 3796.21, 3796.22, 3796.23, 15
3796.27, 3796.30, 4731.30, and 4776.01 be amended and new 16
section 3796.021 and sections 3796.35, 4731.303, and 4731.304 of 17
the Revised Code be enacted to read as follows: 18

Sec. 102.02. (A) (1) Except as otherwise provided in 19

division (H) of this section, all of the following shall file 20
with the appropriate ethics commission the disclosure statement 21
described in this division on a form prescribed by the 22
appropriate commission: every person who is elected to or is a 23
candidate for a state, county, or city office and every person 24
who is appointed to fill a vacancy for an unexpired term in such 25
an elective office; all members of the state board of education; 26
the director, assistant directors, deputy directors, division 27
chiefs, or persons of equivalent rank of any administrative 28
department of the state; the president or other chief 29
administrative officer of every state institution of higher 30
education as defined in section 3345.011 of the Revised Code; 31
the executive director and the members of the capitol square 32
review and advisory board appointed or employed pursuant to 33
section 105.41 of the Revised Code; all members of the Ohio 34
casino control commission, the executive director of the 35
commission, all professional employees of the commission, and 36
all technical employees of the commission who perform an 37
internal audit function; the individuals set forth in division 38
(B) (2) of section 187.03 of the Revised Code; the chief 39
executive officer and the members of the board of each state 40
retirement system; each employee of a state retirement board who 41
is a state retirement system investment officer licensed 42
pursuant to section 1707.163 of the Revised Code; the members of 43
the Ohio retirement study council appointed pursuant to division 44
(C) of section 171.01 of the Revised Code; employees of the Ohio 45
retirement study council, other than employees who perform 46
purely administrative or clerical functions; the administrator 47
of workers' compensation and each member of the bureau of 48
workers' compensation board of directors; the bureau of workers' 49
compensation director of investments; the chief investment 50
officer of the bureau of workers' compensation; all members of 51

the board of commissioners on grievances and discipline of the 52
supreme court and the ethics commission created under section 53
102.05 of the Revised Code; every business manager, treasurer, 54
or superintendent of a city, local, exempted village, joint 55
vocational, or cooperative education school district or an 56
educational service center; every person who is elected to or is 57
a candidate for the office of member of a board of education of 58
a city, local, exempted village, joint vocational, or 59
cooperative education school district or of a governing board of 60
an educational service center that has a total student count of 61
twelve thousand or more as most recently determined by the 62
department of education pursuant to section 3317.03 of the 63
Revised Code; every person who is appointed to the board of 64
education of a municipal school district pursuant to division 65
(B) or (F) of section 3311.71 of the Revised Code; all members 66
of the board of directors of a sanitary district that is 67
established under Chapter 6115. of the Revised Code and 68
organized wholly for the purpose of providing a water supply for 69
domestic, municipal, and public use, and that includes two 70
municipal corporations in two counties; every public official or 71
employee who is paid a salary or wage in accordance with 72
schedule C of section 124.15 or schedule E-2 of section 124.152 73
of the Revised Code; all members appointed to the Ohio livestock 74
care standards board under section 904.02 of the Revised Code; 75
all members appointed to the medical marijuana oversight 76
commission under section 3796.021 of the Revised Code; all 77
entrepreneurs in residence assigned by the LeanOhio office in 78
the department of administrative services under section 125.65 79
of the Revised Code and every other public official or employee 80
who is designated by the appropriate ethics commission pursuant 81
to division (B) of this section. 82

(2) The disclosure statement shall include all of the 83
following: 84

(a) The name of the person filing the statement and each 85
member of the person's immediate family and all names under 86
which the person or members of the person's immediate family do 87
business; 88

(b) (i) Subject to divisions (A) (2) (b) (ii) and (iii) of 89
this section and except as otherwise provided in section 102.022 90
of the Revised Code, identification of every source of income, 91
other than income from a legislative agent identified in 92
division (A) (2) (b) (ii) of this section, received during the 93
preceding calendar year, in the person's own name or by any 94
other person for the person's use or benefit, by the person 95
filing the statement, and a brief description of the nature of 96
the services for which the income was received. If the person 97
filing the statement is a member of the general assembly, the 98
statement shall identify the amount of every source of income 99
received in accordance with the following ranges of amounts: 100
zero or more, but less than one thousand dollars; one thousand 101
dollars or more, but less than ten thousand dollars; ten 102
thousand dollars or more, but less than twenty-five thousand 103
dollars; twenty-five thousand dollars or more, but less than 104
fifty thousand dollars; fifty thousand dollars or more, but less 105
than one hundred thousand dollars; and one hundred thousand 106
dollars or more. Division (A) (2) (b) (i) of this section shall not 107
be construed to require a person filing the statement who 108
derives income from a business or profession to disclose the 109
individual items of income that constitute the gross income of 110
that business or profession, except for those individual items 111
of income that are attributable to the person's or, if the 112
income is shared with the person, the partner's, solicitation of 113

services or goods or performance, arrangement, or facilitation 114
of services or provision of goods on behalf of the business or 115
profession of clients, including corporate clients, who are 116
legislative agents. A person who files the statement under this 117
section shall disclose the identity of and the amount of income 118
received from a person who the public official or employee knows 119
or has reason to know is doing or seeking to do business of any 120
kind with the public official's or employee's agency. 121

(ii) If the person filing the statement is a member of the 122
general assembly, the statement shall identify every source of 123
income and the amount of that income that was received from a 124
legislative agent during the preceding calendar year, in the 125
person's own name or by any other person for the person's use or 126
benefit, by the person filing the statement, and a brief 127
description of the nature of the services for which the income 128
was received. Division (A) (2) (b) (ii) of this section requires 129
the disclosure of clients of attorneys or persons licensed under 130
section 4732.12 of the Revised Code, or patients of persons 131
licensed under section 4731.14 of the Revised Code, if those 132
clients or patients are legislative agents. Division (A) (2) (b) 133
(ii) of this section requires a person filing the statement who 134
derives income from a business or profession to disclose those 135
individual items of income that constitute the gross income of 136
that business or profession that are received from legislative 137
agents. 138

(iii) Except as otherwise provided in division (A) (2) (b) 139
(iii) of this section, division (A) (2) (b) (i) of this section 140
applies to attorneys, physicians, and other persons who engage 141
in the practice of a profession and who, pursuant to a section 142
of the Revised Code, the common law of this state, a code of 143
ethics applicable to the profession, or otherwise, generally are 144

required not to reveal, disclose, or use confidences of clients, 145
patients, or other recipients of professional services except 146
under specified circumstances or generally are required to 147
maintain those types of confidences as privileged communications 148
except under specified circumstances. Division (A) (2) (b) (i) of 149
this section does not require an attorney, physician, or other 150
professional subject to a confidentiality requirement as 151
described in division (A) (2) (b) (iii) of this section to disclose 152
the name, other identity, or address of a client, patient, or 153
other recipient of professional services if the disclosure would 154
threaten the client, patient, or other recipient of professional 155
services, would reveal details of the subject matter for which 156
legal, medical, or professional advice or other services were 157
sought, or would reveal an otherwise privileged communication 158
involving the client, patient, or other recipient of 159
professional services. Division (A) (2) (b) (i) of this section 160
does not require an attorney, physician, or other professional 161
subject to a confidentiality requirement as described in 162
division (A) (2) (b) (iii) of this section to disclose in the brief 163
description of the nature of services required by division (A) 164
(2) (b) (i) of this section any information pertaining to specific 165
professional services rendered for a client, patient, or other 166
recipient of professional services that would reveal details of 167
the subject matter for which legal, medical, or professional 168
advice was sought or would reveal an otherwise privileged 169
communication involving the client, patient, or other recipient 170
of professional services. 171

(c) The name of every corporation on file with the 172
secretary of state that is incorporated in this state or holds a 173
certificate of compliance authorizing it to do business in this 174
state, trust, business trust, partnership, or association that 175

transacts business in this state in which the person filing the 176
statement or any other person for the person's use and benefit 177
had during the preceding calendar year an investment of over one 178
thousand dollars at fair market value as of the thirty-first day 179
of December of the preceding calendar year, or the date of 180
disposition, whichever is earlier, or in which the person holds 181
any office or has a fiduciary relationship, and a description of 182
the nature of the investment, office, or relationship. Division 183
(A) (2) (c) of this section does not require disclosure of the 184
name of any bank, savings and loan association, credit union, or 185
building and loan association with which the person filing the 186
statement has a deposit or a withdrawable share account. 187

(d) All fee simple and leasehold interests to which the 188
person filing the statement holds legal title to or a beneficial 189
interest in real property located within the state, excluding 190
the person's residence and property used primarily for personal 191
recreation; 192

(e) The names of all persons residing or transacting 193
business in the state to whom the person filing the statement 194
owes, in the person's own name or in the name of any other 195
person, more than one thousand dollars. Division (A) (2) (e) of 196
this section shall not be construed to require the disclosure of 197
debts owed by the person resulting from the ordinary conduct of 198
a business or profession or debts on the person's residence or 199
real property used primarily for personal recreation, except 200
that the superintendent of financial institutions and any deputy 201
superintendent of banks shall disclose the names of all state- 202
chartered banks and all bank subsidiary corporations subject to 203
regulation under section 1109.44 of the Revised Code to whom the 204
superintendent or deputy superintendent owes any money. 205

(f) The names of all persons residing or transacting 206
business in the state, other than a depository excluded under 207
division (A)(2)(c) of this section, who owe more than one 208
thousand dollars to the person filing the statement, either in 209
the person's own name or to any person for the person's use or 210
benefit. Division (A)(2)(f) of this section shall not be 211
construed to require the disclosure of clients of attorneys or 212
persons licensed under section 4732.12 of the Revised Code, or 213
patients of persons licensed under section 4731.14 of the 214
Revised Code, nor the disclosure of debts owed to the person 215
resulting from the ordinary conduct of a business or profession. 216

(g) Except as otherwise provided in section 102.022 of the 217
Revised Code, the source of each gift of over seventy-five 218
dollars, or of each gift of over twenty-five dollars received by 219
a member of the general assembly from a legislative agent, 220
received by the person in the person's own name or by any other 221
person for the person's use or benefit during the preceding 222
calendar year, except gifts received by will or by virtue of 223
section 2105.06 of the Revised Code, or received from spouses, 224
parents, grandparents, children, grandchildren, siblings, 225
nephews, nieces, uncles, aunts, brothers-in-law, sisters-in-law, 226
sons-in-law, daughters-in-law, fathers-in-law, mothers-in-law, 227
or any person to whom the person filing the statement stands in 228
loco parentis, or received by way of distribution from any inter 229
vivos or testamentary trust established by a spouse or by an 230
ancestor; 231

(h) Except as otherwise provided in section 102.022 of the 232
Revised Code, identification of the source and amount of every 233
payment of expenses incurred for travel to destinations inside 234
or outside this state that is received by the person in the 235
person's own name or by any other person for the person's use or 236

benefit and that is incurred in connection with the person's 237
official duties, except for expenses for travel to meetings or 238
conventions of a national or state organization to which any 239
state agency, including, but not limited to, any legislative 240
agency or state institution of higher education as defined in 241
section 3345.011 of the Revised Code, pays membership dues, or 242
any political subdivision or any office or agency of a political 243
subdivision pays membership dues; 244

(i) Except as otherwise provided in section 102.022 of the 245
Revised Code, identification of the source of payment of 246
expenses for meals and other food and beverages, other than for 247
meals and other food and beverages provided at a meeting at 248
which the person participated in a panel, seminar, or speaking 249
engagement or at a meeting or convention of a national or state 250
organization to which any state agency, including, but not 251
limited to, any legislative agency or state institution of 252
higher education as defined in section 3345.011 of the Revised 253
Code, pays membership dues, or any political subdivision or any 254
office or agency of a political subdivision pays membership 255
dues, that are incurred in connection with the person's official 256
duties and that exceed one hundred dollars aggregated per 257
calendar year; 258

(j) If the disclosure statement is filed by a public 259
official or employee described in division (B) (2) of section 260
101.73 of the Revised Code or division (B) (2) of section 121.63 261
of the Revised Code who receives a statement from a legislative 262
agent, executive agency lobbyist, or employer that contains the 263
information described in division (F) (2) of section 101.73 of 264
the Revised Code or division (G) (2) of section 121.63 of the 265
Revised Code, all of the nondisputed information contained in 266
the statement delivered to that public official or employee by 267

the legislative agent, executive agency lobbyist, or employer	268
under division (F) (2) of section 101.73 or (G) (2) of section	269
121.63 of the Revised Code.	270
(3) A person may file a statement required by this section	271
in person, by mail, or by electronic means.	272
(4) A person who is required to file a statement under	273
this section shall file that statement according to the	274
following deadlines, as applicable:	275
(a) Except as otherwise provided in divisions (A) (4) (b),	276
(c), and (d) of this section, the person shall file the	277
statement not later than the fifteenth day of May of each year.	278
(b) A person who is a candidate for elective office shall	279
file the statement no later than the thirtieth day before the	280
primary, special, or general election at which the candidacy is	281
to be voted on, whichever election occurs soonest, except that a	282
person who is a write-in candidate shall file the statement no	283
later than the twentieth day before the earliest election at	284
which the person's candidacy is to be voted on.	285
(c) A person who is appointed to fill a vacancy for an	286
unexpired term in an elective office shall file the statement	287
within fifteen days after the person qualifies for office.	288
(d) A person who is appointed or employed after the	289
fifteenth day of May, other than a person described in division	290
(A) (4) (c) of this section, shall file an annual statement within	291
ninety days after appointment or employment.	292
(5) No person shall be required to file with the	293
appropriate ethics commission more than one statement or pay	294
more than one filing fee for any one calendar year.	295

(6) The appropriate ethics commission, for good cause, may extend for a reasonable time the deadline for filing a statement under this section.

(7) A statement filed under this section is subject to public inspection at locations designated by the appropriate ethics commission except as otherwise provided in this section.

(B) The Ohio ethics commission, the joint legislative ethics committee, and the board of commissioners on grievances and discipline of the supreme court, using the rule-making procedures of Chapter 119. of the Revised Code, may require any class of public officials or employees under its jurisdiction and not specifically excluded by this section whose positions involve a substantial and material exercise of administrative discretion in the formulation of public policy, expenditure of public funds, enforcement of laws and rules of the state or a county or city, or the execution of other public trusts, to file an annual statement under division (A) of this section. The appropriate ethics commission shall send the public officials or employees written notice of the requirement not less than thirty days before the applicable filing deadline unless the public official or employee is appointed after that date, in which case the notice shall be sent within thirty days after appointment, and the filing shall be made not later than ninety days after appointment.

Disclosure statements filed under this division with the Ohio ethics commission by members of boards, commissions, or bureaus of the state for which no compensation is received other than reasonable and necessary expenses shall be kept confidential. Disclosure statements filed with the Ohio ethics commission under division (A) of this section by business

managers, treasurers, and superintendents of city, local, 326
exempted village, joint vocational, or cooperative education 327
school districts or educational service centers shall be kept 328
confidential, except that any person conducting an audit of any 329
such school district or educational service center pursuant to 330
Chapter 117. of the Revised Code may examine the disclosure 331
statement of any business manager, treasurer, or superintendent 332
of that school district or educational service center. 333
Disclosure statements filed with the Ohio ethics commission 334
under division (A) of this section by the individuals set forth 335
in division (B) (2) of section 187.03 of the Revised Code shall 336
be kept confidential. The Ohio ethics commission shall examine 337
each disclosure statement required to be kept confidential to 338
determine whether a potential conflict of interest exists for 339
the person who filed the disclosure statement. A potential 340
conflict of interest exists if the private interests of the 341
person, as indicated by the person's disclosure statement, might 342
interfere with the public interests the person is required to 343
serve in the exercise of the person's authority and duties in 344
the person's office or position of employment. If the commission 345
determines that a potential conflict of interest exists, it 346
shall notify the person who filed the disclosure statement and 347
shall make the portions of the disclosure statement that 348
indicate a potential conflict of interest subject to public 349
inspection in the same manner as is provided for other 350
disclosure statements. Any portion of the disclosure statement 351
that the commission determines does not indicate a potential 352
conflict of interest shall be kept confidential by the 353
commission and shall not be made subject to public inspection, 354
except as is necessary for the enforcement of Chapters 102. and 355
2921. of the Revised Code and except as otherwise provided in 356
this division. 357

(C) No person shall knowingly fail to file, on or before 358
the applicable filing deadline established under this section, a 359
statement that is required by this section. 360

(D) No person shall knowingly file a false statement that 361
is required to be filed under this section. 362

(E) (1) Except as provided in divisions (E) (2) and (3) of 363
this section, the statement required by division (A) or (B) of 364
this section shall be accompanied by a filing fee of sixty 365
dollars. 366

(2) The statement required by division (A) of this section 367
shall be accompanied by the following filing fee to be paid by 368
the person who is elected or appointed to, or is a candidate 369
for, any of the following offices: 370

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A	For state office, except member of the state board of education	\$95
B	For office of member of general assembly	\$40
C	For county office	\$60
D	For city office	\$35
E	For office of member of the state board of education	\$35
F	For office of member of a city, local, exempted village, or cooperative education board of education or educational service center governing board	\$30

G	For position of business manager, treasurer, or superintendent of a city, local, exempted village, joint vocational, or cooperative education school district or educational service center	\$30
	(3) No judge of a court of record or candidate for judge of a court of record, and no referee or magistrate serving a court of record, shall be required to pay the fee required under division (E) (1) or (2) or (F) of this section.	372 373 374 375
	(4) For any public official who is appointed to a nonelective office of the state and for any employee who holds a nonelective position in a public agency of the state, the state agency that is the primary employer of the state official or employee shall pay the fee required under division (E) (1) or (F) of this section.	376 377 378 379 380 381
	(F) If a statement required to be filed under this section is not filed by the date on which it is required to be filed, the appropriate ethics commission shall assess the person required to file the statement a late filing fee of ten dollars for each day the statement is not filed, except that the total amount of the late filing fee shall not exceed two hundred fifty dollars.	382 383 384 385 386 387 388
	(G) (1) The appropriate ethics commission other than the Ohio ethics commission and the joint legislative ethics committee shall deposit all fees it receives under divisions (E) and (F) of this section into the general revenue fund of the state.	389 390 391 392 393
	(2) The Ohio ethics commission shall deposit all receipts, including, but not limited to, fees it receives under divisions (E) and (F) of this section, investigative or other fees, costs,	394 395 396

or other funds it receives as a result of court orders, and all 397
moneys it receives from settlements under division (G) of 398
section 102.06 of the Revised Code, into the Ohio ethics 399
commission fund, which is hereby created in the state treasury. 400
All moneys credited to the fund shall be used solely for 401
expenses related to the operation and statutory functions of the 402
commission. 403

(3) The joint legislative ethics committee shall deposit 404
all receipts it receives from the payment of financial 405
disclosure statement filing fees under divisions (E) and (F) of 406
this section into the joint legislative ethics committee 407
investigative and financial disclosure fund. 408

(H) Division (A) of this section does not apply to a 409
person elected or appointed to the office of precinct, ward, or 410
district committee member under Chapter 3517. of the Revised 411
Code; a presidential elector; a delegate to a national 412
convention; village or township officials and employees; any 413
physician or psychiatrist who is paid a salary or wage in 414
accordance with schedule C of section 124.15 or schedule E-2 of 415
section 124.152 of the Revised Code and whose primary duties do 416
not require the exercise of administrative discretion; or any 417
member of a board, commission, or bureau of any county or city 418
who receives less than one thousand dollars per year for serving 419
in that position. 420

Sec. 109.572. (A) (1) Upon receipt of a request pursuant to 421
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 422
Code, a completed form prescribed pursuant to division (C) (1) of 423
this section, and a set of fingerprint impressions obtained in 424
the manner described in division (C) (2) of this section, the 425
superintendent of the bureau of criminal identification and 426

investigation shall conduct a criminal records check in the 427
manner described in division (B) of this section to determine 428
whether any information exists that indicates that the person 429
who is the subject of the request previously has been convicted 430
of or pleaded guilty to any of the following: 431

(a) A violation of section 2903.01, 2903.02, 2903.03, 432
2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 433
2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 434
2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 435
2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 436
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 437
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 438
2923.12, 2923.13, 2923.161, 2923.17, 2923.21, 2923.42, 2925.02, 439
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 440
2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 2925.37, or 3716.11 441
of the Revised Code, felonious sexual penetration in violation 442
of former section 2907.12 of the Revised Code, a violation of 443
section 2905.04 of the Revised Code as it existed prior to July 444
1, 1996, a violation of section 2919.23 of the Revised Code that 445
would have been a violation of section 2905.04 of the Revised 446
Code as it existed prior to July 1, 1996, had the violation been 447
committed prior to that date, or a violation of section 2925.11 448
of the Revised Code that is not a minor drug possession offense; 449

(b) A violation of an existing or former law of this 450
state, any other state, or the United States that is 451
substantially equivalent to any of the offenses listed in 452
division (A) (1) (a) of this section; 453

(c) If the request is made pursuant to section 3319.39 of 454
the Revised Code for an applicant who is a teacher, any offense 455
specified under section 9.79 of the Revised Code or in section 456

3319.31 of the Revised Code. 457

(2) On receipt of a request pursuant to section 3712.09 or 458
3721.121 of the Revised Code, a completed form prescribed 459
pursuant to division (C)(1) of this section, and a set of 460
fingerprint impressions obtained in the manner described in 461
division (C)(2) of this section, the superintendent of the 462
bureau of criminal identification and investigation shall 463
conduct a criminal records check with respect to any person who 464
has applied for employment in a position for which a criminal 465
records check is required by those sections. The superintendent 466
shall conduct the criminal records check in the manner described 467
in division (B) of this section to determine whether any 468
information exists that indicates that the person who is the 469
subject of the request previously has been convicted of or 470
pleaded guilty to any of the following: 471

(a) A violation of section 2903.01, 2903.02, 2903.03, 472
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 473
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 474
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 475
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 476
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 477
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 478
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 479
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 480

(b) An existing or former law of this state, any other 481
state, or the United States that is substantially equivalent to 482
any of the offenses listed in division (A)(2)(a) of this 483
section. 484

(3) On receipt of a request pursuant to section 173.27, 485
173.38, 173.381, 3740.11, 5119.34, 5164.34, 5164.341, 5164.342, 486

5123.081, or 5123.169 of the Revised Code, a completed form 487
prescribed pursuant to division (C) (1) of this section, and a 488
set of fingerprint impressions obtained in the manner described 489
in division (C) (2) of this section, the superintendent of the 490
bureau of criminal identification and investigation shall 491
conduct a criminal records check of the person for whom the 492
request is made. The superintendent shall conduct the criminal 493
records check in the manner described in division (B) of this 494
section to determine whether any information exists that 495
indicates that the person who is the subject of the request 496
previously has been convicted of, has pleaded guilty to, or 497
(except in the case of a request pursuant to section 5164.34, 498
5164.341, or 5164.342 of the Revised Code) has been found 499
eligible for intervention in lieu of conviction for any of the 500
following, regardless of the date of the conviction, the date of 501
entry of the guilty plea, or (except in the case of a request 502
pursuant to section 5164.34, 5164.341, or 5164.342 of the 503
Revised Code) the date the person was found eligible for 504
intervention in lieu of conviction: 505

(a) A violation of section 959.13, 959.131, 2903.01, 506
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 507
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 508
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 509
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 510
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 511
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 512
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 513
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 514
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 515
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 516
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 517

2919.121, 2919.123, 2919.124, 2919.22, 2919.23, 2919.24,	518
2919.25, 2921.03, 2921.11, 2921.12, 2921.13, 2921.21, 2921.24,	519
2921.32, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12,	520
2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21,	521
2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05,	522
2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 2925.141, 2925.22,	523
2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 2927.12, or 3716.11	524
of the Revised Code;	525
(b) Felonious sexual penetration in violation of former	526
section 2907.12 of the Revised Code;	527
(c) A violation of section 2905.04 of the Revised Code as	528
it existed prior to July 1, 1996;	529
(d) A violation of section 2923.01, 2923.02, or 2923.03 of	530
the Revised Code when the underlying offense that is the object	531
of the conspiracy, attempt, or complicity is one of the offenses	532
listed in divisions (A) (3) (a) to (c) of this section;	533
(e) A violation of an existing or former municipal	534
ordinance or law of this state, any other state, or the United	535
States that is substantially equivalent to any of the offenses	536
listed in divisions (A) (3) (a) to (d) of this section.	537
(4) On receipt of a request pursuant to section 2151.86 or	538
2151.904 of the Revised Code, a completed form prescribed	539
pursuant to division (C) (1) of this section, and a set of	540
fingerprint impressions obtained in the manner described in	541
division (C) (2) of this section, the superintendent of the	542
bureau of criminal identification and investigation shall	543
conduct a criminal records check in the manner described in	544
division (B) of this section to determine whether any	545
information exists that indicates that the person who is the	546

subject of the request previously has been convicted of or 547
pleaded guilty to any of the following: 548

(a) A violation of section 959.13, 2903.01, 2903.02, 549
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 550
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 551
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 552
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 553
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 554
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 555
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 556
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 557
2927.12, or 3716.11 of the Revised Code, a violation of section 558
2905.04 of the Revised Code as it existed prior to July 1, 1996, 559
a violation of section 2919.23 of the Revised Code that would 560
have been a violation of section 2905.04 of the Revised Code as 561
it existed prior to July 1, 1996, had the violation been 562
committed prior to that date, a violation of section 2925.11 of 563
the Revised Code that is not a minor drug possession offense, 564
two or more OVI or OVUAC violations committed within the three 565
years immediately preceding the submission of the application or 566
petition that is the basis of the request, or felonious sexual 567
penetration in violation of former section 2907.12 of the 568
Revised Code; 569

(b) A violation of an existing or former law of this 570
state, any other state, or the United States that is 571
substantially equivalent to any of the offenses listed in 572
division (A) (4) (a) of this section. 573

(5) Upon receipt of a request pursuant to section 5104.013 574
of the Revised Code, a completed form prescribed pursuant to 575
division (C) (1) of this section, and a set of fingerprint 576

impressions obtained in the manner described in division (C) (2) 577
of this section, the superintendent of the bureau of criminal 578
identification and investigation shall conduct a criminal 579
records check in the manner described in division (B) of this 580
section to determine whether any information exists that 581
indicates that the person who is the subject of the request has 582
been convicted of or pleaded guilty to any of the following: 583

(a) A violation of section 2151.421, 2903.01, 2903.02, 584
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 585
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 586
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 587
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 588
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 589
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 590
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 591
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 592
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 593
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 594
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 595
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 596
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 597
3716.11 of the Revised Code, felonious sexual penetration in 598
violation of former section 2907.12 of the Revised Code, a 599
violation of section 2905.04 of the Revised Code as it existed 600
prior to July 1, 1996, a violation of section 2919.23 of the 601
Revised Code that would have been a violation of section 2905.04 602
of the Revised Code as it existed prior to July 1, 1996, had the 603
violation been committed prior to that date, a violation of 604
section 2925.11 of the Revised Code that is not a minor drug 605
possession offense, a violation of section 2923.02 or 2923.03 of 606
the Revised Code that relates to a crime specified in this 607

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

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

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

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would

have been a violation of section 2905.04 of the Revised Code as 638
it existed prior to July 1, 1996, had the violation been 639
committed prior to that date, or a violation of section 2925.11 640
of the Revised Code that is not a minor drug possession offense; 641

(b) A violation of an existing or former law of this 642
state, any other state, or the United States that is 643
substantially equivalent to any of the offenses listed in 644
division (A) (6) (a) of this section. 645

(7) On receipt of a request for a criminal records check 646
from an individual pursuant to section 4749.03 or 4749.06 of the 647
Revised Code, accompanied by a completed copy of the form 648
prescribed in division (C) (1) of this section and a set of 649
fingerprint impressions obtained in a manner described in 650
division (C) (2) of this section, the superintendent of the 651
bureau of criminal identification and investigation shall 652
conduct a criminal records check in the manner described in 653
division (B) of this section to determine whether any 654
information exists indicating that the person who is the subject 655
of the request has been convicted of or pleaded guilty to any 656
criminal offense in this state or in any other state. If the 657
individual indicates that a firearm will be carried in the 658
course of business, the superintendent shall require information 659
from the federal bureau of investigation as described in 660
division (B) (2) of this section. Subject to division (F) of this 661
section, the superintendent shall report the findings of the 662
criminal records check and any information the federal bureau of 663
investigation provides to the director of public safety. 664

(8) On receipt of a request pursuant to section 1321.37, 665
1321.53, or 4763.05 of the Revised Code, a completed form 666
prescribed pursuant to division (C) (1) of this section, and a 667

set of fingerprint impressions obtained in the manner described 668
in division (C) (2) of this section, the superintendent of the 669
bureau of criminal identification and investigation shall 670
conduct a criminal records check with respect to any person who 671
has applied for a license, permit, or certification from the 672
department of commerce or a division in the department. The 673
superintendent shall conduct the criminal records check in the 674
manner described in division (B) of this section to determine 675
whether any information exists that indicates that the person 676
who is the subject of the request previously has been convicted 677
of or pleaded guilty to any criminal offense in this state, any 678
other state, or the United States. 679

(9) On receipt of a request for a criminal records check 680
from the treasurer of state under section 113.041 of the Revised 681
Code or from an individual under section 928.03, 4701.08, 682
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 683
4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 684
4731.171, 4731.222, 4731.281, 4731.531, 4732.091, 4734.202, 685
4740.061, 4741.10, 4747.051, 4751.20, 4751.201, 4751.202, 686
4751.21, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 687
4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 688
4776.021, 4778.04, 4778.07, 4779.091, or 4783.04 of the Revised 689
Code, accompanied by a completed form prescribed under division 690
(C) (1) of this section and a set of fingerprint impressions 691
obtained in the manner described in division (C) (2) of this 692
section, the superintendent of the bureau of criminal 693
identification and investigation shall conduct a criminal 694
records check in the manner described in division (B) of this 695
section to determine whether any information exists that 696
indicates that the person who is the subject of the request has 697
been convicted of or pleaded guilty to any criminal offense in 698

this state or any other state. Subject to division (F) of this 699
section, the superintendent shall send the results of a check 700
requested under section 113.041 of the Revised Code to the 701
treasurer of state and shall send the results of a check 702
requested under any of the other listed sections to the 703
licensing board specified by the individual in the request. 704

(10) On receipt of a request pursuant to section 124.74, 705
718.131, 1121.23, 1315.141, 1733.47, or 1761.26 of the Revised 706
Code, a completed form prescribed pursuant to division (C) (1) of 707
this section, and a set of fingerprint impressions obtained in 708
the manner described in division (C) (2) of this section, the 709
superintendent of the bureau of criminal identification and 710
investigation shall conduct a criminal records check in the 711
manner described in division (B) of this section to determine 712
whether any information exists that indicates that the person 713
who is the subject of the request previously has been convicted 714
of or pleaded guilty to any criminal offense under any existing 715
or former law of this state, any other state, or the United 716
States. 717

(11) On receipt of a request for a criminal records check 718
from an appointing or licensing authority under section 3772.07 719
of the Revised Code, a completed form prescribed under division 720
(C) (1) of this section, and a set of fingerprint impressions 721
obtained in the manner prescribed in division (C) (2) of this 722
section, the superintendent of the bureau of criminal 723
identification and investigation shall conduct a criminal 724
records check in the manner described in division (B) of this 725
section to determine whether any information exists that 726
indicates that the person who is the subject of the request 727
previously has been convicted of or pleaded guilty or no contest 728
to any offense under any existing or former law of this state, 729

any other state, or the United States that makes the person 730
ineligible for appointment or retention under section 3772.07 of 731
the Revised Code or that is a disqualifying offense as defined 732
in that section or substantially equivalent to a disqualifying 733
offense, as applicable. 734

(12) On receipt of a request pursuant to section 2151.33 735
or 2151.412 of the Revised Code, a completed form prescribed 736
pursuant to division (C)(1) of this section, and a set of 737
fingerprint impressions obtained in the manner described in 738
division (C)(2) of this section, the superintendent of the 739
bureau of criminal identification and investigation shall 740
conduct a criminal records check with respect to any person for 741
whom a criminal records check is required under that section. 742
The superintendent shall conduct the criminal records check in 743
the manner described in division (B) of this section to 744
determine whether any information exists that indicates that the 745
person who is the subject of the request previously has been 746
convicted of or pleaded guilty to any of the following: 747

(a) A violation of section 2903.01, 2903.02, 2903.03, 748
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 749
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 750
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 751
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 752
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 753
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 754
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 755
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 756

(b) An existing or former law of this state, any other 757
state, or the United States that is substantially equivalent to 758
any of the offenses listed in division (A)(12)(a) of this 759

section. 760

(13) On receipt of a request pursuant to section 3796.12 761
of the Revised Code, a completed form prescribed pursuant to 762
division (C) (1) of this section, and a set of fingerprint 763
impressions obtained in a manner described in division (C) (2) of 764
this section, the superintendent of the bureau of criminal 765
identification and investigation shall conduct a criminal 766
records check in the manner described in division (B) of this 767
section to determine whether any information exists that 768
indicates that the person who is the subject of the request 769
previously has been convicted of or pleaded guilty to ~~the~~ 770
~~following:~~ 771

~~(a) A a disqualifying offense as specified in rules 772
adopted under section 9.79 and division (B) (2) (b) of section 773
3796.03 of the Revised Code if the person who is the subject of 774
the request is an administrator or other person responsible for 775
the daily operation of, or an owner or prospective owner, 776
officer or prospective officer, or board member or prospective 777
board member of, an entity seeking a license from the department 778
of commerce under Chapter 3796. of the Revised Code;~~ 779

~~(b) A disqualifying offense as specified in rules adopted 780
under section 9.79 and division (B) (2) (b) of section 3796.04 of 781
the Revised Code if the person who is the subject of the request 782
is an administrator or other person responsible for the daily 783
operation of, or an owner or prospective owner, officer or 784
prospective officer, or board member or prospective board member 785
of, an entity seeking a license from the state board of pharmacy 786
under Chapter 3796. of the Revised Code. 787~~

(14) On receipt of a request required by section 3796.13 788
of the Revised Code, a completed form prescribed pursuant to 789

division (C) (1) of this section, and a set of fingerprint 790
impressions obtained in a manner described in division (C) (2) of 791
this section, the superintendent of the bureau of criminal 792
identification and investigation shall conduct a criminal 793
records check in the manner described in division (B) of this 794
section to determine whether any information exists that 795
indicates that the person who is the subject of the request 796
previously has been convicted of or pleaded guilty to ~~the~~ 797
~~following:~~ 798

~~(a) A~~ a disqualifying offense as specified in rules 799
adopted under division ~~(B) (8) (a)~~ (B) (10) (a) of section 3796.03 800
of the Revised Code if the person who is the subject of the 801
request is seeking employment with an entity licensed by the 802
department of commerce under Chapter 3796. of the Revised Code~~;~~ 803

~~(b) A disqualifying offense as specified in rules adopted~~ 804
~~under division (B) (14) (a) of section 3796.04 of the Revised Code~~ 805
~~if the person who is the subject of the request is seeking~~ 806
~~employment with an entity licensed by the state board of~~ 807
~~pharmacy under Chapter 3796. of the Revised Code.~~ 808

(15) On receipt of a request pursuant to section 4768.06 809
of the Revised Code, a completed form prescribed under division 810
(C) (1) of this section, and a set of fingerprint impressions 811
obtained in the manner described in division (C) (2) of this 812
section, the superintendent of the bureau of criminal 813
identification and investigation shall conduct a criminal 814
records check in the manner described in division (B) of this 815
section to determine whether any information exists indicating 816
that the person who is the subject of the request has been 817
convicted of or pleaded guilty to any criminal offense in this 818
state or in any other state. 819

(16) On receipt of a request pursuant to division (B) of 820
section 4764.07 or division (A) of section 4735.143 of the 821
Revised Code, a completed form prescribed under division (C) (1) 822
of this section, and a set of fingerprint impressions obtained 823
in the manner described in division (C) (2) of this section, the 824
superintendent of the bureau of criminal identification and 825
investigation shall conduct a criminal records check in the 826
manner described in division (B) of this section to determine 827
whether any information exists indicating that the person who is 828
the subject of the request has been convicted of or pleaded 829
guilty to any criminal offense in any state or the United 830
States. 831

(17) On receipt of a request for a criminal records check 832
under section 147.022 of the Revised Code, a completed form 833
prescribed under division (C) (1) of this section, and a set of 834
fingerprint impressions obtained in the manner prescribed in 835
division (C) (2) of this section, the superintendent of the 836
bureau of criminal identification and investigation shall 837
conduct a criminal records check in the manner described in 838
division (B) of this section to determine whether any 839
information exists that indicates that the person who is the 840
subject of the request previously has been convicted of or 841
pleaded guilty or no contest to any criminal offense under any 842
existing or former law of this state, any other state, or the 843
United States. 844

(18) Upon receipt of a request pursuant to division (F) of 845
section 2915.081 or division (E) of section 2915.082 of the 846
Revised Code, a completed form prescribed under division (C) (1) 847
of this section, and a set of fingerprint impressions obtained 848
in the manner described in division (C) (2) of this section, the 849
superintendent of the bureau of criminal identification and 850

investigation shall conduct a criminal records check in the 851
manner described in division (B) of this section to determine 852
whether any information exists indicating that the person who is 853
the subject of the request has been convicted of or pleaded 854
guilty or no contest to any offense that is a violation of 855
Chapter 2915. of the Revised Code or to any offense under any 856
existing or former law of this state, any other state, or the 857
United States that is substantially equivalent to such an 858
offense. 859

(19) On receipt of a request pursuant to section 3775.03 860
of the Revised Code, a completed form prescribed under division 861
(C)(1) of this section, and a set of fingerprint impressions 862
obtained in the manner described in division (C)(2) of this 863
section, the superintendent of the bureau of criminal 864
identification and investigation shall conduct a criminal 865
records check in the manner described in division (B) of this 866
section and shall request information from the federal bureau of 867
investigation to determine whether any information exists 868
indicating that the person who is the subject of the request has 869
been convicted of any offense under any existing or former law 870
of this state, any other state, or the United States that is a 871
disqualifying offense as defined in section 3772.07 of the 872
Revised Code. 873

(B) Subject to division (F) of this section, the 874
superintendent shall conduct any criminal records check to be 875
conducted under this section as follows: 876

(1) The superintendent shall review or cause to be 877
reviewed any relevant information gathered and compiled by the 878
bureau under division (A) of section 109.57 of the Revised Code 879
that relates to the person who is the subject of the criminal 880

records check, including, if the criminal records check was 881
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 882
173.381, 718.131, 928.03, 1121.23, 1315.141, 1321.37, 1321.53, 883
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3740.11, 884
3712.09, 3721.121, 3772.07, 3775.03, 3796.12, 3796.13, 4729.071, 885
4729.53, 4729.90, 4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 886
4768.06, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 887
5123.169, or 5153.111 of the Revised Code, any relevant 888
information contained in records that have been sealed under 889
section 2953.32 of the Revised Code; 890

(2) If the request received by the superintendent asks for 891
information from the federal bureau of investigation, the 892
superintendent shall request from the federal bureau of 893
investigation any information it has with respect to the person 894
who is the subject of the criminal records check, including 895
fingerprint-based checks of national crime information databases 896
as described in 42 U.S.C. 671 if the request is made pursuant to 897
section 2151.86 or 5104.013 of the Revised Code or if any other 898
Revised Code section requires fingerprint-based checks of that 899
nature, and shall review or cause to be reviewed any information 900
the superintendent receives from that bureau. If a request under 901
section 3319.39 of the Revised Code asks only for information 902
from the federal bureau of investigation, the superintendent 903
shall not conduct the review prescribed by division (B)(1) of 904
this section. 905

(3) The superintendent or the superintendent's designee 906
may request criminal history records from other states or the 907
federal government pursuant to the national crime prevention and 908
privacy compact set forth in section 109.571 of the Revised 909
Code. 910

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

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

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

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

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

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

under this section shall obtain the fingerprint impressions at a 940
county sheriff's office, municipal police department, or any 941
other entity with the ability to make fingerprint impressions on 942
the standard impression sheets prescribed by the superintendent. 943
The office, department, or entity may charge the person a 944
reasonable fee for making the impressions. The standard 945
impression sheets the superintendent prescribes pursuant to this 946
division may be in a tangible format, in an electronic format, 947
or in both tangible and electronic formats. 948

(3) Subject to division (D) of this section, the 949
superintendent shall prescribe and charge a reasonable fee for 950
providing a criminal records check under this section. The 951
person requesting the criminal records check shall pay the fee 952
prescribed pursuant to this division. In the case of a request 953
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 954
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 955
fee shall be paid in the manner specified in that section. 956

(4) The superintendent of the bureau of criminal 957
identification and investigation may prescribe methods of 958
forwarding fingerprint impressions and information necessary to 959
conduct a criminal records check, which methods shall include, 960
but not be limited to, an electronic method. 961

(D) The results of a criminal records check conducted 962
under this section, other than a criminal records check 963
specified in division (A)(7) of this section, are valid for the 964
person who is the subject of the criminal records check for a 965
period of one year from the date upon which the superintendent 966
completes the criminal records check. If during that period the 967
superintendent receives another request for a criminal records 968
check to be conducted under this section for that person, the 969

superintendent shall provide the results from the previous 970
criminal records check of the person at a lower fee than the fee 971
prescribed for the initial criminal records check. 972

(E) When the superintendent receives a request for 973
information from a registered private provider, the 974
superintendent shall proceed as if the request was received from 975
a school district board of education under section 3319.39 of 976
the Revised Code. The superintendent shall apply division (A) (1) 977
(c) of this section to any such request for an applicant who is 978
a teacher. 979

(F) (1) Subject to division (F) (2) of this section, all 980
information regarding the results of a criminal records check 981
conducted under this section that the superintendent reports or 982
sends under division (A) (7) or (9) of this section to the 983
director of public safety, the treasurer of state, or the 984
person, board, or entity that made the request for the criminal 985
records check shall relate to the conviction of the subject 986
person, or the subject person's plea of guilty to, a criminal 987
offense. 988

(2) Division (F) (1) of this section does not limit, 989
restrict, or preclude the superintendent's release of 990
information that relates to the arrest of a person who is 991
eighteen years of age or older, to an adjudication of a child as 992
a delinquent child, or to a criminal conviction of a person 993
under eighteen years of age in circumstances in which a release 994
of that nature is authorized under division (E) (2), (3), or (4) 995
of section 109.57 of the Revised Code pursuant to a rule adopted 996
under division (E) (1) of that section. 997

(G) As used in this section: 998

(1) "Criminal records check" means any criminal records check conducted by the superintendent of the bureau of criminal identification and investigation in accordance with division (B) of this section.	999 1000 1001 1002
(2) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.	1003 1004
(3) "OVI or OVUAC violation" means a violation of section 4511.19 of the Revised Code or a violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to section 4511.19 of the Revised Code.	1005 1006 1007 1008 1009
(4) "Registered private provider" means a nonpublic school or entity registered with the superintendent of public instruction under section 3310.41 of the Revised Code to participate in the autism scholarship program or section 3310.58 of the Revised Code to participate in the Jon Peterson special needs scholarship program.	1010 1011 1012 1013 1014 1015
Sec. 3796.01. (A) As used in this chapter:	1016
(1) "Marijuana" means marihuana as defined in section 3719.01 of the Revised Code.	1017 1018
(2) "Medical marijuana" means marijuana that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose.	1019 1020 1021
(3) <u>"Medical marijuana-licensed business" means the entity licensed under this chapter as a medical marijuana cultivator, processor, dispensary, or testing laboratory.</u>	1022 1023 1024
(4) <u>"Academic medical center"</u> has the same meaning as in section 4731.297 of the Revised Code.	1025 1026

~~(4)~~ (5) "Drug database" means the database established and 1027
maintained by the state board of pharmacy pursuant to section 1028
4729.75 of the Revised Code. 1029

(6) "Institutional investor" means any of the following 1030
entities owning five per cent or more, but less than fifteen per 1031
cent, of an ownership interest in a medical marijuana-licensed 1032
business, operator, management company, or holding company: 1033

(a) A corporation; 1034

(b) A bank; 1035

(c) An insurance company; 1036

(d) A pension fund or pension fund trust; 1037

(e) A retirement fund, including funds administered by a 1038
public agency, employees' profit-sharing fund, or employees' 1039
profit-sharing trust; 1040

(f) Any association engaged, as a substantial part of its 1041
business or operations, in purchasing or holding securities, 1042
including all of the following: 1043

(i) A hedge fund, mutual fund, or private equity fund; 1044

(ii) Any trust in respect of which a bank is trustee or 1045
cotrustee; 1046

(iii) An investment company registered under the 1047
"Investment Company Act of 1940," 15 U.S.C. 80a-1 et seq.; 1048

(iv) A collective investment trust organized by a bank 1049
under the rules of the comptroller of the currency under 12 1050
C.F.R. Part 9; 1051

(v) A closed-end investment trust; 1052

<u>(vi) A chartered or licensed life insurance company or</u>	1053
<u>property and casualty insurance company;</u>	1054
<u>(vii) An investment advisor registered under the</u>	1055
<u>"Investment Advisors Act of 1940," 15 U.S.C. 80b-1 et seq.</u>	1056
<u>(g) Any other person the division of marijuana control</u>	1057
<u>reasonably determines to qualify as an institutional investor</u>	1058
<u>for reasons consistent with this chapter, that does not exercise</u>	1059
<u>control over the affairs of a medical marijuana-licensed</u>	1060
<u>business, and its ownership interest in a medical marijuana</u>	1061
<u>licensed business is for investment purposes only.</u>	1062
<u>(5)-(7) "Marijuana cultivation area" means the boundaries</u>	1063
<u>of the enclosed areas in which medical marijuana is cultivated</u>	1064
<u>during the vegetative stage and flowering stage of the</u>	1065
<u>cultivation process. For purposes of calculating the marijuana</u>	1066
<u>cultivation area square footage, "marijuana cultivation area"</u>	1067
<u>does not include enclosed areas used solely for the storage and</u>	1068
<u>maintenance of mother plants, clones, or seedlings.</u>	1069
<u>(8) "Physician" means an individual authorized under</u>	1070
<u>Chapter 4731. of the Revised Code to practice medicine and</u>	1071
<u>surgery or osteopathic medicine and surgery.</u>	1072
<u>(6)-(9) "Qualifying medical condition" means any of the</u>	1073
<u>following:</u>	1074
<u>(a) Acquired immune deficiency syndrome;</u>	1075
<u>(b) Alzheimer's disease;</u>	1076
<u>(c) Amyotrophic lateral sclerosis;</u>	1077
<u>(d) Cancer;</u>	1078
<u>(e) Chronic traumatic encephalopathy;</u>	1079

(f) Crohn's disease;	1080
(g) Epilepsy or another seizure disorder;	1081
(h) Fibromyalgia;	1082
(i) Glaucoma;	1083
(j) Hepatitis C;	1084
(k) Inflammatory bowel disease;	1085
(l) Multiple sclerosis;	1086
(m) Pain that is either of the following:	1087
(i) Chronic and severe;	1088
(ii) Intractable.	1089
(n) Parkinson's disease;	1090
(o) Positive status for HIV;	1091
(p) Post-traumatic stress disorder;	1092
(q) Sickle cell anemia;	1093
(r) Spinal cord disease or injury;	1094
(s) Tourette's syndrome;	1095
(t) Traumatic brain injury;	1096
(u) Ulcerative colitis;	1097
(v) <u>Arthritis;</u>	1098
<u>(w) Migraines;</u>	1099
<u>(x) Autism spectrum disorder;</u>	1100
<u>(y) Spasticity or chronic muscle spasms;</u>	1101

<u>(z) Hospice care or terminal illness;</u>	1102
<u>(aa) Opioid use disorder;</u>	1103
<u>(bb) Any condition not specified in this division that a recommending physician is qualified to treat and considers, in the physician's sole discretion and medical opinion, as debilitating to the patient as the conditions listed in division (A) (9) of this section;</u>	1104 1105 1106 1107 1108
<u>(cc) Any other disease or condition added by the state medical board under section 4731.302 of the Revised Code.</u>	1109 1110
<u>(7)-(10) "Recommending physician" means a physician certified to recommend medical marijuana for the treatment of a qualifying medical condition pursuant to section 4731.30 of the Revised Code.</u>	1111 1112 1113 1114
<u>(11) "Stand-alone processor" means a licensed processor that has obtained its certificate of operation by October 1, 2021.</u>	1115 1116 1117
<u>(12) "Stand-alone processor cultivation license" means a cultivation license awarded to a stand-alone processor.</u>	1118 1119
<u>(13) "State university" has the same meaning as in section 3345.011 of the Revised Code.</u>	1120 1121
<u>(14) "Medical marijuana license" means a medical marijuana cultivator license, medical marijuana processor license, medical marijuana retail dispensary license, or medical marijuana testing laboratory license.</u>	1122 1123 1124 1125
(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.	1126 1127 1128 1129

Sec. 3796.02. There is hereby established a ~~medical-~~ 1130
~~marijuana control program~~ division of marijuana control in the 1131
department of commerce ~~and the state board of pharmacy~~. The 1132
~~department~~ division shall provide for the licensure of medical 1133
marijuana cultivators ~~and, processors,~~ and retail dispensaries, 1134
and also the licensure of laboratories that test medical 1135
marijuana. The ~~board~~ division shall provide for ~~the licensure of~~ 1136
~~retail dispensaries~~ and the registration of patients and their 1137
caregivers. The ~~department and board~~ division shall administer 1138
the medical marijuana control program. 1139

Sec. 3796.021. (A) The medical marijuana oversight 1140
commission is hereby created as an independent body within the 1141
division of marijuana control in the department of commerce. The 1142
thirteen-member commission shall consist of the following: 1143

(1) A member who is a practicing pharmacist who supports 1144
the use of marijuana for medical purposes; 1145

(2) A member who is a practicing physician who supports 1146
the use of marijuana for medical purposes; 1147

(3) A member who represents local law enforcement; 1148

(4) A member who represents employers; 1149

(5) A member who represents labor; 1150

(6) A member who represents an organization involved in 1151
the treatment of alcohol and drug addiction; 1152

(7) A member who is a nurse; 1153

(8) A member who represents caregivers; 1154

(9) A member who represents patients; 1155

(10) Two members who represent entities licensed under 1156

this chapter; 1157

(11) A member who represents the general public; 1158

(12) A member who engages in academic endocannabinoid 1159
research. 1160

(B) The governor shall appoint the members described in 1161
divisions (A) (1), (2), (4), (7), (9), and (11) of this section. 1162
The senate president shall appoint the members described in 1163
divisions (A) (3) and (10) of this section. The minority leader 1164
of the senate shall appoint the member described in division (A) 1165
(6) of this section. The speaker of the house of representatives 1166
shall appoint the members described in divisions (A) (8) and (12) 1167
of this section. The minority leader of the house of 1168
representatives shall appoint the member described in division 1169
(A) (5) of this section. 1170

(C) Appointments to the commission shall be made not later 1171
than thirty days after the effective date of this section. 1172

(D) Each member of the commission shall serve from the 1173
date of appointment until the member dies, resigns, or is 1174
removed by the appointing authority. Vacancies shall be filled 1175
in the same manner as original appointments. 1176

(E) In connection with commission meetings and business, 1177
each member of the commission shall receive a per diem rate of 1178
one hundred fifty dollars and the member's necessary travel 1179
expenses. 1180

(F) The governor shall select a member of the commission 1181
to serve as its chairperson. 1182

(G) The commission shall hold its initial meeting not 1183
later than thirty days after the last member of the commission 1184

is appointed. The commission shall adopt internal management 1185
rules pursuant to section 111.15 of the Revised Code. The 1186
commission shall develop and oversee the division of marijuana 1187
control regarding any policies, procedures, regulations, and 1188
licensing related to the medical marijuana control program and 1189
the implementation and enforcement of this chapter. The 1190
commission shall administer the program and may take any action 1191
necessary to implement and enforce this chapter. 1192

(H) The commission is not subject to sections 101.82 to 1193
101.87 of the Revised Code. 1194

(I) Members of the commission shall comply with Chapter 1195
102. and sections 2921.42 and 2921.43 of the Revised Code. 1196

Sec. 3796.03. (A) (1) Except as provided in division (A) (2) 1197
of this section, not later than one year after September 8, 1198
2016, the ~~department of commerce~~ division of marijuana control 1199
shall adopt rules establishing standards and procedures for the 1200
medical marijuana control program. 1201

(2) The ~~department~~ division shall adopt rules establishing 1202
standards and procedures for the licensure of cultivators not 1203
later than two hundred forty days after September 8, 2016. 1204

(3) All rules adopted under this section shall be adopted 1205
in accordance with Chapter 119. of the Revised Code. 1206

(B) The rules shall do all of the following: 1207

(1) Establish application procedures and fees for licenses 1208
~~it~~ the division issues under this chapter; 1209

(2) Specify ~~both~~ all of the following: 1210

(a) The conditions that must be met to be eligible for 1211
licensure; 1212

(b) In accordance with section 9.79 of the Revised Code, 1213
the criminal offenses for which an applicant will be 1214
disqualified from licensure pursuant to that section; 1215

(c) Which of the criminal offenses specified pursuant to 1216
division (B) (2) (b) of this section will not disqualify an 1217
applicant from holding a medical marijuana license if the 1218
applicant was convicted of or pleaded guilty to the offense more 1219
than five years before the date the application for licensure is 1220
filed. 1221

(3) (a) Establish, in accordance with section 3796.05 of 1222
the Revised Code, the number of cultivator licenses that will be 1223
permitted at any one time; 1224

(b) (i) Establish, in accordance with section 3796.05 of 1225
the Revised Code, the number of retail dispensary licenses that 1226
will be permitted at any one time, endeavoring to achieve a 1227
ratio of at least one retail dispensary per one thousand 1228
registered patients up to the first three hundred thousand 1229
registered patients and then adding additional retail 1230
dispensaries on an as-needed basis thereafter, to be evaluated 1231
and awarded at least once every two years. 1232

(ii) Establish that, when determining the number of retail 1233
dispensaries to license during any licensing event, the division 1234
shall take into account anticipated growth in patient numbers 1235
and patient demand based on sales and market data to ensure that 1236
new retail dispensary openings are timed to meet such demand. 1237

(iii) Establish that a new retail dispensary license will 1238
not be issued for a location that is within one mile of an 1239
existing retail dispensary. 1240

(iv) Establish that no person shall own more than five 1241

retail dispensaries in this state or five per cent of the total 1242
number of retail dispensaries in this state at one time, 1243
whichever is greater. 1244

(v) Establish that the total number of dispensary licenses 1245
that one person may hold within a certain geographic region 1246
shall not be greater than five. 1247

(vi) In order to achieve the minimum ratio described in 1248
division (B) (3) (b) (i) of this section expeditiously, not later 1249
than ninety days after the effective date of this amendment, the 1250
division shall issue dispensary licenses to cultivators that 1251
meet the requirements of section 3796.10 of the Revised Code. 1252
The division shall issue two provisional retail dispensary 1253
licenses to each level I cultivator at such date. The division 1254
shall issue one provisional retail dispensary to each level II 1255
cultivator at such date, including both a cultivator who is 1256
under construction on the effective date of this amendment and a 1257
stand-alone processor that has successfully submitted an 1258
application for a stand-alone processor cultivation license. 1259

(c) As used in division (B) (3) (b) (v) of this section, 1260
"geographic region" means the following: 1261

(i) The northwest region, which includes the counties of 1262
Allen, Ashland, Auglaize, Crawford, Defiance, Erie, Fulton, 1263
Hancock, Hardin, Henry, Huron, Lucas, Marion, Mercer, Ottawa, 1264
Paulding, Putnam, Richland, Sandusky, Seneca, Van Wert, 1265
Williams, Wood, and Wyandot; 1266

(ii) The northeast region, which includes the counties of 1267
Ashtabula, Carroll, Columbiana, Cuyahoga, Geauga, Holmes, Lake, 1268
Lorain, Mahoning, Medina, Portage, Stark, Summit, Trumbull, 1269
Tuscarawas, and Wayne; 1270

- (iii) The southeast region, which includes the counties of 1271
Athens, Belmont, Coshocton, Delaware, Fairfield, Franklin, 1272
Gallia, Guernsey, Harrison, Hocking, Jackson, Jefferson, Knox, 1273
Lawrence, Licking, Meigs, Monroe, Morgan, Morrow, Muskingum, 1274
Noble, Perry, Pickaway, Pike, Ross, Scioto, Vinton, and 1275
Washington; 1276
- (iv) The southwest region, which includes the counties of 1277
Adams, Brown, Butler, Champaign, Clark, Clermont, Clinton, 1278
Darke, Fayette, Greene, Hamilton, Highland, Logan, Madison, 1279
Miami, Montgomery, Preble, Shelby, Union, and Warren. 1280
- (d) Establish that, when reviewing and ranking 1281
applications for licensure, the division shall do all of the 1282
following: 1283
- (i) Consider the licensure eligibility conditions 1284
established in the rules adopted pursuant to this section; 1285
- (ii) Use an impartial and numerical scoring process that 1286
takes into account the licensure eligibility conditions 1287
established by the division by rule; 1288
- (iii) Establish a minimum score that an applicant must 1289
attain to be qualified for licensure; 1290
- (iv) Assign a score to each applicant; 1291
- (v) Otherwise consistently deploy a merit-based request 1292
for an application process that specifically does not determine 1293
licensees by lottery or an equivalent randomized selection 1294
process. 1295
- (e) Establish that the division may contract with a 1296
separate entity to review and rank applications for licensure. 1297
If the division contracts with a separate entity, the entity 1298

<u>shall comply with the requirements of division (B) (3) (d) of this</u>	1299
<u>section.</u>	1300
(4) Establish a license renewal schedule, renewal	1301
procedures, and renewal fees;	1302
(5) <u>(a)</u> Specify reasons for which a license may be	1303
suspended, including without prior hearing, revoked, or not be	1304
renewed or issued and the reasons for which a civil penalty may	1305
be imposed on a license holder;	1306
<u>(b) (i) The division may revoke a license for failure to</u>	1307
<u>secure a certificate of operation within eighteen months of</u>	1308
<u>provisional licensure.</u>	1309
<u>(ii) The holder of a provisional license may apply to the</u>	1310
<u>division for not more than two six-month extensions of this</u>	1311
<u>deadline. The division shall approve the extension if the</u>	1312
<u>license holder demonstrates that the license holder has made a</u>	1313
<u>good-faith effort at becoming operational.</u>	1314
(6) Establish standards under which a license suspension	1315
may be lifted;	1316
(7) <u>Establish procedures for registration of patients and</u>	1317
<u>caregivers and requirements that must be met to be eligible for</u>	1318
<u>registration;</u>	1319
<u>(8) Establish training requirements for employees of</u>	1320
<u>retail dispensaries;</u>	1321
<u>(9) Specify if a cultivator, <u>retail dispensary</u>, processor,</u>	1322
or laboratory that is licensed under this chapter and that	1323
existed at a location before a school, church, public library,	1324
public playground, or public park became established within five	1325
hundred feet of the cultivator, processor, or laboratory, may	1326

remain in operation or shall relocate or have its license 1327
revoked by the ~~board~~division; 1328

~~(8)~~(10) Specify both of the following: 1329

(a) Subject to division ~~(B) (8) (b)~~(B) (10) (b) of this 1330
section, the criminal offenses for which a person will be 1331
disqualified from employment with a license holder; 1332

(b) Which of the criminal offenses specified pursuant to 1333
division ~~(B) (8) (a)~~(B) (10) (a) of this section will not 1334
disqualify a person from employment with a license holder if the 1335
person was convicted of or pleaded guilty to the offense more 1336
than five years before the date the employment begins. 1337

~~(9)~~(11) Establish, in accordance with section 3796.05 of 1338
the Revised Code, standards and procedures for the testing and 1339
retesting of medical marijuana by a laboratory licensed under 1340
this chapter; 1341

(12) Specify, by form and tetrahydrocannabinol content, a 1342
maximum ninety-day supply of medical marijuana that may be 1343
possessed; 1344

(13) Specify the paraphernalia or other accessories that 1345
may be used in the administration of medical marijuana to a 1346
registered patient; 1347

(14) Establish procedures for the issuance of patient or 1348
caregiver identification cards; 1349

(15) Specify the forms of or methods of using medical 1350
marijuana that are attractive to children; 1351

(16) Establish a program to assist patients who are 1352
veterans or indigent in obtaining medical marijuana in 1353
accordance with this chapter; 1354

(17) Allow a medical marijuana license holder to 1355
advertise, on social media or otherwise, without receiving prior 1356
approval from the division; 1357

(18) Allow licensed dispensaries to display products on 1358
advertisements and within the dispensary; 1359

(19) Specify that a cultivator, retail dispensary, 1360
processor, or laboratory that is licensed under this chapter 1361
shall not include on the label of the product, or publish, or 1362
disseminate in advertising or marketing, any claims that medical 1363
marijuana can, or is intended to, diagnose or cure disease; 1364

(20) Impose a fine or other penalties for licensed 1365
entities that fail to comply with rules adopted under divisions 1366
(B) (17), (18), and (19) of this section or any other rules 1367
adopted by the division pertaining to advertisements; 1368

(21) Provide for the dispensing or selling of medical 1369
marijuana by licensed dispensaries via drive-through or curbside 1370
pickups; 1371

(22) (a) Establish a new category of cultivator license for 1372
stand-alone processors; 1373

(b) Any cultivator license issued to a stand-alone 1374
processor shall be on the same terms and be subject to the same 1375
conditions and requirements as a level II cultivator license; 1376

(c) A stand-alone processor shall be eligible for a stand- 1377
alone processor cultivation license if all of the following 1378
criteria are met: 1379

(i) The processor, or its affiliate, does not already have 1380
a cultivation license. 1381

(ii) The processor, or its affiliate for purposes of the 1382

original cultivation application, initially applied for a 1383
cultivation license on the existing site where its processing 1384
facility currently resides. 1385

(iii) The processor obtained its certificate of operation 1386
on or before October 1, 2021. 1387

(iv) The processor commits to develop the stand-alone 1388
processor cultivation facility on the existing site where its 1389
stand-alone processor facility currently resides. 1390

(23) Authorize the holder of a level II cultivator license 1391
who does not hold a processor license to apply for and receive a 1392
processor license; 1393

(24) Establish a standard for the application and approval 1394
of a change of ownership in a medical marijuana-licensed 1395
business, including all of the following: 1396

(a) A process for adding or removing owners without 1397
applying for a change of ownership when the addition or removal 1398
does not amount to a change in who controls the medical 1399
marijuana-licensed business; 1400

(b) Allowing for investment in a medical marijuana- 1401
licensed business by an institutional investor without requiring 1402
a change of ownership application or the licensing of the 1403
officers, executives, directors, or board members of the 1404
institutional investor; 1405

(c) Allowing for the investment or ownership in a medical 1406
marijuana-licensed business of less than five per cent by any 1407
person or entity without requiring the person or any officers, 1408
executives, directors, or board members of the entity to become 1409
licensed except in such instances when the person or entity will 1410
exercise control over the affairs of the medical marijuana 1411

licensed business. 1412

(25) Specify that when dispensing or selling medical 1413
marijuana, a licensed retail dispensary shall dispense or sell 1414
only upon a showing of a current, valid identification card and 1415
in accordance with a written recommendation issued by a 1416
physician. 1417

(C) In addition to the rules described in division (B) of 1418
this section, the ~~department~~ division may adopt any other rules 1419
it considers necessary for the program's administration and the 1420
implementation and enforcement of this chapter. 1421

(D) When adopting rules under this section, the ~~department~~ 1422
division shall consider standards and procedures that have been 1423
found to be best practices relative to the use and regulation of 1424
medical marijuana. 1425

Sec. 3796.032. This chapter does not authorize the 1426
~~department of commerce or the state board of pharmacy~~ division 1427
of marijuana control to oversee or limit research conducted at a 1428
state university, academic medical center, or private research 1429
and development organization that is related to marijuana and is 1430
approved by an agency, board, center, department, or institute 1431
of the United States government, including any of the following: 1432

(A) The agency for health care research and quality; 1433

(B) The national institutes of health; 1434

(C) The national academy of sciences; 1435

(D) The centers for medicare and medicaid services; 1436

(E) The United States department of defense; 1437

(F) The centers for disease control and prevention; 1438

(G) The United States department of veterans affairs;	1439
(H) The drug enforcement administration;	1440
(I) The food and drug administration;	1441
(J) Any board recognized by the national institutes of health for the purpose of evaluating the medical value of health care services.	1442 1443 1444
Sec. 3796.05. (A) When establishing the number of cultivator licenses that will be permitted at any one time, the department of commerce <u>division of marijuana control</u> shall consider both <u>all</u> of the following:	1445 1446 1447 1448
(1) The population of this state;	1449
(2) The number of patients seeking to use medical marijuana; <u> </u>	1450 1451
(3) <u>Whether licensed cultivators have expanded to full capacity.</u>	1452 1453
(B) When establishing the number of retail dispensary licenses that will be permitted at any one time, the state board of pharmacy <u>division</u> shall consider all of the following:	1454 1455 1456
(1) The population of this state;	1457
(2) The number of patients seeking to use medical marijuana; <u> </u>	1458 1459
(3) The geographic distribution of dispensary sites in an effort to ensure patient access to medical marijuana; <u> </u>	1460 1461
(4) <u>Projected growth of the patient registry over the next two years.</u>	1462 1463
(C) When establishing standards and procedures for the	1464

testing of medical marijuana, the department <u>division</u> shall do	1465
all of the following:	1466
(1) Specify when testing must be conducted;	1467
(2) Determine the minimum amount of medical marijuana that must be tested;	1468 1469
(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;	1470 1471 1472
(4) Specify the manner in which test results are provided.	1473
Sec. 3796.06. (A) Only the following forms of medical marijuana may be dispensed under this chapter:	1474 1475
(1) Oils;	1476
(2) Tinctures;	1477
(3) Plant material;	1478
(4) Edibles;	1479
(5) Patches;	1480
(6) <u>Pills;</u>	1481
<u>(7) Capsules and suppositories;</u>	1482
<u>(8) Oral pouches;</u>	1483
<u>(9) Oral strips;</u>	1484
<u>(10) Oral or topical sprays;</u>	1485
<u>(11) Salves, lotions, or similar items;</u>	1486
<u>(12) Inhalers;</u>	1487
<u>(13) Any other form approved by the state board of</u>	1488

pharmacy under section 3796.061 of the Revised Code <u>division of</u>	1489
<u>marijuana control.</u>	1490
(B) With respect to the methods of using medical	1491
marijuana, all of the following apply:	1492
(1) The smoking or combustion of medical marijuana is	1493
prohibited.	1494
(2) The vaporization <u>and inhalation of</u> medical marijuana	1495
is <u>are</u> permitted + .	1496
(3) <u>Oral administration of medical marijuana is permitted.</u>	1497
(4) <u>Transdermal administration of medical marijuana is</u>	1498
<u>permitted.</u>	1499
(5) <u>Oral absorption of medical marijuana into the</u>	1500
<u>bloodstream, either buccally or sublingually, is permitted.</u>	1501
(6) <u>The state board of pharmacy division</u> may approve	1502
additional methods of using medical marijuana, other than	1503
smoking or combustion, under section 3796.061 of the Revised	1504
Code.	1505
(C) Any form or method that is considered attractive to	1506
children, as specified in rules adopted by the board <u>division</u> , is	1507
prohibited.	1508
(D) With respect to tetrahydrocannabinol content, all of	1509
the following apply:	1510
(1) Plant material shall have a tetrahydrocannabinol	1511
content of not more than thirty-five per cent.	1512
(2) Extracts shall have a tetrahydrocannabinol content of	1513
not more than seventy <u>ninety</u> per cent.	1514
(E) <u>A ninety-day supply of plant material shall have a</u>	1515

weight of not less than nine ounces. 1516

Sec. 3796.061. (A) Any person may submit a petition to the 1517
~~state board of pharmacy~~ division of marijuana control requesting 1518
that a form of or method of using medical marijuana be approved 1519
for the purposes of section 3796.06 of the Revised Code. A 1520
petition shall be submitted to the ~~board~~ division in a manner 1521
prescribed by the ~~board~~ division. A petition shall not seek to 1522
approve a method of using medical marijuana that involves 1523
smoking or combustion. 1524

(B) On receipt of a petition, the ~~board~~ division shall 1525
review it to determine whether to approve the form of or method 1526
of using medical marijuana described in the petition. ~~The board~~ 1527
~~may consolidate the review of petitions for the same or similar~~ 1528
~~forms or methods. In making its determination, the board shall~~ 1529
~~consult with one or more experts and review any relevant~~ 1530
~~scientific evidence~~ The division shall make its determination 1531
within sixty days of receiving the petition. 1532

~~(C) The board shall approve or deny the petition in~~ 1533
~~accordance with any rules adopted by the board under this~~ 1534
~~section. The board's decision is final.~~ 1535

~~(D)~~ ~~(C)~~ The board division may adopt rules as necessary to 1536
implement this section. The rules shall be adopted in accordance 1537
with Chapter 119. of the Revised Code. 1538

Sec. 3796.08. (A) (1) A ~~Until sixty days following the~~ 1539
effective date of this amendment, a patient seeking to use 1540
medical marijuana or a caregiver seeking to assist a patient in 1541
the use or administration of medical marijuana shall apply to 1542
the state board of pharmacy for registration. On and after sixty 1543
days following the effective date of this amendment, a patient 1544

seeking to use medical marijuana or a caregiver seeking to 1545
assist a patient in the use or administration of medical 1546
marijuana shall apply to the division of marijuana control for 1547
registration. The physician who holds a certificate to recommend 1548
issued by the state medical board and is treating the patient or 1549
the physician's delegate shall submit the application on the 1550
patient's or caregiver's behalf in the manner established in 1551
rules adopted under section ~~3796.04~~3796.03 of the Revised Code. 1552

(2) The application shall include all of the following: 1553

(a) A statement from the physician certifying all of the 1554
following: 1555

(i) That a bona fide physician-patient relationship exists 1556
between the physician and patient; 1557

(ii) That the patient has been diagnosed with a qualifying 1558
medical condition; 1559

(iii) That the physician or physician delegate has 1560
requested from the drug database a report of information related 1561
to the patient that covers at least the twelve months 1562
immediately preceding the date of the report; 1563

(iv) That the physician has informed the patient of the 1564
risks and benefits of medical marijuana as it pertains to the 1565
patient's qualifying medical condition and medical history. 1566

(b) In the case of an application submitted on behalf of a 1567
patient, the name or names of the one or more caregivers that 1568
will assist the patient in the use or administration of medical 1569
marijuana; 1570

(c) In the case of an application submitted on behalf of a 1571
caregiver, the name of the patient or patients that the 1572

caregiver seeks to assist in the use or administration of 1573
medical marijuana. 1574

(3) If the application is complete and meets the 1575
requirements established in rules, the board or division, as 1576
applicable, shall register the patient or caregiver and issue to 1577
the patient or caregiver an identification card. 1578

(B) The board or division, as applicable, shall not make 1579
public any information reported to or collected by the board or 1580
division, as applicable, under this section that identifies or 1581
would tend to identify any specific patient. 1582

Information collected by the board or division, as 1583
applicable, pursuant to this section is confidential and not a 1584
public record. The board or division, as applicable, may share 1585
identifying information with a licensed retail dispensary for 1586
the purpose of confirming that a person has a valid 1587
registration. Information that does not identify a person may be 1588
released in summary, statistical, or aggregate form. 1589

(C) A registration expires according to the renewal 1590
schedule established in rules adopted under section ~~3796.04~~ 1591
3796.03 of the Revised Code and may be renewed in accordance 1592
with procedures established in those rules. 1593

Sec. 3796.10. (A) An entity that seeks to dispense at 1594
retail medical marijuana shall file an application for licensure 1595
with the ~~state board of pharmacy~~division of marijuana control. 1596
The entity shall file an application for each location from 1597
which it seeks to operate. Each application shall be submitted 1598
in accordance with rules adopted under section ~~3796.04~~3796.03 1599
of the Revised Code. 1600

(B) The ~~board~~division shall issue a license to an 1601

applicant if all of the following conditions are met: 1602

(1) The report of the criminal records check conducted 1603
pursuant to section 3796.12 of the Revised Code with respect to 1604
the application demonstrates that the person subject to the 1605
criminal records check requirement has not been convicted of or 1606
pleaded guilty to any of the disqualifying offenses specified in 1607
rules adopted under section 9.79 and division (B) (2) (b) of 1608
section ~~3796.04~~3796.03 of the Revised Code. 1609

(2) The applicant demonstrates that it does not have an 1610
ownership or investment interest in or compensation arrangement 1611
with any of the following: 1612

(a) A laboratory licensed under this chapter; 1613

(b) An applicant for a license to conduct laboratory 1614
testing. 1615

(3) The applicant demonstrates that it does not share any 1616
corporate officers or employees with any of the following: 1617

(a) A laboratory licensed under this chapter; 1618

(b) An applicant for a license to conduct laboratory 1619
testing. 1620

(4) The applicant demonstrates that it will not be located 1621
within five hundred feet of a school, church, public library, 1622
public playground, or public park. 1623

(5) The information provided to the ~~board~~division 1624
pursuant to section 3796.11 of the Revised Code demonstrates 1625
that the applicant is in compliance with the applicable tax laws 1626
of this state. 1627

(6) The applicant meets all other licensure eligibility 1628

conditions established in rules adopted under section ~~3796.04~~ 1629
3796.03 of the Revised Code. 1630

(C) The ~~board~~ division shall issue not less than fifteen 1631
per cent of retail dispensary licenses to entities that are 1632
owned and controlled by United States citizens who are residents 1633
of this state and are members of one of the following 1634
economically disadvantaged groups: Blacks or African Americans, 1635
American Indians, Hispanics or Latinos, and Asians. If no 1636
applications or an insufficient number of applications are 1637
submitted by such entities that meet the conditions set forth in 1638
division (B) of this section, the licenses shall be issued 1639
according to usual procedures. 1640

As used in this division, "owned and controlled" means 1641
that at least fifty-one per cent of the business, including 1642
corporate stock if a corporation, is owned by persons who belong 1643
to one or more of the groups set forth in this division, and 1644
that those owners have control over the management and day-to- 1645
day operations of the business and an interest in the capital, 1646
assets, and profits and losses of the business proportionate to 1647
their percentage of ownership. 1648

(D) A license expires according to the renewal schedule 1649
established in rules adopted under section ~~3796.04~~ 3796.03 of 1650
the Revised Code and may be renewed in accordance with the 1651
procedures established in those rules. 1652

(E) The medical director of a dispensary licensed under 1653
this chapter shall be a person authorized under Chapter 4731. of 1654
the Revised Code to practice medicine and surgery or osteopathic 1655
medicine and surgery and who meets the requirements of section 1656
4731.30 of the Revised Code. 1657

(F) Nothing in Chapter 3796. of the Revised Code shall be 1658
construed as requiring a medical marijuana dispensary to have a 1659
medical director. 1660

Sec. 3796.11. (A) (1) Notwithstanding section 149.43 of the 1661
Revised Code or any other public records law to the contrary or 1662
any law relating to the confidentiality of tax return 1663
information, upon the request of the ~~department of commerce or~~ 1664
~~state board of pharmacy~~division of marijuana control, the 1665
department of taxation shall provide to the ~~department of~~ 1666
~~commerce or board~~division all of the following information: 1667

(a) Whether an applicant for licensure under this chapter 1668
is in compliance with the applicable tax laws of this state; 1669

(b) Any past or pending violation by the applicant of 1670
those tax laws, and any penalty imposed on the applicant for 1671
such a violation. 1672

(2) The ~~department of commerce or board~~division shall 1673
request the information only as it pertains to an application 1674
for licensure that the ~~department of commerce or board, as~~ 1675
~~applicable,~~ division is reviewing. 1676

(3) The department of taxation may charge the ~~department~~ 1677
~~of commerce or board~~division a reasonable fee to cover the 1678
administrative cost of providing the information. 1679

(B) Information received under this section is 1680
confidential. Except as otherwise permitted by other state law 1681
or federal law, the ~~department of commerce or board~~division 1682
shall not make the information available to any person other 1683
than the applicant for licensure to whom the information 1684
applies. 1685

Sec. 3796.12. (A) As used in this section, "criminal 1686

records check" has the same meaning as in section 109.572 of the Revised Code.

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

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

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

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

(C) The ~~department or board~~ division shall provide the

following to each person who is subject to the criminal records 1716
check requirement: 1717

(1) Information about accessing, completing, and 1718
forwarding to the superintendent of the bureau of criminal 1719
identification and investigation the form prescribed pursuant to 1720
division (C) (1) of section 109.572 of the Revised Code and the 1721
standard impression sheet to obtain fingerprint impressions 1722
prescribed pursuant to division (C) (2) of that section; 1723

(2) Written notification that the person is to instruct 1724
the superintendent to submit the completed report of the 1725
criminal records check directly to the ~~department or~~ 1726
~~board~~division. 1727

(D) Each person who is subject to the criminal records 1728
check requirement shall pay to the bureau of criminal 1729
identification and investigation the fee prescribed pursuant to 1730
division (C) (3) of section 109.572 of the Revised Code for the 1731
criminal records check conducted of the person. 1732

(E) The report of any criminal records check conducted by 1733
the bureau of criminal identification and investigation in 1734
accordance with section 109.572 of the Revised Code and pursuant 1735
to a request made under this section is not a public record for 1736
the purposes of section 149.43 of the Revised Code and shall not 1737
be made available to any person other than the following: 1738

(1) The person who is the subject of the criminal records 1739
check or the person's representative; 1740

(2) The members and staff of the ~~department or~~ 1741
~~board~~division; 1742

(3) A court, hearing officer, or other necessary 1743
individual involved in a case dealing with either of the 1744

following: 1745

(a) A license denial resulting from the criminal records 1746
check; 1747

(b) A civil or criminal action regarding the medical 1748
marijuana control program or any violation of this chapter. 1749

(F) The ~~department or board~~ division shall deny a license 1750
if, after receiving the information and notification required by 1751
this section, a person subject to the criminal records check 1752
requirement fails to do either of the following: 1753

(1) Access, complete, or forward to the superintendent of 1754
the bureau of criminal identification and investigation the form 1755
prescribed pursuant to division (C) (1) of section 109.572 of the 1756
Revised Code or the standard impression sheet prescribed 1757
pursuant to division (C) (2) of that section; 1758

(2) Instruct the superintendent to submit the completed 1759
report of the criminal records check directly to the ~~department-~~ 1760
~~or board~~ division. 1761

Sec. 3796.13. (A) Each person seeking employment with an 1762
entity licensed under this chapter shall comply with sections 1763
4776.01 to 4776.04 of the Revised Code. Except as provided in 1764
division (B) of this section, such an entity shall not employ 1765
the person unless the person ~~complies with those sections and~~ 1766
~~the~~ has submitted a criminal records check under those sections. 1767
The report of the resulting criminal records check ~~demonstrates-~~ 1768
shall demonstrate that the person has not been convicted of or 1769
pleaded guilty to ~~the following:~~ 1770

~~(1) Any~~ any of the disqualifying offenses specified in 1771
rules adopted under division ~~(B) (8) (a)~~ (B) (10) (a) of section 1772
3796.03 of the Revised Code if the person is seeking employment 1773

with an entity licensed by the ~~department of commerce~~ division
of marijuana control under this chapter. 1774
1775

~~(2) Any of the disqualifying offenses specified in rules~~ 1776
~~adopted under division (B) (14) (a) of section 3796.04 of the~~ 1777
~~Revised Code if the person is seeking employment with an entity~~ 1778
~~licensed by the state board of pharmacy under this chapter.~~ 1779

(B) (1) An entity is not prohibited by division (A) of this 1780
section from employing a person if ~~the following applies:~~ 1781

~~(1) In the case of a person seeking employment with an~~ 1782
~~entity licensed by the department of commerce under this~~ 1783
~~chapter,~~ the disqualifying offense the person was convicted of 1784
or pleaded guilty to is one of the offenses specified in rules 1785
adopted under division ~~(B) (8) (b)~~ (B) (10) (b) of section 3796.03 1786
of the Revised Code and the person was convicted of or pleaded 1787
guilty to the offense more than five years before the date the 1788
employment begins. 1789

~~(2) In the case of a person seeking employment with an~~ 1790
~~entity licensed by the state board of pharmacy under this~~ 1791
~~chapter,~~ the disqualifying offense the person was convicted of 1792
or pleaded guilty to is one of the offenses specified in rules 1793
adopted under division ~~(B) (14) (b)~~ of section 3796.04 of the 1794
Revised Code and the person was convicted of or pleaded guilty 1795
to the offense more than five years before the date the 1796
~~employment begins.~~ The division may issue a person a temporary 1797
employment badge if the person has submitted a criminal records 1798
check and the results have not been received by the division 1799
within ten business days of submission. 1800

Sec. 3796.14. (A) (1) The ~~department of commerce~~ division 1801
of marijuana control may do any of the following for any reason 1802

specified in rules adopted under section 3796.03 of the Revised Code: 1803
1804

(a) Suspend, suspend without prior hearing, revoke, or 1805
refuse to renew a license it issued under this chapter or a 1806
license or registration the state board of pharmacy issued prior 1807
to transfer of regulatory authority over the marijuana control 1808
program to the division; 1809

(b) Refuse to issue a license; 1810

(c) Impose on a license holder a civil penalty in an 1811
amount to be determined by the ~~department~~division. 1812

The ~~department's~~ division's actions under this division 1813
shall be taken in accordance with Chapter 119. of the Revised 1814
Code. 1815

(2) The ~~department~~ division may inspect the premises of an 1816
applicant for licensure or holder of a current, valid 1817
cultivator, processor, retail dispensary, or laboratory license 1818
issued under this chapter without prior notice to the applicant 1819
or license holder. 1820

~~(B) (1) The state board of pharmacy may do any of the~~ 1821
~~following for any reason specified in rules adopted under~~ 1822
~~section 3796.04 of the Revised Code:~~ 1823

~~(a) Suspend, suspend without prior hearing, revoke, or~~ 1824
~~refuse to renew a license or registration it issued under this~~ 1825
~~chapter;~~ 1826

~~(b) Refuse to issue a license;~~ 1827

~~(c) Impose on a license holder a civil penalty in an~~ 1828
~~amount to be determined by the board.~~ 1829

~~The board's actions under this division shall be taken in accordance with Chapter 119. of the Revised Code.~~ 1830
1831

~~(2) The board division may inspect all of the following without prior notice to the applicant or license holder:~~ 1832
1833

~~(a) The premises of an applicant for licensure;~~ 1834

~~(b) The premises of and all records maintained pursuant to this chapter by a holder of a current, valid retail dispensary license.~~ 1835
1836
1837

~~(3) With respect to a suspension without prior hearing, the board may utilize a telephone conference call to review the allegations and take a vote. The board (B) (1) The division shall suspend a license without prior hearing only if it finds clear and convincing evidence that continued distribution or cultivation of medical marijuana, as applicable, by the license holder presents a danger of immediate and serious harm to others. ~~The board~~~~ 1838
1839
1840
1841
1842
1843
1844
1845

~~(2) The division shall comply with section 119.07 of the Revised Code.~~ 1846
1847

~~(3) The suspension shall remain in effect, unless lifted by the ~~board~~division, until the ~~board~~division issues its final adjudication order. If the ~~board~~division does not issue the order within ninety days after the adjudication hearing, the suspension shall be lifted on the ninety-first day following the hearing.~~ 1848
1849
1850
1851
1852
1853

Sec. 3796.15. ~~(A) (A) (1) The state board of pharmacy division of marijuana control shall enforce, or cause to be enforced, sections 3796.08, 3796.10, 3796.20, 3796.22, and 3796.23 of the Revised Code this chapter. If it has information that any provision of ~~those sections~~ this chapter or any rule~~ 1854
1855
1856
1857
1858

adopted under this chapter has been violated, it shall notify 1859
the sheriff's office of the county in which the licensee is 1860
located. The division, in conjunction with the sheriff's office, 1861
shall investigate the matter and take any action as ~~it considers~~ 1862
the division or sheriff considers appropriate. 1863

(2) Nothing in this chapter shall be construed as 1864
authorizing a sheriff to enforce regulatory restrictions 1865
relating to a medical marijuana license holder under this 1866
chapter. The sheriff has authority to enforce criminal 1867
violations relating to medical marijuana. 1868

(B) Nothing in this chapter shall be construed to require 1869
the ~~state board of pharmacy division~~ to enforce minor violations 1870
if the ~~board division~~ determines that the public interest is 1871
adequately served by a notice or warning to the alleged 1872
offender. 1873

(C) If the ~~board division~~ suspends, revokes, or refuses to 1874
renew any license or registration issued under this chapter and 1875
determines that there is clear and convincing evidence of a 1876
danger of immediate and serious harm to any person, the ~~board~~ 1877
division may place under seal all medical marijuana owned by or 1878
in the possession, custody, or control of the affected license 1879
holder or registrant. Except as provided in this division, the 1880
~~board division~~ shall not dispose of the medical marijuana sealed 1881
under this division until the license holder or registrant 1882
exhausts all of the holder's or registrant's appeal rights under 1883
Chapter 119. of the Revised Code. The court involved in such an 1884
appeal may order the ~~board division~~, during the pendency of the 1885
appeal, to sell medical marijuana that is perishable. The ~~board~~ 1886
division shall deposit the proceeds of the sale with the court. 1887

Sec. 3796.16. ~~(A)(1) The state board of pharmacy shall~~ 1888

~~attempt in good faith to negotiate and enter into a reciprocity- 1889
agreement with any other state under which a medical marijuana- 1890
registry identification card or equivalent authorization that is- 1891
issued by the other state is recognized in this state, if the- 1892
board determines that both of the following apply: 1893~~

~~(a) The eligibility requirements imposed by the other- 1894
state for that authorization are substantially comparable to the- 1895
eligibility requirements for a patient or caregiver registration- 1896
and identification card issued under this chapter. 1897~~

~~(b) The other state recognizes a patient or caregiver- 1898
registration and identification card issued under this chapter. 1899~~

~~(2) The board shall not negotiate any agreement with any- 1900
other state under which an authorization issued by the other- 1901
state is recognized in this state other than as provided in- 1902
division (A) (1) of this section. 1903~~

~~(B) If a reciprocity agreement is entered into in- 1904
accordance with division (A) of this section, the authorization- 1905
issued by the other state shall be recognized in this state,- 1906
shall be accepted and valid in this state, and grants the- 1907
patient or caregiver the same right to use, possess, obtain, or 1908
administer medical marijuana in this state as a patient or 1909
caregiver who was registered and issued an identification card- 1910
under this chapter. 1911~~

~~(C)-(A) The division of marijuana control shall establish 1912
a foreign patient database. 1913~~

~~(B) The purpose of the database is to allow persons who 1914
are not residents of this state who are holders of a medical 1915
marijuana recommendation to register with the division for the 1916
purpose of obtaining medical marijuana in this state. 1917~~

(C) (1) A person who is not a resident of this state who 1918
holds a medical marijuana recommendation from another state 1919
shall register with the division via the foreign patient 1920
database prior to purchasing medical marijuana in this state. 1921

(2) In order to register, a person shall provide both of 1922
the following: 1923

(a) Proof that the person holds a valid driver's license 1924
from another state; 1925

(b) Proof that the person holds a valid medical marijuana 1926
recommendation issued in another state. 1927

(D) A dispensary shall not dispense or sell medical 1928
marijuana to a person who is not a resident of this state unless 1929
the dispensary has accessed the database created under this 1930
section and verified that the person holds a valid driver's 1931
license and a valid medical marijuana recommendation issued in 1932
another state. 1933

(E) The ~~board~~ division may adopt any rules as necessary to 1934
implement this section. 1935

Sec. 3796.17. The ~~state board of pharmacy~~ division of 1936
marijuana control shall establish a toll-free telephone line to 1937
respond to inquiries from patients, caregivers, and health 1938
professionals regarding adverse reactions to medical marijuana 1939
and to provide information about available services and 1940
assistance. The ~~board~~ division may contract with a separate 1941
entity to establish and maintain the telephone line on behalf of 1942
the ~~board~~ division. 1943

Sec. 3796.18. (A) Notwithstanding any conflicting 1944
provision of the Revised Code and except as provided in division 1945
(B) of this section, the holder of a current, valid cultivator 1946

license issued under this chapter may do ~~either~~ all of the 1947
following: 1948

(1) Cultivate medical marijuana, including the acquisition 1949
of seeds or clones necessary to begin cultivation of a 1950
particular cultivar of medical marijuana from another licensed 1951
cultivator or from a legal, out-of-state cultivator; 1952

(2) Deliver or sell medical marijuana to one or more 1953
licensed cultivators, processors, or retail dispensaries; 1954

(3) Register cuttings with the Ohio marijuana enforcement 1955
tracking reporting and compliance system if both of the 1956
following are met: 1957

(a) The cuttings were obtained from a legal, out-of-state 1958
cultivator. 1959

(b) The cuttings have not otherwise been rooted as a 1960
clone. 1961

(B) A cultivator license holder shall not cultivate 1962
medical marijuana for personal, family, or household use or on 1963
any public land, including a state park as defined in section 1964
154.01 of the Revised Code. 1965

(C) When processing medical marijuana, a licensed 1966
cultivator shall do all of the following: 1967

(1) Package the medical marijuana in accordance with 1968
child-resistant effectiveness standards described in 16 C.F.R. 1969
1700.15(b), as of the effective date of this amendment; 1970

(2) Label the medical marijuana packaging with the 1971
product's tetrahydrocannabinol and cannabidiol content; 1972

(3) Comply with any packaging or labeling requirements 1973

<u>established in rules adopted by the division of marijuana</u>	1974
<u>control under section 3796.03 of the Revised Code.</u>	1975
<u>(D) The division of marijuana control may issue two levels</u>	1976
<u>of cultivator licenses.</u>	1977
<u>(1) The division may approve a cultivation area of up to</u>	1978
<u>fifty thousand square feet for the holder of a level I</u>	1979
<u>cultivator license.</u>	1980
<u>(2) The division may approve a cultivation area of up to</u>	1981
<u>fifteen thousand square feet for the holder of a level II</u>	1982
<u>cultivator license, including a stand-alone processor holding a</u>	1983
<u>stand-alone processor cultivation license.</u>	1984
<u>(E) (1) A licensed cultivator may apply to the division for</u>	1985
<u>an expansion. The division, at the division's discretion, may</u>	1986
<u>approve an expansion of an existing facility's marijuana</u>	1987
<u>cultivation area, based on cultivator compliance with licensure</u>	1988
<u>requirements, if the population of the state, number of patients</u>	1989
<u>seeking to use medical marijuana, and data from the drug</u>	1990
<u>database regarding patient recommendations and patient usage of</u>	1991
<u>medical marijuana support such expansion. If the division</u>	1992
<u>approves an expansion of a facility's marijuana cultivation</u>	1993
<u>area, the marijuana cultivation area shall not exceed the</u>	1994
<u>following:</u>	1995
<u>(a) One hundred thousand square feet for a level I license</u>	1996
<u>holder;</u>	1997
<u>(b) Twenty thousand square feet for a level II license</u>	1998
<u>holder.</u>	1999
<u>(2) A cultivator shall not submit a request for expansion</u>	2000
<u>more than once during any twelve-month period.</u>	2001

(F) A cultivator seeking to expand its marijuana cultivation area in accordance with division (E) of this section shall submit an expansion plan, that, at a minimum, does all of the following: 2002
2003
2004
2005

(1) Includes plans and specifications for the expansion or alteration in accordance with rules adopted by the division that demonstrate compliance with the requirements of the rules adopted by the board of building standards pursuant to Chapters 3781. and 3791. of the Revised Code and the rules adopted by the state fire marshal pursuant to sections 3737.82 and 3737.86 of the Revised Code; 2006
2007
2008
2009
2010
2011
2012

(2) Proposes a timeline for completion of the proposed expansion, which, if approved, will become a mandatory condition; 2013
2014
2015

(3) Demonstrates a history of compliance with this chapter and the rules adopted under it, which includes a history of enforcement actions and sanctions issued by the department of commerce or law enforcement agencies against the cultivator; 2016
2017
2018
2019

(4) Provides supporting documentation that the cultivator has consistently met the cultivation requirements established in rules adopted by the division; 2020
2021
2022

(5) Demonstrates that the proposed expansion meets the applicable requirements established by the division in rule and that the cultivator will remain in compliance with this chapter and the rules adopted under it, if the expansion is permitted. 2023
2024
2025
2026

(G) Upon the division's receipt of a request for expansion under division (E) of this section, the division has thirty calendar days to review and approve or deny the request for expansion. If the division does not deny the request for 2027
2028
2029
2030

expansion prior to the expiration of thirty calendar days, the 2031
request is deemed approved. If the request is approved, the 2032
cultivator is bound to the terms in the request for expansion 2033
and shall, prior to cultivating medical marijuana in the 2034
expanded marijuana cultivation area, pass an inspection 2035
conducted in accordance with rules adopted by the division. A 2036
cultivator's failure to comply with the approved request for 2037
expansion may result in the revocation of the division's 2038
approval or additional sanctions under this chapter or rules 2039
adopted under it. 2040

(H) When reviewing applicants for a level I license, the 2041
division shall give preference to level II cultivator license 2042
holders. 2043

(I) The division shall establish a fee for a level II 2044
license holder for an expansion beyond fifteen thousand square 2045
feet. The fee shall be proportional to the increase and shall be 2046
less than the fee established by the division for a level I 2047
cultivator license holder. 2048

Sec. 3796.19. (A) Notwithstanding any conflicting 2049
provision of the Revised Code, the holder of a current, valid 2050
processor license issued under this chapter may do any of the 2051
following: 2052

(1) (a) Obtain medical marijuana from one or more licensed 2053
cultivators or processors; 2054

(b) Physically travel to the location of a cultivator and 2055
directly obtain the medical marijuana from the cultivator; 2056

(2) Subject to division (B) of this section, process 2057
medical marijuana obtained from one or more licensed cultivators 2058
or processors into a form described in section 3796.06 of the 2059

Revised Code;	2060
(3) Deliver or sell processed medical marijuana to one or more licensed <u>cultivators, processors, or</u> retail dispensaries.	2061 2062
(B) When processing medical marijuana, a licensed processor shall do both of the following:	2063 2064
(1) Package the medical marijuana in accordance with child-resistant effectiveness standards described in 16 C.F.R. 1700.15(b) on the effective date of this section <u>September 8, 2016;</u>	2065 2066 2067 2068
(2) Label the medical marijuana packaging with the product's tetrahydrocannabinol and cannabidiol content;	2069 2070
(3) Comply with any packaging or labeling requirements established in rules adopted by the department of commerce <u>division of marijuana control</u> under section 3796.03 of the Revised Code.	2071 2072 2073 2074
Sec. 3796.20. (A) Notwithstanding any conflicting provision of the Revised Code, the holder of a current, valid retail dispensary license issued under this chapter may do both of the following:	2075 2076 2077 2078
(1) <u>(a) Obtain or purchase</u> medical marijuana from one or more <u>cultivators or processors;</u>	2079 2080
<u>(b) Obtain or purchase medical marijuana from another retail dispensary if the two retail dispensaries are under common ownership;</u>	2081 2082 2083
(2) Dispense or sell medical marijuana in accordance with division (B) of this section.	2084 2085
(B) When dispensing or selling medical marijuana, a	2086

licensed retail dispensary shall do all of the following: 2087

(1) Dispense or sell only upon a showing of a current, 2088
valid identification card and in accordance with a written 2089
recommendation issued by a physician ~~in accordance with an~~ 2090
holding a certificate to recommend issued by the state medical 2091
board under section 4731.30 of the Revised Code; 2092

(2) Report to the drug database the information required 2093
by section 4729.771 of the Revised Code; 2094

(3) Label the package containing medical marijuana with 2095
the following information: 2096

(a) The name and address of the licensed cultivator or 2097
processor and retail dispensary; 2098

(b) The name of the patient and caregiver, if any; 2099

(c) The name of the physician who recommended treatment 2100
with medical marijuana; 2101

(d) The directions for use, if any, as recommended by the 2102
physician; 2103

(e) The date on which the medical marijuana was dispensed; 2104

(f) The quantity, strength, kind, or form of medical 2105
marijuana contained in the package. 2106

(C) When dispensing or selling medical marijuana, a 2107
licensed retail dispensary may dispense or sell the medical 2108
marijuana by either drive-through or curbside pickup in 2109
accordance with the rules adopted by the division under section 2110
3796.03 of the Revised Code. 2111

(D) When operating a licensed retail dispensary, both of 2112
the following apply: 2113

(1) A dispensary shall use only employees who have met the training requirements established in rules adopted under section ~~3796.04~~ 3796.03 of the Revised Code, including any course of education adopted by the state medical board under section 4731.304 of the Revised Code.

(2) A dispensary shall not make public any information it collects that identifies or would tend to identify any specific patient.

Sec. 3796.21. (A) Notwithstanding any conflicting provision of the Revised Code, the holder of a current, valid laboratory license issued under this chapter may do ~~both~~ all of the following:

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

(2) Conduct medical marijuana testing in the manner specified in rules adopted under section 3796.03 of the Revised Code;

(3) Conduct research and development testing for cultivators and processors;

(4) In-process testing for processors;

(5) Research and development testing for cultivators and processors.

(B) Licensees may use state-licensed labs to conduct in-process product testing for internal use.

(C) (1) Retesting shall be permitted if the product fails testing or if the product test results fall outside of the typical results for that specific product.

(2) Retesting may be conducted by any licensed laboratory 2141
on a sample taken from the same batch or lot of product that was 2142
originally tested. For purposes of testing product, a "batch or 2143
lot" is either of the following: 2144

(a) All of the plant material of the same strain grown 2145
together under the same growing conditions; 2146

(b) All of the manufactured product of the same type 2147
produced from the same oil. 2148

(D) Plant material and products that fall outside of the 2149
testing limits for contaminants established by the division of 2150
marijuana control may be refined using a method approved by the 2151
division. 2152

~~(B)~~ (E) When testing medical marijuana, a licensed 2153
laboratory shall do ~~both~~ all of the following: 2154

(1) Collect a sample of a size sufficient to conduct the 2155
requested tests, but equaling not more than twice the amount of 2156
material needed for such tests; 2157

(2) Test the marijuana for potency, homogeneity, and 2158
contamination; 2159

~~(2)~~ (3) Prepare a report of the test results; 2160

(4) (a) Comply with the the following standards adopted by 2161
the American society for testing and materials (ASTM): 2162

(i) ASTM D8375-22; 2163

(ii) ASTM D8399-22; 2164

(iii) ASTM D8196-18; 2165

(iv) ASTM D8222-21a; 2166

<u>(v) ASTM D8244-21a;</u>	2167
<u>(vi) ASTM D8334/D8334M-20.</u>	2168
<u>(b) Comply with the following standards adopted by the</u>	2169
<u>association of official agricultural chemists (AOAC):</u>	2170
<u>(i) AOAC official method 2021.03;</u>	2171
<u>(ii) AOAC SMPR 2019.001;</u>	2172
<u>(iii) AOAC SMPR 2019.002;</u>	2173
<u>(iv) AOAC SMPR 2019.003;</u>	2174
<u>(v) AOAC official method 2018.10;</u>	2175
<u>(vi) AOAC official method 2018.11.</u>	2176
<u>(F) Plant material and processed products tested under</u>	2177
<u>research and development may be sold to patients only after all</u>	2178
<u>required testing is completed and the product passes testing</u>	2179
<u>required for sale.</u>	2180
Sec. 3796.22. (A) Notwithstanding any conflicting	2181
provision of the Revised Code, a patient registered under this	2182
chapter who obtains medical marijuana from a retail dispensary	2183
licensed under this chapter may do both of the following:	2184
(1) Use medical marijuana;	2185
(2) Possess medical marijuana, subject to division (B) of	2186
this section;	2187
(3) Possess any paraphernalia or accessories specified in	2188
rules adopted under section 3796.04 <u>3796.03</u> of the Revised Code.	2189
(B) The amount of medical marijuana possessed by a	2190
registered patient shall not exceed a ninety-day supply, as	2191
specified in rules adopted under section 3796.04 <u>3796.03</u> of the	2192

Revised Code.	2193
(C) A registered patient shall not be subject to arrest or criminal prosecution for doing any of the following in accordance with this chapter:	2194 2195 2196
(1) Obtaining, using, or possessing medical marijuana;	2197
(2) Possessing any paraphernalia or accessories specified in rules adopted under section 3796.04 <u>3796.03</u> of the Revised <u>Revised</u> Code.	2198 2199 2200
(D) This section does not authorize a registered patient to operate a vehicle, streetcar, trackless trolley, watercraft, or aircraft while under the influence of medical marijuana.	2201 2202 2203
Sec. 3796.23. (A) Notwithstanding any conflicting provision of the Revised Code, a caregiver registered under this chapter who obtains medical marijuana from a retail dispensary licensed under this chapter may do both of the following:	2204 2205 2206 2207
(1) Possess medical marijuana on behalf of a registered patient under the caregiver's care, subject to division (B) of this section;	2208 2209 2210
(2) Assist a registered patient under the caregiver's care in the use or administration of medical marijuana;	2211 2212
(3) Possess any paraphernalia or accessories specified in rules adopted under section 3796.04 <u>3796.03</u> of the Revised Code.	2213 2214
(B) The amount of medical marijuana possessed by a registered caregiver on behalf of a registered patient shall not exceed a ninety-day supply, as specified in rules adopted under section 3796.04 <u>3796.03</u> of the Revised Code. If a caregiver provides care to more than one registered patient, the caregiver shall maintain separate inventories of medical marijuana for	2215 2216 2217 2218 2219 2220

each patient. 2221

(C) A registered caregiver shall not be subject to arrest 2222
or criminal prosecution for doing any of following in accordance 2223
with this chapter: 2224

(1) Obtaining or possessing medical marijuana on behalf of 2225
a registered patient; 2226

(2) Assisting a registered patient in the use or 2227
administration of medical marijuana; 2228

(3) Possessing any paraphernalia or accessories specified 2229
in rules adopted under section ~~3796.04~~3796.03 of the Revised 2230
Code. 2231

(D) This section does not permit a registered caregiver to 2232
personally use medical marijuana, unless the caregiver is also a 2233
registered patient. 2234

Sec. 3796.27. (A) As used in this section: 2235

(1) "Financial institution" means any of the following: 2236

(a) Any bank, trust company, savings and loan association, 2237
savings bank, or credit union or any affiliate, agent, or 2238
employee of a bank, trust company, savings and loan association, 2239
savings bank, or credit union; 2240

(b) Any money transmitter licensed under sections 1315.01 2241
to 1315.18 of the Revised Code or any affiliate, agent, or 2242
employee of such a licensee. 2243

(2) "Financial services" means services that a financial 2244
institution is authorized to provide under Title XI, sections 2245
1315.01 to 1315.18, or Chapter 1733. of the Revised Code, as 2246
applicable. 2247

(B) A financial institution that provides financial 2248
services to any cultivator, processor, retail dispensary, or 2249
laboratory licensed under this chapter shall be exempt from any 2250
criminal law of this state an element of which may be proven by 2251
substantiating that a person provides financial services to a 2252
person who possesses, delivers, or manufactures marijuana or 2253
marijuana derived products, including section 2925.05 of the 2254
Revised Code and sections 2923.01 and 2923.03 of the Revised 2255
Code as those sections apply to violations of Chapter 2925. of 2256
the Revised Code, if the cultivator, processor, retail 2257
dispensary, or laboratory is in compliance with this chapter and 2258
the applicable tax laws of this state. 2259

(C) (1) Notwithstanding section 149.43 of the Revised Code 2260
or any other public records law to the contrary, upon the 2261
request of a financial institution, the ~~department of commerce~~ 2262
~~or state board of pharmacy~~ division of marijuana control shall 2263
provide to the financial institution all of the following 2264
information: 2265

(a) Whether a person with whom the financial institution 2266
is seeking to do business is a cultivator, processor, retail 2267
dispensary, or laboratory licensed under this chapter; 2268

(b) The name of any other business or individual 2269
affiliated with the person; 2270

(c) An unredacted copy of the application for a license 2271
under this chapter, and any supporting documentation, that was 2272
submitted by the person; 2273

(d) If applicable, information relating to sales and 2274
volume of product sold by the person; 2275

(e) Whether the person is in compliance with this chapter; 2276

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

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

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

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

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

(B) This section does not apply to research related to

marijuana conducted at a state university, academic medical center, or private research and development organization as part of a research protocol approved by an institutional review board or equivalent entity.

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

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

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

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

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

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

Sec. 3796.35. (A) As used in this section, "medical cannabis" means "medical marijuana" as defined in section 3796.01 of the Revised Code.

(B) The department of administrative services shall conduct an equity study of the medical cannabis industry and the medical cannabis market to determine whether there is a compelling interest to implement remedial measures, which may include applying the requirements of the minority business

enterprise program described in section 122.921 of the Revised Code, to assist minorities and women in the medical cannabis industry. 2334
2335
2336

Sec. 4731.30. (A) As used in this section and sections 2337
4731.301 ~~and 4731.302~~ to 4731.303 of the Revised Code, "medical 2338
marijuana," "drug database," "physician," and "qualifying 2339
medical condition" have the same meanings as in section 3796.01 2340
of the Revised Code. 2341

(B) (1) Except as provided in division (B) (4) of this 2342
section, a physician seeking to recommend treatment with medical 2343
marijuana shall apply to the state medical board for a 2344
certificate to recommend. An application shall be submitted in 2345
the manner established in rules adopted under section 4731.301 2346
of the Revised Code. 2347

(2) The board shall grant a certificate to recommend if 2348
both of the following conditions are met: 2349

(a) The application is complete and meets the requirements 2350
established in rules. 2351

(b) ~~The~~ Except as provided in division (I) of this 2352
section, the applicant demonstrates that the applicant does not 2353
have an ownership or investment interest in or compensation 2354
arrangement with an entity licensed under Chapter 3796. of the 2355
Revised Code or an applicant for licensure. 2356

(3) A certificate to recommend expires according to the 2357
renewal schedule established in rules adopted under section 2358
4731.301 of the Revised Code and may be renewed in accordance 2359
with the procedures established in those rules. 2360

(4) This section does not apply to a physician who 2361
recommends treatment with marijuana or a drug derived from 2362

marijuana under any of the following that is approved by an 2363
investigational review board or equivalent entity, the United 2364
States food and drug administration, or the national institutes 2365
of health or one of its cooperative groups or centers under the 2366
United States department of health and human services: 2367

(a) A research protocol; 2368

(b) A clinical trial; 2369

(c) An investigational new drug application; 2370

(d) An expanded access submission. 2371

(C) (1) A physician who holds a certificate to recommend 2372
may recommend that a patient be treated with medical marijuana 2373
if all of the following conditions are met: 2374

(a) The patient has been diagnosed with a qualifying 2375
medical condition; 2376

(b) A bona fide physician-patient relationship has been 2377
established through ~~all~~ both of the following: 2378

(i) ~~An examination of the patient by the physician either~~ 2379
~~in person or through the use of telehealth services in~~ 2380
~~accordance with section 4743.09 of the Revised Code;~~ 2381

~~(ii)~~ A review of the patient's medical history by the 2382
physician; 2383

~~(iii)~~ (ii) An expectation of providing care and receiving 2384
care on an ongoing basis. 2385

(c) The physician has requested, or a physician delegate 2386
approved by the state board of pharmacy has requested, from the 2387
drug database a report of information related to the patient 2388
that covers at least the twelve months immediately preceding the 2389

date of the report, and the physician has reviewed the report. 2390

(2) In the case of a patient who is a minor, the physician 2391
may recommend treatment with medical marijuana only after 2392
obtaining the consent of the patient's parent or other person 2393
responsible for providing consent to treatment. 2394

(D) (1) When issuing a written recommendation to a patient, 2395
the physician shall specify any information required in rules 2396
adopted by the board under section 4731.301 of the Revised Code. 2397

(2) A written recommendation issued to a patient under 2398
this section is valid for a period of not more than ninety days. 2399
The physician may renew the recommendation for not more than 2400
three additional periods of not more than ninety days each. 2401
Thereafter, the physician may issue another recommendation to 2402
the patient only upon an examination of the patient as described 2403
in division (C) (1) (b) (i) of this section. 2404

(E) Annually, the physician shall submit to the state 2405
medical board a report that describes the physician's 2406
observations regarding the effectiveness of medical marijuana in 2407
treating the physician's patients during the year covered by the 2408
report. When submitting reports, a physician shall not include 2409
any information that identifies or would tend to identify any 2410
specific patient. 2411

(F) Each physician who holds a certificate to recommend 2412
shall complete annually at least two hours of continuing medical 2413
education in medical marijuana approved by the state medical 2414
board. 2415

(G) A physician shall not do any of the following: 2416

(1) Personally furnish or otherwise dispense medical 2417
marijuana; 2418

(2) Issue a recommendation for a family member or the physician's self. 2419
2420

(H) A physician is immune from civil liability, is not subject to professional disciplinary action by the state medical board or state board of pharmacy, and is not subject to criminal prosecution for any of the following actions: 2421
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2423
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(1) Advising a patient, patient representative, or caregiver about the benefits and risks of medical marijuana to treat a qualifying medical condition; 2425
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2427

(2) Recommending that a patient use medical marijuana to treat or alleviate the condition; 2428
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(3) Monitoring a patient's treatment with medical marijuana. 2430
2431

(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. 2432
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(J) Nothing in this chapter or Chapter 3796. of the Revised Code requires a public or private payor to pay a claim relating to medical marijuana, including any of the following payors: 2437
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(1) The department of medicaid, a medicaid managed care organization as defined in section 5167.01 of the Revised Code, or a third-party administrator on behalf of the department or a medicaid managed care organization; 2441
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(2) The administrator of workers' compensation or a self-insuring employer as defined in section 4123.01 of the Revised 2445
2446

<u>Code;</u>	2447
<u>(3) A health plan issuer as defined in section 3922.01 of</u>	2448
<u>the Revised Code.</u>	2449
<u>Sec. 4731.303. A physician certified to recommend</u>	2450
<u>treatment of a qualifying medical condition, as defined in</u>	2451
<u>section 3796.01 of the Revised Code, with medical marijuana may</u>	2452
<u>make such a recommendation via telemedicine.</u>	2453
<u>Sec. 4731.304. The state medical board may approve a</u>	2454
<u>course of education for employees of a medical marijuana</u>	2455
<u>dispensary licensed under Chapter 3796. of the Revised Code to</u>	2456
<u>complete.</u>	2457
<u>Sec. 4776.01. As used in this chapter:</u>	2458
(A) "License" means an authorization evidenced by a	2459
license, certificate, registration, permit, card, or other	2460
authority that is issued or conferred by a licensing agency to a	2461
licensee or to an applicant for an initial license by which the	2462
licensee or initial license applicant has or claims the	2463
privilege to engage in a profession, occupation, or occupational	2464
activity, or, except in the case of the state dental board, to	2465
have control of and operate certain specific equipment,	2466
machinery, or premises, over which the licensing agency has	2467
jurisdiction.	2468
(B) Except as provided in section 4776.20 of the Revised	2469
Code, "licensee" means the person to whom the license is issued	2470
by a licensing agency. "Licensee" includes a person who, for	2471
purposes of section 3796.13 of the Revised Code, has complied	2472
with sections 4776.01 to 4776.04 of the Revised Code and has	2473
been determined by the department of commerce or state board of	2474
pharmacy, as the applicable licensing agency, <u>division of</u>	2475

<u>marijuana control</u> to meet the requirements for employment.	2476
(C) Except as provided in section 4776.20 of the Revised Code, "licensing agency" means any of the following:	2477
	2478
(1) The board authorized by Chapters 4701., 4717., 4725., 4729., 4730., 4731., 4732., 4734., 4740., 4741., 4747., 4751., 4753., 4755., 4757., 4759., 4760., 4761., 4762., 4774., 4778., 4779., and 4783. of the Revised Code to issue a license to engage in a specific profession, occupation, or occupational activity, or to have charge of and operate certain specific equipment, machinery, or premises.	2479
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	2485
(2) The state dental board, relative to its authority to issue a license pursuant to section 4715.12, 4715.16, 4715.21, or 4715.27 of the Revised Code;	2486
	2487
	2488
(3) The department of commerce or state board of pharmacy <u>division of marijuana control</u> , relative to its authority under Chapter 3796. of the Revised Code and any rules adopted under that chapter with respect to a person who is subject to section 3796.13 of the Revised Code;	2489
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(4) The director of agriculture, relative to the director's authority to issue licenses under Chapter 928. of the Revised Code.	2494
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	2496
(D) "Applicant for an initial license" includes persons seeking a license for the first time and persons seeking a license by reciprocity, endorsement, or similar manner of a license issued in another state. "Applicant for an initial license" also includes a person who, for purposes of section 3796.13 of the Revised Code, is required to comply with sections 4776.01 to 4776.04 of the Revised Code.	2497
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(E) "Applicant for a restored license" includes persons	2504

seeking restoration of a license under section 4730.14, 4730.28, 2505
4731.222, 4731.281, 4759.062, 4759.063, 4760.06, 4760.061, 2506
4761.06, 4761.061, 4762.06, 4762.061, 4774.06, 4774.061, 2507
4778.07, or 4778.071 of the Revised Code. "Applicant for a 2508
restored license" does not include a person seeking restoration 2509
of a license under section 4751.33 of the Revised Code. 2510

(F) "Criminal records check" has the same meaning as in 2511
section 109.572 of the Revised Code. 2512

Section 2. That existing sections 102.02, 109.572, 2513
3796.01, 3796.02, 3796.03, 3796.032, 3796.05, 3796.06, 3796.061, 2514
3796.08, 3796.10, 3796.11, 3796.12, 3796.13, 3796.14, 3796.15, 2515
3796.16, 3796.17, 3796.18, 3796.19, 3796.20, 3796.21, 3796.22, 2516
3796.23, 3796.27, 3796.30, 4731.30, and 4776.01 of the Revised 2517
Code are hereby repealed. 2518

Section 3. That sections 3796.021, 3796.031, and 3796.04 2519
of the Revised Code are hereby repealed. 2520

Section 4. (A) Not later than sixty days after the 2521
effective date of this section, the Department of Commerce and 2522
the State Board of Pharmacy shall transfer regulation of the 2523
Medical Marijuana Control Program to the Division of Marijuana 2524
Control in the Department of Commerce. Until the transfer is 2525
complete, the State Board of Pharmacy retains regulatory 2526
authority over licensing of retail dispensaries, registering 2527
patients and caregivers, and related duties. 2528

Upon the completion of the transfer, the Medical Marijuana 2529
Control Program in the State Board of Pharmacy is abolished. All 2530
records of the Medical Marijuana Control Program in the State 2531
Board of Pharmacy shall be transferred to the Division, and all 2532
of its other assets and liabilities relating to the Medical 2533

Marijuana Control Program shall be transferred to the Division. 2534
The Division is successor to, and assumes the obligations of, 2535
the Medical Marijuana Control Program in the State Board of 2536
Pharmacy. Any business commenced, but not completed by the State 2537
Board of Pharmacy Medical Marijuana Control Program on the date 2538
of the completion of the transfer shall be completed by the 2539
Division in the same manner, and with the same effect, as if 2540
completed by the State Board of Pharmacy. No validation, cure, 2541
right, privilege, remedy, obligation, or liability is lost or 2542
impaired by reason of the transfer required by this section. 2543

(B) Upon this transfer, the Division is responsible for 2544
adopting rules establishing standards and procedures for the 2545
Medical Marijuana Control Program. The rules regulating the 2546
Medical Marijuana Control Program in existence on the effective 2547
date of this section continue in effect until repealed or 2548
amended by the Division of Marijuana Control. 2549

(C) Not later than ninety days after the effective date of 2550
this section, the Division shall review and propose revisions to 2551
the rules in the Administrative Code related to medical 2552
marijuana retail dispensaries. 2553

(D) A license to operate as a retail dispensary issued by 2554
the State Board of Pharmacy pursuant to section 3796.10 of the 2555
Revised Code as it existed immediately prior to the effective 2556
date of the amendment to that section by this act, and a 2557
registration issued by the State Board of Pharmacy pursuant to 2558
section 3796.08 of the Revised Code as it existed immediately 2559
prior to the effective date of the amendment to that section by 2560
this act remain in effect for the remainder of the license's or 2561
registration's term, unless earlier suspended or revoked. 2562
Renewals shall be issued by the State Board of Pharmacy until 2563

the transfer is complete, at which time renewals shall be issued 2564
by the Division of Marijuana Control. 2565

(E) Any form of medical marijuana approved by the State 2566
Board of Pharmacy under section 3796.061 of the Revised Code as 2567
it existed immediately prior to the effective date of the 2568
amendment to that section by this act remain approved until that 2569
approval is revoked by the Division of Marijuana Control, after 2570
giving notice to the petitioner described in section 3796.061 of 2571
the Revised Code. The Division shall post notice of that 2572
revocation on its web site. 2573

Section 5. Section 4776.01 of the Revised Code is 2574
presented in this act as a composite of the section as amended 2575
by both H.B. 166 and S.B. 57 of the 133rd General Assembly. The 2576
General Assembly, applying the principle stated in division (B) 2577
of section 1.52 of the Revised Code that amendments are to be 2578
harmonized if reasonably capable of simultaneous operation, 2579
finds that the composite is the resulting version of the section 2580
in effect prior to the effective date of the section as 2581
presented in this act. 2582