

As Introduced

**136th General Assembly
Regular Session
2025-2026**

H. B. No. 160

Representative Stewart

To amend sections 9.79, 519.21, 928.01, 928.03, 1
3376.07, 3796.01, 3796.02, 3796.03, 3796.05, 2
3796.06, 3796.07, 3796.09, 3796.10, 3796.12, 3
3796.13, 3796.14, 3796.15, 3796.17, 3796.18, 4
3796.19, 3796.20, 3796.21, 3796.22, 3796.23, 5
3796.24, 3796.27, 3796.28, 3796.29, 3796.30, 6
3796.31, 4735.18, 4796.25, 5502.01, 5502.13, 7
5502.14, 5713.30, 5739.21, and 5739.99; to enact 8
sections 2953.321, 3796.04, 3796.062, 3796.221, 9
3796.32, 3796.33, 3796.99, and 5739.27; and to 10
repeal sections 3780.01, 3780.02, 3780.03, 11
3780.04, 3780.05, 3780.06, 3780.07, 3780.08, 12
3780.09, 3780.10, 3780.11, 3780.12, 3780.13, 13
3780.14, 3780.15, 3780.16, 3780.17, 3780.18, 14
3780.19, 3780.20, 3780.21, 3780.22, 3780.23, 15
3780.24, 3780.25, 3780.26, 3780.27, 3780.28, 16
3780.29, 3780.30, 3780.31, 3780.32, 3780.33, 17
3780.34, 3780.35, 3780.36, 3780.90, 3780.99, and 18
3796.021 of the Revised Code to revise specified 19
provisions of the liquor control, hemp, and 20
adult-use marijuana laws and to levy taxes on 21
marijuana. 22

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

Section 1. That sections 9.79, 519.21, 928.01, 928.03, 23
3376.07, 3796.01, 3796.02, 3796.03, 3796.05, 3796.06, 3796.07, 24
3796.09, 3796.10, 3796.12, 3796.13, 3796.14, 3796.15, 3796.17, 25
3796.18, 3796.19, 3796.20, 3796.21, 3796.22, 3796.23, 3796.24, 26
3796.27, 3796.28, 3796.29, 3796.30, 3796.31, 4735.18, 4796.25, 27
5502.01, 5502.13, 5502.14, 5713.30, 5739.21, and 5739.99 be 28
amended and sections 2953.321, 3796.04, 3796.062, 3796.221, 29
3796.32, 3796.33, 3796.99, and 5739.27 of the Revised Code be 30
enacted to read as follows: 31

Sec. 9.79. (A) As used in this section: 32

(1) "License" means an authorization evidenced by a 33
license, certificate, registration, permit, card, or other 34
authority that is issued or conferred by a licensing authority 35
to an individual by which the individual has or claims the 36
privilege to engage in a profession, occupation, or occupational 37
activity over which the licensing authority has jurisdiction. 38
"License" does not include a registration under section 101.72, 39
101.92, or 121.62 of the Revised Code. 40

(2) "Licensing authority" means a state agency that issues 41
licenses under Title XLVII or any other provision of the Revised 42
Code to practice an occupation or profession. 43

(3) "Offense of violence" has the same meaning as in 44
section 2901.01 of the Revised Code. 45

(4) "Sexually oriented offense" has the same meaning as in 46
section 2950.01 of the Revised Code. 47

(5) "State agency" has the same meaning as in section 1.60 48
of the Revised Code. 49

(6) "Community control sanction" has the same meaning as 50
in section 2929.01 of the Revised Code. 51

(7) "Post-release control sanction" has the same meaning 52
as in section 2967.01 of the Revised Code. 53

(8) "Fiduciary duty" means a duty to act for someone 54
else's benefit, while subordinating one's personal interest to 55
that of the other person. 56

(B) (1) Notwithstanding any provision of the Revised Code 57
to the contrary, subject to division (L) of this section, for 58
each type of license issued or conferred by a licensing 59
authority, the licensing authority shall establish within one 60
hundred eighty days after April 12, 2021, a list of specific 61
criminal offenses for which a conviction, judicial finding of 62
guilt, or plea of guilty may disqualify an individual from 63
obtaining an initial license. The licensing authority shall make 64
the list available to the public on the licensing authority's 65
web site pursuant to division (C) of section 9.78 of the Revised 66
Code. The licensing authority, in adopting the list, shall do 67
both of the following: 68

(a) Identify each disqualifying offense by name or by the 69
Revised Code section number that creates the offense; 70

(b) Include in the list only criminal offenses that are 71
directly related to the duties and responsibilities of the 72
licensed occupation. 73

(2) The licensing authority may include in the list 74
established under division (B) (1) of this section an existing or 75
former municipal ordinance or law of this or any other state or 76
the United States that is substantially equivalent to any 77
section or offense included in the list adopted under division 78
(B) (1) of this section. 79

(C) (1) Except as provided in division (C) (2) or (D) of 80

this section and subject to division (L) of this section, a 81
licensing authority shall not refuse to issue an initial license 82
to an individual based on any of the following: 83

(a) Solely or in part on a conviction of, judicial finding 84
of guilt of, or plea of guilty to an offense; 85

(b) A criminal charge that does not result in a 86
conviction, judicial finding of guilt, or plea of guilty; 87

(c) A nonspecific qualification such as "moral turpitude" 88
or lack of "moral character"; 89

(d) A disqualifying offense included in the list 90
established under division (B) of this section, if consideration 91
of that offense occurs after the time periods permitted in 92
division (D) of this section. 93

(2) If the individual was convicted of, found guilty 94
pursuant to a judicial finding of guilt of, or pleaded guilty to 95
a disqualifying offense included in the list established under 96
division (B) of this section for the license for which the 97
individual applied, the licensing authority may take the 98
conviction, judicial finding of guilt, or plea of guilty into 99
consideration in accordance with division (D) of this section. 100

(D) (1) A licensing authority that may, under division (C) 101
(2) of this section, consider a conviction of, judicial finding 102
of guilt of, or plea of guilty to an offense in determining 103
whether to refuse to issue an initial license to an individual 104
shall consider all of the following factors and shall use a 105
preponderance of the evidence standard in evaluating those 106
factors to determine whether the conviction, judicial finding of 107
guilt, or plea of guilty disqualifies the individual from 108
receiving the license: 109

(a) The nature and seriousness of the offense for which 110
the individual was convicted, found guilty pursuant to a 111
judicial finding of guilt, or pleaded guilty; 112

(b) The passage of time since the individual committed the 113
offense; 114

(c) The relationship of the offense to the ability, 115
capacity, and fitness required to perform the duties and 116
discharge the responsibilities of the occupation; 117

(d) Any evidence of mitigating rehabilitation or treatment 118
undertaken by the individual, including whether the individual 119
has been issued a certificate of qualification for employment 120
under section 2953.25 of the Revised Code or a certificate of 121
achievement and employability under section 2961.22 of the 122
Revised Code; 123

(e) Whether the denial of a license is reasonably 124
necessary to ensure public safety. 125

(2) A licensing authority may take a disqualifying offense 126
included in the list established under division (B) of this 127
section into account only during the following time periods: 128

(a) For a conviction of, judicial finding of guilt of, or 129
plea of guilty to a disqualifying offense that does not involve 130
a breach of fiduciary duty and that is not an offense of 131
violence or a sexually oriented offense, whichever of the 132
following is later, provided the individual was not convicted 133
of, found guilty pursuant to a judicial finding of guilt of, and 134
did not enter a plea of guilty to any other offense during the 135
applicable period: 136

(i) Five years from the date of conviction, judicial 137
finding of guilt, or plea of guilty; 138

(ii) Five years from the date of the release from incarceration;	139 140
(iii) The time period specified in division (D)(3) of this section.	141 142
(b) For a conviction of, judicial finding of guilt of, or plea of guilty to a disqualifying offense that involves a breach of fiduciary duty and that is not an offense of violence or a sexually oriented offense, whichever of the following is later, provided the individual was not convicted of, found guilty pursuant to a judicial finding of guilt of, and did not enter a plea of guilty to any other offense during the applicable period:	143 144 145 146 147 148 149 150
(i) Ten years from the date of conviction, judicial finding of guilt, or plea of guilty;	151 152
(ii) Ten years from the date of the release from incarceration;	153 154
(iii) The time period specified in division (D)(4) of this section.	155 156
(c) For a conviction of, judicial finding of guilt of, or plea of guilty to a disqualifying offense that is an offense of violence or a sexually oriented offense, any time.	157 158 159
(3) If an individual is subject to a community control sanction, parole, or post-release control sanction based on a conviction of, judicial finding of guilt of, or plea of guilty to a disqualifying offense included in the list established under division (B) of this section that is not an offense of violence or a sexually oriented offense, a licensing authority may take the offense into account during the following time periods:	160 161 162 163 164 165 166 167

(a) If the community control sanction, parole, or post-
release control sanction was for a term of less than five years,
the period of the community control sanction, parole, or post-
release control sanction plus the number of years after the date
of final discharge of the community control sanction, parole, or
post-release control sanction necessary to equal five years;

(b) If the community control sanction, parole, or post-
release control sanction was for a term of five years or more,
the period of the community control sanction, parole, or post-
release control sanction.

(4) If an individual is subject to a community control
sanction, parole, or post-release control sanction based on a
conviction of, judicial finding of guilt of, or plea of guilty
to a disqualifying offense included in the list established
under division (B) of this section that involved a breach of
fiduciary duty and that is not an offense of violence or a
sexually oriented offense, a licensing authority may take the
offense into account during the following time periods:

(a) If the community control sanction, parole, or post-
release control sanction was for a term of less than ten years,
for the period of the community control sanction, parole, or
post-release control sanction plus the number of years after the
date of final discharge of the community control sanction,
parole, or post-release control sanction necessary to equal ten
years;

(b) If the community control sanction, parole, or post-
release control sanction was for a term of ten years or more,
the period of the community control sanction, parole, or post-
release control sanction.

(E) If a licensing authority refuses to issue an initial license to an individual pursuant to division (D) of this section, the licensing authority shall notify the individual in writing of all of the following:

(1) The grounds and reasons for the refusal, including an explanation of the licensing authority's application of the factors under division (D) of this section to the evidence the licensing authority used to reach the decision;

(2) The individual's right to a hearing regarding the licensing authority's decision under section 119.06 of the Revised Code;

(3) The earliest date the individual may reapply for a license;

(4) Notice that evidence of rehabilitation may be considered on reapplication.

(F) In an administrative hearing or civil action reviewing a licensing authority's refusal under divisions (B) to (K) of this section to issue an initial license to an individual, the licensing authority has the burden of proof on the question of whether the individual's conviction of, judicial finding of guilt of, or plea of guilty to an offense directly relates to the licensed occupation.

(G) A licensing authority that is authorized by law to limit or otherwise place restrictions on a license may do so to comply with the terms and conditions of a community control sanction, post-release control sanction, or an intervention plan established in accordance with section 2951.041 of the Revised Code.

(H) Each licensing authority shall adopt any rules that it

determines are necessary to implement divisions (B) to (F) of this section.	226 227
(I) Divisions (B) to (K) of this section do not apply to any of the following:	228 229
(1) Any position for which appointment requires compliance with section 109.77 of the Revised Code or in which an individual may satisfy the requirements for appointment or election by complying with that section;	230 231 232 233
(2) Any position for which federal law requires disqualification from licensure or employment based on a conviction of, judicial finding of guilt of, or plea of guilty to an offense;	234 235 236 237
(3) Community-based long-term care services certificates and community-based long-term care services contracts or grants issued under section 173.381 of the Revised Code;	238 239 240
(4) Certifications of a provider to provide community- based long-term care services under section 173.391 of the Revised Code;	241 242 243
(5) Certificates of authority to a health insuring corporation issued under section 1751.05 of the Revised Code;	244 245
(6) Licenses to operate a home or residential care facility issued under section 3721.07 of the Revised Code;	246 247
(7) Certificates of authority to make contracts of indemnity issued under section 3931.10 of the Revised Code;	248 249
(8) Supported living certificates issued under section 5123.161 of the Revised Code;	250 251
(9) Certificates to administer medications and perform	252

health-related activities under section 5123.45 of the Revised Code;	253 254
<u>(10) Licenses issued by the division of marijuana control under Chapter 3796. of the Revised Code.</u>	255 256
(J) Nothing in divisions (B) to (K) of this section prohibits a licensing authority from considering either of the following when making a determination whether to issue a license to an individual:	257 258 259 260
(1) Past disciplinary action taken by the licensing authority against the individual;	261 262
(2) Past disciplinary action taken against the individual by an authority in another state that issues a license that is substantially similar to the license for which the individual applies.	263 264 265 266
(K) Notwithstanding any provision of the Revised Code to the contrary, if a licensing authority issues a license to an individual after considering a conviction of, judicial finding of guilt of, or plea of guilty to an offense under division (D) of this section, the licensing authority shall not refuse to renew the individual's license based on that conviction, judicial finding of guilt, or plea of guilty.	267 268 269 270 271 272 273
(L) (1) Notwithstanding any provision of the Revised Code to the contrary, subject to division (G) of this section, during the period commencing on the effective date of this amendment <u>April 4, 2023,</u> and ending on the date that is two years after the effective date of this amendment <u>April 4, 2025,</u> no licensing authority shall refuse to issue a license to a person, limit or otherwise place restrictions on a person's license, or suspend or revoke a person's license under any provision of the Revised	274 275 276 277 278 279 280 281

Code that takes effect on or after the effective date of this 282
amendment and prior to the date that is two years after the 283
effective date of this amendment and that requires or authorizes 284
such a refusal, limitation, restriction, suspension, or 285
revocation as a result of the person's conviction of, judicial 286
finding of guilt of, or plea of guilty to an offense. 287

(2) Divisions (B) to (F), and (H) to (K), of this section 288
do not apply with respect to any provision of the Revised Code 289
that takes effect on or after the effective date of this 290
amendment and prior to the date that is two years after the 291
effective date of this amendment and that requires or authorizes 292
a licensing authority to refuse to issue a license to a person, 293
to limit or otherwise place restrictions on a person's license, 294
or to suspend or revoke a person's license as a result of the 295
person's conviction of, judicial finding of guilt of, or plea of 296
guilty to an offense. 297

Sec. 519.21. (A) Except as otherwise provided in divisions 298
(B) and (D) of this section, sections 519.02 to 519.25 of the 299
Revised Code confer no power on any township zoning commission, 300
board of township trustees, or board of zoning appeals to 301
prohibit the use of any land for agricultural purposes or the 302
construction or use of buildings or structures incident to the 303
use for agricultural purposes of the land on which such 304
buildings or structures are located, including buildings or 305
structures that are used primarily for vinting and selling wine 306
and that are located on land any part of which is used for 307
viticulture, and no zoning certificate shall be required for any 308
such building or structure. 309

(B) A township zoning resolution, or an amendment to such 310
resolution, may in any platted subdivision approved under 311

section 711.05, 711.09, or 711.10 of the Revised Code, or in any 312
area consisting of fifteen or more lots approved under section 313
711.131 of the Revised Code that are contiguous to one another, 314
or some of which are contiguous to one another and adjacent to 315
one side of a dedicated public road, and the balance of which 316
are contiguous to one another and adjacent to the opposite side 317
of the same dedicated public road regulate: 318

(1) Agriculture on lots of one acre or less; 319

(2) Buildings or structures incident to the use of land 320
for agricultural purposes on lots greater than one acre but not 321
greater than five acres by: set back building lines; height; and 322
size; 323

(3) Dairying and animal and poultry husbandry on lots 324
greater than one acre but not greater than five acres when at 325
least thirty-five per cent of the lots in the subdivision are 326
developed with at least one building, structure, or improvement 327
that is subject to real property taxation or that is subject to 328
the tax on manufactured and mobile homes under section 4503.06 329
of the Revised Code. After thirty-five per cent of the lots are 330
so developed, dairying and animal and poultry husbandry shall be 331
considered nonconforming use of land and buildings or structures 332
pursuant to section 519.19 of the Revised Code. 333

Division (B) of this section confers no power on any 334
township zoning commission, board of township trustees, or board 335
of zoning appeals to regulate agriculture, buildings or 336
structures, and dairying and animal and poultry husbandry on 337
lots greater than five acres. 338

(C) Such sections confer no power on any township zoning 339
commission, board of township trustees, or board of zoning 340

appeals to prohibit in a district zoned for agricultural, 341
industrial, residential, or commercial uses, the use of any land 342
for: 343

(1) A farm market where fifty per cent or more of the 344
gross income received from the market is derived from produce 345
raised on farms owned or operated by the market operator in a 346
normal crop year. However, a board of township trustees, as 347
provided in section 519.02 of the Revised Code, may regulate 348
such factors pertaining to farm markets as size of the 349
structure, size of parking areas that may be required, set back 350
building lines, and egress or ingress, where such regulation is 351
necessary to protect the public health and safety. 352

(2) Biodiesel production, biomass energy production, or 353
electric or heat energy production if the land on which the 354
production facility is located qualifies as land devoted 355
exclusively to agricultural use under sections 5713.30 to 356
5713.37 of the Revised Code for real property tax purposes. As 357
used in division (C) (2) of this section, "biodiesel," "biomass 358
energy," and "electric or heat energy" have the same meanings as 359
in section 5713.30 of the Revised Code. 360

(3) Biologically derived methane gas production if the 361
land on which the production facility is located qualifies as 362
land devoted exclusively to agricultural use under sections 363
5713.30 to 5713.37 of the Revised Code for real property tax 364
purposes and if the facility that produces the biologically 365
derived methane gas does not produce more than seventeen million 366
sixty thousand seven hundred ten British thermal units, five 367
megawatts, or both. 368

(4) Agritourism. However, a board of township trustees, as 369
provided in section 519.02 of the Revised Code, may regulate 370

such factors pertaining to agritourism, except farm markets as 371
described in division (C) (1) of this section, as size of a 372
structure used primarily for agritourism, size of parking areas 373
that may be required, setback building lines for structures used 374
primarily for agritourism, and egress or ingress where such 375
regulation is necessary to protect public health and safety. 376

Nothing in division (C) (4) of this section confers power 377
on a township zoning commission, board of township trustees, or 378
board of zoning appeals to require any parking area to be 379
improved in any manner, including requirements governing 380
drainage, parking area base, parking area paving, or any other 381
improvement. 382

Nothing in division (C) (4) of this section confers power 383
on a township zoning commission, board of township trustees, or 384
board of zoning appeals to prohibit the use of any land or the 385
construction or use of buildings or structures that are used 386
primarily for vinting and selling wine that are located on land 387
any part of which is used for viticulture as provided in 388
division (A) of this section. 389

(D) Nothing in this section prohibits a township zoning 390
commission, board of township trustees, or board of zoning 391
appeals from regulating the location of ~~medical~~-marijuana 392
cultivators, processors, or retail dispensaries or from 393
prohibiting such cultivators, processors, or dispensaries from 394
being located in the unincorporated territory of the township. 395

~~(D) (1)~~ (E) (1) As used in division (C) (3) of this section, 396
"biologically derived methane gas" has the same meaning as in 397
section 5713.30 of the Revised Code. 398

(2) As used in division (C) (4) of this section, 399

"agritourism" has the same meaning as in section 901.80 of the Revised Code. 400
401

Sec. 928.01. As used in this chapter: 402

(A) "Cannabidiol" means the cannabidiol compound, 403
~~containing a delta-9 tetrahydrocannabinol concentration of not~~ 404
~~more than three-tenths per cent,~~ derived from hemp. 405

(B) "Cultivate" or "cultivating" means to plant, water, 406
grow, fertilize, till, or harvest a plant or crop. "Cultivating" 407
includes possessing or storing a plant or crop on a premises 408
where the plant or crop was cultivated until transported to the 409
first point of sale. 410

(C) "Hemp" means the plant *Cannabis sativa* L. and any part 411
of that plant, including the seeds thereof and all derivatives, 412
extracts, cannabinoids, isomers, acids, salts, and salts of 413
isomers, whether growing or not, with a ~~delta-9 total~~ 414
tetrahydrocannabinol concentration of not more than three-tenths 415
per cent on a dry weight basis. 416

(D) "Hemp cultivation license" means a license to 417
cultivate hemp issued under section 928.02 of the Revised Code. 418

(E) "Hemp processing license" means a license to process 419
hemp issued under section 928.02 of the Revised Code. 420

(F) "Hemp product" means any product, ~~containing a delta-9~~ 421
~~tetrahydrocannabinol concentration of not more than three-tenths~~ 422
~~per cent,~~ that is made with hemp to which all of the following 423
apply: 424

(1) It has a total tetrahydrocannabinol concentration of 425
not more than three-tenths per cent. 426

(2) It has not more than five-tenths milligrams of total 427

<u>tetrahydrocannabinol per serving.</u>	428
<u>(3) It has not more than two milligrams of total</u>	429
<u>tetrahydrocannabinol per package.</u>	430
- "Hemp product"	431
<u>"Hemp product"</u> includes cosmetics, personal care products,	432
dietary supplements or food intended for animal or human	433
consumption, cloth, cordage, fiber, fuel, paint, paper,	434
particleboard, and any other product containing one or more	435
cannabinoids derived from hemp, including cannabidiol.	436
(G) "Marihuana" has the same meaning as in section 3719.01	437
of the Revised Code.	438
(H) "Medical marijuana" has the same meaning as in section	439
3796.01 of the Revised Code.	440
(I) "Process" or "processing" means converting hemp into a	441
hemp product.	442
(J) "Delta-9 tetrahydrocannabinol" means the sum of the	443
percentage by weight of tetrahydrocannabinolic acid multiplied	444
by 0.877 plus the percentage by weight of delta-9	445
tetrahydrocannabinol.	446
(K) "University" means an institution of higher education	447
as defined in section 3345.12 of the Revised Code and a private	448
nonprofit institution with a certificate of authorization issued	449
pursuant to Chapter 1713. of the Revised Code.	450
(L) "USDA" means the United States department of	451
agriculture.	452
<u>(M) "Tetrahydrocannabinol" means naturally occurring or</u>	453
<u>synthetic equivalentents, regardless of whether artificially or</u>	454

naturally derived, of the substances contained in the plant, or 455
in the resinous extractives of cannabis, sp. or derivatives, and 456
their isomers with similar chemical structure to delta-1-cis or 457
trans tetrahydrocannabinol, and their optical isomers, salts and 458
salts of isomers. "Tetrahydrocannabinol" includes, but is not 459
limited to, delta-6-cis or trans tetrahydrocannabinol, delta3,4- 460
cis or trans tetrahydrocannabinol, 9-hexahydrocannabinol, and 461
delta-9-tetrahydrocannabinol acetate. Since nomenclature of 462
these substances is not internationally standardized, compounds 463
of these structures, regardless of numerical designation of 464
atomic positions, are included. 465

"Tetrahydrocannabinol" does not include the following: 466

(1) Tetrahydrocannabinols approved by the United States 467
food and drug administration for marketing as a medication or 468
recognized by the United States food and drug administration as 469
generally recognized as safe; 470

(2) Cannabichromene (CBC); 471

(3) Cannabicyclol (CBL); 472

(4) Cannabidiol (CBD); 473

(5) Cannabidivanol (CBDV); 474

(6) Cannabielsoin (CBE); 475

(7) Cannabigerol (CBG); 476

(8) Cannabigerovarin (CBGV); 477

(9) Cannabinol (CBN); 478

(10) Cannabivarin (CBV). 479

(N) "Total tetrahydrocannabinol" means the sum, after the 480
application of any necessary conversion factor, of the 481

percentage by weight of tetrahydrocannabinol, including delta-9 482
tetrahydrocannabinol, and the percentage by weight of 483
tetrahydrocannabinolic acid. 484

Sec. 928.03. The director of agriculture, in consultation 485
with the governor and attorney general, shall adopt rules in 486
accordance with Chapter 119. of the Revised Code establishing 487
standards and procedures for the regulation of hemp cultivation 488
and processing. The rules shall include all of the following: 489

(A) The form of an application for a hemp cultivation 490
license and hemp processing license and the information required 491
to be included in each license application; 492

(B) The amount of an initial application fee that an 493
applicant shall submit along with an application for a hemp 494
cultivation license or a hemp processing license, and the amount 495
of an annual license fee that a licensee shall submit for a hemp 496
cultivation license or a hemp processing license. In adopting 497
rules under division (B) of this section, the director shall 498
ensure both of the following: 499

(1) That the amount of the application fee and annual 500
license fee does not exceed an amount sufficient to cover the 501
costs incurred by the department of agriculture to administer 502
and enforce this chapter; 503

(2) That there is one uniform application fee and one 504
uniform annual license fee that applies to all applicants for a 505
hemp cultivation license. 506

(C) Requirements and procedures concerning background 507
investigations of each applicant for a hemp cultivation license 508
and each applicant for a hemp processing license. The director 509
shall include both of the following in the rules adopted under 510

this division:	511
(1) A requirement that each applicant comply with sections 4776.01 to 4776.04 of the Revised Code;	512 513
(2) Provisions that prohibit the director from issuing a hemp cultivation license or hemp processing license to an applicant that has not complied with those sections.	514 515 516
(D) Requirements regarding the experience, equipment, facilities, or land necessary to obtain a hemp cultivation license;	517 518 519
(E) Requirements and procedures regarding standards of financial responsibility for each applicant for a hemp processing license.	520 521 522
(F) Procedures and requirements for the issuance, renewal, denial, suspension, and revocation of a hemp cultivation license and hemp processing license, including providing for a hearing under Chapter 119. of the Revised Code with regard to such a denial, suspension, or revocation;	523 524 525 526 527
(G) Grounds for the denial, suspension, and revocation of a hemp cultivation license and of a hemp processing license, including a requirement that the director revoke a hemp cultivation license or hemp processing license, for a period of ten years, of any person who pleads guilty to or is convicted of a felony relating to a controlled substance;	528 529 530 531 532 533
(H) A requirement that the director shall not issue a hemp cultivation license or hemp processing license to any person who has pleaded guilty to or been convicted of a felony relating to a controlled substance in the ten years immediately prior to the submission of the application for a license;	534 535 536 537 538

(I) A requirement that any person that materially falsifies information in an application for a hemp cultivation license or hemp processing license is ineligible to receive either license;	539 540 541 542
(J) A practice for maintaining relevant information regarding land on which hemp is cultivated by hemp cultivation licensees, including a legal description of the land, in accordance with applicable federal law;	543 544 545 546
(K) Requirements prohibiting a hemp cultivation licensee and a hemp processing licensee from cultivating or processing marihuana;	547 548 549
(L) A procedure for testing, using post-decarboxylation or other similarly reliable methods, delta-9 <u>total</u> tetrahydrocannabinol concentration levels of plants and products for purposes of determining compliance with this chapter and rules adopted under it;	550 551 552 553 554
(M) Requirements and procedures for the issuance, administration, and enforcement of corrective action plans issued under this chapter;	555 556 557
(N) A procedure for conducting annual inspections of, at a minimum, a random sample of hemp cultivation license holders to verify that plants are not being cultivated in violation of this chapter or rules adopted under it;	558 559 560 561
(O) A procedure for conducting annual inspections of, at a minimum, a random sample of hemp processing license holders to verify that such license holders are not operating in violation of this chapter or rules adopted under it;	562 563 564 565
(P) A procedure for complying with enforcement procedures required under federal law;	566 567

(Q) A procedure for the effective disposal of all of the following:	568 569
(1) Plants, whether growing or not, cultivated in violation of this chapter or rules adopted under it;	570 571
(2) Products derived from plants cultivated in violation of this chapter or rules adopted under it;	572 573
(3) Products produced in violation of this chapter or rules adopted under it.	574 575
(R) Requirements and procedures governing the production, storage, and disposal of hemp byproducts.	576 577
For the purposes of this chapter and notwithstanding any provision of law to the contrary, "hemp product" includes a byproduct, produced as a result of processing hemp, that contains a delta-9 <u>total</u> tetrahydrocannabinol concentration of more than three-tenths per cent, provided that the byproduct is produced, stored, and disposed of in accordance with rules adopted under division (R) of this section.	578 579 580 581 582 583 584
(S) Procedures for sharing information regarding hemp cultivation license holders with the secretary of the USDA;	585 586
(T) A setback distance requirement that specifies the distance that a hemp cultivation license holder shall locate hemp plants from a location where medical marijuana is being cultivated. The requirement does not apply to a hemp cultivation license holder with regard to a medical marijuana cultivator that locates medical marijuana within the established setback distance requirement after the hemp cultivation license holder begins operation.	587 588 589 590 591 592 593 594
(U) Annual reporting requirements and procedures for hemp	595

cultivation license holders and hemp processing license holders;	596
(V) Recordkeeping and documentation maintenance	597
requirements and procedures for hemp cultivation license holders	598
and hemp processing license holders;	599
(W) Fees for the laboratory testing of plants and	600
products;	601
(X) Standards for the testing and , labeling, and	602
<u>packaging of hemp and hemp products, which shall include the</u>	603
<u>child-resistant effectiveness standards described in 16 C.F.R.</u>	604
<u>1700.15(b);</u>	605
(Y) Requirements prohibiting the processing of hemp in a	606
building used as a personal residence or on land that is zoned	607
for residential use;	608
(Z) Production standards and manufacturing practices for	609
processing hemp;	610
(AA) Procedures and requirements for the transportation	611
and storage of both hemp and hemp products;	612
(BB) Any other requirements or procedures necessary to	613
administer and enforce this chapter.	614
<u>Sec. 2953.321.</u> (A) As used in this section:	615
(1) <u>"Expunge" means to destroy, delete, and erase a record</u>	616
<u>as appropriate for the record's physical or electronic form or</u>	617
<u>characteristic so that the record is permanently irretrievable.</u>	618
(2) <u>"Official records" and "prosecutor" have the same</u>	619
<u>meanings as in section 2953.31 of the Revised Code.</u>	620
(B) <u>If a person, prior to the effective date of this</u>	621
<u>section, was convicted of or has pleaded guilty to a violation</u>	622

of division (C) (3) or (7) of section 2925.11 of the Revised Code 623
and the conduct that was the basis of the violation involved 624
possession of not more than fifteen grams of hashish and not 625
more than two and one-half ounces of marihuana other than 626
hashish, the person may file an application under this section 627
requesting an expungement of the record of conviction. 628

(C) Any person who is eligible under division (B) of this 629
section to file an application for expungement may apply to the 630
sentencing court for the expungement of the record of 631
conviction. The person may file the application at any time on 632
or after the effective date of this section. The application 633
shall do all of the following: 634

(1) Identify the applicant, the offense for which the 635
expungement is sought, the date of the conviction of or plea of 636
guilty to that offense, and the court in which the conviction 637
occurred or the plea of guilty was entered; 638

(2) Include evidence that the offense was a violation of 639
division (C) (3) or (7) of section 2925.11 of the Revised Code, 640
that the conviction or plea of guilty occurred prior to the 641
effective date of this section, and that the conduct that was 642
the basis of the violation involved possession of not more than 643
fifteen grams of hashish and not more than two and one-half 644
ounces of marihuana other than hashish; 645

(3) Include a request for expungement of the record of 646
conviction of that offense under this section. 647

(D) Upon the filing of an application under division (C) 648
of this section and the payment of the fee described in division 649
(H) of this section if applicable, the court shall set a date 650
for a hearing and shall notify the prosecutor for the case of 651

the hearing on the application. The prosecutor may object to the 652
granting of the application by filing an objection with the 653
court prior to the date set for the hearing. The prosecutor 654
shall specify in the objection the reasons for believing a 655
denial of the application is justified. The court shall direct 656
its regular probation officer, a state probation officer, or the 657
department of probation of the county in which the applicant 658
resides to make inquiries and written reports as the court 659
requires concerning the applicant. The court shall hold the 660
hearing scheduled under this division. 661

(E) At the hearing held under division (D) of this 662
section, the court shall do both of the following: 663

(1) Determine whether the applicant has, prior to the 664
effective date of this section, been convicted of or pleaded 665
guilty to a violation of division (C) (3) or (7) of section 666
2925.11 of the Revised Code and whether the conduct that was the 667
basis for the violation involved possession of not more than 668
fifteen grams of hashish and not more than two and one-half 669
ounces of marihuana other than hashish; 670

(2) If the prosecutor has filed an objection in accordance 671
with division (D) of this section, consider the reasons against 672
granting the application specified by the prosecutor in the 673
objection. 674

(F) The court shall order the expungement of all official 675
records pertaining to the case and the deletion of all index 676
references to the case and, if it does order the expungement, 677
shall send notice of the order to each public office or agency 678
that the court has reason to believe may have an official record 679
pertaining to the case if the court, after complying with 680
division (E) of this section, determines that the applicant, 681

prior to the effective date of this section, had been convicted 682
of or pleaded guilty to a violation of division (C) (3) or (7) of 683
section 2925.11 of the Revised Code and that the conduct that 684
was the basis for the violation involved possession of not more 685
than fifteen grams of hashish and not more than two and one-half 686
ounces of marihuana other than hashish. 687

(G) The proceedings in the case that is the subject of an 688
order issued under division (F) of this section shall be 689
considered not to have occurred and the conviction or guilty 690
plea of the person who is the subject of the proceedings shall 691
be expunged. The record of the conviction shall not be used for 692
any purpose, including, but not limited to, a criminal records 693
check under section 109.572 of the Revised Code. The applicant 694
may, and the court shall, reply that no record exists with 695
respect to the applicant upon any inquiry into the matter. 696

(H) Upon the filing of an application under this section, 697
the applicant, unless indigent, shall pay a fee of fifty 698
dollars. The court shall pay thirty dollars of the fee into the 699
state treasury and shall pay twenty dollars of the fee into the 700
county general revenue fund. 701

Sec. 3376.07. A state institution of higher education, 702
private college, athletic association, conference, or other 703
group or organization with authority over intercollegiate 704
athletics may prohibit a student-athlete from entering into a 705
contract providing compensation to the student-athlete for use 706
of the student-athlete's name, image, or likeness if under the 707
contract the student-athlete's name, image, or likeness is 708
associated with any of the following: 709

(A) Any company that manufactures, markets, or sells, or 710
brand that is associated with, a controlled substance, marihuana 711

product, medical marijuana product, adult-use marijuana product, 712
alcoholic product, tobacco product, electronic smoking device, 713
vapor product, or product or device that consists of or contains 714
nicotine that can be ingested into the body; 715

(B) Any medical marijuana cultivator, processor, 716
laboratory, or retail dispensary licensed under Chapter 3796. of 717
the Revised Code or under the laws of another state; 718

(C) Any business engaged in the sale, rental, or 719
exhibition for any form of consideration of adult entertainment 720
that is characterized by an emphasis on the exposure or display 721
of sexual activity; 722

(D) Any casino or entity that sponsors or promotes 723
gambling activities; 724

(E) Any other category of companies, brands, or types of 725
contracts that are similar to those described in divisions (A) 726
to (D) of this section that the institution or college 727
communicates to the student-athlete before the student-athlete 728
enrolls at the institution or college. 729

Sec. 3796.01. (A) As used in this chapter: 730

(1) "Marijuana" means marihuana as defined in section 731
3719.01 of the Revised Code. 732

(2) "Medical marijuana" means marijuana that is 733
cultivated, processed, dispensed, tested, possessed, or used for 734
a medical purpose in accordance with this chapter. "Medical 735
marijuana" does not include adult-use marijuana or homegrown 736
marijuana. 737

(3) "Academic medical center" has the same meaning as in 738
section 4731.297 of the Revised Code. 739

(4) "Drug database" means the database established and maintained by the state board of pharmacy pursuant to section 4729.75 of the Revised Code.	740 741 742
(5) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.	743 744 745
(6) "Qualifying medical condition" means any of the following:	746 747
(a) Acquired immune deficiency syndrome;	748
(b) Alzheimer's disease;	749
(c) Amyotrophic lateral sclerosis;	750
(d) Cancer;	751
(e) Chronic traumatic encephalopathy;	752
(f) Crohn's disease;	753
(g) Epilepsy or another seizure disorder;	754
(h) Fibromyalgia;	755
(i) Glaucoma;	756
(j) Hepatitis C;	757
(k) Inflammatory bowel disease;	758
(l) Multiple sclerosis;	759
(m) Pain that is either of the following:	760
(i) Chronic and severe;	761
(ii) Intractable.	762
(n) Parkinson's disease;	763

(o) Positive status for HIV;	764
(p) Post-traumatic stress disorder;	765
(q) Sickle cell anemia;	766
(r) Spinal cord disease or injury;	767
(s) Tourette's syndrome;	768
(t) Traumatic brain injury;	769
(u) Ulcerative colitis;	770
(v) Any other disease or condition added by the state medical board under section 4731.302 of the Revised Code.	771 772
(7) "State university" has the same meaning as in section 3345.011 of the Revised Code.	773 774
<u>(8) "Adult-use consumer" means an individual who is at least twenty-one years of age.</u>	775 776
<u>(9) "Adult-use marijuana" means marijuana that is cultivated, processed, dispensed, or tested for, or possessed or used by, an adult-use consumer, in accordance with this chapter. "Adult-use marijuana" includes marijuana cultivated, processed, dispensed, or tested for, or possessed or used by, an adult-use consumer before the effective date of this amendment in accordance with Chapter 3780. of the Revised Code, as that chapter existed immediately prior to the effective date of this amendment. "Adult-use marijuana" does not include medical marijuana or homegrown marijuana.</u>	777 778 779 780 781 782 783 784 785 786
<u>(10) "Church" has the meaning defined in section 1710.01 of the Revised Code.</u>	787 788
<u>(11) "Public library" means a library provided for under Chapter 3375. of the Revised Code.</u>	789 790

(12) "Public park" means a park established by the state 791
or a political subdivision of the state, including a county, 792
township, municipal corporation, or park district. 793

(13) "Public playground" means a playground established by 794
the state or a political subdivision of the state, including a 795
county, township, municipal corporation, or park district. 796

(14) "School" means a child care center as defined under 797
section 5104.01 of the Revised Code, a preschool as defined 798
under section 2950.034 of the Revised Code, or a public or 799
nonpublic primary school or secondary school. 800

(15) "Public place" has the same meaning as in section 801
3794.01 of the Revised Code. 802

(16) "Ohio investigative unit" means the investigative 803
unit maintained by the department of public safety under section 804
5502.13 of the Revised Code. 805

(17) "Homegrown marijuana" means marijuana cultivated, 806
grown, processed, or possessed by an adult-use consumer in 807
accordance with section 3796.04 of the Revised Code. "Homegrown 808
marijuana" includes marijuana cultivated, grown, processed, or 809
possessed before the effective date of this amendment under 810
former section 3780.28 of the Revised Code, as that section 811
existed immediately prior to the effective date of this 812
amendment. "Homegrown marijuana" does not include medical 813
marijuana or adult-use marijuana. 814

(18) "Provisional license" means a temporary license 815
issued to an applicant for a cultivator, processor, retail 816
dispensary, or laboratory license under this chapter or Chapter 817
3780. of the Revised Code, as that chapter existed immediately 818
before the effective date of this amendment, that establishes 819

the conditions that must be met before the provisional license 820
holder may engage in the activities authorized by section 821
3796.18, 3796.19, 3796.20, or 3796.21 of the Revised Code. 822

(19) "Certificate of operation" means a certificate issued 823
to the holder of a provisional license that authorizes the 824
recipient to engage in the activities authorized by section 825
3796.18, 3796.19, 3796.20, or 3796.21 of the Revised Code. 826

(20) (a) "Disqualifying offense" means, subject to 827
divisions (A) (20) (b) and (c) of this section, committing, 828
attempting to commit, or aiding and abetting another in 829
committing any of the following: 830

(i) Any offense set forth in Chapter 2925., 3719., or 831
4729. of the Revised Code, the violation of which constitutes a 832
felony or a misdemeanor of the first degree; 833

(ii) Any theft offense set forth under division (K) of 834
section 2913.01 of the Revised Code, the violation of which 835
constitutes a felony; 836

(iii) Any violation for which a penalty is imposed under 837
section 3715.99 of the Revised Code; 838

(iv) A crime of moral turpitude as defined in section 839
4776.10 of the Revised Code; 840

(v) A violation of any former law of this state, any 841
existing or former law of another state, any existing or former 842
law applicable in a military court or Indian tribal court, or 843
any existing or former law of any nation other than the United 844
States that is or was substantially equivalent to any of the 845
offenses listed in divisions (A) (20) (a) (i) to (iv) of this 846
section. 847

(b) "Disqualifying offense" does not include a misdemeanor offense respecting which an applicant for licensure or employment is convicted of, or pleads guilty to, more than five years before the date the application is submitted. 848
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(c) "Disqualifying offense" does not include any misdemeanor offense related to marijuana possession, marijuana trafficking, illegal cultivation of marijuana, illegal use or possession of drug paraphernalia or marijuana drug paraphernalia, or other misdemeanor marijuana-related offenses. 852
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(21) "Licensed cultivator" means the holder of a current, valid license issued pursuant to this chapter or Chapter 3780. of the Revised Code, as that chapter existed immediately before the effective date of this amendment, to engage in the activities authorized by section 3796.18 of the Revised Code. 857
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(22) "Licensed processor" means the holder of a current, valid license issued pursuant to this chapter or Chapter 3780. of the Revised Code, as that chapter existed immediately before the effective date of this amendment, to engage in the activities authorized by section 3796.19 of the Revised Code. 862
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(23) "Licensed dispensary" means the holder of a current, valid license issued pursuant to this chapter or Chapter 3780. of the Revised Code, as that chapter existed immediately before the effective date of this amendment, to engage in the activities authorized by section 3796.20 of the Revised Code. 867
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(24) "Licensed laboratory" means the holder of a current, valid license issued pursuant to this chapter or Chapter 3780. of the Revised Code, as that chapter existed immediately before the effective date of this amendment, to engage in the activities authorized by section 3796.21 of the Revised Code. 872
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(25) "License holder" means the holder of a current, valid license issued under this chapter or Chapter 3780. of the Revised Code, as that chapter existed immediately before the effective date of this amendment. 877
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(B) As used in the Revised Code, the "division of cannabis control" means the division of marijuana control and the "superintendent of cannabis control" means the superintendent of marijuana control. Whenever the division of cannabis control or the superintendent of cannabis control is referred to or designated in any statute, rule, contract, grant, or other document, the reference or designation shall be deemed to refer to the division of marijuana control or the superintendent of marijuana control, as indicated by context. 881
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(C) 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. 890
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Sec. 3796.02. There is hereby established a division of marijuana control in the department of commerce under the supervision and direction of the superintendent of marijuana control as established under section 121.04 of the Revised Code. 894
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The ~~medical~~-marijuana control program is hereby established in the division of marijuana control. The division shall provide for the licensure of ~~medical~~-marijuana cultivators, processors, retail dispensaries, and laboratories that test ~~medical~~-marijuana. The division shall also provide for the registration of patients and their caregivers. The division shall administer the ~~medical~~-marijuana control program. 898
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Sec. 3796.03. (A) The division of marijuana control shall adopt rules establishing standards and procedures for the 905
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medical-marijuana control program.	907
All rules adopted under this section shall be adopted in	908
accordance with Chapter 119. of the Revised Code.	909
(B) The rules shall do all of the following:	910
(1) Establish application procedures and fees for licenses	911
it issues under this chapter <u>licensure</u> ;	912
(2) Specify both of the following:	913
(a) The conditions that must be met to be eligible for	914
licensure;	915
(b) In accordance with section 9.79 of the Revised Code,	916
the criminal offenses for which an applicant will be	917
disqualified from licensure pursuant to that section.	918
(3) Establish, in accordance with section 3796.05 of the	919
Revised Code, the number of cultivator licenses and retail-	920
dispensary licenses that will be permitted at any one time;	921
(4) Establish a license renewal schedule, renewal	922
procedures, and renewal fees;	923
(5) Specify reasons for which a license may be suspended,	924
including without prior hearing, revoked, or not be renewed or	925
issued and the reasons for which a civil penalty may be imposed	926
on a license holder;	927
(6) Establish standards under which a license suspension	928
may be lifted;	929
(7) Establish procedures for registration of <u>medical</u>	930
<u>marijuana patients</u> and caregivers and requirements that must be	931
met to be eligible for registration;	932
(8) Establish training requirements for employees of	933

retail-licensed dispensaries;	934
(9) Specify if a cultivator, processor, retail dispensary, or laboratory that is licensed under this chapter and that existed at a location before a school, church, public library, public playground, or public park became established within five hundred feet of the cultivator, processor, retail dispensary, or laboratory, may remain in operation or shall relocate or have its license revoked by the division;	935 936 937 938 939 940 941
(10) Specify, by form and tetrahydrocannabinol content, a maximum ninety-day supply of medical marijuana that may be possessed;	942 943 944
(11) Specify the paraphernalia or other accessories that may be used in the administration to a registered patient of medical marijuana, <u>adult-use marijuana, and homegrown marijuana</u> ;	945 946 947 948
(12) Establish procedures for the issuance of patient or caregiver identification cards;	949 950
(13) Specify the forms of or methods of using <u>adult-use marijuana and medical marijuana</u> that are attractive to children;	951 952 953
(14) Specify both of the following:	954
(a) Subject to division (B) (14) (b) of this section, the criminal offenses for which a person will be disqualified from employment with a license holder;	955 956 957
(b) Which of the criminal offenses specified pursuant to division (B) (14) (a) of this section will not disqualify a person from employment with a license holder if the person was convicted of or pleaded guilty to the offense more than five	958 959 960 961

years before the date the employment begins.	962
(15) (13) Establish a program to assist <u>medical marijuana</u>	963
patients who are veterans or indigent in obtaining medical	964
marijuana in accordance with this chapter;	965
(16) (14) Establish, in accordance with section 3796.05 of	966
the Revised Code, standards and procedures for the testing of	967
<u>medical marijuana and adult-use marijuana</u> by a <u>licensed</u>	968
<u>laboratory licensed under this chapter;</u>	969
<u>(15) Establish standards and procedures for online and</u>	970
<u>mobile ordering and delivery of medical marijuana and adult-use</u>	971
<u>marijuana by a licensed dispensary or an agent of a licensed</u>	972
<u>dispensary to an adult-use consumer or registered medical</u>	973
<u>marijuana patient or caregiver, as applicable.</u>	974
(C) In addition to the rules described in division (B) of	975
this section, the division may adopt any other rules it	976
considers necessary for the program's administration and the	977
implementation and enforcement of this chapter.	978
(D) When adopting rules under this section, the division	979
shall consider standards and procedures that have been found to	980
be best practices relative to the use and regulation of medical	981
marijuana, <u>adult-use marijuana, and homegrown marijuana.</u>	982
<u>Sec. 3796.04.</u> (A) Notwithstanding any conflicting	983
<u>provision of the Revised Code, an adult-use consumer may do all</u>	984
<u>of the following:</u>	985
<u>(1) Cultivate, grow, and possess homegrown marijuana</u>	986
<u>plants at the adult-use consumer's primary residence, if all of</u>	987
<u>the following apply:</u>	988
<u>(a) Not more than six homegrown marijuana plants are</u>	989

<u>cultivated or grown by each adult-use consumer;</u>	990
<u>(b) Not more than twelve homegrown marijuana plants are</u>	991
<u>cultivated or grown at a single residence;</u>	992
<u>(c) Cultivation or growing of homegrown marijuana takes</u>	993
<u>place only within a secured closet, room, greenhouse, or other</u>	994
<u>enclosed area in or on the grounds of the residence that</u>	995
<u>prevents access by individuals under twenty-one years of age,</u>	996
<u>and which is not visible by normal unaided vision from a public</u>	997
<u>space;</u>	998
<u>(d) Cultivation or growing of homegrown marijuana does not</u>	999
<u>take place at a residence that is any of the following:</u>	1000
<u>(i) A type A family child care home or type B family child</u>	1001
<u>care home, as those terms are defined in section 5104.01 of the</u>	1002
<u>Revised Code;</u>	1003
<u>(ii) A halfway house, community transitional housing</u>	1004
<u>facility, community residential center, or other similar</u>	1005
<u>facility licensed by the division of parole and community</u>	1006
<u>services under section 2967.14 of the Revised Code;</u>	1007
<u>(iii) A residential premises occupied pursuant to a rental</u>	1008
<u>agreement that prohibits the activities otherwise authorized by</u>	1009
<u>this section.</u>	1010
<u>(2) Process homegrown marijuana by manual or mechanical</u>	1011
<u>means.</u>	1012
<u>(3) Store homegrown marijuana and adult-use marijuana at</u>	1013
<u>the adult-use consumer's primary residence.</u>	1014
<u>(4) Use homegrown marijuana grown, cultivated, and</u>	1015
<u>processed at the adult-use consumer's primary residence;</u>	1016

(5) Possess any paraphernalia or accessories that may be 1017
used in the administration of adult-use marijuana or homegrown 1018
marijuana. 1019

(B) No person shall give, sell, or transfer homegrown 1020
marijuana to any other person, with or without remuneration. 1021

(C) This section does not authorize any person to: 1022

(1) Cultivate, grow, or process homegrown marijuana except 1023
at the person's primary residence; 1024

(2) Use, cultivate, process, transfer, or transport adult- 1025
use marijuana or homegrown marijuana before reaching twenty-one 1026
years of age; 1027

(3) Process homegrown by hydrocarbon-based extraction; 1028

(4) Sell, or profit from, homegrown marijuana; 1029

(5) Cultivate, grow, or possess homegrown marijuana on 1030
behalf of another person. 1031

(D) The total amount of homegrown marijuana and adult-use 1032
marijuana possessed by an adult-use consumer shall not exceed: 1033

(1) Two and one-half ounces of plant material, excluding 1034
any seeds, live plants, or clones being cultivated, grown, or 1035
processed in accordance with this section; 1036

(2) Fifteen grams of extract. 1037

(E) Subject to divisions (B), (C), and (D) of this 1038
section, an adult-use consumer shall not be subject to arrest or 1039
criminal prosecution for cultivating, growing, possessing, 1040
processing, storing, or using homegrown marijuana, or possessing 1041
paraphernalia or accessories that may be used in the 1042
administration of adult-use or homegrown marijuana, in 1043

accordance with division (A) of this section. An adult-use 1044
consumer shall not be subject to arrest or criminal prosecution 1045
for a violation of division (A) (1) (a) or (b) of this section 1046
unless the number of homegrown marijuana plants the adult-use 1047
consumer cultivates, grows, or possesses is more than double the 1048
number of homegrown marijuana plants allowed under those 1049
divisions. 1050

(F) This section does not authorize an adult-use consumer 1051
to operate a vehicle, streetcar, trackless trolley, watercraft, 1052
or aircraft while under the influence of marijuana. 1053

Sec. 3796.05. (A) When establishing the number of 1054
cultivator licenses that will be permitted at any one time, the 1055
division of marijuana control shall consider ~~both~~ all of the 1056
following: 1057

(1) The population of this state; 1058

(2) The number of patients seeking to use medical 1059
marijuana; 1060

(3) The number of adult-use consumers seeking to use 1061
adult-use marijuana. 1062

~~(B) When establishing the number of retail dispensary~~ 1063
~~licenses that will~~ (B) (1) Not more than three hundred fifty 1064
licensed dispensaries shall be permitted to operate in this 1065
state at any one time, the division shall consider all of the 1066
following: 1067

~~(1) The population of this state;~~ 1068

~~(2) The number of patients seeking to use medical~~ 1069
~~marijuana;~~ 1070

~~(3) The geographic distribution of dispensary sites in an~~ 1071

~~effort to ensure patient access to medical marijuana.~~ 1072

(2) (a) The division may revoke a dispensary license for 1073
failure to secure a certificate of operation within eighteen 1074
months after issuance of a provisional license. 1075

(b) The holder of a provisional license may apply to the 1076
division for not more than two six-month extensions of the 1077
deadline prescribed by division (B) (2) (a) of this section. The 1078
division shall approve the extension if the provisional license 1079
holder demonstrates that the provisional license holder has made 1080
a good-faith effort to become operational. 1081

(3) When issuing retail dispensary licenses, the division 1082
of marijuana control shall ensure that the geographic 1083
distribution of dispensary sites does not result in the 1084
oversaturation of any geographic area. 1085

(4) The division shall not, on or after the effective date 1086
of this amendment, issue a retail dispensary license for, or 1087
approve the relocation of a licensed retail dispensary to, a 1088
location or facility: 1089

(a) That is within one-half mile of another licensed 1090
dispensary; 1091

(b) For which a permit has been issued under Chapter 4303. 1092
of the Revised Code to sell beer and intoxicating liquor, as 1093
those terms are defined in section 4301.01 of the Revised Code. 1094

(C) When establishing standards and procedures for the 1095
testing of medical marijuana and adult-use marijuana, the 1096
division shall do all of the following: 1097

(1) Specify when testing must be conducted; 1098

(2) Determine the minimum amount of medical marijuana or 1099

<u>adult-use marijuana</u> that must be tested;	1100
(3) Specify the manner in which testing is to be conducted	1101
in an effort to ensure uniformity of medical marijuana products	1102
processed for and dispensed to patients and <u>adult-use marijuana</u>	1103
<u>products</u> ;	1104
(4) Specify the manner in which test results are provided.	1105
Sec. 3796.06. (A) Only the following forms of medical	1106
marijuana may be dispensed under this chapter:	1107
(1) Oils;	1108
(2) Tinctures;	1109
(3) Plant material;	1110
(4) Edibles;	1111
(5) Patches;	1112
(6) Any other form approved by the division of marijuana	1113
control under section 3796.061 of the Revised Code.	1114
(B) <u>Only the following forms of adult-use marijuana may be</u>	1115
<u>dispensed under this chapter:</u>	1116
<u>(1) Any form in which medical marijuana may be dispensed;</u>	1117
<u>(2) Extracts;</u>	1118
<u>(3) Drops;</u>	1119
<u>(4) Lozenges;</u>	1120
<u>(5) Smoking or combustible products;</u>	1121
<u>(6) Vaporization products;</u>	1122
<u>(7) Beverages;</u>	1123

<u>(8) Pills;</u>	1124
<u>(9) Capsules;</u>	1125
<u>(10) Suppositories;</u>	1126
<u>(11) Oral pouches;</u>	1127
<u>(12) Oral strips;</u>	1128
<u>(13) Oral and topical sprays;</u>	1129
<u>(14) Salves;</u>	1130
<u>(15) Lotions or similar cosmetic products;</u>	1131
<u>(16) Inhalers;</u>	1132
<u>(17) Seeds;</u>	1133
<u>(18) Live plants;</u>	1134
<u>(19) Clones;</u>	1135
<u>(20) Pre-rolled products.</u>	1136
<u>(C) With respect to the methods of using medical</u>	1137
<u>marijuana, adult-use marijuana, and homegrown marijuana, all of</u>	1138
<u>the following apply:</u>	1139
<u>(1) The smoking or combustion of medical marijuana is</u>	1140
<u>prohibited.</u>	1141
<u>(2) The <u>smoking, combustion, and vaporization of adult-use</u></u>	1142
<u>marijuana and homegrown marijuana, and the <u>vaporization of</u></u>	1143
<u>medical marijuana, is permitted <u>only on privately owned real</u></u>	1144
<u>property that is used primarily for residential or agricultural</u>	1145
<u>purposes, including any dwellings, facilities, improvements, and</u>	1146
<u>appurtenances on such real property.</u>	1147
<u>(3) No person shall smoke, combust, or vaporize marijuana</u>	1148

in any of the following: 1149

(a) A type A family child care home or type B family child care home, as those terms are defined in section 5104.01 of the Revised Code; 1150
1151
1152

(b) A halfway house, community transitional housing facility, community residential center, or other similar facility licensed by the division of parole and community services under section 2967.14 of the Revised Code; 1153
1154
1155
1156

(c) A residential premises occupied pursuant to a rental agreement that prohibits smoking, combustion, or vaporization of marijuana; 1157
1158
1159

(d) A public place or place of employment, as those terms are defined in section 3794.01 of the Revised Code. 1160
1161

(3) The division may approve additional methods of using medical marijuana, other than smoking or combustion, under section 3796.061 of the Revised Code. 1162
1163
1164

~~(C)~~ (D) (1) Any form or method of using adult-use marijuana or medical marijuana that is considered attractive to children, as specified in rules adopted by the division, is prohibited. 1165
1166
1167

(2) Adult-use marijuana and medical marijuana shall not be dispensed or sold in a form or shape that bears the likeness or contains the characteristics of a realistic or fictional human, animal, or fruit, including artistic, caricature, or cartoon renderings. 1168
1169
1170
1171
1172

~~(D) With respect to tetrahydrocannabinol content, all of the following apply:~~ 1173
1174

~~(1) Plant material shall have a~~ (E) (1) The 1175
tetrahydrocannabinol content of medical marijuana dispensed or 1176

sold to patients or caregivers shall not ~~more than thirty-five~~ 1177
exceed: 1178

(a) Thirty-five per cent for plant material; 1179

(b) Seventy per cent for extracts. 1180

(2) ~~Extracts shall have a~~ The tetrahydrocannabinol content 1181
of adult-use marijuana dispensed or sold to adult-use consumers 1182
shall not ~~more than seventy~~ exceed: 1183

(a) Thirty-five per cent for plant material; 1184

(b) Seventy per cent for extracts. 1185

(F) No person shall knowingly give, sell, or distribute 1186
adult-use marijuana or homegrown marijuana to a person under 1187
twenty-one years of age. 1188

(G) No person under the age of twenty one shall knowingly 1189
purchase, use, or possess adult-use marijuana or homegrown 1190
marijuana. 1191

Sec. 3796.062. (A) No person shall transport marijuana 1192
other than adult-use marijuana, medical marijuana, or homegrown 1193
marijuana in a motor vehicle. 1194

(B) No person shall transport adult-use marijuana or 1195
medical marijuana in a motor vehicle unless either or both of 1196
the following apply: 1197

(1) The adult-use marijuana or medical marijuana is in the 1198
original, unopened packaging in which it was dispensed or sold; 1199

(2) The adult-use marijuana or medical marijuana is stored 1200
in the trunk of the motor vehicle or, if the motor vehicle does 1201
not have a trunk, behind the last upright seat of the motor 1202
vehicle or in an area not normally occupied by the driver or 1203

passengers and not easily accessible by the driver. 1204

(C) No person shall transport homegrown marijuana in a 1205
motor vehicle unless the homegrown marijuana is stored in the 1206
trunk of the motor vehicle or, if the motor vehicle does not 1207
have a trunk, behind the last upright seat of the motor vehicle 1208
or in an area not normally occupied by the driver or passengers 1209
and not easily accessible by the driver. 1210

(D) No person shall transport marijuana paraphernalia in a 1211
motor vehicle unless either or both of the following apply: 1212

(1) The marijuana paraphernalia is in the original, 1213
unopened packaging in which it was dispensed or sold; 1214

(2) The marijuana paraphernalia is stored in the trunk of 1215
the motor vehicle or, if the motor vehicle does not have a 1216
trunk, behind the last upright seat of the motor vehicle or in 1217
an area not normally occupied by the driver or passengers and 1218
not easily accessible by the driver. 1219

Sec. 3796.07. The ~~department of commerce~~ division of 1220
marijuana control shall establish and maintain an electronic 1221
database to monitor medical marijuana from its seed source 1222
through its cultivation, processing, testing, and dispensing. 1223
The ~~department~~ division may contract with a separate entity to 1224
establish and maintain all or any part of the electronic 1225
database on behalf of the department. 1226

The electronic database shall allow for information 1227
regarding medical marijuana to be updated instantaneously. ~~Any~~ 1228
~~cultivator, processor, retail dispensary, or laboratory licensed~~ 1229
~~under this chapter~~ A license holder shall submit to the 1230
~~department~~ division any information the ~~department~~ division 1231
determines is necessary for maintaining the electronic database. 1232

Information reported or collected under this section, 1233
including all data contained in the electronic database, is 1234
confidential and is not a public record for the purposes of 1235
section 149.43 of the Revised Code. The ~~department~~ division and 1236
any entity under contract with the ~~department~~ division shall not 1237
make public any information reported to or collected by the 1238
~~department~~ division under this ~~division~~ section that identifies 1239
or would tend to identify any specific patient. Information or 1240
data that does not identify a specific patient may be released 1241
in summary, statistical, or aggregate form. 1242

Sec. 3796.09. (A) An entity that seeks to cultivate ~~or,~~ 1243
process ~~medical marijuana,~~ or to conduct laboratory testing of 1244
medical marijuana and adult-use marijuana shall file an 1245
application for licensure with the ~~department~~ division of 1246
~~commerce~~ marijuana control. The entity shall file an application 1247
for each location from which it seeks to operate. Each 1248
application shall be submitted in accordance with rules adopted 1249
under section 3796.03 of the Revised Code. 1250

(B) The division shall evaluate and prioritize 1251
applications for licensure under this section according to the 1252
applicant's eligibility, suitability, and ability to operate. 1253

(C) The ~~department~~ division shall not issue a license to 1254
an applicant ~~if unless~~ all of the following ~~conditions~~ 1255
eligibility requirements are met: 1256

(1) The report of the criminal records check conducted 1257
pursuant to section 3796.12 of the Revised Code with respect to 1258
the application demonstrates that the person subject to the 1259
criminal records check requirement has not been convicted of or 1260
pleaded guilty to ~~any of the a~~ disqualifying offenses specified 1261
~~in rules adopted under section 9.79 and division (B) (2) (b) of~~ 1262

section 3796.03 of the Revised Code <u>offense.</u>	1263
(2) The <u>If the application is for a cultivator or</u>	1264
<u>processor license, the applicant demonstrates that it does not</u>	1265
<u>none of its current or prospective owners, officers, board</u>	1266
<u>members, administrators, employees, agents, or affiliates who</u>	1267
<u>may significantly influence or control the applicant's</u>	1268
<u>activities</u> have an ownership or investment interest in or	1269
compensation arrangement with any <u>either</u> of the following:	1270
(a) A <u>licensed</u> laboratory licensed under this chapter;	1271
(b) An applicant for a license to conduct laboratory	1272
testing.	1273
(3) The <u>If the application is for a cultivator or</u>	1274
<u>processor license, the applicant demonstrates that it does not</u>	1275
<u>none of its current or prospective owners, officers, board</u>	1276
<u>members, administrators, employees, agents, or affiliates who</u>	1277
<u>may significantly influence or control the applicant's</u>	1278
<u>activities</u> share any corporate officers or employees with any	1279
<u>either</u> of the following:	1280
(a) A <u>licensed</u> laboratory licensed under this chapter;	1281
(b) An applicant for a license to conduct laboratory	1282
testing.	1283
(4) The applicant demonstrates that it will not be located	1284
within five hundred feet of a school, church, public library,	1285
public playground, or public park.	1286
(5) The information provided to the department <u>division</u>	1287
pursuant to section 3796.11 of the Revised Code demonstrates	1288
that the applicant is in compliance with the applicable tax laws	1289
of this state.	1290

<u>(6) The applicant demonstrates sufficient liquid capital</u>	1291
<u>and ability to meet financial responsibility requirements;</u>	1292
<u>(7) The applicant demonstrates that the municipal</u>	1293
<u>corporation or township in which it will be located has not</u>	1294
<u>passed a moratorium or taken any other action that would</u>	1295
<u>prohibit the applicant from operating there;</u>	1296
<u>(8) The application does not contain false, misleading, or</u>	1297
<u>deceptive information and does not omit material information;</u>	1298
<u>(9) The applicant pays any fee required by the division;</u>	1299
<u>(10) The applicant meets all other licensure eligibility</u>	1300
<u>conditions established in rules adopted under section 3796.03 of</u>	1301
<u>the Revised Code.</u>	1302
(C) <u>(D) If the number of eligible applicants exceed the</u>	1303
<u>number of available licenses, the division shall use an</u>	1304
<u>impartial and evidence-based process to rank the eligible</u>	1305
<u>applicants. The ranking process shall take into account all of</u>	1306
<u>the following:</u>	1307
<u>(1) The applicant's business plan;</u>	1308
<u>(2) The applicant's operations plan;</u>	1309
<u>(3) The applicant's security plan;</u>	1310
<u>(4) The applicant's financial plan;</u>	1311
<u>(5) The applicant's principal place of business;</u>	1312
<u>(6) The proposed location of the cultivation, processing,</u>	1313
<u>or laboratory facility;</u>	1314
<u>(7) The applicant's plan for generating job and economic</u>	1315
<u>development in this state;</u>	1316

<u>(8) The applicant's environmental plan;</u>	1317
<u>(9) Employment practices, including any plans to inform, hire, or educate residents of the state, veterans, disabled persons, women, or minorities;</u>	1318 1319 1320
<u>(10) The criminal records of all persons subject to the criminal records check requirement;</u>	1321 1322
<u>(11) The civil and administrative history of the applicant and persons associated with the applicant;</u>	1323 1324
<u>(12) Any other eligibility, suitability, or operations-based determination specified in this chapter or rules adopted by the division thereunder.</u>	1325 1326 1327
<u>(E) (1) If the division uses a lottery system to issue licenses under this section, the applicants shall be grouped into the following distinct categories:</u>	1328 1329 1330
<u>(a) Highly exceeds;</u>	1331
<u>(b) Exceeds;</u>	1332
<u>(c) Meets;</u>	1333
<u>(d) Does not meet.</u>	1334
<u>(2) The division shall group the applicants such that the number of applicants in each of the highly exceeds, exceeds, and meets categories is roughly equal, unless doing so is not possible while conforming to an impartial and evidence-based process. Applicants that do not meet the eligibility requirements prescribed by division (C) of this section shall be placed in the does not meet category.</u>	1335 1336 1337 1338 1339 1340 1341
<u>(3) In conducting the lottery, the division shall give applicants in the exceeds category double odds of being selected</u>	1342 1343

as compared to applicants in the meets category. The division 1344
shall give applicants in the highly exceeds category double the 1345
odds of being selected as compared to applicants in the exceeds 1346
category. An applicant grouped in the does not meet category is 1347
ineligible for licensure. 1348

(F) The ~~department~~ division shall issue not less than 1349
fifteen per cent of cultivator, processor, or laboratory 1350
licenses to entities that are owned and controlled by United 1351
States citizens who are residents of this state and are members 1352
of one of the following economically disadvantaged groups: 1353
Blacks or African Americans, American Indians, Hispanics or 1354
Latinos, and Asians. If no applications or an insufficient 1355
number of applications are submitted by such entities that meet 1356
the conditions set forth in division (B) of this section, the 1357
licenses shall be issued according to usual procedures. 1358

As used in this division, "owned and controlled" means 1359
that at least fifty-one per cent of the business, including 1360
corporate stock if a corporation, is owned by persons who belong 1361
to one or more of the groups set forth in this division, and 1362
that those owners have control over the management and day-to- 1363
day operations of the business and an interest in the capital, 1364
assets, and profits and losses of the business proportionate to 1365
their percentage of ownership. 1366

~~(D)~~ (G) A license expires according to the renewal 1367
schedule established in rules adopted under section 3796.03 of 1368
the Revised Code and may be renewed in accordance with the 1369
procedures established in those rules. Applications for renewal 1370
are not subject to the evaluation, prioritization, ranking, and 1371
lottery provisions in divisions (B), (D), and (E) of this 1372
section. The division shall not deny an application for renewal 1373

based solely on the location of the applicant's existing 1374
facility in proximity to other license holders. 1375

(H) A provisional license issued under this section is not 1376
transferable. 1377

Sec. 3796.10. (A) An entity that seeks to dispense at 1378
retail medical marijuana and adult-use marijuana shall file an 1379
application for licensure with the division of marijuana 1380
control. The entity shall file an application for each location 1381
from which it seeks to operate. Each application shall be 1382
submitted in accordance with rules adopted under section 3796.03 1383
of the Revised Code. 1384

(B) The division shall evaluate and prioritize 1385
applications for licensure under this section according to the 1386
applicant's eligibility, suitability, and ability to operate. 1387

(C) The division shall not issue a license to an applicant 1388
if—unless all of the following conditions are met: 1389

(1) The report of the criminal records check conducted 1390
pursuant to section 3796.12 of the Revised Code with respect to 1391
the application demonstrates that the person subject to the 1392
criminal records check requirement has not been convicted of or 1393
pleaded guilty to any of the a disqualifying offenses specified 1394
in rules adopted under section 9.79 and division (B) (2) (b) of 1395
section 3796.03 of the Revised Codeoffense. 1396

(2) The applicant demonstrates that it does not none of 1397
its current or prospective owners, officers, board members, 1398
administrators, employees, agents, or affiliates who may 1399
significantly influence or control the applicant's activities 1400
have an ownership or investment interest in or compensation 1401
arrangement with any either of the following: 1402

(a) A <u>licensed</u> laboratory licensed under this chapter;	1403
(b) An applicant for a license to conduct laboratory testing.	1404 1405
(3) The applicant demonstrates that it does not <u>none of its current or prospective owners, officers, board members, administrators, employees, agents, or affiliates who may significantly influence or control the applicant's activities share any corporate officers or employees with any <u>either</u> of the following:</u>	1406 1407 1408 1409 1410 1411
(a) A <u>licensed</u> laboratory licensed under this chapter;	1412
(b) An applicant for a license to conduct laboratory testing.	1413 1414
(4) The applicant demonstrates that it will not be located within five hundred feet of a school, church, public library, public playground, or public park.	1415 1416 1417
(5) <u>The applicant demonstrates that the proposed location or facility is not either of the following:</u>	1418 1419
(a) <u>Located within one-half mile of another licensed dispensary;</u>	1420 1421
(b) <u>Issued a permit under Chapter 4303. of the Revised Code to sell beer and intoxicating liquor, as those terms are defined in section 4301.01 of the Revised Code.</u>	1422 1423 1424
(6) <u>The information provided to the division pursuant to section 3796.11 of the Revised Code demonstrates that the applicant is in compliance with the applicable tax laws of this state.</u>	1425 1426 1427 1428
(6) <u>(7) The applicant demonstrates sufficient liquid</u>	1429

<u>capital and ability to meet financial responsibility</u>	1430
<u>requirements;</u>	1431
<u>(8) The applicant demonstrates that the municipal</u>	1432
<u>corporation or township in which it will be located has not</u>	1433
<u>passed a moratorium or taken any other action that would</u>	1434
<u>prohibit the applicant from operating there;</u>	1435
<u>(9) The application does not contain false, misleading, or</u>	1436
<u>deceptive information and does not omit material information;</u>	1437
<u>(10) The applicant pays any fee required by the division;</u>	1438
<u>(11) The applicant meets all other licensure eligibility</u>	1439
<u>conditions established in rules adopted under section 3796.03 of</u>	1440
<u>the Revised Code.</u>	1441
<u>(C)-(D) If the number of eligible applicants exceed the</u>	1442
<u>number of available licenses, the division shall use an</u>	1443
<u>impartial and evidence-based process to rank the eligible</u>	1444
<u>applicants. The ranking process shall take into account all of</u>	1445
<u>the following:</u>	1446
<u>(1) The applicant's business plan;</u>	1447
<u>(2) The applicant's operations plan;</u>	1448
<u>(3) The applicant's security plan;</u>	1449
<u>(4) The applicant's financial plan;</u>	1450
<u>(5) The applicant's principal place of business;</u>	1451
<u>(6) The proposed location of the cultivation, processing,</u>	1452
<u>or laboratory facility;</u>	1453
<u>(7) The applicant's plan for generating job and economic</u>	1454
<u>development in this state;</u>	1455

<u>(8) The applicant's environmental plan;</u>	1456
<u>(9) Employment practices, including any plans to inform, hire, or educate residents of the state, veterans, disabled persons, women, or minorities;</u>	1457 1458 1459
<u>(10) The criminal records of all persons subject to the criminal records check requirement;</u>	1460 1461
<u>(11) The civil and administrative history of the applicant and persons associated with the applicant;</u>	1462 1463
<u>(12) Any other eligibility, suitability, or operations-based determination specified in this chapter or rules adopted by the division thereunder.</u>	1464 1465 1466
<u>(E) (1) If the division uses a lottery system to issue licenses under this section, the applicants shall be grouped into the following distinct categories:</u>	1467 1468 1469
<u>(a) Highly exceeds;</u>	1470
<u>(b) Exceeds;</u>	1471
<u>(c) Meets;</u>	1472
<u>(d) Does not meet.</u>	1473
<u>(2) The division shall group the applicants such that the number of applicants in each of the highly exceeds, exceeds, and meets categories is roughly equal, unless doing so is not possible while conforming to an impartial and evidence-based process. Applicants that do not meet the eligibility requirements prescribed by division (C) of this section shall be placed in the does not meet category.</u>	1474 1475 1476 1477 1478 1479 1480
<u>(3) In conducting the lottery, the division shall give applicants in the exceeds category double the odds of being</u>	1481 1482

selected as compared to applicants in the meets category. The 1483
division shall give applicants in the highly exceeds category 1484
double the odds of being selected as compared to applicants in 1485
the exceeds category. An applicant grouped in the does not meet 1486
category is ineligible for licensure. 1487

(F) The division shall issue not less than fifteen per 1488
cent of retail dispensary licenses to entities that are owned 1489
and controlled by United States citizens who are residents of 1490
this state and are members of one of the following economically 1491
disadvantaged groups: Blacks or African Americans, American 1492
Indians, Hispanics or Latinos, and Asians. If no applications or 1493
an insufficient number of applications are submitted by such 1494
entities that meet the conditions set forth in division (B) of 1495
this section, the licenses shall be issued according to usual 1496
procedures. 1497

As used in this division, "owned and controlled" means 1498
that at least fifty-one per cent of the business, including 1499
corporate stock if a corporation, is owned by persons who belong 1500
to one or more of the groups set forth in this division, and 1501
that those owners have control over the management and day-to- 1502
day operations of the business and an interest in the capital, 1503
assets, and profits and losses of the business proportionate to 1504
their percentage of ownership. 1505

~~(D)~~(G) A license expires according to the renewal 1506
schedule established in rules adopted under section 3796.03 of 1507
the Revised Code and may be renewed in accordance with the 1508
procedures established in those rules. Applications for renewal 1509
are not subject to the evaluation, prioritization, ranking, and 1510
lottery provisions in divisions (B), (D), and (E) of this 1511
section. The division shall not deny an application for renewal 1512

based solely on the location of the applicant's existing 1513
dispensary facility in proximity to other license holders. 1514

(H) A provisional license issued under this section is not 1515
transferable. 1516

Sec. 3796.12. (A) As used in this section, "criminal 1517
records check" has the same meaning as in section 109.572 of the 1518
Revised Code. 1519

(B) (1) As part of the application process for a license 1520
issued under this chapter, the division of marijuana control 1521
shall require each of the following to complete a criminal 1522
records check: 1523

(a) An administrator or other person responsible for the 1524
daily operation of the entity seeking the license; 1525

(b) An owner or prospective owner, officer or prospective 1526
officer, or board member or prospective board member of the 1527
entity seeking the license. 1528

(2) If a person subject to the criminal records check 1529
requirement does not present proof of having been a resident of 1530
this state for the five-year period immediately prior to the 1531
date the criminal records check is requested or provide evidence 1532
that within that five-year period the superintendent of the 1533
bureau of criminal identification and investigation has 1534
requested information about the person from the federal bureau 1535
of investigation in a criminal records check, the division shall 1536
request that the person obtain through the superintendent a 1537
criminal records request from the federal bureau of 1538
investigation as part of the criminal records check of the 1539
person. Even if a person presents proof of having been a 1540
resident of this state for the five-year period, the division 1541

may request that the person obtain information through the 1542
superintendent from the federal bureau of investigation in the 1543
criminal records check. 1544

(C) The division shall provide the following to each 1545
person who is subject to the criminal records check requirement: 1546

(1) Information about accessing, completing, and 1547
forwarding to the superintendent of the bureau of criminal 1548
identification and investigation the form prescribed pursuant to 1549
division (C) (1) of section 109.572 of the Revised Code and the 1550
standard impression sheet to obtain fingerprint impressions 1551
prescribed pursuant to division (C) (2) of that section; 1552

(2) Written notification that the person is to instruct 1553
the superintendent to submit the completed report of the 1554
criminal records check directly to the division. 1555

(D) Each person who is subject to the criminal records 1556
check requirement shall pay to the bureau of criminal 1557
identification and investigation the fee prescribed pursuant to 1558
division (C) (3) of section 109.572 of the Revised Code for the 1559
criminal records check conducted of the person. 1560

(E) The report of any criminal records check conducted by 1561
the bureau of criminal identification and investigation in 1562
accordance with section 109.572 of the Revised Code and pursuant 1563
to a request made under this section is not a public record for 1564
the purposes of section 149.43 of the Revised Code and shall not 1565
be made available to any person other than the following: 1566

(1) The person who is the subject of the criminal records 1567
check or the person's representative; 1568

(2) The members and staff of the division; 1569

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

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

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

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

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

(2) Instruct the superintendent to submit the completed report of the criminal records check directly to the division.

Sec. 3796.13. ~~(A)~~ Each person seeking employment with an ~~entity licensed under this chapter~~ license holder shall comply with sections 4776.01 to 4776.04 of the Revised Code. Except as provided in division (B) of this section, such an entity shall not employ the person unless the person has submitted a criminal records check under those sections. The license holder shall not employ the person unless the report of the resulting criminal records check ~~shall demonstrate~~ demonstrates that the person has not been convicted of or pleaded guilty to any ~~of the~~ disqualifying ~~offenses specified in rules adopted under division (B) (14) (a) of section 3796.03 of the Revised Code if the person~~

~~is seeking employment with an entity licensed by the division of marijuana control under this chapter~~offense. 1599
1600

~~(B) An entity is not prohibited by division (A) of this section from employing a person if the disqualifying offense the person was convicted of or pleaded guilty to is one of the offenses specified in rules adopted under division (B) (14) (b) of section 3796.03 of the Revised Code and the person was convicted of or pleaded guilty to the offense more than five years before the date the employment begins.~~ 1601
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Sec. 3796.14. (A) The division of marijuana control may do any of the following for any reason specified in rules adopted under section 3796.03 of the Revised Code: 1608
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(1) Suspend, suspend without prior hearing, revoke, or refuse to renew a license or registration it issued under this chapter or a license or a registration the state board of pharmacy issued prior to the transfer of regulatory authority over the medical marijuana control program to the ~~division~~Chapter 3780. of the Revised Code, as that chapter existed immediately before the effective date of this amendment; 1611
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(2) Refuse to issue a license; 1618

(3) Impose on a license holder a civil penalty in an amount to be determined by the division. 1619
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(4) ~~With respect to a suspension of a retail dispensary license without prior hearing, the division may utilize a telephone conference call to review the allegations and take a vote.~~The division shall suspend a dispensary license without prior hearing only if it finds clear and convincing evidence that continued distribution of medical marijuana and adult-use marijuana by the license holder presents a danger of immediate 1621
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and serious harm to others. The suspension shall remain in 1628
effect, unless lifted by the division, until the division issues 1629
its final adjudication order. If the division does not issue the 1630
order within ninety days after the adjudication hearing, the 1631
suspension shall be lifted on the ninety-first day following the 1632
hearing. 1633

The division's actions under division (A) of this section 1634
shall be taken in accordance with Chapter 119. of the Revised 1635
Code. 1636

(B) ~~The~~ Subject to division (E) of this section, the 1637
division and the Ohio investigative unit may inspect all of the 1638
following for any reason specified in rules adopted under 1639
section 3796.03 of the Revised Code without prior notice to the 1640
applicant or license holder: 1641

(1) The premises of a license holder or an applicant for 1642
~~licensure or holder of a current, valid cultivator, processor,~~ 1643
~~retail dispensary, or laboratory license issued under this~~ 1644
chapter; 1645

(2) All records maintained pursuant to this chapter by a 1646
license holder ~~of a current license.~~ 1647

(C) Whenever it appears to the division, from its files, 1648
upon complaint, or otherwise, or to the Ohio investigative unit, 1649
from an inspection or investigation authorized by this section, 1650
that any person or entity has engaged in, is engaged in, or is 1651
about to engage in any practice declared to be illegal or 1652
prohibited by this chapter or the rules adopted under this 1653
chapter, or when the division believes it to be in the best 1654
interest of the public, adult-use consumers, or medical 1655
marijuana patients, the division may do any of the following: 1656

(1) Investigate the person or entity as authorized 1657
pursuant to this chapter or the rules adopted under this 1658
chapter; 1659

(2) Issue subpoenas to any person or entity for the 1660
purpose of compelling either of the following: 1661

(a) The attendance and testimony of witnesses; 1662

(b) The production of books, accounts, papers, records, or 1663
documents. 1664

(D) If a person or entity fails to comply with any order 1665
of the division or the unit or a subpoena issued by the division 1666
or the unit pursuant to this section, a judge of the court of 1667
common pleas of the county in which the person resides or the 1668
entity may be served, on application of the division or the 1669
unit, shall compel obedience by attachment proceedings as for 1670
contempt, as in the case of disobedience with respect to the 1671
requirements of a subpoena issued from such court or a refusal 1672
to testify in such court. 1673

(E) The Ohio investigative unit shall not inspect or 1674
investigate the premises of any person under this section unless 1675
one or both of the following apply: 1676

(1) The person inspected or investigated is a license 1677
holder. 1678

(2) The unit is invited by local law enforcement having 1679
jurisdiction over the person inspected or investigated. 1680

Sec. 3796.15. (A) The division of marijuana control and 1681
the Ohio investigative unit shall enforce this chapter, or cause 1682
it to be enforced. ~~If~~ Subject to division (E) of section 3796.14 1683
of the Revised Code, if the division or the unit has information 1684

that this chapter or any rule adopted under this chapter has 1685
been violated, it shall investigate the matter and take any 1686
action as it considers appropriate. 1687

~~(B) Nothing in this chapter shall be construed to require 1688
the division to enforce minor violations if the division 1689
determines that the public interest is adequately served by a 1690
notice or warning to the alleged offender. 1691~~

~~(C) If the division suspends, revokes, or refuses to renew 1692
any license or registration issued under this chapter or Chapter 1693
3780. of the Revised Code, as that chapter existed immediately 1694
before the effective date of this amendment, and determines that 1695
there is clear and convincing evidence of a danger of immediate 1696
and serious harm to any person, the division may place under 1697
seal all medical marijuana, adult-use marijuana, and homegrown 1698
marijuana owned by or in the possession, custody, or control of 1699
the affected license holder or registrant. Except as provided in 1700
this division, the division of marijuana control shall not 1701
dispose of the medical marijuana, adult-use marijuana, or 1702
homegrown marijuana sealed under this division until the license 1703
holder or registrant exhausts all of the holder's or 1704
registrant's appeal rights under Chapter 119. of the Revised 1705
Code. The court involved in such an appeal may order the 1706
division, during the pendency of the appeal, to sell medical 1707
marijuana or adult-use marijuana that is perishable. The 1708
division shall deposit the proceeds of the sale with the court. 1709~~

Sec. 3796.17. The division of marijuana control shall 1710
establish a toll-free telephone line to respond to inquiries 1711
from adult-use consumers, medical marijuana patients, 1712
caregivers, and health professionals regarding adverse reactions 1713
to ~~medical~~ marijuana and to provide information about available 1714

services and assistance. The division may contract with a 1715
separate entity to establish and maintain the telephone line on 1716
behalf of the division. 1717

Sec. 3796.18. ~~(A)~~(A) (1) Notwithstanding any conflicting 1718
provision of the Revised Code and except as provided in division 1719
(B) of this section, a licensed cultivator, including the holder 1720
of a current, valid cultivator license issued under this chapter 1721
before the effective date of this amendment, may do either any 1722
of the following: 1723

~~(1)~~(a) Cultivate medical marijuana and adult-use 1724
marijuana; 1725

~~(2)~~(b) Deliver or sell medical marijuana and adult-use 1726
marijuana to one or more licensed processors other license 1727
holders; 1728

(c) Acquire seeds, clones, plants, and other genetic 1729
material. 1730

(2) A licensed cultivator engaging in the activities 1731
authorized by this chapter shall do so respecting both medical 1732
marijuana and adult-use marijuana. 1733

(B) A licensed cultivator license holder shall not 1734
cultivate medical marijuana or adult-use marijuana for personal, 1735
family, or household use or on any public land, including a 1736
state park as defined in section 154.01 of the Revised Code. 1737

(C) A licensed cultivator shall identify, package, and 1738
label all medical marijuana and adult-use marijuana products in 1739
accordance with this chapter and any rules adopted thereunder 1740
before delivering or selling the products to a licensed 1741
processor or licensed dispensary. 1742

(D) The division of marijuana control shall issue the 1743
following types of cultivation licenses: 1744

(1) A level I cultivator license that authorizes the 1745
license holder to operate a cultivation area specified by the 1746
division, not to exceed one hundred thousand square feet; 1747

(2) A level II cultivator license that authorizes the 1748
license holder to operate a cultivation area specified by the 1749
division, not to exceed fifteen thousand square feet. 1750

(E) A licensed cultivator may request and receive one or 1751
more expansions to the cultivator's cultivation area, subject to 1752
the approval of the division, so long as the resulting total 1753
cultivation area, including all expansions, does not exceed the 1754
applicable maximum cultivation area prescribed by division (D) 1755
of this section. 1756

Sec. 3796.19. ~~(A)~~(A) (1) Notwithstanding any conflicting 1757
provision of the Revised Code, a licensed processor, including 1758
the holder of a current, valid processor license issued under 1759
this chapter before the effective date of this amendment, may do 1760
any of the following: 1761

~~(1)~~(a) Obtain medical marijuana and adult-use marijuana 1762
from ~~one or more licensed cultivators~~ other license holders; 1763

~~(2)~~(b) Subject to division (B) of this section, process 1764
medical marijuana ~~obtained from one or more licensed cultivators~~ 1765
and adult-use marijuana into a form described in section 3796.06 1766
of the Revised Code; 1767

~~(3)~~(c) Deliver, transfer, or sell processed medical 1768
marijuana and adult-use marijuana to ~~one or more licensed retail~~ 1769
dispensaries other license holders. 1770

(2) A licensed processor engaging in the activities 1771
authorized by this chapter shall do so respecting both medical 1772
marijuana and adult-use marijuana. 1773

(B) ~~When processing medical marijuana, a~~ A licensed 1774
processor shall do ~~both~~ all of the following before delivering 1775
or selling medical marijuana or adult-use marijuana to a 1776
licensed retail dispensary: 1777

(1) Package the medical marijuana or adult-use marijuana 1778
in accordance with child-resistant effectiveness standards 1779
described in 16 C.F.R. 1700.15(b) on September 8, 2016; 1780

(2) Label the ~~medical marijuana~~ packaging with the 1781
product's tetrahydrocannabinol and cannabidiol content; 1782

(3) Comply with any packaging or labeling requirements 1783
established in rules adopted by the division of marijuana 1784
control under ~~section~~ sections 3796.03 and 3796.32 of the 1785
Revised Code. 1786

Sec. 3796.20. ~~(A)~~ (A) (1) Notwithstanding any conflicting 1787
provision of the Revised Code, a licensed dispensary, including 1788
the holder of a current, valid retail dispensary license issued 1789
under this chapter, ~~or previously issued by the state board of~~ 1790
~~pharmacy,~~ before the effective date of this amendment, may do 1791
~~both~~ any of the following: 1792

~~(1)~~ (a) Obtain medical marijuana and adult-use marijuana 1793
from ~~one or more processors~~ other license holders; 1794

~~(2)~~ (b) Dispense or sell medical marijuana in accordance 1795
with division (B) of this section; 1796

(c) Dispense or sell adult-use marijuana in accordance 1797
with division (C) of this section; 1798

<u>(d) Sell paraphernalia that may be used in the</u>	1799
<u>administration of adult-use marijuana or medical marijuana as</u>	1800
<u>specified in rules adopted under section 3796.03 of the Revised</u>	1801
<u>Code;</u>	1802
<u>(e) Provide delivery of adult-use marijuana and medical</u>	1803
<u>marijuana in accordance with the rules adopted under section</u>	1804
<u>3796.03 of the Revised Code.</u>	1805
<u>(2) A licensed dispensary engaged in the activities</u>	1806
<u>authorized by this chapter shall do so respecting both medical</u>	1807
<u>marijuana and adult-use marijuana.</u>	1808
(B) When dispensing or selling medical marijuana, a	1809
licensed retail -dispensary shall do all of the following:	1810
(1) Dispense or sell only upon a showing of a current,	1811
valid, <u>government-issued</u> identification card and in accordance	1812
with a written recommendation issued by a physician holding a	1813
certificate to recommend issued by the state medical board under	1814
section 4731.30 of the Revised Code;	1815
(2) Report to the drug database the information required	1816
by section 4729.771 of the Revised Code;	1817
(3) Label the package containing medical marijuana with	1818
the following information:	1819
(a) The name and address of the licensed processor and	1820
retail dispensary;	1821
(b) The name of the patient and caregiver, if any;	1822
(c) The name of the physician who recommended treatment	1823
with medical marijuana;	1824
(d) The directions for use, if any, as recommended by the	1825

physician; 1826

(e) The date on which the medical marijuana was dispensed; 1827

(f) The quantity, strength, kind, or form of medical 1828
marijuana contained in the package. 1829

(4) Maintain an adequate supply of medical marijuana 1830
products to meet typical patient demand for those products. 1831

(C) When dispensing or selling adult-use marijuana, a 1832
licensed retail dispensary shall do all of the following: 1833

(1) Dispense or sell adult-use marijuana only to adult-use 1834
consumers who present a current, valid, government-issued 1835
identification card demonstrating proof that the adult-use 1836
consumer is twenty-one years of age or older; 1837

(2) Dispense or sell not more than the amount of adult-use 1838
marijuana that may be legally possessed by an adult-use consumer 1839
under section 3796.221 of the Revised Code to the same adult-use 1840
consumer in the same day; 1841

(3) Ensure that the label of the package containing adult- 1842
use marijuana contains all of the following information, in 1843
accordance with rules adopted by the division of cannabis 1844
control: 1845

(a) The name and address of the licensed processor and 1846
retail dispensary; 1847

(b) A statement that the use of adult-use marijuana by 1848
individuals under twenty-one years of age is both harmful and 1849
illegal; 1850

(c) The quantity, strength, kind, or form of adult-use 1851
marijuana contained in the package. 1852

(D) When operating a licensed retail dispensary, ~~both~~all 1853
of the following apply: 1854

(1) A licensed dispensary shall use only employees who 1855
have met the training requirements established in rules adopted 1856
under section 3796.03 of the Revised Code. 1857

(2) A licensed dispensary shall not make public any 1858
information it collects that identifies or would tend to 1859
identify any specific medical marijuana patient or adult-use 1860
consumer. 1861

(3) A dispensary shall prominently display both of the 1862
following: 1863

(a) A statement that the use of adult-use or homegrown 1864
marijuana by individuals under twenty-one years of age is both 1865
harmful and illegal; 1866

(b) Information about the addictive qualities of marijuana 1867
and the potential negative health consequences associated with 1868
its use. 1869

Sec. 3796.21. (A) Notwithstanding any conflicting 1870
provision of the Revised Code, a licensed laboratory, including 1871
the holder of a current, valid laboratory license issued under 1872
this chapter ~~may~~ before the effective date of this amendment, 1873
shall do both of the following: 1874

(1) Obtain medical marijuana and adult-use marijuana from 1875
one or more licensed cultivators, licensed processors, and 1876
~~retail-licensed dispensaries licensed under this chapter;~~ 1877

(2) Conduct ~~medical marijuana~~ testing in the manner 1878
specified in rules adopted under section 3796.03 of the Revised 1879
Code. 1880

(B) When testing medical marijuana or adult-use marijuana, 1881
a licensed laboratory shall do both of the following: 1882

(1) Test ~~the marijuana~~ for potency, homogeneity, and 1883
contamination; 1884

(2) Prepare a report of the test results. 1885

Sec. 3796.22. (A) Notwithstanding any conflicting 1886
provision of the Revised Code, a patient registered under this 1887
chapter who obtains medical marijuana from a ~~retail-licensed~~ 1888
dispensary licensed under in accordance with this chapter may do 1889
~~both~~ all of the following: 1890

(1) Use medical marijuana; 1891

(2) Possess medical marijuana, subject to division (B) of 1892
this section; 1893

(3) Possess any paraphernalia or accessories that may be 1894
used in the administration of medical marijuana, as specified in 1895
rules adopted under section 3796.03 of the Revised Code. 1896

(B) The amount of medical marijuana possessed by a 1897
registered patient shall not exceed a ninety-day supply, as 1898
specified in rules adopted under section 3796.03 of the Revised 1899
Code. 1900

(C) A registered patient shall not be subject to arrest or 1901
criminal prosecution for doing ~~any~~ either of the following in 1902
accordance with this chapter: 1903

(1) Obtaining, using, or possessing medical marijuana; 1904

(2) Possessing any paraphernalia or accessories that may 1905
be used in the administration of medical marijuana, as specified 1906
in rules adopted under section 3796.03 of the Revised Code. 1907

(D) This section does not authorize a registered patient 1908
to operate a vehicle, streetcar, trackless trolley, watercraft, 1909
or aircraft while under the influence of ~~medical~~-marijuana. 1910

Sec. 3796.221. (A) Notwithstanding any conflicting 1911
provision of the Revised Code, an adult-use consumer who obtains 1912
adult-use marijuana from a licensed dispensary may do all of the 1913
following: 1914

(1) Use adult-use marijuana; 1915

(2) Possess adult-use marijuana, subject to division (B) 1916
of this section; 1917

(3) Possess any paraphernalia or accessories that may be 1918
used in the administration of adult-use marijuana as specified 1919
in rules adopted under section 3796.03 of the Revised Code. 1920

(B) The amount of adult-use marijuana possessed by an 1921
adult-use consumer shall not exceed: 1922

(1) Two and one-half ounces of plant material; 1923

(2) Fifteen grams of extract. 1924

(C) Subject to division (B) of this section, an adult-use 1925
consumer is not subject to arrest or criminal prosecution for 1926
engaging in any of the activities described in division (A) of 1927
this section. 1928

(D) This section does not authorize an adult-use consumer 1929
to operate a vehicle, streetcar, trackless trolley, watercraft, 1930
or aircraft while under the influence of marijuana. 1931

Sec. 3796.23. (A) Notwithstanding any conflicting 1932
provision of the Revised Code, a caregiver registered under this 1933
chapter who obtains medical marijuana from a ~~retail~~-licensed 1934

dispensary ~~licensed under this chapter~~ may do ~~both~~ any of the 1935
following: 1936

(1) Possess medical marijuana on behalf of a registered 1937
patient under the caregiver's care, subject to division (B) of 1938
this section; 1939

(2) Assist a registered patient under the caregiver's care 1940
in the use or administration of medical marijuana; 1941

(3) Possess any paraphernalia or accessories specified in 1942
rules adopted under section 3796.03 of the Revised Code. 1943

(B) The amount of medical marijuana possessed by a 1944
registered caregiver on behalf of a registered patient shall not 1945
exceed a ninety-day supply, as specified in rules adopted under 1946
section 3796.03 of the Revised Code. If a caregiver provides 1947
care to more than one registered patient, the caregiver shall 1948
maintain separate inventories of medical marijuana for each 1949
patient. 1950

(C) A registered caregiver shall not be subject to arrest 1951
or criminal prosecution for doing any of following in accordance 1952
with this chapter: 1953

(1) Obtaining or possessing medical marijuana on behalf of 1954
a registered patient; 1955

(2) Assisting a registered patient in the use or 1956
administration of medical marijuana; 1957

(3) Possessing any paraphernalia or accessories specified 1958
in rules adopted under section 3796.03 of the Revised Code. 1959

(D) This section does not permit a registered caregiver to 1960
personally use medical marijuana, unless the caregiver is also a 1961
registered patient. 1962

Sec. 3796.24. (A) The holder of a license, as defined in 1963
section 4776.01 of the Revised Code, is not subject to 1964
professional disciplinary action solely for engaging in 1965
professional or occupational activities related to medical 1966
marijuana or adult-use marijuana. 1967

(B) Unless there is clear and convincing evidence that a 1968
child is unsafe, the use, possession, or administration of 1969
medical marijuana, adult-use marijuana, or homegrown marijuana 1970
in accordance with this chapter shall not be the sole or primary 1971
basis for any of the following: 1972

(1) An adjudication under section 2151.28 of the Revised 1973
Code determining that a child is an abused, neglected, or 1974
dependent child; 1975

(2) An allocation of parental rights and responsibilities 1976
under section 3109.04 of the Revised Code; 1977

(3) A parenting time order under section 3109.051 or 1978
3109.12 of the Revised Code. 1979

(C) Notwithstanding any conflicting provision of the 1980
Revised Code, the use or possession of medical marijuana, adult- 1981
use marijuana, or homegrown marijuana in accordance with this 1982
chapter shall not be used as a reason for disqualifying a 1983
patient from medical care or from including a patient on a 1984
transplant waiting list. 1985

(D) Notwithstanding any conflicting provision of the 1986
Revised Code, the use, possession, administration, cultivation, 1987
processing, testing, or dispensing of medical marijuana, adult- 1988
use marijuana, or homegrown marijuana in accordance with this 1989
chapter shall not be used as the sole or primary reason for 1990
taking action under any criminal or civil statute in the 1991

forfeiture or seizure of any property or asset. 1992

(E) Notwithstanding any conflicting provision of the 1993
Revised Code, ~~a person's status as a registered patient or~~ 1994
~~caregiver engaging in activity authorized by this chapter~~ is not 1995
a sufficient basis for conducting a field sobriety test on the 1996
person or for suspending the person's driver's license. To 1997
conduct any field sobriety test, a law enforcement officer must 1998
have an independent, factual basis giving reasonable suspicion 1999
that the person is operating a vehicle under the influence of 2000
marijuana or with a prohibited concentration of marijuana in the 2001
person's whole blood, blood serum, plasma, breath, or urine. 2002

(F) Notwithstanding any conflicting provision of the 2003
Revised Code, a person's status as a registered patient or 2004
caregiver, or a an adult-use consumer's engagement in activities 2005
authorized by this chapter, shall not be used as the sole or 2006
primary basis for rejecting the person as a tenant unless the 2007
rejection is required by federal law. This division does not 2008
prohibit a landlord from prohibiting the consumption of 2009
marijuana in a residential premises or common areas by smoking, 2010
combustion, or vaporization, as long as such prohibition is 2011
included in the applicable lease agreement. 2012

(G) Except as otherwise provided in section 3796.28 of the 2013
Revised Code, the use or possession of medical marijuana, adult- 2014
use marijuana, or homegrown marijuana in accordance with this 2015
chapter shall not be used as a reason for disqualifying an 2016
individual from a public benefit program administered by any 2017
state or local authority, or for otherwise denying an individual 2018
a public benefit administered by the state or any local 2019
government. 2020

(H) This chapter does not do any of the following: 2021

(1) Require a physician to recommend that a patient use medical marijuana to treat a qualifying medical condition;	2022 2023
(2) Permit the use, possession, or administration of medical marijuana, <u>adult-use marijuana, or homegrown marijuana</u> other than as authorized by this chapter;	2024 2025 2026
(3) Permit the use, possession, or administration of medical marijuana, <u>adult-use marijuana, or homegrown marijuana</u> on federal land located in this state;	2027 2028 2029
(4) Require any public place to accommodate a registered patient's use of medical marijuana <u>or an adult-use consumer's use of adult-use marijuana or homegrown marijuana;</u>	2030 2031 2032
(5) Prohibit <u>Subject to section 3796.06 of the Revised Code, prohibit any public place from accommodating a registered patient's use of medical marijuana or an adult-use consumer's use of adult-use marijuana or homegrown marijuana, other than by smoking, combustion, or vaporization;</u>	2033 2034 2035 2036 2037
(6) Restrict 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.	2038 2039 2040 2041
<u>(I) It is the public policy of this state that contracts related to license holders are enforceable.</u>	2042 2043
Sec. 3796.27. (A) As used in this section:	2044
(1) "Financial institution" means any of the following:	2045
(a) Any bank, trust company, savings and loan association, savings bank, or credit union or any affiliate, agent, or employee of a bank, trust company, savings and loan association, savings bank, or credit union;	2046 2047 2048 2049

(b) Any money transmitter licensed under sections 1315.01 2050
to 1315.18 of the Revised Code or any affiliate, agent, or 2051
employee of such a licensee. 2052

(2) "Financial services" means services that a financial 2053
institution is authorized to provide under Title XI, sections 2054
1315.01 to 1315.18, or Chapter 1733. of the Revised Code, as 2055
applicable. 2056

(B) A financial institution that provides financial 2057
services to any ~~cultivator, processor, retail dispensary, or~~ 2058
~~laboratory licensed under this chapter~~ license holder shall be 2059
exempt from any criminal law of this state an element of which 2060
may be proven by substantiating that a person provides financial 2061
services to a person who possesses, delivers, or manufactures 2062
marijuana or marijuana derived products, including section 2063
2925.05 of the Revised Code and sections 2923.01 and 2923.03 of 2064
the Revised Code as those sections apply to violations of 2065
Chapter 2925. of the Revised Code, if the ~~cultivator, processor,~~ 2066
~~retail dispensary, or laboratory~~ license holder is in compliance 2067
with this chapter and the applicable tax laws of this state. 2068

(C) (1) Notwithstanding section 149.43 of the Revised Code 2069
or any other public records law to the contrary, upon the 2070
request of a financial institution, the division of marijuana 2071
control shall provide to the financial institution all of the 2072
following information: 2073

(a) Whether a person with whom the financial institution 2074
is seeking to do business is a ~~cultivator, processor, retail~~ 2075
~~dispensary, or laboratory licensed under this chapter~~ license 2076
holder; 2077

(b) The name of any other business or individual 2078

affiliated with the person; 2079

(c) An unredacted copy of the application for a license 2080
under this chapter or under Chapter 3780. of the Revised Code, 2081
as that chapter existed immediately before the effective date of 2082
this amendment, and any supporting documentation, that was 2083
submitted by the person; 2084

(d) If applicable, information relating to sales and 2085
volume of product sold by the person; 2086

(e) Whether the person is in compliance with this chapter; 2087

(f) Any past or pending violation by the person of this 2088
chapter or Chapter 3780. of the Revised Code, as that chapter 2089
existed immediately before the effective date of this amendment, 2090
and any penalty imposed on the person for such a violation. 2091

(2) The division may charge a financial institution a 2092
reasonable fee to cover the administrative cost of providing the 2093
information. 2094

(D) Information received by a financial institution under 2095
division (C) of this section is confidential. Except as 2096
otherwise permitted by other state law or federal law, a 2097
financial institution shall not make the information available 2098
to any person other than the customer to whom the information 2099
applies and any trustee, conservator, guardian, personal 2100
representative, or agent of that customer. 2101

Sec. 3796.28. (A) Nothing in this chapter does any of the 2102
following: 2103

(1) Requires an employer to permit or accommodate an 2104
employee's use, possession, or distribution of ~~medical~~ 2105
marijuana; 2106

(2) Prohibits an employer from refusing to hire, 2107
discharging, disciplining, or otherwise taking an adverse 2108
employment action against a person with respect to hire, tenure, 2109
terms, conditions, or privileges of employment because of that 2110
person's use, possession, or distribution of ~~medical~~-marijuana; 2111

(3) Prohibits an employer from establishing and enforcing 2112
a drug testing policy, drug-free workplace policy, or zero- 2113
tolerance drug policy; 2114

(4) Interferes with any federal restrictions on 2115
employment, including the regulations adopted by the United 2116
States department of transportation in Title 49 of the Code of 2117
Federal Regulations, as amended; 2118

(5) Permits a person to commence a cause of action against 2119
an employer for refusing to hire, discharging, disciplining, 2120
discriminating, retaliating, or otherwise taking an adverse 2121
employment action against a person with respect to hire, tenure, 2122
terms, conditions, or privileges of employment related to 2123
~~medical~~-marijuana; 2124

(6) Affects the authority of the administrator of workers' 2125
compensation to grant rebates or discounts on premium rates to 2126
employers that participate in a drug-free workplace program 2127
established in accordance with rules adopted by the 2128
administrator under Chapter 4123. of the Revised Code. 2129

(B) A person who is discharged from employment because of 2130
that person's use of ~~medical~~-marijuana shall be considered to 2131
have been discharged for just cause for purposes of division (D) 2132
of section 4141.29 of the Revised Code and shall be ineligible 2133
to serve a waiting period or to be paid benefits for the 2134
duration of the individual's unemployment as described in 2135

division (D) (2) of that section if the person's use of ~~medical-~~ 2136
marijuana was in violation of an employer's drug-free workplace 2137
policy, zero-tolerance policy, or other formal program or policy 2138
regulating the use of ~~medical-~~marijuana. 2139

(C) It is not a violation of division (A), (D), or (E) of 2140
section 4112.02 of the Revised Code if an employer discharges, 2141
refuses to hire, or otherwise discriminates against a person 2142
because of that person's use of ~~medical-~~marijuana if the 2143
person's use of ~~medical-~~marijuana is in violation of the 2144
employer's drug-free workplace policy, zero-tolerance policy, or 2145
other formal program or policy regulating the use of ~~medical-~~ 2146
marijuana. 2147

Sec. 3796.29. ~~The~~ (A) Except as otherwise provided in 2148
division (B) of this section, the legislative authority of a 2149
municipal corporation ~~may adopt an ordinance,~~ or a board of 2150
township trustees may adopt an ordinance or a resolution, to 2151
prohibit, or limit the number of, licensed cultivators, licensed 2152
processors, or ~~retail-licensed dispensaries licensed under this-~~ 2153
~~chapter~~ within the municipal corporation or within the 2154
unincorporated territory of the township, respectively. 2155

~~This section does not authorize the~~ (B) The legislative 2156
authority of a municipal corporation or a board of township 2157
trustees ~~to~~ shall not adopt or enforce an ordinance or a 2158
resolution limiting that does any of the following: 2159

(1) Prohibits or limits the operations of a license holder 2160
that received a provisional license or certificate of operation 2161
before the effective date of this amendment, except that a 2162
municipal corporation or township may enforce such an ordinance 2163
or such a resolution if it was adopted before the effective date 2164
of this amendment; 2165

(2) Prohibits or limits any activity authorized under this 2166
chapter, except as expressly permitted under division (A) of 2167
this section; 2168

(3) Prohibits or limits research related to marijuana 2169
conducted at a state university, academic medical center, or 2170
private research and development organization as part of a 2171
research protocol approved by an institutional review board or 2172
equivalent entity. 2173

Sec. 3796.30. (A) Except as provided in ~~division~~ 2174
~~(B)~~divisions (C) and (D) of this section, no ~~medical marijuana~~ 2175
licensed cultivator, licensed processor, ~~retail-licensed~~ 2176
dispensary, or licensed laboratory that tests medical marijuana 2177
shall be located within five hundred feet of the boundaries of a 2178
parcel of real estate having situated on it a school, church, 2179
public library, public playground, or public park. 2180

(B) If ~~the~~ a request for relocation of a facility of a 2181
licensed cultivator, licensed processor, ~~retail-licensed~~ 2182
dispensary, or licensed laboratory licensed under this chapter 2183
~~results would result in the cultivator, processor, retail-~~ 2184
~~dispensary, or laboratory facility~~ being located within five 2185
hundred feet of the boundaries of a parcel of real estate having 2186
situated on it a school, church, public library, public 2187
playground, or public park, the division of marijuana control 2188
shall ~~revoke the license it previously issued to the cultivator,~~ 2189
~~processor, retail dispensary, or laboratory~~deny the request for 2190
relocation. 2191

~~(B)~~(C) This section does not require relocation or closure 2192
of a facility used by a licensed cultivator, licensed processor, 2193
licensed dispensary, or licensed laboratory, if that facility 2194
has a certificate of operation at the time a school, church, 2195

public library, public playground, or public park relocates, or 2196
is established, on a parcel of real estate, the boundaries of 2197
which are within five hundred feet of that operational facility. 2198

(D) This section does not apply to research related to 2199
marijuana conducted at a state university, academic medical 2200
center, or private research and development organization as part 2201
of a research protocol approved by an institutional review board 2202
or equivalent entity. 2203

~~(C) As used in this section and sections 3796.03 and~~ 2204
~~3796.12 of the Revised Code:—~~ 2205

~~"Church" has the meaning defined in section 1710.01 of the~~ 2206
~~Revised Code.—~~ 2207

~~"Public library" means a library provided for under~~ 2208
~~Chapter 3375. of the Revised Code.—~~ 2209

~~"Public park" means a park established by the state or a~~ 2210
~~political subdivision of the state including a county, township,~~ 2211
~~municipal corporation, or park district.—~~ 2212

~~"Public playground" means a playground established by the~~ 2213
~~state or a political subdivision of the state including a~~ 2214
~~county, township, municipal corporation, or park district.—~~ 2215

~~"School" means a child care center as defined under~~ 2216
~~section 5104.01 of the Revised Code, a preschool as defined~~ 2217
~~under section 2950.034 of the Revised Code, or a public or~~ 2218
~~nonpublic primary school or secondary school.—~~ 2219

Sec. 3796.31. Except as otherwise authorized in the 2220
Revised Code, no political subdivision shall levy do either of 2221
the following: 2222

(A) Levy any tax or fee on cultivators, processors, or 2223

dispensaries license holders that is based on these the license 2224
holder's businesses' gross receipts or that is the same as or 2225
similar to any tax or fee imposed by the state; 2226

(B) Levy any tax, fee, or charge on license holders or 2227
license holders' property that is not generally charged on other 2228
businesses. 2229

Sec. 3796.32. (A) The division of marijuana control may 2230
adopt rules regulating the advertisement of adult-use marijuana 2231
and medical marijuana to prevent advertisements that are false, 2232
misleading, targeted to minors, promote excessive use, promote 2233
illegal activity, are obscene or indecent, contain depictions of 2234
marijuana use, or promote marijuana as an intoxicant. 2235

(B) Any rules the division adopts regulating the 2236
advertisement of adult-use marijuana shall be at least as 2237
stringent as the most stringent federal or state laws or rules 2238
governing the advertisement of tobacco or alcohol. 2239

(C) The division may, at any time, conduct an audit of an 2240
applicant's or license holder's published advertisements to 2241
ensure that the applicant or license holder complies with this 2242
chapter and associated rules. 2243

(D) Adult-use marijuana or medical marijuana shall not be 2244
packaged, advertised, or otherwise marketed using any graphic, 2245
picture, or drawing that bears any resemblance to a cartoon 2246
character, or any fictional character or popular culture figure 2247
whose target audience is children or youth. 2248

(E) If the division determines that a person has violated 2249
this section or any rule adopted in accordance with this 2250
section, the division may require the person to stop using the 2251
advertisement or proceed with any enforcement action it deems 2252

<u>necessary or proper, as outlined in this chapter and associated</u>	2253
<u>rules.</u>	2254
<u>Sec. 3796.33. (A) As used in this section, "equivalent</u>	2255
<u>license" means:</u>	2256
<u>(1) In the case of an adult-use cultivator, a cultivator</u>	2257
<u>license of the same level issued under section 3796.09 of the</u>	2258
<u>Revised Code to engage in the activities authorized by section</u>	2259
<u>3796.18 of the Revised Code;</u>	2260
<u>(2) In the case of an adult-use processor, a processor</u>	2261
<u>license issued under section 3796.09 of the Revised Code to</u>	2262
<u>engage in the activities authorized by section 3796.19 of the</u>	2263
<u>Revised Code;</u>	2264
<u>(3) In the case of an adult-use dispensary, a retail</u>	2265
<u>dispensary license issued under section 3796.10 of the Revised</u>	2266
<u>Code to engage in the activities authorized by section 3796.20</u>	2267
<u>of the Revised Code;</u>	2268
<u>(4) In the case of an adult-use testing laboratory, a</u>	2269
<u>laboratory license issued under section 3796.09 of the Revised</u>	2270
<u>Code to engage in the activities authorized by section 3796.21</u>	2271
<u>of the Revised Code.</u>	2272
<u>(B) A license issued under Chapter 3780. of the Revised</u>	2273
<u>Code, as that chapter existed immediately before the effective</u>	2274
<u>date of this section, shall be treated, for all purposes, as the</u>	2275
<u>equivalent license under this chapter.</u>	2276
<u>(C) The holder of a license described in division (B) of</u>	2277
<u>this section is subject to all procedures, requirements, and</u>	2278
<u>penalties that apply to the holder of the equivalent license</u>	2279
<u>under this chapter.</u>	2280

(D) If a license described in division (B) of this section 2281
is held by the same person and used at the same location as an 2282
equivalent license under this chapter, the division of marijuana 2283
control shall merge the licenses and treat them as the same 2284
license for all purposes, including expiration and renewal. 2285

Sec. 3796.99. (A) (1) Whoever violates division (C) (2) of 2286
section 3796.06 of the Revised Code as an operator of the 2287
vehicle, streetcar, trackless trolley, watercraft, or aircraft 2288
is subject to section 1547.11, 4511.19, or 4561.15 of the 2289
Revised Code, as applicable. 2290

(2) Whoever violates division (C) (2) of section 3796.06 of 2291
the Revised Code as a passenger of the vehicle, streetcar, 2292
trackless trolley, watercraft, or aircraft shall be sentenced as 2293
follows: 2294

(a) Except as otherwise provided in division (A) (2) (b), 2295
(c), (d), or (e) of this section, the offender is guilty of a 2296
misdemeanor of the first degree. The court shall sentence the 2297
offender to a mandatory jail term of three consecutive days. The 2298
court may impose a jail term in addition to the three-day 2299
mandatory jail term. However, in no case shall the cumulative 2300
jail term imposed for the offense exceed six months. In 2301
addition, the court shall impose upon the offender a fine of not 2302
less than three hundred seventy-five and not more than one 2303
thousand seventy-five dollars. The court shall impose a class 2304
seven suspension of the offender's license, permit, or 2305
privileges from the range specified in division (A) (7) of 2306
section 4510.02 of the Revised Code. 2307

(b) Except as otherwise provided in division (A) (2) (c), 2308
(d), or (e) of this section, an offender who, within ten years 2309
of the offense, previously has been convicted of or pleaded 2310

guilty to one violation of division (C) (2) of section 3796.06 of 2311
the Revised Code as a passenger of a vehicle, streetcar, 2312
trackless trolley, watercraft, or aircraft is guilty of a 2313
misdemeanor of the first degree. The court shall sentence the 2314
offender to a mandatory jail term of ten consecutive days. The 2315
court may impose a jail term in addition to the ten-day 2316
mandatory jail term. However, in no case shall the cumulative 2317
jail term imposed for the offense exceed six months. In 2318
addition, notwithstanding the fines set forth in Chapter 2929. 2319
of the Revised Code, the court shall impose upon the offender a 2320
fine of not less than five hundred twenty-five and not more than 2321
one thousand six hundred twenty-five dollars. The court shall 2322
impose a class six suspension of the offender's license, permit, 2323
or privileges from the range specified in division (A) (6) of 2324
section 4510.02 of the Revised Code. 2325

(c) Except as otherwise provided in division (A) (2) (d) or 2326
(e) of this section, an offender who, within ten years of the 2327
offense, previously has been convicted of or pleaded guilty to 2328
two violations of division (C) (2) of section 3796.06 of the 2329
Revised Code as a passenger of a vehicle, streetcar, trackless 2330
trolley, watercraft, or aircraft is guilty of a misdemeanor of 2331
the first degree. The court shall sentence the offender to a 2332
mandatory jail term of thirty consecutive days. The court may 2333
impose a jail term in addition to the thirty-day mandatory jail 2334
term. Notwithstanding the jail terms set forth in sections 2335
2929.21 to 2929.28 of the Revised Code, the additional jail term 2336
shall not exceed one year, and the cumulative jail term imposed 2337
for the offense shall not exceed one year. In addition, 2338
notwithstanding the fines set forth in Chapter 2929. of the 2339
Revised Code, the court shall impose upon the offender a fine of 2340
not less than eight hundred fifty and not more than two thousand 2341

seven hundred fifty dollars. The court shall impose a class five 2342
suspension of the offender's license, permit, or privileges from 2343
the range specified in division (A) (5) of section 4510.02 of the 2344
Revised Code. 2345

(d) Except as otherwise provided in division (A) (2) (e) of 2346
this section, an offender who, within ten years of the offense, 2347
previously has been convicted of or pleaded guilty to three 2348
violations of division (C) (2) of section 3796.06 of the Revised 2349
Code as a passenger of a vehicle, streetcar, trackless trolley, 2350
watercraft, or aircraft is guilty of a felony of the fourth 2351
degree. Notwithstanding the prison terms set forth in Chapter 2352
2929. of the Revised Code, the court shall sentence the offender 2353
to a mandatory prison term of one, two, three, four, or five 2354
years. Additionally, notwithstanding section 2929.18 of the 2355
Revised Code, the court shall impose a fine of not less than one 2356
thousand three hundred fifty nor more than ten thousand five 2357
hundred dollars. The court shall impose a class four suspension 2358
of the offender's license, permit, or privileges from the range 2359
specified in division (A) (4) of section 4510.02 of the Revised 2360
Code. 2361

(e) An offender who previously has been convicted of or 2362
pleaded guilty to a felony violation of division (C) (2) of 2363
section 3796.06 of the Revised Code as a passenger of a vehicle, 2364
streetcar, trackless trolley, watercraft, or aircraft, 2365
regardless of when the violation and the conviction or guilty 2366
plea occurred, is guilty of a felony of the third degree. 2367
Notwithstanding the prison terms set forth in Chapter 2929. of 2368
the Revised Code, the court shall sentence the offender to a 2369
mandatory prison term of one, two, three, four, or five years. 2370
Additionally, notwithstanding section 2929.18 of the Revised 2371
Code, the court shall impose a fine of not less than one 2372

thousand three hundred fifty nor more than ten thousand five 2373
hundred dollars. The court shall impose a class three suspension 2374
of the offender's license, permit, or privileges from the range 2375
specified in division (A) (3) of section 4510.02 of the Revised 2376
Code. 2377

(B) Except as otherwise provided in division (A) of this 2378
section, whoever violates division (C) (2) or (3) of section 2379
3796.06 of the Revised Code is guilty of a minor misdemeanor. 2380

(C) (1) (a) Except as provided in division (C) (1) (b) of this 2381
section, whoever violates division (F) of section 3796.06 of the 2382
Revised Code is guilty of a misdemeanor of the first degree. 2383

(b) An offender who has previously been convicted of, or 2384
pleaded guilty to, a violation of division (F) of section 2385
3796.06 of the Revised Code, is guilty of a felony of the fifth 2386
degree. 2387

(2) The division of marijuana control shall immediately 2388
revoke the license of any license holder under this chapter who 2389
is found guilty of, or who pleads guilty or no contest to, 2390
violating division (F) of section 3796.06 of the Revised Code. 2391

(D) Except as otherwise provided in division (E) of 2392
section 3796.04 of the Revised Code, whoever violates division 2393
(B) of section 3796.221 or division (A) (1) or (D) of section 2394
3796.04 of the Revised Code is guilty of possession of marijuana 2395
under section 2925.11 of the Revised Code. 2396

(E) Whoever engages in any of the activities described in 2397
section 3796.18, 3796.19, 3796.20, or 3796.21 of the Revised 2398
Code without the proper license is guilty of trafficking in 2399
marijuana under section 2925.03 of the Revised Code or illegal 2400
cultivation of marijuana under section 2925.04 of the Revised 2401

Code. 2402

(F) Whoever violates division (C) (2) of section 3796.20 of the Revised Code is guilty of trafficking in marijuana under section 2925.03 of the Revised Code. 2403
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(G) (1) Except as otherwise provided in divisions (G) (2) to (4) of this section, whoever violates division (G) of section 3796.06 of the Revised Code by knowingly showing or giving false information concerning the individual's name, age, or other identification for the purpose of purchasing or otherwise obtaining adult-use marijuana from an adult-use dispensary licensed under this chapter is guilty of a misdemeanor of the first degree. 2406
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(2) Except as otherwise provided in divisions (G) (3) and (4) of this section, whoever violates division (G) of section 3796.06 of the Revised Code by knowingly presenting to an adult-use dispensary licensed under this chapter a false, fictitious, or altered identification card, a false or fictitious driver's license purportedly issued by any state, or a driver's license issued by any state that has been altered, is guilty of a misdemeanor of the first degree and, notwithstanding division (A) (2) of section 2929.28 of the Revised Code, shall be fined not less than two hundred fifty dollars and not more than one thousand dollars. 2414
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(3) (a) Except as otherwise provided in division (G) (4) of this section, an offender who has previously been convicted of or pleaded guilty to a violation of division (G) of section 3796.06 of the Revised Code by knowingly presenting to an adult-use dispensary licensed under this chapter a false, fictitious, or altered identification card, a false or fictitious driver's license purportedly issued by any state, or a driver's license 2425
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issued by any state that has been altered, is guilty of a 2432
misdemeanor of the first degree and, notwithstanding division 2433
(A) (2) of section 2929.28 of the Revised Code, shall be fined 2434
not less than five hundred dollars nor more than one thousand 2435
dollars. 2436

(b) (i) The court also may impose a class seven suspension 2437
of the offender's driver's or commercial driver's license or 2438
permit, or nonresident operating privilege, from the range 2439
specified in division (A) (7) of section 4510.02 of the Revised 2440
Code. 2441

(ii) The court, in lieu of suspending the offender's 2442
temporary instruction permit, probationary driver's license, or 2443
driver's license, instead may order the offender to perform a 2444
determinate number of hours of community service, with the court 2445
determining the actual number of hours and the nature of the 2446
community service the offender shall perform. 2447

(4) (a) An offender who has previously been convicted of or 2448
pleaded guilty to two or more violations of division (G) of 2449
section 3796.06 of the Revised Code by knowingly presenting to 2450
an adult-use dispensary licensed under this chapter a false, 2451
fictitious, or altered identification card, a false or 2452
fictitious driver's license purportedly issued by any state, or 2453
a driver's license issued by any state that has been altered, is 2454
guilty of a misdemeanor of the first degree and, notwithstanding 2455
division (A) (2) of section 2929.28 of the Revised Code, shall be 2456
fined not less than five hundred dollars nor more than one 2457
thousand dollars. 2458

(b) (i) The court also may impose a class six suspension of 2459
the offender's driver's or commercial driver's license or permit 2460
or nonresident operating privilege from the range specified in 2461

division (A) (6) of section 4510.02 of the Revised Code, and the 2462
court may order that the suspension or denial remain in effect 2463
until the offender attains the age of twenty-one years. 2464

(ii) The court, in lieu of suspending the offender's 2465
temporary instruction permit, probationary driver's license, or 2466
driver's license, instead may order the offender to perform a 2467
determinate number of hours of community service, with the court 2468
determining the actual number of hours and the nature of the 2469
community service the offender shall perform. 2470

(5) The financial sanctions required by divisions (G) (2) 2471
to (4) of this section are in lieu of the financial sanctions 2472
described in division (A) (2) of section 2929.28 of the Revised 2473
Code but are in addition to any other sanctions or penalties 2474
that may apply to the offender, including other financial 2475
sanctions under that section or a jail term under section 2476
2929.24 of the Revised Code. 2477

(H) (1) Except as otherwise provided in division (H) (2) of 2478
this section, whoever violates division (G) of section 3796.06 2479
of the Revised Code by knowingly soliciting another person to 2480
purchase adult-use marijuana from an adult-use dispensary 2481
licensed under this chapter is guilty of a misdemeanor of the 2482
fourth degree. 2483

(2) An offender who has previously been convicted of or 2484
pleaded guilty to a violation of division (G) of section 3796.06 2485
of the Revised Code by knowingly soliciting another individual 2486
to purchase adult-use marijuana from an adult-use dispensary 2487
licensed under this chapter is guilty of a misdemeanor of the 2488
second degree. 2489

(I) Whoever violates division (A), (B), or (C) of section 2490

<u>3796.062 of the Revised Code is guilty of a minor misdemeanor.</u>	2491
<u>(J) Whoever violates division (D) of section 3796.062 of</u>	2492
<u>the Revised Code is guilty of illegal use or possession of</u>	2493
<u>marijuana drug paraphernalia under section 2925.141 of the</u>	2494
<u>Revised Code.</u>	2495
Sec. 4735.18. (A) Subject to section 4735.32 of the	2496
Revised Code, the superintendent of real estate, upon the	2497
superintendent's own motion, may investigate the conduct of any	2498
licensee. Subject to division (E) of this section and section	2499
4735.32 of the Revised Code, the Ohio real estate commission	2500
shall impose disciplinary sanctions upon any licensee who,	2501
whether or not acting in the licensee's capacity as a real	2502
estate broker or salesperson, or in handling the licensee's own	2503
property, is found to have been convicted of a felony or a crime	2504
of moral turpitude, and may impose disciplinary sanctions upon	2505
any licensee who, in the licensee's capacity as a real estate	2506
broker or salesperson, or in handling the licensee's own	2507
property, is found guilty of:	2508
(1) Knowingly making any misrepresentation;	2509
(2) Making any false promises with intent to influence,	2510
persuade, or induce;	2511
(3) A continued course of misrepresentation or the making	2512
of false promises through agents, salespersons, advertising, or	2513
otherwise;	2514
(4) Acting for more than one party in a transaction except	2515
as permitted by and in compliance with section 4735.71 of the	2516
Revised Code;	2517
(5) Failure within a reasonable time to account for or to	2518
remit any money coming into the licensee's possession which	2519

belongs to others;	2520
(6) Dishonest or illegal dealing, gross negligence,	2521
incompetency, or misconduct;	2522
(7) (a) By final adjudication by a court, a violation of	2523
any municipal or federal civil rights law relevant to the	2524
protection of purchasers or sellers of real estate or, by final	2525
adjudication by a court, any unlawful discriminatory practice	2526
pertaining to the purchase or sale of real estate prohibited by	2527
Chapter 4112. of the Revised Code, provided that such violation	2528
arose out of a situation wherein parties were engaged in bona	2529
fide efforts to purchase, sell, or lease real estate, in the	2530
licensee's practice as a licensed real estate broker or	2531
salesperson;	2532
(b) A second or subsequent violation of any unlawful	2533
discriminatory practice pertaining to the purchase or sale of	2534
real estate prohibited by Chapter 4112. of the Revised Code or	2535
any second or subsequent violation of municipal or federal civil	2536
rights laws relevant to purchasing or selling real estate	2537
whether or not there has been a final adjudication by a court,	2538
provided that such violation arose out of a situation wherein	2539
parties were engaged in bona fide efforts to purchase, sell, or	2540
lease real estate. For any second offense under this division,	2541
the commission shall suspend for a minimum of two months or	2542
revoke the license of the broker or salesperson. For any	2543
subsequent offense, the commission shall revoke the license of	2544
the broker or salesperson.	2545
(8) Procuring a license under this chapter, for the	2546
licensee or any salesperson by fraud, misrepresentation, or	2547
deceit;	2548

(9) Having violated or failed to comply with any provision	2549
of sections 4735.51 to 4735.74 of the Revised Code or having	2550
willfully disregarded or violated any other provisions of this	2551
chapter;	2552
(10) As a real estate broker, having demanded, without	2553
reasonable cause, other than from a broker licensed under this	2554
chapter, a commission to which the licensee is not entitled, or,	2555
as a real estate salesperson, having demanded, without	2556
reasonable cause, a commission to which the licensee is not	2557
entitled;	2558
(11) Except as permitted under section 4735.20 of the	2559
Revised Code, having paid commissions or fees to, or divided	2560
commissions or fees with, anyone not licensed as a real estate	2561
broker or salesperson under this chapter or anyone not operating	2562
as an out-of-state commercial real estate broker or salesperson	2563
under section 4735.022 of the Revised Code;	2564
(12) Having falsely represented membership in any real	2565
estate professional association of which the licensee is not a	2566
member;	2567
(13) Having accepted, given, or charged any undisclosed	2568
commission, rebate, or direct profit on expenditures made for a	2569
principal;	2570
(14) Having offered anything of value other than the	2571
consideration recited in the sales contract as an inducement to	2572
a person to enter into a contract for the purchase or sale of	2573
real estate or having offered real estate or the improvements on	2574
real estate as a prize in a lottery or scheme of chance;	2575
(15) Having acted in the dual capacity of real estate	2576
broker and undisclosed principal, or real estate salesperson and	2577

undisclosed principal, in any transaction;	2578
(16) Having guaranteed, authorized, or permitted any	2579
person to guarantee future profits which may result from the	2580
resale of real property;	2581
(17) Having advertised or placed a sign on any property	2582
offering it for sale or for rent without the consent of the	2583
owner or the owner's authorized agent;	2584
(18) Having induced any party to a contract of sale or	2585
lease to break such contract for the purpose of substituting in	2586
lieu of it a new contract with another principal;	2587
(19) Having negotiated the sale, exchange, or lease of any	2588
real property directly with a seller, purchaser, lessor, or	2589
tenant knowing that such seller, purchaser, lessor, or tenant is	2590
represented by another broker under a written exclusive agency	2591
agreement, exclusive right to sell or lease listing agreement,	2592
or exclusive purchaser agency agreement with respect to such	2593
property except as provided for in section 4735.75 of the	2594
Revised Code;	2595
(20) Having offered real property for sale or for lease	2596
without the knowledge and consent of the owner or the owner's	2597
authorized agent, or on any terms other than those authorized by	2598
the owner or the owner's authorized agent;	2599
(21) Having published advertising, whether printed, radio,	2600
display, or of any other nature, which was misleading or	2601
inaccurate in any material particular, or in any way having	2602
misrepresented any properties, terms, values, policies, or	2603
services of the business conducted;	2604
(22) Having knowingly withheld from or inserted in any	2605
statement of account or invoice any statement that made it	2606

inaccurate in any material particular; 2607

(23) Having published or circulated unjustified or 2608
unwarranted threats of legal proceedings which tended to or had 2609
the effect of harassing competitors or intimidating their 2610
customers; 2611

(24) Having failed to keep complete and accurate records 2612
of all transactions for a period of three years from the date of 2613
the transaction, such records to include copies of listing 2614
forms, earnest money receipts, offers to purchase and 2615
acceptances of them, records of receipts and disbursements of 2616
all funds received by the licensee as broker and incident to the 2617
licensee's transactions as such, and records required pursuant 2618
to divisions (C) (4) and (5) of section 4735.20 of the Revised 2619
Code, and any other instruments or papers related to the 2620
performance of any of the acts set forth in the definition of a 2621
real estate broker; 2622

(25) Failure of a real estate broker or salesperson to 2623
furnish all parties involved in a real estate transaction true 2624
copies of all listings and other agreements to which they are a 2625
party, at the time each party signs them; 2626

(26) Failure to maintain at all times a special or trust 2627
bank account in a depository of a state or federally chartered 2628
institution located in this state. The account shall be 2629
noninterest-bearing, separate and distinct from any personal or 2630
other account of the broker, and, except as provided in division 2631
(A) (27) of this section, shall be used for the deposit and 2632
maintenance of all escrow funds, security deposits, and other 2633
moneys received by the broker in a fiduciary capacity. The name, 2634
account number, if any, and location of the depository wherein 2635
such special or trust account is maintained shall be submitted 2636

in writing to the superintendent. Checks drawn on such special 2637
or trust bank accounts are deemed to meet the conditions imposed 2638
by section 1349.21 of the Revised Code. Funds deposited in the 2639
trust or special account in connection with a purchase agreement 2640
shall be maintained in accordance with section 4735.24 of the 2641
Revised Code. 2642

(27) Failure to maintain at all times a special or trust 2643
bank account in a depository of a state or federally chartered 2644
institution in this state, to be used exclusively for the 2645
deposit and maintenance of all rents, security deposits, escrow 2646
funds, and other moneys received by the broker in a fiduciary 2647
capacity in the course of managing real property. This account 2648
shall be separate and distinct from any other account maintained 2649
by the broker. The name, account number, and location of the 2650
depository shall be submitted in writing to the superintendent. 2651
This account may earn interest, which shall be paid to the 2652
property owners on a pro rata basis. 2653

Division (A) (27) of this section does not apply to brokers 2654
who are not engaged in the management of real property on behalf 2655
of real property owners. 2656

(28) Having failed to put definite expiration dates in all 2657
written agency agreements to which the broker is a party; 2658

(29) Having an unsatisfied final judgment or lien in any 2659
court of record against the licensee arising out of the 2660
licensee's conduct as a licensed broker or salesperson; 2661

(30) Failing to render promptly upon demand a full and 2662
complete statement of the expenditures by the broker or 2663
salesperson of funds advanced by or on behalf of a party to a 2664
real estate transaction to the broker or salesperson for the 2665

purpose of performing duties as a licensee under this chapter in conjunction with the real estate transaction;	2666 2667
(31) Failure within a reasonable time, after the receipt of the commission by the broker, to render an accounting to and pay a real estate salesperson the salesperson's earned share of it;	2668 2669 2670 2671
(32) Performing any service for another constituting the practice of law, as determined by any court of law;	2672 2673
(33) Having been adjudicated incompetent by a court, as provided in section 5122.301 of the Revised Code. A license revoked or suspended under this division shall be reactivated upon proof to the commission of the removal of the disability.	2674 2675 2676 2677
(34) Having authorized or permitted a person to act as an agent in the capacity of a real estate broker, or a real estate salesperson, who was not then licensed as a real estate broker or real estate salesperson under this chapter or who was not then operating as an out-of-state commercial real estate broker or salesperson under section 4735.022 of the Revised Code;	2678 2679 2680 2681 2682 2683
(35) Having knowingly inserted or participated in inserting any materially inaccurate term in a document, including naming a false consideration;	2684 2685 2686
(36) Having failed to inform the licensee's client of the existence of an offer or counteroffer or having failed to present an offer or counteroffer in a timely manner, unless otherwise instructed by the client, provided the instruction of the client does not conflict with any state or federal law;	2687 2688 2689 2690 2691
(37) Having failed to comply with section 4735.24 of the Revised Code;	2692 2693

(38) Having acted as a broker without authority, impeded 2694
the ability of a principal broker to perform any of the duties 2695
described in section 4735.081 of the Revised Code, or impeded 2696
the ability a management level licensee to perform the 2697
licensee's duties; 2698

(39) Entering into a right-to-list home sale agreement. 2699

(B) Whenever the commission, pursuant to section 4735.051 2700
of the Revised Code, imposes disciplinary sanctions for any 2701
violation of this section, the commission also may impose such 2702
sanctions upon the broker with whom the salesperson is 2703
affiliated if the commission finds that the broker had knowledge 2704
of the salesperson's actions that violated this section. 2705

(C) The commission shall, pursuant to section 4735.051 of 2706
the Revised Code, impose disciplinary sanctions upon any foreign 2707
real estate dealer or salesperson who, in that capacity or in 2708
handling the dealer's or salesperson's own property, is found 2709
guilty of any of the acts or omissions specified or comprehended 2710
in division (A) of this section insofar as the acts or omissions 2711
pertain to foreign real estate. If the commission imposes such 2712
sanctions upon a foreign real estate salesperson for a violation 2713
of this section, the commission also may suspend or revoke the 2714
license of the foreign real estate dealer with whom the 2715
salesperson is affiliated if the commission finds that the 2716
dealer had knowledge of the salesperson's actions that violated 2717
this section. 2718

(D) The commission may suspend, in whole or in part, the 2719
imposition of the penalty of suspension of a license under this 2720
section. 2721

(E) A person licensed under this chapter who represents a 2722

party to a transaction or a proposed transaction involving the 2723
sale, purchase, exchange, lease, or management of real property 2724
that is or will be used in the cultivation, processing, 2725
dispensing, or testing of medical marijuana or adult-use 2726
marijuana under Chapter 3796. of the Revised Code, or who 2727
receives, holds, or disburses funds from a real estate brokerage 2728
trust account in connection with such a transaction, shall not 2729
be subject to disciplinary sanctions under this chapter solely 2730
because the licensed person engaged in activities permitted 2731
under this chapter and related to activities under Chapter 3796. 2732
of the Revised Code. 2733

Sec. 4796.25. This chapter does not apply to any of the 2734
following: 2735

(A) Licenses issued under Chapter 3780. or 3796. of the 2736
Revised Code; 2737

(B) Licenses issued pursuant to rules prescribed under 2738
Section 5 of Article IV, Ohio Constitution; 2739

(C) Commercial fishing licenses issued under section 2740
1533.342 of the Revised Code; 2741

(D) Licenses issued under Chapter 4506. of the Revised 2742
Code; 2743

(E) Physician certificates to recommend treatment with 2744
medical marijuana issued under section 4731.30 of the Revised 2745
Code; 2746

(F) Money transmitter licenses issued under section 2747
1315.04 of the Revised Code; 2748

(G) Lottery sales agent licenses issued under section 2749
3770.05 of the Revised Code; 2750

(H) Licenses issued under Chapter 3905. of the Revised Code;	2751 2752
(I) Fantasy contest operator licenses issued under section 3774.02 of the Revised Code;	2753 2754
(J) Teledentistry permits issued under section 4715.43 of the Revised Code;	2755 2756
(K) Physician training certificates issued under section 4731.291 of the Revised Code;	2757 2758
(L) Podiatrist training certificates issued under section 4731.573 of the Revised Code;	2759 2760
(M) Licenses issued under Chapter 4740. of the Revised Code;	2761 2762
(N) Licenses issued by a political subdivision to an individual by which the individual has or claims the privilege to act as a tradesperson as defined in section 4740.01 of the Revised Code in the political subdivision's jurisdiction.	2763 2764 2765 2766
Sec. 5502.01. (A) The department of public safety shall administer and enforce the laws relating to the registration, licensing, sale, and operation of motor vehicles and the laws pertaining to the licensing of drivers of motor vehicles.	2767 2768 2769 2770
The department shall compile, analyze, and publish statistics relative to motor vehicle accidents and the causes of them, prepare and conduct educational programs for the purpose of promoting safety in the operation of motor vehicles on the highways, and conduct research and studies for the purpose of promoting safety on the highways of this state.	2771 2772 2773 2774 2775 2776
(B) The department shall administer the laws and rules relative to trauma and emergency medical services specified in	2777 2778

Chapter 4765. of the Revised Code and any laws and rules	2779
relative to medical transportation services specified in Chapter	2780
4766. of the Revised Code.	2781
(C) The department shall administer and enforce the laws	2782
contained in Chapters 4301. and 4303. of the Revised Code and	2783
enforce the rules and orders of the liquor control commission	2784
pertaining to retail liquor permit holders.	2785
(D) The department shall administer the laws governing the	2786
state emergency management agency and shall enforce all	2787
additional duties and responsibilities as prescribed in the	2788
Revised Code related to emergency management services.	2789
(E) The department shall conduct investigations pursuant	2790
to Chapter 5101. of the Revised Code in support of the duty of	2791
the department of job and family services to administer the	2792
supplemental nutrition assistance program throughout this state.	2793
The department of public safety shall conduct investigations	2794
necessary to protect the state's property rights and interests	2795
in the supplemental nutrition assistance program.	2796
(F) The department of public safety shall enforce	2797
compliance with orders and rules of the public utilities	2798
commission and applicable laws in accordance with Chapters	2799
4905., 4921., and 4923. of the Revised Code regarding commercial	2800
motor vehicle transportation safety, economic, and hazardous	2801
materials requirements.	2802
(G) Notwithstanding Chapter 4117. of the Revised Code, the	2803
department of public safety may establish requirements for its	2804
enforcement personnel, including its enforcement agents	2805
described in section 5502.14 of the Revised Code, that include	2806
standards of conduct, work rules and procedures, and criteria	2807

for eligibility as law enforcement personnel. 2808

(H) The department shall administer, maintain, and operate 2809
the Ohio criminal justice network. The Ohio criminal justice 2810
network shall be a computer network that supports state and 2811
local criminal justice activities. The network shall be an 2812
electronic repository for various data, which may include arrest 2813
warrants, notices of persons wanted by law enforcement agencies, 2814
criminal records, prison inmate records, stolen vehicle records, 2815
vehicle operator's licenses, and vehicle registrations and 2816
titles. 2817

(I) The department shall coordinate all homeland security 2818
activities of all state agencies and shall be a liaison between 2819
state agencies and local entities for those activities and 2820
related purposes. 2821

(J) The department shall administer and enforce the laws 2822
relative to private investigators and security service providers 2823
specified in Chapter 4749. of the Revised Code. 2824

(K) The department shall administer criminal justice 2825
services in accordance with sections 5502.61 to 5502.66 of the 2826
Revised Code. 2827

(L) The department shall administer the Ohio school safety 2828
and crisis center and the Ohio mobile training team in 2829
accordance with sections 5502.70 to 5502.703 of the Revised 2830
Code. 2831

(M) The department shall coordinate security measures and 2832
operations, and may direct the department of administrative 2833
services to implement any security measures and operations the 2834
department of public safety requires, at the Vern Riffe Center 2835
and the James A. Rhodes state office tower. 2836

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

(N) The department shall assist the division of marijuana
control in enforcing Chapter 3796. of the Revised Code, as
provided in that chapter.

Sec. 5502.13. The department of public safety shall
maintain an investigative unit in order to conduct
investigations and other enforcement activity authorized by
Chapters 3796., 4301., 4303., 5101., 5107., and 5108. and
sections 2903.12, 2903.13, 2903.14, 2907.09, 2913.46, 2917.11,
2921.13, 2921.31, 2921.32, 2921.33, 2923.12, 2923.121, 2925.11,
2925.13, 2927.02, and 4507.30 of the Revised Code. The director
of public safety shall appoint the employees of the unit who are
necessary, designate the activities to be performed by those
employees, and prescribe their titles and duties.

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

(B) (1) Any person who is employed by the department of

public safety and designated by the director of public safety to 2867
enforce Title XLIII of the Revised Code, and the rules adopted 2868
under it, Chapter 3796. of the Revised Code and the rules 2869
adopted under that chapter, and the laws and rules regulating 2870
the use of supplemental nutrition assistance program benefits 2871
shall be known as an enforcement agent. The employment by the 2872
department of public safety and the designation by the director 2873
of public safety of a person as an enforcement agent shall be 2874
subject to division (D) of this section. An enforcement agent 2875
has the authority vested in peace officers pursuant to section 2876
2935.03 of the Revised Code to keep the peace, to enforce all of 2877
the following: 2878

(a) All applicable laws and rules on any retail liquor 2879
permit premises, or on any other premises of public or private 2880
property, where a violation of Title XLIII of the Revised Code 2881
or any rule adopted under it is occurring, ~~and to enforce all;~~ 2882

(b) All applicable laws and rules on persons and premises 2883
licensed under Chapter 3796. of the Revised Code and, if invited 2884
by local law enforcement having jurisdiction, on any other 2885
public or private property where a violation of Chapter 3796. or 2886
any rule adopted under that chapter is occurring; 2887

(c) All laws and rules governing the use of supplemental 2888
nutrition assistance program benefits, women, infants, and 2889
children's coupons, electronically transferred benefits, or any 2890
other access device that is used alone or in conjunction with 2891
another access device to obtain payments, allotments, benefits, 2892
money, goods, or other things of value, or that can be used to 2893
initiate a transfer of funds, pursuant to the supplemental 2894
nutrition assistance program established under the Food and 2895
Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) or any 2896

supplemental food program administered by any department of this 2897
state pursuant to the "Child Nutrition Act of 1966," 80 Stat. 2898
885, 42 U.S.C.A. 1786. Enforcement agents, in enforcing 2899
compliance with the laws and rules described in this division, 2900
may keep the peace and make arrests for violations of those laws 2901
and rules. 2902

(2) In addition to the authority conferred by division (B) 2903
(1) of this section, an enforcement agent also may execute 2904
search warrants and seize and take into custody any contraband, 2905
as defined in section 2901.01 of the Revised Code, or any 2906
property that is otherwise necessary for evidentiary purposes 2907
related to any violations of the laws or rules described in 2908
division (B)(1) of this section. An enforcement agent may enter 2909
public or private premises where activity alleged to violate the 2910
laws or rules described in division (B)(1) of this section is 2911
occurring. 2912

(3) Enforcement agents who are on, immediately adjacent 2913
to, or across from retail liquor permit premises or premises 2914
licensed under Chapter 3796. of the Revised Code and who are 2915
performing investigative duties relating to ~~that~~ those premises, 2916
enforcement agents who are on premises that are not liquor 2917
permit premises or premises licensed under Chapter 3796. of the 2918
Revised Code but on which a violation of Title XLIII or Chapter 2919
3796. of the Revised Code or any rule adopted under ~~it~~ that 2920
title or chapter allegedly is occurring, and enforcement agents 2921
who view a suspected violation of Title XLIII or Chapter 3796. 2922
of the Revised Code, of a rule adopted under ~~it~~ that title or 2923
chapter, or of another law or rule described in division (B)(1) 2924
of this section have the authority to enforce the laws and rules 2925
described in division (B)(1) of this section, authority to 2926
enforce any section in Title XXIX of the Revised Code or any 2927

other section of the Revised Code listed in section 5502.13 of 2928
the Revised Code if they witness a violation of the section 2929
under any of the circumstances described in this division, and 2930
authority to make arrests for violations of the laws and rules 2931
described in division (B) (1) of this section and violations of 2932
any of those sections. 2933

(4) The jurisdiction of an enforcement agent under 2934
division (B) of this section shall be concurrent with that of 2935
the peace officers of the county, township, or municipal 2936
corporation in which the violation occurs. 2937

(C) Enforcement agents of the department of public safety 2938
who are engaged in the enforcement of the laws and rules 2939
described in division (B) (1) of this section may carry concealed 2940
weapons when conducting undercover investigations pursuant to 2941
their authority as law enforcement officers and while acting 2942
within the scope of their authority pursuant to this chapter. 2943

(D) (1) The department of public safety shall not employ, 2944
and the director of public safety shall not designate, a person 2945
as an enforcement agent on a permanent basis, on a temporary 2946
basis, for a probationary term, or on other than a permanent 2947
basis if the person previously has been convicted of or has 2948
pleaded guilty to a felony. 2949

(2) (a) The department of public safety shall terminate the 2950
employment of a person who is designated as an enforcement agent 2951
and who does either of the following: 2952

(i) Pleads guilty to a felony; 2953

(ii) Pleads guilty to a misdemeanor pursuant to a 2954
negotiated plea agreement as provided in division (D) of section 2955
2929.43 of the Revised Code in which the enforcement agent 2956

agrees to surrender the certificate awarded to that agent under 2957
section 109.77 of the Revised Code. 2958

(b) The department shall suspend the employment of a 2959
person who is designated as an enforcement agent if the person 2960
is convicted, after trial, of a felony. If the enforcement agent 2961
files an appeal from that conviction and the conviction is 2962
upheld by the highest court to which the appeal is taken or if 2963
no timely appeal is filed, the department shall terminate the 2964
employment of that agent. If the enforcement agent files an 2965
appeal that results in that agent's acquittal of the felony or 2966
conviction of a misdemeanor, or in the dismissal of the felony 2967
charge against the agent, the department shall reinstate the 2968
agent. An enforcement agent who is reinstated under division (D) 2969
(2) (b) of this section shall not receive any back pay unless the 2970
conviction of that agent of the felony was reversed on appeal, 2971
or the felony charge was dismissed, because the court found 2972
insufficient evidence to convict the agent of the felony. 2973

(3) Division (D) of this section does not apply regarding 2974
an offense that was committed prior to January 1, 1997. 2975

(4) The suspension or termination of the employment of a 2976
person designated as an enforcement agent under division (D) (2) 2977
of this section shall be in accordance with Chapter 119. of the 2978
Revised Code. 2979

Sec. 5713.30. As used in sections 5713.31 to 5713.37 and 2980
5715.01 of the Revised Code: 2981

(A) "Land devoted exclusively to agricultural use" means: 2982

(1) Tracts, lots, or parcels of land totaling not less 2983
than ten acres to which, during the three calendar years prior 2984
to the year in which application is filed under section 5713.31 2985

of the Revised Code, and through the last day of May of such 2986
year, one or more of the following apply: 2987

(a) The tracts, lots, or parcels of land were devoted 2988
exclusively to commercial animal or poultry husbandry, 2989
aquaculture, algaculture meaning the farming of algae, 2990
apiculture, the cultivation of hemp by a person issued a hemp 2991
cultivation license under section 928.02 of the Revised Code, 2992
the production for a commercial purpose of timber, field crops, 2993
tobacco, fruits, vegetables, nursery stock, ornamental trees, 2994
sod, or flowers, or the growth of timber for a noncommercial 2995
purpose, if the land on which the timber is grown is contiguous 2996
to or part of a parcel of land under common ownership that is 2997
otherwise devoted exclusively to agricultural use. 2998

(b) The tracts, lots, or parcels of land were devoted 2999
exclusively to biodiesel production, biomass energy production, 3000
electric or heat energy production, or biologically derived 3001
methane gas production if the land on which the production 3002
facility is located is contiguous to or part of a parcel of land 3003
under common ownership or leasehold that is otherwise devoted 3004
exclusively to agricultural use, provided that (i) at least 3005
fifty per cent of the feedstock used in the production is 3006
agricultural feedstock, (ii) at least twenty per cent of the 3007
agricultural feedstock used in the production is derived from 3008
parcels of land under common ownership or leasehold, and (iii) 3009
none of the feedstock used in the production consists of human 3010
waste. As used in this division, "agricultural feedstock" means 3011
manure and food waste, and "human waste" includes sludge as 3012
defined in section 6111.01 of the Revised Code. 3013

(c) The tracts, lots, or parcels of land are eligible 3014
conservation land. 3015

(2) Tracts, lots, or parcels of land totaling less than 3016
ten acres that, during the three calendar years prior to the 3017
year in which application is filed under section 5713.31 of the 3018
Revised Code and through the last day of May of such year, were 3019
devoted exclusively to commercial animal or poultry husbandry, 3020
aquaculture, algaculture meaning the farming of algae, 3021
apiculture, the cultivation of hemp by a person issued a hemp 3022
cultivation license under section 928.02 of the Revised Code, 3023
the production for a commercial purpose of field crops, tobacco, 3024
fruits, vegetables, timber, nursery stock, ornamental trees, 3025
sod, or flowers where such activities produced an average yearly 3026
gross income of at least twenty-five hundred dollars during such 3027
three-year period or where there is evidence of an anticipated 3028
gross income of such amount from such activities during the tax 3029
year in which application is made, or were eligible conservation 3030
land; 3031

(3) Tracts, lots, or parcels of land, or portions thereof 3032
that, during the previous three consecutive calendar years have 3033
been designated as land devoted exclusively to agricultural use, 3034
but such land has been lying idle or fallow for up to one year 3035
and no action has occurred to such land that is either 3036
inconsistent with the return of it to agricultural production or 3037
converts the land devoted exclusively to agricultural use as 3038
defined in this section. Such land shall remain designated as 3039
land devoted exclusively to agricultural use provided that 3040
beyond one year, but less than three years, the landowner proves 3041
good cause as determined by the board of revision. 3042

(4) Tracts, lots, or parcels of land, or portions thereof 3043
that, during the previous three consecutive calendar years have 3044
been designated as land devoted exclusively to agricultural use, 3045
but such land has been lying idle or fallow because of dredged 3046

material being stored or deposited on such land pursuant to a 3047
contract between the land's owner and the department of natural 3048
resources or the United States army corps of engineers and no 3049
action has occurred to the land that is either inconsistent with 3050
the return of it to agricultural production or converts the land 3051
devoted exclusively to agricultural use. Such land shall remain 3052
designated as land devoted exclusively to agricultural use until 3053
the last year in which dredged material is stored or deposited 3054
on the land pursuant to such a contract, but not to exceed five 3055
years. 3056

"Land devoted exclusively to agricultural use" includes 3057
tracts, lots, or parcels of land or portions thereof that are 3058
used for conservation practices, provided that the tracts, lots, 3059
or parcels of land or portions thereof comprise twenty-five per 3060
cent or less of the total of the tracts, lots, or parcels of 3061
land that satisfy the criteria established in division (A) (1), 3062
(2), (3), or (4) of this section together with the tracts, lots, 3063
or parcels of land or portions thereof that are used for 3064
conservation practices. 3065

Notwithstanding any other provision of law to the 3066
contrary, the existence of agritourism on a tract, lot, or 3067
parcel of land that otherwise meets the definition of "land 3068
devoted exclusively to agricultural use" as defined in this 3069
division does not disqualify that tract, lot, or parcel from 3070
valuation under sections 5713.30 to 5713.37 and 5715.01 of the 3071
Revised Code. 3072

A tract, lot, or parcel of land taxed under sections 3073
5713.22 to 5713.26 of the Revised Code is not land devoted 3074
exclusively to agricultural use. 3075

A tract, lot, parcel, or portion thereof on which medical 3076

marijuana or adult-use marijuana, as those terms are defined by 3077
section 3796.01 of the Revised Code, is cultivated or processed 3078
is not land devoted exclusively to agricultural use. 3079

(B) "Conversion of land devoted exclusively to 3080
agricultural use" means any of the following: 3081

(1) The failure of the owner of land devoted exclusively 3082
to agricultural use during the next preceding calendar year to 3083
file a renewal application under section 5713.31 of the Revised 3084
Code without good cause as determined by the board of revision; 3085

(2) The failure of the new owner of such land to file an 3086
initial application under that section without good cause as 3087
determined by the board of revision; 3088

(3) The failure of such land or portion thereof to qualify 3089
as land devoted exclusively to agricultural use for the current 3090
calendar year as requested by an application filed under such 3091
section; 3092

(4) The failure of the owner of the land described in 3093
division (A) (3) or (4) of this section to act on such land in a 3094
manner that is consistent with the return of the land to 3095
agricultural production after three years. 3096

The construction or installation of an energy facility, as 3097
defined in section 5727.01 of the Revised Code, on a portion of 3098
a tract, lot, or parcel of land devoted exclusively to 3099
agricultural use shall not cause the remaining portion of the 3100
tract, lot, or parcel to be regarded as a conversion of land 3101
devoted exclusively to agricultural use if the remaining portion 3102
of the tract, lot, or parcel continues to be devoted exclusively 3103
to agricultural use. 3104

(C) "Tax savings" means the difference between the dollar 3105

amount of real property taxes levied in any year on land valued 3106
and assessed in accordance with its current agricultural use 3107
value and the dollar amount of real property taxes that would 3108
have been levied upon such land if it had been valued and 3109
assessed for such year in accordance with Section 2 of Article 3110
XII, Ohio Constitution. 3111

(D) "Owner" includes, but is not limited to, any person 3112
owning a fee simple, fee tail, or life estate or a buyer on a 3113
land installment contract. 3114

(E) "Conservation practices" are practices used to abate 3115
soil erosion as required in the management of the farming 3116
operation, and include, but are not limited to, the 3117
installation, construction, development, planting, or use of 3118
grass waterways, terraces, diversions, filter strips, field 3119
borders, windbreaks, riparian buffers, wetlands, ponds, and 3120
cover crops for that purpose. 3121

(F) "Wetlands" has the same meaning as in section 6111.02 3122
of the Revised Code. 3123

(G) "Biodiesel" means a mono-alkyl ester combustible 3124
liquid fuel that is derived from vegetable oils or animal fats 3125
or any combination of those reagents and that meets the American 3126
society for testing and materials specification D6751-03a for 3127
biodiesel fuel (B100) blend stock distillate fuels. 3128

(H) "Biologically derived methane gas" means gas from the 3129
anaerobic digestion of organic materials, including animal waste 3130
and agricultural crops and residues. 3131

(I) "Biomass energy" means energy that is produced from 3132
organic material derived from plants or animals and available on 3133
a renewable basis, including, but not limited to, agricultural 3134

crops, tree crops, crop by-products, and residues. 3135

(J) "Electric or heat energy" means electric or heat 3136
energy generated from manure, cornstalks, soybean waste, or 3137
other agricultural feedstocks. 3138

(K) "Dredged material" means material that is excavated or 3139
dredged from waters of this state. "Dredged material" does not 3140
include material resulting from normal farming, silviculture, 3141
and ranching activities, such as plowing, cultivating, seeding, 3142
and harvesting, for production of food, fiber, and forest 3143
products. 3144

(L) "Agritourism" has the same meaning as in section 3145
901.80 of the Revised Code. 3146

(M) "Eligible conservation land" means either of the 3147
following: 3148

(1) A tract, lot, or parcel devoted to and qualified for 3149
payments or other compensation under a land retirement or 3150
conservation program under an agreement with an agency of the 3151
federal government; 3152

(2) A tract, lot, or parcel that meets at least one of the 3153
conditions described in divisions (M) (2) (a) to (c) of this 3154
section and the condition described in division (M) (2) (d) of 3155
this section. 3156

(a) The land is subject to an agricultural water project 3157
or nature water project that receives funding from the H2Ohio 3158
fund created in section 126.60 of the Revised Code. 3159

(b) The land was subject to such a project during the 3160
immediately preceding calendar year. 3161

(c) The land is or was subject to such a project for the 3162

current or one of the two immediately preceding tax years and, 3163
for the current tax year, is subject to either a conservation 3164
easement held by the state or an agency of the state or a 3165
conservation easement held by any other person if such easement 3166
is a condition of a nature water project that is funded through 3167
the H2Ohio fund. 3168

(d) For the tax year that includes or immediately precedes 3169
the year in which the land became subject to the project 3170
described in division (M) (2) (a), (b), or (c) of this section, as 3171
applicable, the land qualified as land devoted exclusively to 3172
agricultural use pursuant to other criteria in divisions (A) (1) 3173
to (4) of this section. 3174

As used in division (M) (2) of this section, "conservation 3175
easement" has the same meaning as in section 5301.67 of the 3176
Revised Code. 3177

Sec. 5739.21. (A) One hundred per cent of all money 3178
deposited into the state treasury under sections 5739.01 to 3179
5739.31 of the Revised Code that is not required to be 3180
distributed as provided in ~~section~~sections 5739.102 and - 3181
5739.27 of the Revised Code or division (B) of this section 3182
shall be credited to the general revenue fund. 3183

(B) (1) In any case where any county or transit authority 3184
has levied a tax or taxes pursuant to section 5739.021, 3185
5739.023, or 5739.026 of the Revised Code, the tax commissioner 3186
shall, within forty-five days after the end of each month, 3187
determine and certify to the director of budget and management 3188
the amount of the proceeds of such tax or taxes received during 3189
that month from billings and assessments, or associated with tax 3190
returns or reports filed during that month, to be returned to 3191
the county or transit authority levying the tax or taxes. The 3192

amount to be returned to each county and transit authority shall 3193
be a fraction of the aggregate amount of money collected with 3194
respect to each area in which one or more of such taxes are 3195
concurrently in effect with the tax levied by section 5739.02 of 3196
the Revised Code. The numerator of the fraction is the rate of 3197
the tax levied by the county or transit authority and the 3198
denominator of the fraction is the aggregate rate of such taxes 3199
applicable to such area. The amount to be returned to each 3200
county or transit authority shall be reduced by the amount of 3201
any refunds of county or transit authority tax paid pursuant to 3202
section 5739.07 of the Revised Code during the same month, or 3203
transfers made pursuant to division (B) (2) of section 5703.052 3204
of the Revised Code. 3205

(2) On a periodic basis, using the best information 3206
available, the tax commissioner shall distribute any amount of a 3207
county or transit authority tax that cannot be distributed under 3208
division (B) (1) of this section. Through audit or other means, 3209
the commissioner shall attempt to obtain the information 3210
necessary to make the distribution as provided under that 3211
division and, on receipt of that information, shall make 3212
adjustments to distributions previously made under this 3213
division. 3214

(3) Eight and thirty-three one-hundredths of one per cent 3215
of the revenue collected from the tax due under division (A) of 3216
section 5739.029 of the Revised Code shall be distributed to the 3217
county where the sale of the motor vehicle is situated under 3218
section 5739.033 of the Revised Code. The amount to be so 3219
distributed to the county shall be apportioned on the basis of 3220
the rates of taxes the county levies pursuant to sections 3221
5739.021 and 5739.026 of the Revised Code, as applicable, and 3222
shall be credited to the funds of the county as provided in 3223

divisions (A) and (B) of section 5739.211 of the Revised Code. 3224

(C) The aggregate amount to be returned to any county or 3225
transit authority shall be reduced by one per cent, which shall 3226
be certified directly to the credit of the local sales tax 3227
administrative fund, which is hereby created in the state 3228
treasury. For the purpose of determining the amount to be 3229
returned to a county and transit authority in which the rate of 3230
tax imposed by the transit authority has been reduced under 3231
section 5739.028 of the Revised Code, the tax commissioner shall 3232
use the respective rates of tax imposed by the county or transit 3233
authority that results from the change in the rates authorized 3234
under that section. 3235

(D) The director of budget and management shall transfer, 3236
from the same funds and in the same proportions specified in 3237
division (A) of this section, to the permissive tax distribution 3238
fund created by division (B)(1) of section 4301.423 of the 3239
Revised Code and to the local sales tax administrative fund, the 3240
amounts certified by the tax commissioner. The tax commissioner 3241
shall then, on or before the twentieth day of the month in which 3242
such certification is made, provide for payment of such 3243
respective amounts to the county treasurer and to the fiscal 3244
officer of the transit authority levying the tax or taxes. The 3245
amount transferred to the local sales tax administrative fund is 3246
for use by the tax commissioner in defraying costs incurred in 3247
administering such taxes levied by a county or transit 3248
authority. 3249

Sec. 5739.27. (A) Terms used in this section have the same 3250
meanings as in section 3796.01 of the Revised Code. 3251

(B) For the purpose of funding the needs of the state and 3252
local governments that host adult-use marijuana dispensaries, an 3253

excise tax is levied on the retail sale of adult-use marijuana. 3254
The rate of the tax shall equal ten per cent of the price of 3255
adult-use marijuana and is in addition to other taxes levied 3256
under this chapter or Chapter 5741. of the Revised Code. 3257

(C) The tax shall be paid by the consumer to the vendor at 3258
the time of the sale, and the vendor shall report and remit the 3259
tax to the state in the same manner and at the same time the 3260
vendor reports and remits the tax levied under section 5739.02 3261
of the Revised Code. The return required by this division shall 3262
be filed on a form prescribed by the tax commissioner, which 3263
shall be separate from the return required to be filed under 3264
section 5739.12 of the Revised Code. A vendor with no sales of 3265
adult-use marijuana for a reporting period is not required to 3266
file this separate return. For all purposes of the Revised Code, 3267
the tax levied under this section shall be considered a tax 3268
levied under section 5739.02 of the Revised Code. 3269

(D) For the same purpose as the tax levied under division 3270
(B) of this section, a tax is levied on a vendor that sells any 3271
marijuana other than adult-use marijuana or medical marijuana to 3272
a consumer. That tax equals ten per cent of the price of such 3273
marijuana, and the consumer and vendor are liable for any 3274
amounts, including tax, interest, and penalties, imposed under 3275
this section and chapter in the same manner as vendors subject 3276
to the tax imposed under division (B) of this section. 3277

(E) All amounts collected from a tax levied under this 3278
section shall be deposited into the marijuana receipts fund, 3279
which is created in the state treasury. Investment earnings of 3280
the marijuana receipts fund shall be credited to that fund. 3281

From the marijuana receipts fund, the director of budget 3282
and management shall transfer as needed to the tax refund fund 3283

amounts equal to the refunds attributable to the tax levied 3284
under this section and certified by the tax commissioner under 3285
section 5739.07 of the Revised Code. 3286

(F) After making any transfers required under divisions 3287
(E) and (G) of this section, the director of budget and 3288
management shall transfer amounts remaining in the marijuana 3289
receipts fund to the general revenue fund. 3290

(G) Beginning in fiscal year 2026, and for the following 3291
four fiscal years, the director of budget and management shall 3292
distribute twenty per cent of funds in the marijuana receipts 3293
fund, after making any transfers required under division (E) of 3294
this section, to the host community cannabis fund, which is 3295
created in the state treasury, for the benefit of municipal 3296
corporations or townships that have not prohibited or limited 3297
adult-use dispensaries under section 3780.25 of the Revised 3298
Code, as that section existed immediately before its repeal by 3299
this act, before March 1, 2025. Distributions to such municipal 3300
corporations and townships shall be based on the portion of the 3301
tax levied under division (B) of this section attributable to 3302
each municipal corporation or township. Municipal corporations 3303
and townships receiving funds under this division may use such 3304
funds for any lawful purpose. 3305

Distributions under this division shall be made by the end 3306
of each month based on tax collections from the preceding month. 3307
The tax commissioner shall make data available to the director 3308
of the office of budget and management for this purpose and the 3309
director of budget and management shall provide for payment of 3310
those amounts to municipal corporations and townships as 3311
required. 3312

Sec. 5739.99. (A) Whoever violates section 5739.26 or 3313

5739.29 of the Revised Code shall be fined not less than twenty- 3314
five nor more than one hundred dollars for a first offense; for 3315
each subsequent offense such person shall, if a corporation, be 3316
fined not less than one hundred nor more than five hundred 3317
dollars, or if an individual, or a member of a partnership, 3318
firm, or association, be fined not less than twenty-five nor 3319
more than one hundred dollars, or imprisoned not more than sixty 3320
days, or both. 3321

(B) Whoever violates division (A) of section 5739.30 of 3322
the Revised Code shall be fined not less than one hundred nor 3323
more than one thousand dollars, or imprisoned not more than 3324
sixty days, or both. 3325

(C) (1) Whoever violates division (A) (1) of section 5739.31 3326
of the Revised Code shall be fined not less than twenty-five nor 3327
more than one hundred dollars. If the offender previously has 3328
been convicted of a violation of division (A) (1) of section 3329
5739.31 of the Revised Code, the offender is guilty of a felony 3330
of the fourth degree. 3331

(2) Whoever violates division (A) (2) of section 5739.31 of 3332
the Revised Code shall be fined not less than one hundred 3333
dollars nor more than five hundred dollars, or imprisoned for 3334
not more than ten days, or both, for the first offense; for each 3335
subsequent offense, each such person shall be fined not less 3336
than one thousand dollars nor more than twenty-five hundred 3337
dollars, or imprisoned not more than thirty days, or both. The 3338
motor vehicles and goods of any person charged with violating 3339
division (A) (2) of section 5739.31 of the Revised Code may be 3340
impounded and held pending the disposition of the charge, and 3341
may be sold at auction by the county sheriff in the manner 3342
prescribed by law to satisfy any fine imposed by this division. 3343

(3) Whoever violates division (B) of section 5739.31 of the Revised Code is guilty of a felony of the fourth degree. Each day that business is conducted while a vendor's license is suspended constitutes a separate offense.

(D) Except as otherwise provided in this section, whoever violates sections 5739.01 to 5739.31 of the Revised Code, or any lawful rule promulgated by the department of taxation under authority of such sections, shall be fined not less than twenty-five nor more than one hundred dollars.

(E) Whoever violates section 5739.12 of the Revised Code by failing to remit to the state the tax collected under section 5739.02, 5739.021, 5739.023, ~~or~~ 5739.026, or 5739.27 of the Revised Code is guilty of a felony of the fourth degree and shall suffer the loss of the person's vendor's license as required by section 5739.17 of the Revised Code. A person shall not be eligible for a vendor's license for two years following conviction.

(F) Whoever violates division (E) of section 5739.17 of the Revised Code is guilty of failure to display a transient vendor's license, a minor misdemeanor. A sheriff or police officer in a municipal corporation may enforce this division. The prosecuting attorney of a county shall inform the tax commissioner of any instance when a complaint is brought against a transient vendor pursuant to this division.

(G) Whoever violates section 5739.103 of the Revised Code shall be fined not less than twenty-five nor more than one hundred dollars. If the offender previously has been convicted of violating that section, the offender is guilty of a felony of the fourth degree.

(H) The penalties provided in this section are in addition 3373
to any penalties imposed by the tax commissioner under section 3374
5739.133 of the Revised Code. 3375

Section 2. That existing sections 9.79, 519.21, 928.01, 3376
928.03, 3376.07, 3796.01, 3796.02, 3796.03, 3796.05, 3796.06, 3377
3796.07, 3796.09, 3796.10, 3796.12, 3796.13, 3796.14, 3796.15, 3378
3796.17, 3796.18, 3796.19, 3796.20, 3796.21, 3796.22, 3796.23, 3379
3796.24, 3796.27, 3796.28, 3796.29, 3796.30, 3796.31, 4735.18, 3380
4796.25, 5502.01, 5502.13, 5502.14, 5713.30, 5739.21, and 3381
5739.99 of the Revised Code are hereby repealed. 3382

Section 3. That sections 3780.01, 3780.02, 3780.03, 3383
3780.04, 3780.05, 3780.06, 3780.07, 3780.08, 3780.09, 3780.10, 3384
3780.11, 3780.12, 3780.13, 3780.14, 3780.15, 3780.16, 3780.17, 3385
3780.18, 3780.19, 3780.20, 3780.21, 3780.22, 3780.23, 3780.24, 3386
3780.25, 3780.26, 3780.27, 3780.28, 3780.29, 3780.30, 3780.31, 3387
3780.32, 3780.33, 3780.34, 3780.35, 3780.36, 3780.90, 3780.99, 3388
and 3796.021 of the Revised Code are hereby repealed. 3389

Section 4. (A) All rules adopted by the Division of 3390
Cannabis Control pursuant to Chapter 3780. of the Revised Code, 3391
as that chapter existed immediately before the effective date of 3392
this section, and that are not in conflict with the requirements 3393
of this act, continue in effect until repealed or amended by the 3394
Division of Marijuana Control. The Director of the Legislative 3395
Service Commission shall renumber rules adopted under Chapter 3396
3780. of the Revised Code to reflect the transfer of authority 3397
to Chapter 3796. of the Revised Code, as amended by this act. 3398

(B) Any rules that are pending before the Common Sense 3399
Initiative or the Joint Committee on Agency Rule Review on the 3400
effective date of this section that were proposed by the 3401
Division of Cannabis Control under Chapter 3780. of the Revised 3402

Code, as that chapter existed immediately before the effective 3403
date of this section, shall be treated as having been proposed 3404
by the Division of Marijuana Control under Chapter 3796. of the 3405
Revised Code. 3406

(C) Notwithstanding any provision of section 121.95 of the 3407
Revised Code to the contrary, a regulatory restriction contained 3408
in a rule adopted by the Division of Marijuana Control in 3409
accordance with Chapter 3796. of the Revised Code, as amended by 3410
this act, during the period beginning on the effective date of 3411
this section and ending twelve months after that date is not 3412
subject to sections 121.95 to 121.953 of the Revised Code. 3413

Section 5. The General Assembly, applying the principle 3414
stated in division (B) of section 1.52 of the Revised Code that 3415
amendments are to be harmonized if reasonably capable of 3416
simultaneous operation, finds that the following sections, 3417
presented in this act as composites of the sections as amended 3418
by the acts indicated, are the resulting versions of the 3419
sections in effect prior to the effective date of the sections 3420
as presented in this act: 3421

Section 519.21 of the Revised Code as amended by both H.B. 3422
523 and S.B. 75 of the 131st General Assembly. 3423

Section 5739.99 of the Revised Code as amended by both 3424
S.B. 143 and S.B. 200 of the 124th General Assembly. 3425