

As Introduced

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

S. B. No. 56

Senator Huffman

A BILL

To amend sections 121.04, 121.08, 519.21, 928.03, 1
3376.07, 3780.01, 3780.06, 3780.08, 3780.10, 2
3780.11, 3780.31, 3796.01, 3796.02, 3796.03, 3
3796.032, 3796.05, 3796.06, 3796.061, 3796.07, 4
3796.09, 3796.10, 3796.11, 3796.12, 3796.13, 5
3796.14, 3796.15, 3796.16, 3796.17, 3796.18, 6
3796.19, 3796.20, 3796.21, 3796.22, 3796.24, 7
3796.27, 3796.28, 3796.29, 3796.30, 4729.80, 8
4735.18, 4743.09, 4776.01, 5502.01, 5502.13, 9
5502.14, 5713.30, 5739.21, and 5739.99; to enact 10
sections 3796.04, 3796.062, 3796.221, 3796.32, 11
3796.33, 3796.99, and 5739.27; and to repeal 12
sections 3780.02, 3780.03, 3780.04, 3780.05, 13
3780.07, 3780.09, 3780.12, 3780.13, 3780.14, 14
3780.15, 3780.16, 3780.17, 3780.18, 3780.19, 15
3780.20, 3780.21, 3780.22, 3780.23, 3780.24, 16
3780.25, 3780.26, 3780.27, 3780.28, 3780.29, 17
3780.30, 3780.32, 3780.33, 3780.34, 3780.35, 18
3780.36, 3780.90, 3780.99, and 3796.021 of the 19
Revised Code to consolidate the administration 20
of the marijuana control program, revise the 21
medical and adult-use marijuana laws, and to 22
levy taxes on marijuana. 23

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

Section 1. That sections 121.04, 121.08, 519.21, 928.03, 24
3376.07, 3780.01, 3780.06, 3780.08, 3780.10, 3780.11, 3780.31, 25
3796.01, 3796.02, 3796.03, 3796.032, 3796.05, 3796.06, 3796.061, 26
3796.07, 3796.09, 3796.10, 3796.11, 3796.12, 3796.13, 3796.14, 27
3796.15, 3796.16, 3796.17, 3796.18, 3796.19, 3796.20, 3796.21, 28
3796.22, 3796.24, 3796.27, 3796.28, 3796.29, 3796.30, 4729.80, 29
4735.18, 4743.09, 4776.01, 5502.01, 5502.13, 5502.14, 5713.30, 30
5739.21, and 5739.99 be amended and sections 3796.04, 3796.062, 31
3796.221, 3796.32, 3796.33, 3796.99, and 5739.27 of the Revised 32
Code be enacted to read as follows: 33

Sec. 121.04. Offices are created within the several 34
departments as follows: 35

In the department of commerce: 36

Commissioner of securities; 37

Superintendent of real estate and professional 38
licensing; 39

Superintendent of financial institutions; 40

State fire marshal; 41

Superintendent of industrial compliance; 42

Superintendent of liquor control; 43

Superintendent of unclaimed funds; 44

Superintendent of ~~marijuana~~-cannabis control. 45

In the department of administrative services: 46

Equal employment opportunity coordinator. 47

In the department of agriculture:	48
Chiefs of divisions as follows:	49
Administration;	50
Animal health;	51
Livestock environmental permitting;	52
Soil and water conservation;	53
Dairy;	54
Food safety;	55
Plant health;	56
Markets;	57
Meat inspection;	58
Consumer protection laboratory;	59
Amusement ride safety;	60
Enforcement;	61
Weights and measures.	62
In the department of natural resources:	63
Chiefs of divisions as follows:	64
Mineral resources management;	65
Oil and gas resources management;	66
Forestry;	67
Natural areas and preserves;	68
Wildlife;	69

Geological survey;	70
Parks and watercraft;	71
Water resources;	72
Engineering.	73
In the department of insurance:	74
Deputy superintendent of insurance;	75
Assistant superintendent of insurance, technical;	76 77
Assistant superintendent of insurance, administrative;	78 79
Assistant superintendent of insurance, research.	80
Sec. 121.08. (A) There is hereby created in the department of commerce the position of deputy director of administration. This officer shall be appointed by the director of commerce, serve under the director's direction, supervision, and control, perform the duties the director prescribes, and hold office during the director's pleasure. The director of commerce may designate an assistant director of commerce to serve as the deputy director of administration. The deputy director of administration shall perform the duties prescribed by the director of commerce in supervising the activities of the division of administration of the department of commerce.	81 82 83 84 85 86 87 88 89 90 91
(B) Except as provided in section 121.07 of the Revised Code, the department of commerce shall have all powers and perform all duties vested in the deputy director of administration, the state fire marshal, the superintendent of financial institutions, the superintendent of real estate and	92 93 94 95 96

professional licensing, the superintendent of liquor control, 97
the superintendent of industrial compliance, the superintendent 98
of unclaimed funds, the superintendent of ~~marijuana~~ cannabis 99
control, and the commissioner of securities, and shall have all 100
powers and perform all duties vested by law in all officers, 101
deputies, and employees of those offices. Except as provided in 102
section 121.07 of the Revised Code, wherever powers are 103
conferred or duties imposed upon any of those officers, the 104
powers and duties shall be construed as vested in the department 105
of commerce. 106

(C) (1) There is hereby created in the department of 107
commerce a division of financial institutions, which shall have 108
all powers and perform all duties vested by law in the 109
superintendent of financial institutions. Wherever powers are 110
conferred or duties imposed upon the superintendent of financial 111
institutions, those powers and duties shall be construed as 112
vested in the division of financial institutions. The division 113
of financial institutions shall be administered by the 114
superintendent of financial institutions. 115

(2) All provisions of law governing the superintendent of 116
financial institutions shall apply to and govern the 117
superintendent of financial institutions provided for in this 118
section; all authority vested by law in the superintendent of 119
financial institutions with respect to the management of the 120
division of financial institutions shall be construed as vested 121
in the superintendent of financial institutions created by this 122
section with respect to the division of financial institutions 123
provided for in this section; and all rights, privileges, and 124
emoluments conferred by law upon the superintendent of financial 125
institutions shall be construed as conferred upon the 126
superintendent of financial institutions as head of the division 127

of financial institutions. The director of commerce shall not 128
transfer from the division of financial institutions any of the 129
functions specified in division (C) (2) of this section. 130

(D) There is hereby created in the department of commerce 131
a division of liquor control, which shall have all powers and 132
perform all duties vested by law in the superintendent of liquor 133
control. Wherever powers are conferred or duties are imposed 134
upon the superintendent of liquor control, those powers and 135
duties shall be construed as vested in the division of liquor 136
control. The division of liquor control shall be administered by 137
the superintendent of liquor control. 138

(E) The director of commerce shall not be interested, 139
directly or indirectly, in any firm or corporation which is a 140
dealer in securities as defined in sections 1707.01 and 1707.14 141
of the Revised Code, or in any firm or corporation licensed 142
under sections 1321.01 to 1321.19 of the Revised Code. 143

(F) The director of commerce shall not have any official 144
connection with a savings and loan association, a savings bank, 145
a bank, a bank holding company, a savings and loan association 146
holding company, a consumer finance company, or a credit union 147
that is under the supervision of the division of financial 148
institutions, or a subsidiary of any of the preceding entities, 149
or be interested in the business thereof. 150

(G) There is hereby created in the state treasury the 151
division of administration fund. The fund shall receive 152
assessments on the operating funds of the department of commerce 153
in accordance with procedures prescribed by the director of 154
commerce. All operating expenses of the division of 155
administration shall be paid from the division of administration 156
fund. 157

(H) There is hereby created in the department of commerce 158
a division of real estate and professional licensing, which 159
shall be under the control and supervision of the director of 160
commerce. The division of real estate and professional licensing 161
shall be administered by the superintendent of real estate and 162
professional licensing. The superintendent of real estate and 163
professional licensing shall exercise the powers and perform the 164
functions and duties delegated to the superintendent under 165
Chapters 4735., 4763., 4764., 4767., and 4768. of the Revised 166
Code. 167

(I) There is hereby created in the department of commerce 168
a division of industrial compliance, which shall have all powers 169
and perform all duties vested by law in the superintendent of 170
industrial compliance. Wherever powers are conferred or duties 171
imposed upon the superintendent of industrial compliance, those 172
powers and duties shall be construed as vested in the division 173
of industrial compliance. The division of industrial compliance 174
shall be under the control and supervision of the director of 175
commerce and be administered by the superintendent of industrial 176
compliance. 177

(J) There is hereby created in the department of commerce 178
a division of unclaimed funds, which shall have all powers and 179
perform all duties delegated to or vested by law in the 180
superintendent of unclaimed funds. Wherever powers are conferred 181
or duties imposed upon the superintendent of unclaimed funds, 182
those powers and duties shall be construed as vested in the 183
division of unclaimed funds. The division of unclaimed funds 184
shall be under the control and supervision of the director of 185
commerce and shall be administered by the superintendent of 186
unclaimed funds. The superintendent of unclaimed funds shall 187
exercise the powers and perform the functions and duties 188

delegated to the superintendent by the director of commerce 189
under section 121.07 and Chapter 169. of the Revised Code, and 190
as may otherwise be provided by law. 191

(K) There is hereby created in the department of commerce 192
a division of ~~marijuana-cannabis~~ control, which shall have all 193
powers and perform all duties vested by law in the 194
superintendent of ~~marijuana-cannabis~~ control. Wherever powers 195
are conferred or duties are imposed upon the superintendent of 196
~~marijuana-cannabis~~ control, those powers and duties shall be 197
construed as vested in the division of ~~marijuana-cannabis~~ 198
control. The division of ~~marijuana-cannabis~~ control shall be 199
under the control and supervision of the director of commerce 200
and be administered by the superintendent of ~~marijuana-cannabis~~ 201
control. 202

(L) The department of commerce or a division of the 203
department created by the Revised Code that is acting with 204
authorization on the department's behalf may request from the 205
bureau of criminal identification and investigation pursuant to 206
section 109.572 of the Revised Code, or coordinate with 207
appropriate federal, state, and local government agencies to 208
accomplish, criminal records checks for the persons whose 209
identities are required to be disclosed by an applicant for the 210
issuance or transfer of a permit, license, certificate of 211
registration, or certification issued or transferred by the 212
department or division. At or before the time of making a 213
request for a criminal records check, the department or division 214
may require any person whose identity is required to be 215
disclosed by an applicant for the issuance or transfer of such a 216
license, permit, certificate of registration, or certification 217
to submit to the department or division valid fingerprint 218
impressions in a format and by any media or means acceptable to 219

the bureau of criminal identification and investigation and, 220
when applicable, the federal bureau of investigation. The 221
department or division may cause the bureau of criminal 222
identification and investigation to conduct a criminal records 223
check through the federal bureau of investigation only if the 224
person for whom the criminal records check would be conducted 225
resides or works outside of this state or has resided or worked 226
outside of this state during the preceding five years, or if a 227
criminal records check conducted by the bureau of criminal 228
identification and investigation within this state indicates 229
that the person may have a criminal record outside of this 230
state. 231

In the case of a criminal records check under section 232
109.572 of the Revised Code, the department or division shall 233
forward to the bureau of criminal identification and 234
investigation the requisite form, fingerprint impressions, and 235
fee described in division (C) of that section. When requested by 236
the department or division in accordance with this section, the 237
bureau of criminal identification and investigation shall 238
request from the federal bureau of investigation any information 239
it has with respect to the person who is the subject of the 240
requested criminal records check and shall forward the requisite 241
fingerprint impressions and information to the federal bureau of 242
investigation for that criminal records check. After conducting 243
a criminal records check or receiving the results of a criminal 244
records check from the federal bureau of investigation, the 245
bureau of criminal identification and investigation shall 246
provide the results to the department or division. 247

The department or division may require any person about 248
whom a criminal records check is requested to pay to the 249
department or division the amount necessary to cover the fee 250

charged to the department or division by the bureau of criminal 251
identification and investigation under division (C) (3) of 252
section 109.572 of the Revised Code, including, when applicable, 253
any fee for a criminal records check conducted by the federal 254
bureau of investigation. 255

(M) The director of commerce, or the director's designee, 256
may adopt rules to enhance compliance with statutes pertaining 257
to, and rules adopted by, divisions under the direction, 258
supervision, and control of the department or director by 259
offering incentive-based programs that ensure safety and 260
soundness while promoting growth and prosperity in the state. 261

Sec. 519.21. (A) Except as otherwise provided in divisions 262
(B) and (D) of this section, sections 519.02 to 519.25 of the 263
Revised Code confer no power on any township zoning commission, 264
board of township trustees, or board of zoning appeals to 265
prohibit the use of any land for agricultural purposes or the 266
construction or use of buildings or structures incident to the 267
use for agricultural purposes of the land on which such 268
buildings or structures are located, including buildings or 269
structures that are used primarily for vinting and selling wine 270
and that are located on land any part of which is used for 271
viticulture, and no zoning certificate shall be required for any 272
such building or structure. 273

(B) A township zoning resolution, or an amendment to such 274
resolution, may in any platted subdivision approved under 275
section 711.05, 711.09, or 711.10 of the Revised Code, or in any 276
area consisting of fifteen or more lots approved under section 277
711.131 of the Revised Code that are contiguous to one another, 278
or some of which are contiguous to one another and adjacent to 279
one side of a dedicated public road, and the balance of which 280

are contiguous to one another and adjacent to the opposite side	281
of the same dedicated public road regulate:	282
(1) Agriculture on lots of one acre or less;	283
(2) Buildings or structures incident to the use of land	284
for agricultural purposes on lots greater than one acre but not	285
greater than five acres by: set back building lines; height; and	286
size;	287
(3) Dairying and animal and poultry husbandry on lots	288
greater than one acre but not greater than five acres when at	289
least thirty-five per cent of the lots in the subdivision are	290
developed with at least one building, structure, or improvement	291
that is subject to real property taxation or that is subject to	292
the tax on manufactured and mobile homes under section 4503.06	293
of the Revised Code. After thirty-five per cent of the lots are	294
so developed, dairying and animal and poultry husbandry shall be	295
considered nonconforming use of land and buildings or structures	296
pursuant to section 519.19 of the Revised Code.	297
Division (B) of this section confers no power on any	298
township zoning commission, board of township trustees, or board	299
of zoning appeals to regulate agriculture, buildings or	300
structures, and dairying and animal and poultry husbandry on	301
lots greater than five acres.	302
(C) Such sections confer no power on any township zoning	303
commission, board of township trustees, or board of zoning	304
appeals to prohibit in a district zoned for agricultural,	305
industrial, residential, or commercial uses, the use of any land	306
for:	307
(1) A farm market where fifty per cent or more of the	308
gross income received from the market is derived from produce	309

raised on farms owned or operated by the market operator in a 310
normal crop year. However, a board of township trustees, as 311
provided in section 519.02 of the Revised Code, may regulate 312
such factors pertaining to farm markets as size of the 313
structure, size of parking areas that may be required, set back 314
building lines, and egress or ingress, where such regulation is 315
necessary to protect the public health and safety. 316

(2) Biodiesel production, biomass energy production, or 317
electric or heat energy production if the land on which the 318
production facility is located qualifies as land devoted 319
exclusively to agricultural use under sections 5713.30 to 320
5713.37 of the Revised Code for real property tax purposes. As 321
used in division (C) (2) of this section, "biodiesel," "biomass 322
energy," and "electric or heat energy" have the same meanings as 323
in section 5713.30 of the Revised Code. 324

(3) Biologically derived methane gas production if the 325
land on which the production facility is located qualifies as 326
land devoted exclusively to agricultural use under sections 327
5713.30 to 5713.37 of the Revised Code for real property tax 328
purposes and if the facility that produces the biologically 329
derived methane gas does not produce more than seventeen million 330
sixty thousand seven hundred ten British thermal units, five 331
megawatts, or both. 332

(4) Agritourism. However, a board of township trustees, as 333
provided in section 519.02 of the Revised Code, may regulate 334
such factors pertaining to agritourism, except farm markets as 335
described in division (C) (1) of this section, as size of a 336
structure used primarily for agritourism, size of parking areas 337
that may be required, setback building lines for structures used 338
primarily for agritourism, and egress or ingress where such 339

regulation is necessary to protect public health and safety. 340

Nothing in division (C) (4) of this section confers power 341
on a township zoning commission, board of township trustees, or 342
board of zoning appeals to require any parking area to be 343
improved in any manner, including requirements governing 344
drainage, parking area base, parking area paving, or any other 345
improvement. 346

Nothing in division (C) (4) of this section confers power 347
on a township zoning commission, board of township trustees, or 348
board of zoning appeals to prohibit the use of any land or the 349
construction or use of buildings or structures that are used 350
primarily for vinting and selling wine that are located on land 351
any part of which is used for viticulture as provided in 352
division (A) of this section. 353

(D) Nothing in this section prohibits a township zoning 354
commission, board of township trustees, or board of zoning 355
appeals from regulating the location of ~~medical~~-marijuana 356
cultivators, processors, or retail dispensaries or from 357
prohibiting such cultivators, processors, or dispensaries from 358
being located in the unincorporated territory of the township. 359

~~(D) (1)~~ (E) (1) As used in division (C) (3) of this section, 360
"biologically derived methane gas" has the same meaning as in 361
section 5713.30 of the Revised Code. 362

(2) As used in division (C) (4) of this section, 363
"agritourism" has the same meaning as in section 901.80 of the 364
Revised Code. 365

Sec. 928.03. The director of agriculture, in consultation 366
with the governor and attorney general, shall adopt rules in 367
accordance with Chapter 119. of the Revised Code establishing 368

standards and procedures for the regulation of hemp cultivation 369
and processing. The rules shall include all of the following: 370

(A) The form of an application for a hemp cultivation 371
license and hemp processing license and the information required 372
to be included in each license application; 373

(B) The amount of an initial application fee that an 374
applicant shall submit along with an application for a hemp 375
cultivation license or a hemp processing license, and the amount 376
of an annual license fee that a licensee shall submit for a hemp 377
cultivation license or a hemp processing license. In adopting 378
rules under division (B) of this section, the director shall 379
ensure both of the following: 380

(1) That the amount of the application fee and annual 381
license fee does not exceed an amount sufficient to cover the 382
costs incurred by the department of agriculture to administer 383
and enforce this chapter; 384

(2) That there is one uniform application fee and one 385
uniform annual license fee that applies to all applicants for a 386
hemp cultivation license. 387

(C) Requirements and procedures concerning background 388
investigations of each applicant for a hemp cultivation license 389
and each applicant for a hemp processing license. The director 390
shall include both of the following in the rules adopted under 391
this division: 392

(1) A requirement that each applicant comply with sections 393
4776.01 to 4776.04 of the Revised Code; 394

(2) Provisions that prohibit the director from issuing a 395
hemp cultivation license or hemp processing license to an 396
applicant that has not complied with those sections. 397

(D) Requirements regarding the experience, equipment,	398
facilities, or land necessary to obtain a hemp cultivation	399
license;	400
(E) Requirements and procedures regarding standards of	401
financial responsibility for each applicant for a hemp	402
processing license.	403
(F) Procedures and requirements for the issuance, renewal,	404
denial, suspension, and revocation of a hemp cultivation license	405
and hemp processing license, including providing for a hearing	406
under Chapter 119. of the Revised Code with regard to such a	407
denial, suspension, or revocation;	408
(G) Grounds for the denial, suspension, and revocation of	409
a hemp cultivation license and of a hemp processing license,	410
including a requirement that the director revoke a hemp	411
cultivation license or hemp processing license, for a period of	412
ten years, of any person who pleads guilty to or is convicted of	413
a felony relating to a controlled substance;	414
(H) A requirement that the director shall not issue a hemp	415
cultivation license or hemp processing license to any person who	416
has pleaded guilty to or been convicted of a felony relating to	417
a controlled substance in the ten years immediately prior to the	418
submission of the application for a license;	419
(I) A requirement that any person that materially	420
falsifies information in an application for a hemp cultivation	421
license or hemp processing license is ineligible to receive	422
either license;	423
(J) A practice for maintaining relevant information	424
regarding land on which hemp is cultivated by hemp cultivation	425
licensees, including a legal description of the land, in	426

accordance with applicable federal law;	427
(K) Requirements prohibiting a hemp cultivation licensee	428
and a hemp processing licensee from cultivating or processing	429
marihuana;	430
(L) A procedure for testing, using post-decarboxylation or	431
other similarly reliable methods, delta-9 tetrahydrocannabinol	432
concentration levels of plants and products for purposes of	433
determining compliance with this chapter and rules adopted under	434
it;	435
(M) Requirements and procedures for the issuance,	436
administration, and enforcement of corrective action plans	437
issued under this chapter;	438
(N) A procedure for conducting annual inspections of, at a	439
minimum, a random sample of hemp cultivation license holders to	440
verify that plants are not being cultivated in violation of this	441
chapter or rules adopted under it;	442
(O) A procedure for conducting annual inspections of, at a	443
minimum, a random sample of hemp processing license holders to	444
verify that such license holders are not operating in violation	445
of this chapter or rules adopted under it;	446
(P) A procedure for complying with enforcement procedures	447
required under federal law;	448
(Q) A procedure for the effective disposal of all of the	449
following:	450
(1) Plants, whether growing or not, cultivated in	451
violation of this chapter or rules adopted under it;	452
(2) Products derived from plants cultivated in violation	453
of this chapter or rules adopted under it;	454

(3) Products produced in violation of this chapter or rules adopted under it.	455 456
(R) Requirements and procedures governing the production, storage, and disposal of hemp byproducts.	457 458
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 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.	459 460 461 462 463 464 465
(S) Procedures for sharing information regarding hemp cultivation license holders with the secretary of the USDA;	466 467
(T) A setback distance requirement that specifies the distance that a hemp cultivation license holder shall locate hemp plants from a location where <u>medical marijuana</u> or adult-use marijuana is being cultivated. The requirement does not apply to a hemp cultivation license holder with regard to a medical marijuana cultivator that locates <u>medical marijuana</u> or adult-use marijuana within the established setback distance requirement after the hemp cultivation license holder begins operation.	468 469 470 471 472 473 474 475
(U) Annual reporting requirements and procedures for hemp cultivation license holders and hemp processing license holders;	476 477
(V) Recordkeeping and documentation maintenance requirements and procedures for hemp cultivation license holders and hemp processing license holders;	478 479 480
(W) Fees for the laboratory testing of plants and products;	481 482

(X) Standards for the testing and labeling of hemp and hemp products;	483 484
(Y) Requirements prohibiting the processing of hemp in a building used as a personal residence or on land that is zoned for residential use;	485 486 487
(Z) Production standards and manufacturing practices for processing hemp;	488 489
(AA) Procedures and requirements for the transportation and storage of both hemp and hemp products;	490 491
(BB) Any other requirements or procedures necessary to administer and enforce this chapter.	492 493
Sec. 3376.07. A state institution of higher education, private college, athletic association, conference, or other group or organization with authority over intercollegiate athletics may prohibit a student who participates in intercollegiate athletics from entering into a contract providing compensation to the student for use of the student's name, image, or likeness if under the contract the student's name, image, or likeness is associated with any of the following:	494 495 496 497 498 499 500 501 502
(A) Any company that manufactures, markets, or sells, or brand that is associated with, a controlled substance, marihuana product, medical marijuana product, <u>adult-use marijuana product</u> , alcoholic product, tobacco product, electronic smoking device, vapor product, or product or device that consists of or contains nicotine that can be ingested into the body;	503 504 505 506 507 508
(B) Any medical -marijuana cultivator, processor, laboratory, or retail dispensary licensed under Chapter 3796. of the Revised Code or under the laws of another state;	509 510 511

(C) Any business engaged in the sale, rental, or 512
exhibition for any form of consideration of adult entertainment 513
that is characterized by an emphasis on the exposure or display 514
of sexual activity; 515

(D) Any casino or entity that sponsors or promotes 516
gambling activities; 517

(E) Any other category of companies, brands, or types of 518
contracts that are similar to those described in divisions (A) 519
to (D) of this section that the institution or college 520
communicates to the student before the student enrolls at the 521
institution or college. 522

Sec. 3780.01. Definitions. 523

~~(A) As used in this chapter:~~ 524

~~(1) "Adult use cannabis" or "cannabis" or "marijuana" means~~ 525
~~marihuana as defined in section 3719.01 of the Revised Code.~~ 526

~~(2) (A) "Certificate of operation," "marijuana," and~~ 527
~~"provisional license" have the same meanings as in section~~ 528
~~3796.01 of the Revised Code.~~ 529

~~(B) "Adult use Adult-use cannabis operator" means a level I-~~ 530
~~adult use an adult-use cultivator, a level II adult use~~ 531
~~cultivator, a level III adult use cultivator, an adult use~~ 532
~~adult-use processor, and an adult use adult-use dispensary.~~ 533

~~(3) (C) "Adult use Adult-use consumer" means and an~~ 534
individual who is at least twenty-one years of age. 535

~~(4) "Adult use cultivator" means a level I adult use cultivator~~ 536
~~or a level II adult use cultivator.~~ 537

~~(5) (D) "Adult use Adult-use dispensary" means a person licensed~~ 538

~~pursuant section 3780.15 of the Revised Code, to this chapter,~~ 539
~~and any rules promulgated thereunder,~~ to sell adult use cannabis 540
~~as engage in the activities authorized by section 3796.20 of the~~ 541
~~Revised Code.~~ 542

~~(6) "Adult use extract" or "extract" means a substance obtained~~ 543
~~by separating or concentrating cannabinoids and other compounds~~ 544
~~from any part of the adult use cannabis plant by physical or~~ 545
~~chemical means, intended to be refined for use as an ingredient~~ 546
~~in an adult use cannabis product or as a standalone adult use~~ 547
~~cannabis product.~~ 548

~~(7)(E) "Adult use Adult-use processor" means a person licensed~~ 549
~~pursuant section 3780.14 of the Revised Code, to this chapter,~~ 550
~~and any rules promulgated thereunder,~~ to manufacture adult use 551
~~cannabis as engage in the activities authorized by section~~ 552
~~3796.19 of the Revised Code.~~ 553

~~(8)(F) "Adult use Adult-use testing laboratory" means an~~ 554
~~independent laboratory located in this state that has been~~ 555
~~issued a license by the division of cannabis control to have~~ 556
~~custody and use of adult use cannabis for scientific purposes~~ 557
~~and for purposes of instruction, research, or analysis~~ 558
~~licensed pursuant to this chapter, and any rules promulgated~~ 559
~~thereunder, to engage in the activities authorized by section~~ 560
~~3796.21 of the Revised Code.~~ 561

~~(9) "Advertising" means any written or verbal statement,~~ 562
~~illustration, or depiction created to induce sales through the~~ 563
~~use of or a combination of letters, pictures, objects, lighting~~ 564
~~effects, illustrations, videos, sounds, or other similar means.~~ 565
~~"Advertisement" includes brochures, promotional and other~~ 566
~~marketing materials consistent with section 3780.21 of the~~ 567
~~Revised Code.~~ 568

(10) "Applicant" means an individual or person who files an application for a license pursuant to this chapter.	569 570
(11) "Certificate of operation" means a certification of operation or license issued by either the department of commerce or the state board of pharmacy to a person pursuant to Chapter 3796 of the Revised Code and Chapter 3796 of the Administrative Code.	571 572 573 574 575
(12)(G) "Confidential information" means information that is not a public record for purposes of section 149.43 of the Revised Code.	576 577 578
(13) "Cultivate" means to grow, harvest, package, and transports adult use cannabis pursuant to this chapter.	579 580
(14) "Cultivation area" means the boundaries of the enclosed areas in which adult use cannabis is cultivated during the vegetative stage and flowering stage of the cultivation process. For purposes of calculating the cultivation area square footage, enclosed areas used solely for the storage and maintenance of mother plants, clones, or seedlings shall not be included.	581 582 583 584 585 586
(15) "Cultivation facility" means a facility where an adult use cultivator or a level III adult use cultivator is authorized to operate.	587 588 589
(16) "Dispensary" means a person who has a certificate of operation to operate a dispensary under Chapter 3796 of the Revised Code and Chapter 3796 of the Administrative Code.	590 591 592
(17)(H) "Disqualifying offense" means:	593
(a)(1) A conviction or plea of guilty, including conspiracy to commit, attempt to commit, or aiding and abetting another in committing, the following:	594 595 596

~~_____ (i) (a)~~ Any offense set forth in ~~Chapters~~ Chapter 2925., 597
3719., or 4729. of the Revised Code, the violation of which 598
constitutes a felony or a misdemeanor of the first degree; 599

~~_____ (ii) (b)~~ Any theft offense set forth under division (K) in 600
section 2913.01 of the Revised Code, the violation of which 601
constitutes a felony; 602

~~_____ (iii) (c)~~ Any violation for which a penalty was imposed 603
under section 3715.99 of the Revised Code; 604

~~_____ (iv) (d)~~ A crime of moral turpitude as defined in section 605
4776.10 of the Revised Code; or 606

~~_____ (v) (e)~~ A violation of any former law of this state, any 607
existing or former law of another state, any existing or former 608
law applicable in a military court or Indian tribal court, or 609
any existing or former law of any nation other than the United 610
States that is or was substantially equivalent to any of the 611
offenses listed in ~~paragraphs (a) (iv)~~ divisions (H) (1) (a) to (a) 612
~~(iv) (d)~~ of this ~~definition~~ section. 613

~~_____ (b) (2)~~ Any first degree misdemeanor offense listed in 614
~~paragraphs (a) (i)~~ divisions (H) (1) (a) to (a) (v) (e) of this 615
~~definition~~ section will not automatically disqualify an 616
applicant from licensure if the applicant was convicted of or 617
pleaded guilty to the offense more than five years before the 618
date the application for licensure is filed. 619

~~_____ (c) (3)~~ Notwithstanding ~~paragraph (a) or (b)~~ division (H) (1) 620
or (2) of this ~~definition~~ section, no misdemeanor offense, 621
including misdemeanors of the first degree, related to ~~cannabis-~~ 622
marijuana possession, cannabis-marijuana trafficking, illegal 623
cultivation of ~~cannabis-~~ marijuana, illegal use or possession of 624
drug paraphernalia or ~~cannabis-~~ marijuana drug paraphernalia, or 625

other ~~cannabis-related~~ marijuana-related crimes shall be 626
considered a disqualifying offense. 627

~~(18) "Director" means the director of the department of~~ 628
~~commerce.~~ 629

~~(19) "Level I adult use (I) "Adult-use cultivator" mean either~~ 630
~~means a person who has a certificate of operation as a level I~~ 631
~~cultivator and who is licensed pursuant to section 3780.12 of~~ 632
~~the Revised Code, this chapter, and any rules promulgated~~ 633
~~thereunder, to cultivate adult use cannabis as engage in the~~ 634
~~activities authorized, or a person who is licensed as a level I~~ 635
~~adult use cultivator pursuant to section 3780.12 of the Revised~~ 636
~~Code, this chapter and any rules promulgated thereunder to~~ 637
~~cultivate adult use cannabis as authorized, and either person~~ 638
~~may operate up to one hundred thousand square footage of space~~ 639
~~designated as the cultivation area in the application which may~~ 640
~~be increased if a request for expansion is approved by the~~ 641
~~division of cannabis control by section 3796.18 of the Revised~~ 642
~~Code.~~ 643

~~(20) "Level II adult use cultivator" mean either a person who~~ 644
~~has a certificate of operation as a level II cultivator and who~~ 645
~~is licensed pursuant to section 3780.12 of the Revised Code,~~ 646
~~this chapter and any rules promulgated thereunder to cultivate~~ 647
~~adult use cannabis as authorized, or a person who is licensed as~~ 648
~~a level II adult use cultivator pursuant to section 3780.12 of~~ 649
~~the Revised Code, this chapter and any rules promulgated~~ 650
~~thereunder to cultivate adult use cannabis as authorized, and~~ 651
~~either person may operate up to fifteen thousand square footage~~ 652
~~of space designated as the cultivation area in the application~~ 653
~~which may be increased if a request for expansion is approved by~~ 654
~~the division of cannabis control.~~ 655

- ~~(21) "Level III adult use cultivator" means a person licensed pursuant section 3780.13 of the Revised Code, this chapter and any rules promulgated thereunder to cultivate adult use cannabis as authorized.~~ 656
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- ~~(22) "Level I cultivator" means a person who has a certificate of operation to operate as a level I cultivator under Chapter 3796 of the Revised Code and Chapter 3796 of the Administrative Code.~~ 660
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- ~~(23) "Level II cultivator" means a person who has a certificate of operation to operate as a level II cultivator under Chapter 3796 of the Revised Code and Chapter 3796 of the Administrative Code.~~ 664
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- ~~(24) "License" means a license by the division of cannabis control to a license applicant pursuant to chapter 3780 of the Revised Code and the rules adopted thereunder.~~ 668
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- ~~(25) "License applicant" means an individual or person who applies for a license under this chapter.~~ 671
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- ~~(26) "License holder" or "Licensee" means an adult use cannabis operator, adult use testing laboratory or an individual who is licensed under the provisions of chapter 3780 of the Revised Code.~~ 673
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- ~~(27) "Manufacture" means the process of converting harvested plant material into adult use extract by physical or chemical means for use as an ingredient in an adult use cannabis product.~~ 677
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- ~~(28) "Medical provisional license" means a provisional license issued by either the department of commerce or the state board of pharmacy to a person pursuant to Chapter 3796 of the Revised Code and Chapter 3796 of the Administrative Code.~~ 680
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~~(29) "Minor cannabinoid" means any cannabinoid other than CBD, CBDA, Delta-9 THC or Delta-9 THCa, including any isomer, analogue, or derivative thereof, and any other cannabinoid that naturally occurs in cannabis, regardless of whether that cannabinoid may be naturally or synthetically derived, which may be used as an ingredient in adult use products.~~ 684
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~~(30) "Mother plant" means an adult use cannabis plant that is cultivated or maintained for the purpose of generating clones, and that will not be used to produce plant material for sale to an adult use processor or an adult use dispensary unless the plant is transferred into the cultivation area of the facility.~~ 690
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~~(31) "Paraphernalia" means any equipment, products, or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing cannabis, or for ingesting, inhaling, or otherwise introducing cannabis into the human body.~~ 695
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~~(32) (J) "Person" includes, but is not limited to, an individual or a combination of individuals; a sole proprietorship, a firm, a company, a joint venture, a partnership of any type, a joint-stock company, a corporation of any type, a corporate subsidiary of any type, a limited liability company, a business trust, or any other business entity or organization; an assignee; a receiver; a trustee in bankruptcy; an unincorporated association, club, society, or other unincorporated entity or organization; entities that are disregarded for federal income tax purposes; and any other nongovernmental, artificial, legal entity that is capable of engaging in business.~~ 703
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~~(33) "Primary residence" means the residence of an individual in which the individual's habitation is fixed and to which, whenever the person is absent, the person has the intention of returning.~~

~~(34) "Processor" means a person who has been issued a processing certificate of operation pursuant to Chapter 3796 of the Revised Code and Chapter 3796 of the Administrative Code.~~

~~(35)(K) "Prohibited facility" means any church, public library, public playground, public park, or school, as as those terms are defined in section 3796.30-3796.01 of the Revised Code.~~

~~(36) "Provisional license" means a temporary license issued to an applicant for an individual license that establishes the conditions that must be met by the licensee before the individual is issued a license in accordance with the requirements and conditions set forth in chapter 3780 of the Revised Code and the rules adopted thereunder.~~

~~(37) "Tetrahydrocannabinol" or "THC" means the sum of the amount of delta 9 tetrahydrocannabinol (THC) and 87.7 per cent of the amount of delta 9 tetrahydrocannabinolic acid (THCA) present in the product or plant material. THC does not include minor cannabinoids.~~

~~**Sec. 3780.06. Information provided by the department of taxation.**~~

(A) (1) Notwithstanding section 149.43 of the Revised Code or any other public records law to the contrary or any law relating to the confidentiality of tax return information, upon the request of the division of cannabis control, the department of taxation shall provide to the division of cannabis control all of the following information:

(a) Whether an applicant for license under this chapter follows the applicable tax laws of this state;	743 744
(b) Any past or pending violation by the applicant of those tax laws, and any penalty imposed on the applicant for such a violation.	745 746 747
(2) The division of cannabis control shall request the information only as it pertains to an application for license that the division of cannabis control is reviewing.	748 749 750
(3) The department of taxation may charge the division of cannabis control a reasonable fee to cover the administrative cost of providing the information.	751 752 753
(B) Information received under this section is confidential. Except as otherwise permitted by other state law or federal law, the division of cannabis control shall not make the information available to any person other than the applicant for licensure to whom the information applies.	754 755 756 757 758
Sec. 3780.08. Criminal records checks.	759
(A) As used in this section, criminal records check has the same meaning as in section 109.572 of the Revised Code.	760 761
(B) (1) As part of the application process for a license issued under this chapter, the division of cannabis control shall require each of the following to complete a criminal records check:	762 763 764 765
(a) An administrator or other person responsible for the daily operation of an adult use <u>adult-use</u> cannabis operator or an adult use <u>adult-use</u> testing facility <u>laboratory</u> seeking a license;	766 767 768 769
(b) An owner or prospective owner, officer or prospective	770

officer, or board member or prospective board member of an 771
entity seeking the license as an ~~adult-use~~adult-use cannabis 772
operator or an ~~adult-use~~adult-use testing ~~facility~~laboratory 773
as determined by the division of cannabis control; and 774

(c) An employee or agent of an ~~adult-use~~adult-use cannabis 775
operator or an ~~adult-use~~adult-use testing ~~facility~~laboratory 776
~~required~~seeking to be licensed under this chapter. 777

(2) If a person subject to the criminal records check 778
requirement does not present proof of having been a resident of 779
this state for the five-year period immediately prior to the 780
date the criminal records check is requested or provide evidence 781
that within that five-year period the superintendent of the 782
bureau of criminal identification and investigation has 783
requested information about the person from the federal bureau 784
of investigation in a criminal records check, the division of 785
cannabis control shall request that the person obtain through 786
the superintendent a criminal records request from the federal 787
bureau of investigation as part of the criminal records check of 788
the person. Even if a person presents proof of having been a 789
resident of this state for the five-year period, the division of 790
cannabis control may request that the person obtain information 791
through the superintendent from the federal bureau of 792
investigation in the criminal records check. 793

(C) The division of cannabis control shall provide the following 794
to each person who is subject to the criminal records check 795
requirement: 796

(1) Information about accessing, completing, and forwarding to 797
the superintendent of the bureau of criminal identification and 798
investigation the form prescribed pursuant to division (C) (1) of 799
section 109.572 of the Revised Code and the standard impression 800

sheet to obtain fingerprint impressions prescribed pursuant to 801
division (C) (2) of that section; 802

(2) Written notification that the person is to instruct the 803
superintendent to submit the completed report of the criminal 804
records check directly to the division of cannabis control. 805

(D) Each person who is subject to the criminal records check 806
requirement shall pay to the bureau of criminal identification 807
and investigation the fee prescribed pursuant to division (C) (3) 808
of section 109.572 of the Revised Code for the criminal records 809
check conducted of the person. 810

(E) The report of any criminal records check conducted by the 811
bureau of criminal identification and investigation in 812
accordance with section 109.572 of the Revised Code and pursuant 813
to a request made under this section is not a public record for 814
the purposes of section 149.43 of the Revised Code and shall not 815
be made available to any person other than the following: 816

(1) The person who is the subject of the criminal records check 817
or the person's representative; 818

(2) The staff of the division of cannabis control and the 819
director; and 820

(3) A court, hearing officer, or other necessary individual 821
involved in a case dealing with either of the following: 822

(a) A license denial resulting from the criminal records check; 823

(b) A civil or criminal action regarding the division of 824
cannabis control or any violation of this chapter. 825

(F) The division of cannabis control shall deny a license if, 826
after receiving the information and notification required by 827
this section, a person subject to the criminal records check 828

requirement fails to do either of the following:	829
(1) Access, complete, or forward to the superintendent of the	830
bureau of criminal identification and investigation the form	831
prescribed pursuant to division (C) (1) of section 109.572 of the	832
Revised Code or the standard impression sheet prescribed	833
pursuant to division (C) (2) of that section;	834
(2) Instruct the superintendent to submit the completed report	835
of the criminal records check directly to the division of	836
cannabis control.	837
(G) The superintendent of the bureau of criminal identification	838
and investigation shall conduct a criminal record check under	839
section 109.572 of the Revised Code in a consistent manner as	840
the superintendent conducts a criminal record check as required	841
for sections 3796.12 and 3796.13 of the Revised Code upon the	842
receipt of a request, a completed form prescribed pursuant to	843
<u>division (C) (1) of section 109.572 (C) (1) 109.572</u> of the Revised	844
Code, and a set of fingerprint impressions obtained in a manner	845
described in <u>division (C) (2) of section 109.572 (C) (2) 109.572</u> of	846
the Revised Code. The superintendent of the bureau of criminal	847
identification and investigation shall conduct a criminal	848
records check in the manner described in <u>division (B) of section</u>	849
<u>109.572 (B) 109.572</u> of the Revised Code to determine whether any	850
information exists that indicates that the person who is the	851
subject of the request previously has been convicted of or plead	852
guilty to a disqualifying offense as defined in this chapter and	853
as clarified in rules adopted under this chapter.	854
Sec. 3780.10. Adult use cannabis operator and adult use	855
testing laboratory licenses.	856
(A) No person shall operate as an adult use cannabis operator or	857

~~adult use testing laboratory without a license~~ Licenses issued 858
by the division of cannabis control pursuant to this chapter and 859
holders of those licenses are subject to all procedures, 860
requirements, and penalties that apply to persons licensed under 861
Chapter 3796. of the Revised Code. 862

(B) The following licenses shall be issued by the division of 863
cannabis control within nine months of ~~the effective date of~~ 864
~~this section~~ December 7, 2023, if the license applicant is in 865
compliance with section 3780.11 of the Revised Code and this 866
chapter, and the license applicant has, or the same owners of 867
the license applicant, have, a certificate of operation or 868
~~medical provisional license issued under Chapter 3796. of the~~ 869
~~Revised Code as of the effective date of this section~~ December 870
7, 2023: 871

(1) A retail dispensary issued a certificate of operation or 872
~~medical provisional license under Chapter 3796. of the Revised~~ 873
~~Code~~ shall be issued an ~~adult use~~ adult-use dispensary license 874
under this chapter for the current location of the retail 875
dispensary; 876

(2) A level I cultivator issued a certificate of operation or 877
~~medical provisional license under Chapter 3796. of the Revised~~ 878
~~Code~~ shall be issued under this chapter three ~~adult use~~ adult- 879
use dispensary licenses at locations designated in a license 880
application, and one level I ~~adult use~~ adult-use cultivator 881
license for the current location of the level I cultivation 882
facility; 883

(3) A level II cultivator issued a certificate of operation or 884
~~medical provisional license under Chapter 3796. of the Revised~~ 885
~~Code~~ shall be issued under this chapter one ~~adult use~~ adult-use 886
dispensary license at a location designated in the license 887

application, and one level II ~~adult-use~~adult-use cultivator 888
license for the current location of the level II cultivation 889
facility; 890

(4) A retail dispensary issued a certificate of operation or 891
~~medical-provisional license~~ under Chapter 3796. of the Revised 892
Code shall be issued under this chapter one ~~adult-use~~adult-use 893
dispensary license at a different location as designated in the 894
license application if the retail dispensary does not have any 895
common ownership or control with any level I ~~adult-use~~adult-use 896
cultivator, level II ~~adult-use~~adult-use cultivator, or ~~adult-~~ 897
~~use~~adult-use processor license applicant or licensee; 898

(5) A processor issued a certificate of operation or ~~medical-~~ 899
provisional license under Chapter 3796. of the Revised Code 900
shall be issued under this chapter one ~~adult-use~~adult-use 901
processor license for the current location of the processor;~~and~~ 902

(6) A ~~testing~~-laboratory issued a certificate of operation under 903
Chapter 3796. of the Revised Code shall be issued under this 904
chapter one ~~adult-use~~adult-use testing laboratory license for 905
the current location of the ~~testing~~-laboratory. 906

Notwithstanding anything in this section, a license shall not be 907
issued pursuant to division (B) of this section to a license 908
applicant holding only a ~~related medical-provisional~~ license 909
unless the ~~medical-provisional~~ license holder is issued a 910
certificate of operation under Chapter 3796. of the Revised Code 911
within two years of ~~the effective date of this section~~ December 912
7, 2023. 913

(C) ~~The division of cannabis control shall issue up to forty-~~ 914
~~level III adult use cultivator licenses consistent with this-~~ 915
~~chapter with preference provided to applicants who have been-~~ 916

~~certified as cannabis social equity and jobs program~~ 917
~~participants under the cannabis social equity and jobs program~~ 918
~~pursuant to 3780.19 of this chapter. No person may have any~~ 919
~~ownership or control in more than one level III adult use~~ 920
~~cultivator license under this chapter. No adult use cultivator~~ 921
~~or adult use processor may have any ownership or control in a~~ 922
~~level III adult use cultivator license.~~ 923

~~(D) The division of cannabis control shall issue up to fifty~~ 924
~~additional adult use dispensary licenses in conformity with this~~ 925
~~chapter with preference provided to applicants who have been~~ 926
~~certified as cannabis social equity and jobs program~~ 927
~~participants under the cannabis social equity and jobs program.~~ 928

~~(E) Following twenty-four months from the first date of issuance~~ 929
~~of an adult use operator license, the division of cannabis~~ 930
~~control shall review the number of adult use cannabis operator~~ 931
~~licenses on a biannual basis and may authorize additional~~ 932
~~licenses after considering:~~ 933

~~(1) The current and anticipated market growth and consumer~~ 934
~~demand, including the number of adult use consumers seeking~~ 935
~~adult use cannabis;~~ 936

~~(2) The current and projected supply of adult use cannabis~~ 937
~~produced by licensed adult use cultivators, level III adult use~~ 938
~~cultivators, and adult use processors; and~~ 939

~~(3) The geographic distribution of adult use dispensary sites in~~ 940
~~an effort to ensure adult use customer access to adult use~~ 941
~~cannabis.~~ 942

~~(F) (1) The division of cannabis control shall provide a report~~ 943
~~and recommendation within ninety days of the conclusion of the~~ 944
~~requirements in division (E) of this section to the director for~~ 945

~~consideration.~~ 946

~~(2) The division of cannabis control may adopt rules as necessary to implement this division.~~ 947
948

~~(3) The division of cannabis control shall adopt a rule regarding the number of licenses a license holder may hold for each type of license consistent with this chapter. As of the effective date of this section, and notwithstanding any other provision of this chapter, no person shall be issued more than eight adult use dispensary licenses, and not No person shall be issued more than one adult use adult-use cultivator license, and not or more than one adult use adult-use processor license at any time, unless authorized by the division of cannabis control after an analysis supporting the licensing pursuant to rule.~~ 949
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~~(G) The division of cannabis control may authorize additional adult use testing laboratory licenses at any time.~~ 959
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~~**Sec. 3780.11. Application requirements for adult use cannabis operators and adult use testing laboratories.**~~ 961
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~~(A) An adult use A person seeking an adult-use cannabis operator and adult use or adult-use testing laboratory license applicant authorized to file an application by section 3780.10 of the Revised Code may file an application for licensure with the division of cannabis control. Each application shall be submitted in accordance with rules adopted under section 3780.03 of the Revised Code by the division and in conformity with this chapter. Initial applications shall be made available to adult-use operators and adult use testing laboratory prospective applicants within six months of the effective date of this section after December 7, 2023, and license applicants shall comply with all requirements of this chapter and related rules~~ 963
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prior to the issuance of a license.	975
(B) The division of cannabis control shall issue a license to an applicant if all of the following conditions are met:	976
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(1) The report of the criminal records check conducted pursuant to section 3780.08 of the Revised Code with respect to the application demonstrates the following:	978
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(a) The criminal offenses for which an applicant will be disqualified from licensure; and	981
	982
(b) The criminal offenses that will not disqualify an applicant from licensure if the applicant was convicted of or pleaded guilty to the offense more than five years before the date the application for licensure is filed.	983
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	986
(2) The adult use <u>adult-use</u> cannabis operator applicant demonstrates that it <u>the applicant</u> does not have an ownership or investment interest in or compensation arrangement with any <u>either</u> of the following:	987
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(a) An adult use <u>adult-use</u> testing laboratory licensed under this chapter; or	991
	992
(b) An applicant for a license to conduct adult use <u>adult-use</u> laboratory testing.	993
	994
(3) The adult use <u>adult-use</u> cannabis operator applicant demonstrates that it <u>the applicant</u> does not share any corporate officers or employees with any <u>either</u> of the following:	995
	996
	997
(a) An adult use <u>adult-use</u> testing laboratory licensed under this chapter; or	998
	999
(b) An applicant for a license to conduct adult use <u>adult-use</u> laboratory testing.	1000
	1001

- (4) The ~~adult use~~adult-use testing laboratory applicant 1002
demonstrates that ~~it~~the applicant does not have an ownership or 1003
investment interest in or compensation arrangement with ~~any~~ 1004
either of the following: 1005
- (a) An ~~adult use~~adult-use cannabis operator licensed under this 1006
chapter; or 1007
- (b) An applicant for a license to conduct ~~adult use~~adult-use 1008
cannabis operations. 1009
- (5) The ~~adult use~~adult-use testing laboratory applicant 1010
demonstrates that ~~it~~the applicant does not share any corporate 1011
officers or employees with ~~any~~either of the following: 1012
- (a) An ~~adult use~~adult-use cannabis operator licensed under this 1013
chapter; or 1014
- (b) An applicant for a license to conduct ~~adult use~~adult-use 1015
cannabis operations. 1016
- (6) The applicant demonstrates that the operations will not be 1017
located within five hundred feet of a prohibited facility 1018
~~consistent with this chapter~~ unless the prohibited facility was 1019
located within five hundred feet after the applicant filed the 1020
application with the division of cannabis control, or after the 1021
applicant, or the applicant owners, was operating under Chapter 1022
3796. of the Revised Code at the same location, ~~or unless~~ 1023
~~otherwise authorized in this chapter.~~ 1024
- (7) The information provided to the division of cannabis control 1025
pursuant to section 3780.06 of the Revised Code demonstrates 1026
that the applicant is in compliance with the applicable tax laws 1027
of this state. 1028
- (8) The applicant meets all other license eligibility conditions 1029

established in rules adopted ~~under section 3780.03 of the~~ 1030
~~Revised Code~~ by the division. 1031

(9) The applicant is not employed by a regulatory body of a 1032
governmental unit of this state and in that capacity has 1033
significant influence or control, as determined by the division 1034
of cannabis control, over the ability of the applicant to 1035
conduct business in this state. 1036

(C) A license expires according to the renewal schedule 1037
established in rules adopted ~~under section 3780.03 of the~~ 1038
~~Revised Code~~ and may be renewed in accordance with the 1039
~~procedures established in those rules~~ by the division of cannabis 1040
control. A license shall be automatically renewed by the 1041
~~division of cannabis control unless good cause is otherwise~~ 1042
~~shown~~ Prior to the expiration of the license, the license holder 1043
may apply for a new license in accordance with section 3796.33 1044
of the Revised Code. 1045

(D) A provisional license issued under this chapter is not 1046
transferable. 1047

(E) The division of cannabis control shall issue the following 1048
types of adult-use cultivator licenses: 1049

(1) (a) A level I adult-use cultivator license that, except as 1050
otherwise provided in division (E) (1) (b) of this section, 1051
authorizes the license holder to operate a cultivation area of 1052
up to twenty-five thousand square feet. 1053

(b) At the discretion of the division, a level I adult-use 1054
cultivator may request and receive one or more expansions to the 1055
cultivator's cultivation area so long as the resulting total 1056
cultivation area, including all expansions, does not exceed 1057
seventy-five thousand square feet. 1058

(2) (a) A level II adult-use cultivator license that, except as 1059
otherwise provided in division (E) (2) (b) of this section, 1060
authorizes the license holder to operate a cultivation area of 1061
up to three thousand square feet. 1062

(b) At the discretion of the division, a level II adult-use 1063
cultivator may request and receive one or more expansions to the 1064
cultivator's cultivation area so long as the resulting total 1065
cultivation area, including all expansions, does not exceed nine 1066
thousand square feet. 1067

~~Sec. 3780.31. Confidentiality.~~ 1068

(A) The following information submitted, collected, or gathered 1069
under this chapter is confidential and not subject to disclosure 1070
by any state agency or political subdivision as a public record 1071
under section 149.43 of the Revised Code: 1072

(1) Social security numbers, passport numbers, or federal tax 1073
identification numbers; 1074

(2) Home addresses and telephone numbers; 1075

(3) Birth certificates; 1076

(4) Driver's license numbers; 1077

(5) Dates of birth; 1078

(6) Places of birth; 1079

(7) The personal financial information and records, including 1080
tax returns and information, and records of criminal 1081
proceedings; 1082

(8) Any information concerning a victim of domestic violence, 1083
sexual assault, or stalking; 1084

(9) Electronic mail addresses; 1085

- (10) Internet ~~Protocol~~-protocol addresses or similar addresses; 1086
- (11) Any trade secret, and patents, or exclusive licenses; 1087
- (12) Client records and ~~adult-use~~-adult-use consumer identifying information; and 1088
1089
- (13) Security information, including risk prevention plans, 1090
detection and countermeasures, location of vaults or other money 1091
and/or cannabis storage areas, emergency management plans, 1092
security and surveillance plans, equipment and usage protocols, 1093
and theft and fraud prevention plans and countermeasures. 1094
- (B) Notwithstanding any other law, upon written request, the 1095
division of cannabis control shall provide the following 1096
information, except as provided in this chapter: 1097
- (1) The amount of tax paid to the state by any license holder; 1098
and 1099
- (2) A copy of a letter providing the reasons for the denial of 1100
an applicant's license, but with confidential information 1101
redacted. 1102
- (C) An individual who holds, held, or has applied for a license 1103
under this chapter may waive the confidentiality requirements of 1104
division (A) of this section. 1105
- (D) Confidential information received by the division of 1106
cannabis control from another jurisdiction relating to an 1107
individual who holds, held, or has applied for a license under 1108
this chapter is confidential and not subject to disclosure as a 1109
public record under section 149.43 of the Revised Code. 1110
- (E) After giving reasonable notice to the applicant, the current 1111
or former provisional license holder, or the current or former 1112
license holder, the division of cannabis control may share any 1113

information gathered pursuant to this chapter with, or disclose 1114
the information to, the inspector general, any appropriate 1115
prosecuting authority, any law enforcement agency, or any other 1116
appropriate governmental or licensing agency, but the agency 1117
that receives the information shall comply with the same 1118
requirements regarding confidentiality required under Ohio law. 1119

(F) The division of cannabis control, and any entity under 1120
contract with the division of cannabis control, shall not make 1121
public any information reported to or collected by the division 1122
of cannabis control under this chapter that identifies or would 1123
tend to identify any ~~adult-use~~ adult-use consumer, or tend to 1124
show any ~~adult-use~~ adult-use consumer's purchase history. 1125

Sec. 3796.01. (A) As used in this chapter: 1126

(1) "Marijuana" means marihuana as defined in section 1127
3719.01 of the Revised Code. 1128

(2) "Medical marijuana" means marijuana that is 1129
cultivated, processed, dispensed, tested, possessed, or used for 1130
a medical purpose in accordance with this chapter. "Medical 1131
marijuana" does not include adult-use marijuana or homegrown 1132
marijuana. 1133

(3) "Academic medical center" has the same meaning as in 1134
section 4731.297 of the Revised Code. 1135

(4) "Drug database" means the database established and 1136
maintained by the state board of pharmacy pursuant to section 1137
4729.75 of the Revised Code. 1138

(5) "Physician" means an individual authorized under 1139
Chapter 4731. of the Revised Code to practice medicine and 1140
surgery or osteopathic medicine and surgery. 1141

(6) "Qualifying medical condition" means any of the	1142
following:	1143
(a) Acquired immune deficiency syndrome;	1144
(b) Alzheimer's disease;	1145
(c) Amyotrophic lateral sclerosis;	1146
(d) Cancer;	1147
(e) Chronic traumatic encephalopathy;	1148
(f) Crohn's disease;	1149
(g) Epilepsy or another seizure disorder;	1150
(h) Fibromyalgia;	1151
(i) Glaucoma;	1152
(j) Hepatitis C;	1153
(k) Inflammatory bowel disease;	1154
(l) Multiple sclerosis;	1155
(m) Pain that is either of the following:	1156
(i) Chronic and severe;	1157
(ii) Intractable.	1158
(n) Parkinson's disease;	1159
(o) Positive status for HIV;	1160
(p) Post-traumatic stress disorder;	1161
(q) Sickle cell anemia;	1162
(r) Spinal cord disease or injury;	1163
(s) Tourette's syndrome;	1164

(t) Traumatic brain injury;	1165
(u) Ulcerative colitis;	1166
(v) Any other disease or condition added by the state medical board under section 4731.302 of the Revised Code.	1167 1168
(7) "State university" has the same meaning as in section 3345.011 of the Revised Code.	1169 1170
<u>(8) "Adult-use consumer" means an individual who is at least twenty-one years of age.</u>	1171 1172
<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>	1173 1174 1175 1176 1177 1178 1179 1180 1181 1182
<u>(10) "Church" has the meaning defined in section 1710.01 of the Revised Code.</u>	1183 1184
<u>(11) "Public library" means a library provided for under Chapter 3375. of the Revised Code.</u>	1185 1186
<u>(12) "Public park" means a park established by the state or a political subdivision of the state, including a county, township, municipal corporation, or park district.</u>	1187 1188 1189
<u>(13) "Public playground" means a playground established by the state or a political subdivision of the state, including a county, township, municipal corporation, or park district.</u>	1190 1191 1192

(14) "School" means a child care center as defined under 1193
section 5104.01 of the Revised Code, a preschool as defined 1194
under section 2950.034 of the Revised Code, or a public or 1195
nonpublic primary school or secondary school. 1196

(15) "Public place" has the same meaning as in section 1197
3794.01 of the Revised Code. 1198

(16) "Ohio investigative unit" means the investigative 1199
unit maintained by the department of public safety under section 1200
5502.13 of the Revised Code. 1201

(17) "Homegrown marijuana" means marijuana cultivated, 1202
grown, processed, or possessed by an adult-use consumer in 1203
accordance with section 3796.04 of the Revised Code. "Homegrown 1204
marijuana" includes marijuana cultivated, grown, processed, or 1205
possessed before the effective date of this amendment under 1206
former section 3780.28 of the Revised Code, as that section 1207
existed immediately prior to the effective date of this 1208
amendment. "Homegrown marijuana" does not include medical 1209
marijuana or adult-use marijuana. 1210

(18) "Provisional license" means a temporary license 1211
issued by the division of cannabis control to an applicant for a 1212
cultivator, processor, retail dispensary, or laboratory license 1213
under this chapter or Chapter 3780. of the Revised Code that 1214
establishes the conditions that must be met before the 1215
provisional license holder may engage in the activities 1216
authorized by section 3796.18, 3796.19, 3796.20, or 3796.21 of 1217
the Revised Code. 1218

(19) "Certificate of operation" means a certificate issued 1219
by the division to the holder of a provisional license that 1220
authorizes the recipient to engage in the activities authorized 1221

by section 3796.18, 3796.19, 3796.20, or 3796.21 of the Revised Code. 1222
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(20) "Licensed cultivator" means the holder of a current, valid license issued pursuant to this chapter or Chapter 3780. of the Revised Code to engage in the activities authorized by section 3796.18 of the Revised Code. 1224
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(21) "Licensed processor" means the holder of a current, valid license issued pursuant to this chapter or Chapter 3780. of the Revised Code to engage in the activities authorized by section 3796.19 of the Revised Code. 1228
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(22) "Licensed dispensary" means the holder of a current, valid license issued pursuant to this chapter or Chapter 3780. of the Revised Code to engage in the activities authorized by section 3796.20 of the Revised Code. 1232
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(23) "Licensed laboratory" means the holder of a current, valid license issued pursuant to this chapter or Chapter 3780. of the Revised Code to engage in the activities authorized by section 3796.21 of the Revised Code. 1236
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(24) "License holder" means the holder of a current, valid license issued by the division of cannabis control under this chapter or Chapter 3780. of the Revised Code. 1240
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(25) "Adult-use cultivator," "adult-use processor," "adult-use dispensary," and "adult-use testing laboratory" have the same meanings as in section 3780.01 of the Revised Code. 1243
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(B) As used in the Revised Code, the "division of marijuana control" means the division of cannabis control and the "superintendent of marijuana control" means the superintendent of cannabis control. Whenever the division of marijuana control or the superintendent of marijuana control is 1246
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referred to or designated in any statute, rule, contract, grant, 1251
or other document, the reference or designation shall be deemed 1252
to refer to the division of cannabis control or the 1253
superintendent of cannabis control, as indicated by context. 1254

(C) Notwithstanding any conflicting provision of Chapter 1255
3719. of the Revised Code or the rules adopted under it, for 1256
purposes of this chapter, ~~medical~~-marijuana is a schedule II 1257
controlled substance. 1258

Sec. 3796.02. There is hereby established a division of 1259
~~marijuana~~ cannabis control in the department of commerce under 1260
the supervision and direction of the superintendent of cannabis 1261
control as established under section 121.04 of the Revised Code. 1262
The ~~medical~~-marijuana control program is hereby established in 1263
the division of ~~marijuana~~ cannabis control. The division shall 1264
provide for the licensure of ~~medical~~-marijuana cultivators, 1265
processors, retail dispensaries, and laboratories that test 1266
~~medical~~-marijuana. The division shall also provide for the 1267
registration of patients and their caregivers. The division 1268
shall administer the ~~medical~~-marijuana control program. 1269

Sec. 3796.03. (A) The division of ~~marijuana~~ cannabis 1270
control shall adopt rules establishing standards and procedures 1271
for the ~~medical~~-marijuana control program. 1272

All rules adopted under this section shall be adopted in 1273
accordance with Chapter 119. of the Revised Code. 1274

(B) The rules shall do all of the following: 1275

(1) Establish application procedures and fees for licenses 1276
~~it issues~~ issued under this chapter; 1277

(2) Specify both of the following: 1278

(a) The conditions that must be met to be eligible for licensure;	1279 1280
(b) In accordance with section 9.79 of the Revised Code, the criminal offenses for which an applicant will be disqualified from licensure pursuant to that section.	1281 1282 1283
(3) Establish, in accordance with section 3796.05 of the Revised Code, the number of cultivator licenses and retail dispensary licenses <u>licensed cultivators</u> that will be permitted at any one time;	1284 1285 1286 1287
(4) Establish a license renewal schedule, renewal procedures, and renewal fees;	1288 1289
(5) Specify reasons for which a license may be suspended, including without prior hearing, revoked, or not be renewed or issued and the reasons for which a civil penalty may be imposed on a license holder;	1290 1291 1292 1293
(6) Establish standards under which a license suspension may be lifted;	1294 1295
(7) Establish procedures for registration of <u>medical marijuana</u> patients and caregivers and requirements that must be met to be eligible for registration;	1296 1297 1298
(8) Establish training requirements for employees of retail-licensed <u>dispensaries</u> ;	1299 1300
(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-	1301 1302 1303 1304 1305 1306

~~its license revoked by the division;~~ 1307

~~(10)~~ Specify, by form and tetrahydrocannabinol content, a 1308
maximum ninety-day supply of medical marijuana that may be 1309
possessed; 1310

~~(11)~~ (10) Specify the paraphernalia or other accessories 1311
that may be used in the administration to a registered patient 1312
of medical marijuana; 1313

~~(12)~~ (11) Establish procedures for the issuance of patient 1314
or caregiver identification cards; 1315

~~(13)~~ (12) Specify the forms of or methods of using medical 1316
marijuana that are attractive to children; 1317

~~(14)~~ (13) Specify both of the following: 1318

(a) Subject to division ~~(B) (14) (b)~~ (B) (13) (b) of this 1319
section, the criminal offenses for which a person will be 1320
disqualified from employment with a license holder; 1321

(b) Which of the criminal offenses specified pursuant to 1322
division ~~(B) (14) (a)~~ (B) (13) (a) of this section will not 1323
disqualify a person from employment with a license holder if the 1324
person was convicted of or pleaded guilty to the offense more 1325
than five years before the date the employment begins. 1326

~~(15)~~ (14) Establish a program to assist medical marijuana 1327
patients who are veterans or indigent in obtaining medical 1328
marijuana in accordance with this chapter; 1329

~~(16)~~ (15) Establish, in accordance with section 3796.05 of 1330
the Revised Code, standards and procedures for the testing of 1331
medical marijuana and adult-use marijuana by a licensed 1332
laboratory ~~licensed under this chapter.~~ 1333

(C) In addition to the rules described in division (B) of 1334
this section, the division may adopt any other rules it 1335
considers necessary for the program's administration and the 1336
implementation and enforcement of this chapter. 1337

(D) When adopting rules under this section, the division 1338
shall consider standards and procedures that have been found to 1339
be best practices relative to the use and regulation of medical 1340
marijuana, adult-use marijuana, and homegrown marijuana. 1341

Sec. 3796.032. This chapter does not authorize the 1342
division of ~~marijuana-cannabis~~ control to oversee or limit 1343
research conducted at a state university, academic medical 1344
center, or private research and development organization that is 1345
related to marijuana and is approved by an agency, board, 1346
center, department, or institute of the United States 1347
government, including any of the following: 1348

(A) The agency for health care research and quality; 1349

(B) The national institutes of health; 1350

(C) The national academy of sciences; 1351

(D) The centers for medicare and medicaid services; 1352

(E) The United States department of defense; 1353

(F) The centers for disease control and prevention; 1354

(G) The United States department of veterans affairs; 1355

(H) The drug enforcement administration; 1356

(I) The food and drug administration; 1357

(J) Any board recognized by the national institutes of 1358
health for the purpose of evaluating the medical value of health 1359
care services. 1360

Sec. 3796.04. (A) Notwithstanding any other provision of 1361
the Revised Code, an adult-use consumer may do all of the 1362
following: 1363

(1) Cultivate, grow, and possess not more than six 1364
homegrown marijuana plants at the adult-use consumer's primary 1365
residence, if all of the following apply: 1366

(a) Not more than six homegrown marijuana plants are 1367
cultivated or grown at a single residence; 1368

(b) Cultivation or growing of homegrown marijuana takes 1369
place only within a secured closet, room, greenhouse, or other 1370
enclosed area in or on the grounds of the residence that 1371
prevents access by individuals under twenty-one years of age, 1372
and which is not visible by normal unaided vision from a public 1373
space; 1374

(c) Cultivation or growing of homegrown marijuana does not 1375
take place at a residence that is a type A family child care 1376
home or type B family child care home, as those terms are 1377
defined in section 5104.01 of the Revised Code; 1378

(d) Cultivation or growing of homegrown marijuana does not 1379
take place at a residence occupied pursuant to a rental 1380
agreement that prohibits the activities otherwise authorized by 1381
this section. 1382

(2) Process by manual or mechanical means homegrown 1383
marijuana cultivated or grown in accordance with this section. 1384

(3) Store at the adult-use consumer's primary residence 1385
adult-use marijuana that was purchased from a dispensary 1386
licensed under this chapter or homegrown marijuana produced by 1387
the adult-use consumer in accordance with this section. 1388

<u>(4) Use homegrown marijuana grown, cultivated, and</u>	1389
<u>processed at the adult-use consumer's primary residence in</u>	1390
<u>accordance with this section;</u>	1391
<u>(5) Possess any paraphernalia or accessories that may be</u>	1392
<u>used in the administration of adult-use marijuana.</u>	1393
<u>(B) No person shall give, sell, or transfer homegrown</u>	1394
<u>marijuana to any other person, with or without remuneration.</u>	1395
<u>(C) This section does not authorize any person to:</u>	1396
<u>(1) Cultivate, grow, or process homegrown marijuana except</u>	1397
<u>at the person's primary residence;</u>	1398
<u>(2) Use, cultivate, process, transfer, or transport adult-</u>	1399
<u>use marijuana or homegrown marijuana before reaching twenty-one</u>	1400
<u>years of age;</u>	1401
<u>(3) Process homegrown by hydrocarbon-based extraction;</u>	1402
<u>(4) Sell, or profit from, homegrown marijuana;</u>	1403
<u>(5) Cultivate, grow, or possess homegrown marijuana on</u>	1404
<u>behalf of another person.</u>	1405
<u>(D) The total amount of homegrown marijuana and adult-use</u>	1406
<u>marijuana possessed by an adult-use consumer shall not exceed:</u>	1407
<u>(1) Two and one-half ounces of plant material, excluding</u>	1408
<u>any seeds, live plants, or clones being cultivated, grown, or</u>	1409
<u>processed in accordance with this section;</u>	1410
<u>(2) Fifteen grams of extract.</u>	1411
<u>(E) Subject to divisions (B), (C), and (D) of this</u>	1412
<u>section, an adult-use consumer shall not be subject to arrest or</u>	1413
<u>criminal prosecution for engaging in any of the activities</u>	1414
<u>described in division (A) of this section.</u>	1415

(F) This section does not authorize an adult-use consumer 1416
to operate a vehicle, streetcar, trackless trolley, watercraft, 1417
or aircraft while under the influence of homegrown marijuana. 1418

Sec. 3796.05. (A) When establishing the number of 1419
cultivator licenses that will be permitted at any one time, the 1420
division of ~~marijuana~~ cannabis control shall consider ~~both~~ all 1421
of the following: 1422

(1) The population of this state; 1423

(2) The number of patients seeking to use medical 1424
marijuana; 1425

(3) The number of adult-use consumers seeking to use 1426
adult-use marijuana; 1427

(4) The number of adult-use cannabis cultivators licensed 1428
under Chapter 3780. of the Revised Code that are eligible to 1429
apply for a cultivator license under section 3796.33 of the 1430
Revised Code. 1431

~~(B) When establishing the number of retail dispensary~~ 1432
~~licenses that will~~ (B) (1) Not more than three hundred fifty 1433
licensed dispensaries shall be permitted to operate in this 1434
state at any one time, the division shall consider all of the 1435
~~following:~~ 1436

~~(1) The population of this state;~~ 1437

~~(2) The number of patients seeking to use medical~~ 1438
~~marijuana;~~ 1439

~~(3) The geographic distribution of dispensary sites in an~~ 1440
~~effort to ensure patient access to medical marijuana.~~ 1441

(2) (a) The division may revoke a retail dispensary license 1442

for failure to secure a certificate of operation within eighteen months after issuance of a provisional licensure. 1443
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(b) The holder of a provisional license may apply to the division for not more than two six-month extensions of the deadline prescribed by division (B)(2)(b) of this section. The division shall approve the extension if the provisional license holder demonstrates that the provisional license holder has made a good-faith effort to become operational. 1445
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(3) Except as otherwise provided under section 3796.33 of the Revised Code, when issuing retail dispensary licenses, the division shall ensure that the geographic distribution of dispensary sites does not result in the oversaturation of any geographic area. 1451
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(4) Except as otherwise provided under section 3796.33 of the Revised Code, the division shall not, on or after the effective date of this amendment, issue a retail dispensary license for, or approve the relocation of a licensed retail dispensary to, a location or facility: 1456
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(a) That is within one-half mile of another licensed dispensary; 1461
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(b) For which a permit has been issued 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. 1463
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(C) When establishing standards and procedures for the testing of medical marijuana and adult-use marijuana, the division shall do all of the following: 1466
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(1) Specify when testing must be conducted; 1469

(2) Determine the minimum amount of medical marijuana or 1470

<u>adult-use marijuana</u> that must be tested;	1471
(3) Specify the manner in which testing is to be conducted	1472
in an effort to ensure uniformity of medical marijuana products	1473
processed for and dispensed to patients and <u>adult-use marijuana</u>	1474
<u>products</u> ;	1475
(4) Specify the manner in which test results are provided.	1476
Sec. 3796.06. (A) Only the following forms of medical	1477
marijuana may be dispensed under this chapter:	1478
(1) Oils;	1479
(2) Tinctures;	1480
(3) Plant material;	1481
(4) Edibles;	1482
(5) Patches;	1483
(6) Any other form approved by the division of marijuana	1484
<u>cannabis</u> control under section 3796.061 of the Revised Code.	1485
(B) <u>Only the following forms of adult-use marijuana may be</u>	1486
<u>dispensed under this chapter:</u>	1487
<u>(1) Any form in which medical marijuana may be dispensed;</u>	1488
<u>(2) Extracts;</u>	1489
<u>(3) Drops;</u>	1490
<u>(4) Lozenges;</u>	1491
<u>(5) Smoking or combustible products;</u>	1492
<u>(6) Vaporization products;</u>	1493
<u>(7) Beverages;</u>	1494

<u>(8) Pills;</u>	1495
<u>(9) Capsules;</u>	1496
<u>(10) Suppositories;</u>	1497
<u>(11) Oral pouches;</u>	1498
<u>(12) Oral strips;</u>	1499
<u>(13) Oral and topical sprays;</u>	1500
<u>(14) Salves;</u>	1501
<u>(15) Lotions or similar cosmetic products;</u>	1502
<u>(16) Inhalers;</u>	1503
<u>(17) Seeds;</u>	1504
<u>(18) Live plants;</u>	1505
<u>(19) Clones.</u>	1506
<u>(C) With respect to the methods of using medical</u>	1507
<u>marijuana, adult-use marijuana, and homegrown marijuana, all of</u>	1508
<u>the following apply:</u>	1509
(1) The smoking or combustion of medical marijuana is	1510
prohibited.	1511
(2) The <u>smoking, combustion, and vaporization of adult-use</u>	1512
<u>marijuana and homegrown marijuana, and the vaporization of</u>	1513
<u>medical marijuana, is permitted only in a private residence that</u>	1514
<u>is not either of the following:</u>	1515
<u>(a) A type A family child care home or type B family child</u>	1516
<u>care home, as those terms are defined in section 5104.01 of the</u>	1517
<u>Revised Code;</u>	1518
<u>(b) A residential premises occupied pursuant to a rental</u>	1519

agreement that prohibits smoking, combustion, or vaporization of 1520
marijuana. 1521

(3) The division may approve additional methods of using 1522
medical marijuana, other than smoking or combustion, under 1523
section 3796.061 of the Revised Code. 1524

~~(C)~~ (D) (1) Any form or method of using medical marijuana 1525
that is considered attractive to children, as specified in rules 1526
adopted by the division, is prohibited. 1527

(2) Adult-use marijuana shall not be dispensed or sold in 1528
a form or shape that bears the likeness or contains the 1529
characteristics of a realistic or fictional human, animal, or 1530
fruit, including artistic, caricature, or cartoon renderings. 1531

~~(D) With respect to tetrahydrocannabinol content, all of~~ 1532
~~the following apply:~~ 1533

~~(1) Plant material shall have a~~ (E) (1) The 1534
tetrahydrocannabinol content of medical marijuana dispensed or 1535
sold to patients or caregivers shall not more than thirty five 1536
exceed: 1537

(a) Thirty-five per cent for plant material; 1538

(b) Seventy per cent for extracts. 1539

~~(2) Extracts shall have a~~ Except as otherwise provided in 1540
division (F) of this section, the tetrahydrocannabinol content 1541
of adult-use marijuana dispensed or sold to adult-use consumers 1542
shall not more than seventy exceed: 1543

(a) Thirty-five per cent for plant material; 1544

(b) Seventy per cent for extracts. 1545

(3) The amount of tetrahydrocannabinol in adult-use 1546

marijuana dispensed or sold to adult-use consumers, other than 1547
adult-use marijuana intended for consumption by vaporization, 1548
shall not exceed either of the following: 1549

(a) Ten milligrams per serving; 1550

(b) One hundred milligrams per package. 1551

(F) The division may adopt rules, in accordance with 1552
Chapter 119. of the Revised Code, that do either or both of the 1553
following so long as such rules are supported by scientific 1554
evidence and consistent with industry standards: 1555

(1) Allow, notwithstanding division (E) (2) (b) of this 1556
section, adult-use marijuana extracts intended for use or 1557
consumption by vaporization to be dispensed or sold to adult-use 1558
consumers with a tetrahydrocannabinol content in excess of 1559
seventy per cent; 1560

(2) Establish, subject to division (E) (3) of this section, 1561
tetrahydrocannabinol content limits for adult-use marijuana 1562
dispensed or sold to adult-use consumers as a percentage by 1563
weight, content per unit, or content per package. 1564

(G) No person shall knowingly give, sell, or distribute 1565
adult-use marijuana or homegrown marijuana to a person under 1566
twenty-one years of age. 1567

(H) No person under the age of twenty one shall knowingly 1568
purchase, use, or possess adult-use marijuana or homegrown 1569
marijuana. 1570

Sec. 3796.061. (A) Any person may submit a petition to the 1571
~~state~~ division of marijuana-cannabis control requesting that a 1572
form of or method of using medical marijuana be approved for the 1573
purposes of section 3796.06 of the Revised Code. A petition 1574

shall be submitted to the division in a manner prescribed by the 1575
division. A petition shall not seek to approve a method of using 1576
medical marijuana that involves smoking or combustion. 1577

(B) On receipt of a petition, the division shall review it 1578
to determine whether to approve the form of or method of using 1579
medical marijuana described in the petition. The division may 1580
consolidate the review of petitions for the same or similar 1581
forms or methods. In making its determination, the division 1582
shall consult with one or more experts and review any relevant 1583
scientific evidence. 1584

(C) The division shall approve or deny the petition in 1585
accordance with any rules adopted by the division under this 1586
section. The division's decision is final. 1587

(D) The division may adopt rules as necessary to implement 1588
this section. The rules shall be adopted in accordance with 1589
Chapter 119. of the Revised Code. 1590

Sec. 3796.062. (A) No person shall transport marijuana 1591
other than adult-use marijuana, medical marijuana, or homegrown 1592
marijuana in a motor vehicle. 1593

(B) No person shall transport adult-use marijuana or 1594
medical marijuana in a motor vehicle unless either or both of 1595
the following apply: 1596

(1) The adult-use marijuana or medical marijuana is in the 1597
original, unopened packaging in which it was dispensed or sold; 1598

(2) The adult-use marijuana or medical marijuana is stored 1599
in the trunk of the motor vehicle or, if the motor vehicle does 1600
not have a trunk, behind the last upright seat of the motor 1601
vehicle or in an area not normally occupied by the driver or 1602
passengers and not easily accessible by the driver. 1603

(C) No person shall transport homegrown marijuana in a 1604
motor vehicle unless the homegrown marijuana is stored in the 1605
trunk of the motor vehicle or, if the motor vehicle does not 1606
have a trunk, behind the last upright seat of the motor vehicle 1607
or in an area not normally occupied by the driver or passengers 1608
and not easily accessible by the driver. 1609

(D) No person shall transport marijuana paraphernalia in a 1610
motor vehicle unless either or both of the following apply: 1611

(1) The marijuana paraphernalia is in the original, 1612
unopened packaging in which it was dispensed or sold; 1613

(2) The marijuana paraphernalia is stored in the trunk of 1614
the motor vehicle or, if the motor vehicle does not have a 1615
trunk, behind the last upright seat of the motor vehicle or in 1616
an area not normally occupied by the driver or passengers and 1617
not easily accessible by the driver. 1618

Sec. 3796.07. ~~The department of commerce~~division of 1619
cannabis control shall establish and maintain an electronic 1620
database to monitor medical marijuana from its seed source 1621
through its cultivation, processing, testing, and dispensing. 1622
The ~~department~~division may contract with a separate entity to 1623
establish and maintain all or any part of the electronic 1624
database on behalf of the department. 1625

The electronic database shall allow for information 1626
regarding medical marijuana to be updated instantaneously. Any 1627
licensed cultivator, licensed processor, ~~retail licensed~~ 1628
dispensary, or licensed laboratory ~~licensed under this chapter~~ 1629
shall submit to the ~~department~~division any information the 1630
~~department~~division determines is necessary for maintaining the 1631
electronic database. 1632

Information reported or collected under this section, 1633
including all data contained in the electronic database, is 1634
confidential and is not a public record for the purposes of 1635
section 149.43 of the Revised Code. The ~~department~~ division and 1636
any entity under contract with the ~~department~~ division shall not 1637
make public any information reported to or collected by the 1638
~~department~~ division under this ~~division~~ section that identifies 1639
or would tend to identify any specific patient. Information or 1640
data that does not identify a specific patient may be released 1641
in summary, statistical, or aggregate form. 1642

Sec. 3796.09. (A) An entity that seeks to cultivate ~~or~~ , 1643
~~process medical marijuana,~~ or to conduct laboratory testing of 1644
medical marijuana and adult-use marijuana shall file an 1645
application for licensure with the ~~department~~ division of 1646
~~commerce~~ cannabis control. The entity shall file an application 1647
for each location from which it seeks to operate. Each 1648
application shall be submitted in accordance with rules adopted 1649
under section 3796.03 of the Revised Code. 1650

(B) The division shall evaluate and prioritize 1651
applications for licensure under this section according to the 1652
applicant's eligibility, suitability, and ability to operate. 1653

(C) The ~~department~~ division shall not issue a license to 1654
an applicant ~~if~~ unless all of the following ~~conditions~~ 1655
eligibility requirements are met: 1656

(1) The report of the criminal records check conducted 1657
pursuant to section 3796.12 of the Revised Code with respect to 1658
the application demonstrates that the person subject to the 1659
criminal records check requirement has not been convicted of or 1660
pleaded guilty to any of the disqualifying offenses specified in 1661
rules adopted under section 9.79 and division (B) (2) (b) of 1662

section 3796.03 of the Revised Code. 1663

(2) ~~The~~ If the application is for a cultivator or 1664
processor license, the applicant demonstrates that it does not 1665
none of its current or prospective owners, officers, board 1666
members, administrators, employees, agents, or affiliates who 1667
may significantly influence or control the applicant's 1668
activities have an ownership or investment interest in or 1669
compensation arrangement with ~~any~~ either of the following: 1670

(a) A laboratory licensed under this chapter; 1671

(b) An applicant for a license to conduct laboratory 1672
testing. 1673

(3) ~~The~~ If the application is for a cultivator or 1674
processor license, the applicant demonstrates that it does not 1675
none of its current or prospective owners, officers, board 1676
members, administrators, employees, agents, or affiliates who 1677
may significantly influence or control the applicant's 1678
activities share any corporate officers or employees with ~~any~~ 1679
either of the following: 1680

(a) A laboratory licensed under this chapter; 1681

(b) An applicant for a license to conduct laboratory 1682
testing. 1683

(4) The applicant demonstrates that it will not be located 1684
within five hundred feet of a school, church, public library, 1685
public playground, or public park. 1686

(5) The information provided to the ~~department~~ division 1687
pursuant to section 3796.11 of the Revised Code demonstrates 1688
that the applicant is in compliance with the applicable tax laws 1689
of this state. 1690

- (6) The applicant demonstrates sufficient liquid capital and ability to meet financial responsibility requirements; 1691
1692
- (7) The applicant demonstrates that the municipal corporation or township in which the applicant's cultivation, processing, or laboratory facility will be located has not passed a moratorium or taken any other action that would prohibit the applicant from operating there; 1693
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- (8) The application does not contain false, misleading, or deceptive information and does not omit material information; 1698
1699
- (9) The applicant pays any fee required by the division; 1700
- (10) The applicant meets all other licensure eligibility conditions established in rules adopted under section 3796.03 of the Revised Code. 1701
1702
1703
- ~~(C)~~ (D) If the number of eligible applicants exceed the number of available licenses, the division shall use an impartial and evidence-based process to rank the eligible applicants. The ranking process shall take into account all of the following: 1704
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- (1) The applicant's business plan; 1709
- (2) The applicant's operations plan; 1710
- (3) The applicant's security plan; 1711
- (4) The applicant's financial plan; 1712
- (5) The applicant's principal place of business; 1713
- (6) The proposed location of the cultivation, processing, or laboratory facility; 1714
1715
- (7) The applicant's plan for generating job and economic development in this state; 1716
1717

<u>(8) The applicant's environmental plan;</u>	1718
<u>(9) Employment practices, including any plans to inform, hire, or educate residents of the state, veterans, disabled persons, women, or minorities;</u>	1719 1720 1721
<u>(10) The criminal records of all persons subject to the criminal records check requirement;</u>	1722 1723
<u>(11) The civil and administrative history of the applicant and persons associated with the applicant;</u>	1724 1725
<u>(12) Any other eligibility, suitability, or operations-based determination specified in this chapter or rules adopted by the division thereunder.</u>	1726 1727 1728
<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>	1729 1730 1731
<u>(a) Highly exceeds;</u>	1732
<u>(b) Exceeds;</u>	1733
<u>(c) Meets;</u>	1734
<u>(d) Does not meet.</u>	1735
<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>	1736 1737 1738 1739 1740 1741 1742
<u>(3) In conducting the lottery, the division shall give applicants in the exceeds category double odds of being selected</u>	1743 1744

as compared to applicants in the meets category. The division 1745
shall give applicants in the highly exceeds category double the 1746
odds of being selected as compared to applicants in the exceeds 1747
category. An applicant grouped in the does not meet category is 1748
ineligible for licensure. 1749

(F) The ~~department~~ division shall issue not less than 1750
fifteen per cent of cultivator, processor, or laboratory 1751
licenses to entities that are owned and controlled by United 1752
States citizens who are residents of this state and are members 1753
of one of the following economically disadvantaged groups: 1754
Blacks or African Americans, American Indians, Hispanics or 1755
Latinos, and Asians. If no applications or an insufficient 1756
number of applications are submitted by such entities that meet 1757
the conditions set forth in division ~~(B)~~(C) of this section, the 1758
licenses shall be issued according to usual procedures. 1759

As used in this division, "owned and controlled" means 1760
that at least fifty-one per cent of the business, including 1761
corporate stock if a corporation, is owned by persons who belong 1762
to one or more of the groups set forth in this division, and 1763
that those owners have control over the management and day-to- 1764
day operations of the business and an interest in the capital, 1765
assets, and profits and losses of the business proportionate to 1766
their percentage of ownership. 1767

~~(D)~~(G) A license expires according to the renewal 1768
schedule established in rules adopted under section 3796.03 of 1769
the Revised Code and may be renewed in accordance with the 1770
procedures established in those rules. Applications for renewal 1771
are not subject to the evaluation, prioritization, ranking, and 1772
lottery provisions in divisions (B), (D), and (E) of this 1773
section. The division shall not deny an application for renewal 1774

based solely on the location of the applicant's existing 1775
facility in proximity to other license holders. 1776

(H) A provisional license issued under this section is not 1777
transferable. 1778

Sec. 3796.10. (A) An entity that seeks to dispense at 1779
retail medical marijuana and adult-use marijuana shall file an 1780
application for licensure with the division of ~~marijuana~~ 1781
cannabis control. The entity shall file an application for each 1782
location from which it seeks to operate. Each application shall 1783
be submitted in accordance with rules adopted under section 1784
3796.03 of the Revised Code. 1785

(B) The division shall evaluate and prioritize 1786
applications for licensure under this section according to the 1787
applicant's eligibility, suitability, and ability to operate. 1788

(C) The division shall not issue a license to an applicant 1789
if-unless all of the following conditions are met: 1790

(1) The report of the criminal records check conducted 1791
pursuant to section 3796.12 of the Revised Code with respect to 1792
the application demonstrates that the person subject to the 1793
criminal records check requirement has not been convicted of or 1794
pleaded guilty to any of the disqualifying offenses specified in 1795
rules adopted under section 9.79 and division (B) (2) (b) of 1796
section 3796.03 of the Revised Code. 1797

(2) The applicant demonstrates that ~~it does not~~ none of 1798
the applicant's current or prospective owners, officers, board 1799
members, administrators, employees, agents, or affiliates who 1800
may significantly influence or control the applicant's 1801
activities have an ownership or investment interest in or 1802
compensation arrangement with ~~any~~ either of the following: 1803

- (a) A laboratory licensed under this chapter; 1804
- (b) An applicant for a license to conduct laboratory testing. 1805
1806
- (3) The applicant demonstrates that ~~it does not~~ none of the applicant's 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~~ either of the following: 1807
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1809
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1812
- (a) A laboratory licensed under this chapter; 1813
- (b) An applicant for a license to conduct laboratory testing. 1814
1815
- (4) The applicant demonstrates that ~~it~~ the proposed location of the applicant's retail dispensary facility will not be located within five hundred feet of a school, church, public library, public playground, or public park. 1816
1817
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1819
- (5) The applicant demonstrates that the proposed location of the applicant's retail dispensary facility is not either of the following: 1820
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1822
- (a) Located within one-half mile of another licensed dispensary; 1823
1824
- (b) 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. 1825
1826
1827
- (6) 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. 1828
1829
1830
1831

<u>(6)-(7) The applicant demonstrates sufficient liquid</u>	1832
<u>capital and ability to meet financial responsibility</u>	1833
<u>requirements;</u>	1834
<u>(8) The applicant demonstrates that the municipal</u>	1835
<u>corporation or township in which the retail dispensary facility</u>	1836
<u>will be located has not passed a moratorium or taken any other</u>	1837
<u>action that would prohibit the applicant from operating there;</u>	1838
<u>(9) The application does not contain false, misleading, or</u>	1839
<u>deceptive information and does not omit material information;</u>	1840
<u>(10) The applicant pays any fee required by the division;</u>	1841
<u>(11) The applicant meets all other licensure eligibility</u>	1842
<u>conditions established in rules adopted under section 3796.03 of</u>	1843
<u>the Revised Code.</u>	1844
<u>(C)-(D) If the number of eligible applicants exceed the</u>	1845
<u>number of available licenses, the division shall use an</u>	1846
<u>impartial and evidence-based process to rank the eligible</u>	1847
<u>applicants. The ranking process shall take into account all of</u>	1848
<u>the following:</u>	1849
<u>(1) The applicant's business plan;</u>	1850
<u>(2) The applicant's operations plan;</u>	1851
<u>(3) The applicant's security plan;</u>	1852
<u>(4) The applicant's financial plan;</u>	1853
<u>(5) The applicant's principal place of business;</u>	1854
<u>(6) The proposed location of the retail dispensary</u>	1855
<u>facility;</u>	1856
<u>(7) The applicant's plan for generating job and economic</u>	1857
<u>development in this state;</u>	1858

<u>(8) The applicant's environmental plan;</u>	1859
<u>(9) Employment practices, including any plans to inform, hire, or educate residents of the state, veterans, disabled persons, women, or minorities;</u>	1860 1861 1862
<u>(10) The criminal records of all persons subject to the criminal records check requirement;</u>	1863 1864
<u>(11) The civil and administrative history of the applicant and persons associated with the applicant;</u>	1865 1866
<u>(12) Any other eligibility, suitability, or operations-based determination specified in this chapter or rules adopted by the division thereunder.</u>	1867 1868 1869
<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>	1870 1871 1872
<u>(a) Highly exceeds;</u>	1873
<u>(b) Exceeds;</u>	1874
<u>(c) Meets;</u>	1875
<u>(d) Does not meet.</u>	1876
<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>	1877 1878 1879 1880 1881 1882 1883
<u>(3) In conducting the lottery, the division shall give applicants in the exceeds category double the odds of being</u>	1884 1885

selected as compared to applicants in the meets category. The 1886
division shall give applicants in the highly exceeds category 1887
double the odds of being selected as compared to applicants in 1888
the exceeds category. An applicant grouped in the does not meet 1889
category is ineligible for licensure. 1890

(F) The division shall issue not less than fifteen per 1891
cent of retail dispensary licenses to entities that are owned 1892
and controlled by United States citizens who are residents of 1893
this state and are members of one of the following economically 1894
disadvantaged groups: Blacks or African Americans, American 1895
Indians, Hispanics or Latinos, and Asians. If no applications or 1896
an insufficient number of applications are submitted by such 1897
entities that meet the conditions set forth in division (B) of 1898
this section, the licenses shall be issued according to usual 1899
procedures. 1900

As used in this division, "owned and controlled" means 1901
that at least fifty-one per cent of the business, including 1902
corporate stock if a corporation, is owned by persons who belong 1903
to one or more of the groups set forth in this division, and 1904
that those owners have control over the management and day-to- 1905
day operations of the business and an interest in the capital, 1906
assets, and profits and losses of the business proportionate to 1907
their percentage of ownership. 1908

~~(D)~~ (G) A license expires according to the renewal 1909
schedule established in rules adopted under section 3796.03 of 1910
the Revised Code and may be renewed in accordance with the 1911
procedures established in those rules. Applications for renewal 1912
are not subject to the evaluation, prioritization, ranking, and 1913
lottery provisions in divisions (B), (D), and (E) of this 1914
section. The division shall not deny an application for renewal 1915

based solely on the location of the applicant's existing 1916
dispensary facility in proximity to other license holders. 1917

(H) A provisional license issued under this section is not 1918
transferable. 1919

Sec. 3796.11. (A) (1) Notwithstanding section 149.43 of the 1920
Revised Code or any other public records law to the contrary or 1921
any law relating to the confidentiality of tax return 1922
information, upon the request of the division of ~~marijuana~~ 1923
cannabis control, the department of taxation shall provide to 1924
the division all of the following information: 1925

(a) Whether an applicant for licensure under this chapter 1926
is in compliance with the applicable tax laws of this state; 1927

(b) Any past or pending violation by the applicant of 1928
those tax laws, and any penalty imposed on the applicant for 1929
such a violation. 1930

(2) The division shall request the information only as it 1931
pertains to an application for licensure that the division, as 1932
applicable, is reviewing. 1933

(3) The department of taxation may charge the division a 1934
reasonable fee to cover the administrative cost of providing the 1935
information. 1936

(B) Information received under this section is 1937
confidential. Except as otherwise permitted by other state law 1938
or federal law, the division shall not make the information 1939
available to any person other than the applicant for licensure 1940
to whom the information applies. 1941

Sec. 3796.12. (A) As used in this section, "criminal 1942
records check" has the same meaning as in section 109.572 of the 1943

Revised Code. 1944

(B) (1) As part of the application process for a license 1945
issued under this chapter, the division of ~~marijuana~~cannabis 1946
control shall require each of the following to complete a 1947
criminal records check: 1948

(a) An administrator or other person responsible for the 1949
daily operation of the entity seeking the license; 1950

(b) An owner or prospective owner, officer or prospective 1951
officer, or board member or prospective board member of the 1952
entity seeking the license. 1953

(2) If a person subject to the criminal records check 1954
requirement does not present proof of having been a resident of 1955
this state for the five-year period immediately prior to the 1956
date the criminal records check is requested or provide evidence 1957
that within that five-year period the superintendent of the 1958
bureau of criminal identification and investigation has 1959
requested information about the person from the federal bureau 1960
of investigation in a criminal records check, the division shall 1961
request that the person obtain through the superintendent a 1962
criminal records request from the federal bureau of 1963
investigation as part of the criminal records check of the 1964
person. Even if a person presents proof of having been a 1965
resident of this state for the five-year period, the division 1966
may request that the person obtain information through the 1967
superintendent from the federal bureau of investigation in the 1968
criminal records check. 1969

(C) The division shall provide the following to each 1970
person who is subject to the criminal records check requirement: 1971

(1) Information about accessing, completing, and 1972

forwarding to the superintendent of the bureau of criminal 1973
identification and investigation the form prescribed pursuant to 1974
division (C) (1) of section 109.572 of the Revised Code and the 1975
standard impression sheet to obtain fingerprint impressions 1976
prescribed pursuant to division (C) (2) of that section; 1977

(2) Written notification that the person is to instruct 1978
the superintendent to submit the completed report of the 1979
criminal records check directly to the division. 1980

(D) Each person who is subject to the criminal records 1981
check requirement shall pay to the bureau of criminal 1982
identification and investigation the fee prescribed pursuant to 1983
division (C) (3) of section 109.572 of the Revised Code for the 1984
criminal records check conducted of the person. 1985

(E) The report of any criminal records check conducted by 1986
the bureau of criminal identification and investigation in 1987
accordance with section 109.572 of the Revised Code and pursuant 1988
to a request made under this section is not a public record for 1989
the purposes of section 149.43 of the Revised Code and shall not 1990
be made available to any person other than the following: 1991

(1) The person who is the subject of the criminal records 1992
check or the person's representative; 1993

(2) The members and staff of the division; 1994

(3) A court, hearing officer, or other necessary 1995
individual involved in a case dealing with either of the 1996
following: 1997

(a) A license denial resulting from the criminal records 1998
check; 1999

(b) A civil or criminal action regarding the ~~medical~~ 2000

marijuana control program or any violation of this chapter. 2001

(F) The division shall deny a license if, after receiving 2002
the information and notification required by this section, a 2003
person subject to the criminal records check requirement fails 2004
to do either of the following: 2005

(1) Access, complete, or forward to the superintendent of 2006
the bureau of criminal identification and investigation the form 2007
prescribed pursuant to division (C) (1) of section 109.572 of the 2008
Revised Code or the standard impression sheet prescribed 2009
pursuant to division (C) (2) of that section; 2010

(2) Instruct the superintendent to submit the completed 2011
report of the criminal records check directly to the division. 2012

Sec. 3796.13. (A) Each person seeking employment with an 2013
entity licensed under this chapter or Chapter 3780. of the 2014
Revised Code shall comply with sections 4776.01 to 4776.04 of 2015
the Revised Code. Except as provided in division (B) of this 2016
section, such an entity shall not employ the person unless the 2017
person has submitted a criminal records check under those 2018
sections. The report of the resulting criminal records check 2019
shall demonstrate that the person has not been convicted of or 2020
pleaded guilty to any of the disqualifying offenses specified in 2021
rules adopted under division ~~(B) (14) (a)~~ (B) (13) (a) of section 2022
3796.03 of the Revised Code if the person is seeking employment 2023
with an entity licensed by the division of ~~marijuana~~ cannabis 2024
control under this chapter. 2025

(B) An entity is not prohibited by division (A) of this 2026
section from employing a person if the disqualifying offense the 2027
person was convicted of or pleaded guilty to is one of the 2028
offenses specified in rules adopted under division ~~(B) (14) (b)~~ (B) 2029

(13)(b) of section 3796.03 of the Revised Code and the person 2030
was convicted of or pleaded guilty to the offense more than five 2031
years before the date the employment begins. 2032

Sec. 3796.14. (A) The division of ~~marijuana-cannabis~~ 2033
control may do any of the following for any reason specified in 2034
rules adopted under section 3796.03 of the Revised Code: 2035

(1) Suspend, suspend without prior hearing, revoke, or 2036
refuse to renew a license ~~it or registration~~ issued under this 2037
chapter or ~~a license or a registration the state board of~~ 2038
~~pharmacy issued prior to the transfer of regulatory authority~~ 2039
~~over the medical marijuana control program to the~~ 2040
~~division~~ Chapter 3780. of the Revised Code; 2041

(2) Refuse to issue a license; 2042

(3) Impose on a license holder a civil penalty in an 2043
amount to be determined by the division. 2044

(4) ~~With respect to a suspension of a retail dispensary~~ 2045
~~license without prior hearing, the division may utilize a~~ 2046
~~telephone conference call to review the allegations and take a~~ 2047
~~vote.~~ The division shall suspend a dispensary license without 2048
prior hearing only if it finds clear and convincing evidence 2049
that continued distribution of medical marijuana and adult-use 2050
marijuana by the license holder presents a danger of immediate 2051
and serious harm to others. The suspension shall remain in 2052
effect, unless lifted by the division, until the division issues 2053
its final adjudication order. If the division does not issue the 2054
order within ninety days after the adjudication hearing, the 2055
suspension shall be lifted on the ninety-first day following the 2056
hearing. 2057

The division's actions under division (A) of this section 2058

shall be taken in accordance with Chapter 119. of the Revised 2059
Code. 2060

(B) ~~The Subject to division (E) of this section, the~~ 2061
~~division and the Ohio investigative unit~~ may inspect all of the 2062
following for any reason specified in rules adopted under 2063
section 3796.03 of the Revised Code without prior notice to the 2064
applicant or license holder: 2065

(1) The premises of an applicant for licensure or holder 2066
of a current, valid ~~cultivator, processor, retail dispensary, or~~ 2067
~~laboratory~~ license issued under this chapter or Chapter 3780. of 2068
the Revised Code; 2069

(2) All records maintained pursuant to this chapter by a 2070
holder of a current license under this chapter or Chapter 3780. 2071
of the Revised Code. 2072

(C) Whenever it appears to the division or the unit, from 2073
its files, upon complaint, or otherwise, that any person or 2074
entity has engaged in, is engaged in, or is about to engage in 2075
any practice declared to be illegal or prohibited by this 2076
chapter or the rules adopted under this chapter, or when the 2077
division believes it to be in the best interest of the public, __ 2078
adult-use consumers, or medical marijuana patients, the division 2079
may do any of the following: 2080

(1) Investigate the person or entity as authorized 2081
pursuant to this chapter or the rules adopted under this 2082
chapter; 2083

(2) Issue subpoenas to any person or entity for the 2084
purpose of compelling either of the following: 2085

(a) The attendance and testimony of witnesses; 2086

(b) The production of books, accounts, papers, records, or documents. 2087
2088

(D) If a person or entity fails to comply with any order of the division or the unit or a subpoena issued by the division or the unit pursuant to this section, a judge of the court of common pleas of the county in which the person resides or the entity may be served, on application of the division or the unit, shall compel obedience by attachment proceedings as for contempt, as in the case of disobedience with respect to the requirements of a subpoena issued from such court or a refusal to testify in such court. 2089
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(E) The Ohio investigative unit shall not inspect or investigate the premises of any person under this section unless one or both of the following apply: 2098
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(1) The person inspected or investigated is licensed under this chapter or Chapter 3780. of the Revised Code. 2101
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(2) The unit is invited by local law enforcement having jurisdiction over the person inspected or investigated. 2103
2104

Sec. 3796.15. (A) The division of marijuana-cannabis control and the Ohio investigative unit shall enforce this chapter, or cause it to be enforced. ~~If Subject to division (E) of section 3796.14 of the Revised Code, if the division or the unit~~ has information that this chapter or any rule adopted under this chapter has been violated, it shall investigate the matter and take any action as it considers appropriate. 2105
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~~(B) Nothing in this chapter shall be construed to require the division to enforce minor violations if the division determines that the public interest is adequately served by a notice or warning to the alleged offender.~~ 2112
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~~(C)~~—If the division suspends, revokes, or refuses to renew any license or registration issued under this chapter or Chapter 3780. of the Revised Code, and determines that there is clear and convincing evidence of a danger of immediate and serious harm to any person, the division may place under seal all medical marijuana, adult-use marijuana, and homegrown marijuana owned by or in the possession, custody, or control of the affected license holder or registrant. Except as otherwise provided in this division, the division of ~~marijuana-cannabis~~ control shall not dispose of the medical marijuana, adult-use marijuana, or homegrown marijuana sealed under this division until the license holder or registrant exhausts all of the holder's or registrant's appeal rights under Chapter 119. of the Revised Code. The court involved in such an appeal may order the division, during the pendency of the appeal, to sell medical marijuana or adult-use marijuana that is perishable. The division shall deposit the proceeds of the sale with the court.

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

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

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

(2) The division shall not negotiate any agreement with 2146
any other state under which an authorization issued by the other 2147
state is recognized in this state other than as provided in 2148
division (A) (1) of this section. 2149

(B) If a reciprocity agreement is entered into in 2150
accordance with division (A) of this section, the authorization 2151
issued by the other state shall be recognized in this state, 2152
shall be accepted and valid in this state, and grants the 2153
patient or caregiver the same right to use, possess, obtain, or 2154
administer medical marijuana in this state as a patient or 2155
caregiver who was registered and issued an identification card 2156
under this chapter. 2157

(C) The division may adopt any rules as necessary to 2158
implement this section. 2159

Sec. 3796.17. The division of ~~marijuana~~cannabis control 2160
shall establish a toll-free telephone line to respond to 2161
inquiries from adult-use consumers, medical marijuana patients, 2162
caregivers, and health professionals regarding adverse reactions 2163
to ~~medical~~ marijuana and to provide information about available 2164
services and assistance. The division may contract with a 2165
separate entity to establish and maintain the telephone line on 2166
behalf of the division. 2167

Sec. 3796.18. ~~(A)~~(A) (1) Notwithstanding any conflicting 2168
provision of the Revised Code and except as provided in division 2169
(B) of this section, ~~the holder of a current, valid licensed~~ 2170
~~cultivator license issued under this chapter~~ may do either of 2171
the following: 2172

~~(1)~~(a) Cultivate medical marijuana and adult-use 2173
marijuana; 2174

~~(2) (b)~~ Deliver or sell medical marijuana and adult-use marijuana to one or more licensed processors. 2175
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(2) A licensed cultivator engaging in the activities authorized by this chapter shall do so respecting both medical marijuana and adult-use marijuana. 2177
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(B) A licensed cultivator license holder shall not cultivate medical marijuana or adult-use marijuana for personal, family, or household use or on any public land, including a state park as defined in section 154.01 of the Revised Code. 2180
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(C) A licensed cultivator shall identify, package, and label all medical marijuana and adult-use marijuana products in accordance with this chapter and any rules adopted thereunder before delivering or selling the products to a licensed processor. 2184
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(D) The division of cannabis control shall issue the following types of cultivation licenses: 2189
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(1) (a) A level I cultivator license that, except as otherwise provided in division (D) (1) (b) of this section, authorizes the license holder to operate a cultivation area of up to twenty-five thousand square feet. 2191
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(b) At the discretion of the division, a level I cultivator may request and receive one or more expansions to the cultivator's cultivation area so long as the resulting total cultivation area, including all expansions, does not exceed seventy-five thousand square feet. 2195
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(2) (a) A level II cultivator license that, except as otherwise provided in division (D) (2) (b) of this section, authorizes the license holder to operate a cultivation area of up to three thousand square feet. 2200
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(b) At the discretion of the division, a level II cultivator may request and receive one or more expansions to the cultivator's cultivation area so long as the resulting total cultivation area, including all expansions, does not exceed nine thousand square feet. 2204
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Sec. 3796.19. ~~(A)(A)(1)~~ Notwithstanding any conflicting provision of the Revised Code, ~~the holder of a current, valid a licensed processor license issued under this chapter~~ may do any of the following: 2209
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~~(1)(a)~~ Obtain medical marijuana and adult-use marijuana from one or more licensed cultivators; 2213
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~~(2)(b)~~ Subject to division (B) of this section, process medical marijuana and adult-use marijuana obtained from one or more licensed cultivators into a form described in section 3796.06 of the Revised Code; 2215
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~~(3)(c)~~ Deliver or sell processed medical marijuana and adult-use marijuana to one or more licensed ~~retail~~ dispensaries. 2219
2220

(2) A licensed processor engaging in the activities authorized by this chapter shall do so respecting both medical marijuana and adult-use marijuana. 2221
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(B) ~~When processing medical marijuana, a A licensed processor shall do both all of the following before delivering or selling medical marijuana or adult-use marijuana to a licensed dispensary:~~ 2224
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(1) Package the medical marijuana or adult-use marijuana in accordance with child-resistant effectiveness standards described in 16 C.F.R. 1700.15(b) on September 8, 2016; 2228
2229
2230

(2) Label the ~~medical marijuana~~ packaging with the 2231

product's tetrahydrocannabinol and cannabidiol content; 2232

(3) Comply with any packaging or labeling requirements 2233
established in rules adopted by the division of ~~marijuana~~ 2234
cannabis control under ~~section~~ sections 3796.03 and 3796.32 of 2235
the Revised Code. 2236

Sec. 3796.20. ~~(A)~~ (A) (1) Notwithstanding any conflicting 2237
provision of the Revised Code, ~~the holder of a current, valid~~ 2238
~~retail a licensed dispensary license issued under this chapter,~~ 2239
~~or previously issued by the state board of pharmacy,~~ may do both 2240
~~of~~ the following: 2241

~~(1)~~ (a) Obtain medical marijuana and adult-use marijuana 2242
from one or more licensed processors; 2243

~~(2)~~ (b) Dispense or sell medical marijuana in accordance 2244
with division (B) of this section; 2245

(c) Dispense or sell adult-use marijuana in accordance 2246
with division (C) of this section. 2247

(2) A licensed dispensary engaged in the activities 2248
authorized by this chapter shall do so respecting both medical 2249
marijuana and adult-use marijuana. 2250

(B) When dispensing or selling medical marijuana, a 2251
licensed ~~retail~~ dispensary shall do all of the following: 2252

(1) Dispense or sell only upon a showing of a current, 2253
valid, government-issued identification card and in accordance 2254
with a written recommendation issued by a physician holding a 2255
certificate to recommend issued by the state medical board under 2256
section 4731.30 of the Revised Code; 2257

(2) Report to the drug database the information required 2258
by section 4729.771 of the Revised Code; 2259

(3) Label the package containing medical marijuana with	2260
the following information:	2261
(a) The name and address of the licensed processor and	2262
retail the licensed dispensary;	2263
(b) The name of the patient and caregiver, if any;	2264
(c) The name of the physician who recommended treatment	2265
with medical marijuana;	2266
(d) The directions for use, if any, as recommended by the	2267
physician;	2268
(e) The date on which the medical marijuana was dispensed;	2269
(f) The quantity, strength, kind, or form of medical	2270
marijuana contained in the package.	2271
<u>(4) Maintain an adequate supply of medical marijuana</u>	2272
<u>products to meet typical patient demand for those products;</u>	2273
<u>(5) Ensure medical marijuana products are kept separate</u>	2274
<u>from adult-use marijuana, properly demarcated as medical</u>	2275
<u>marijuana, and prominently displayed in the licensed dispensary.</u>	2276
<u>(C) When dispensing or selling adult-use marijuana, a</u>	2277
<u>licensed dispensary shall do all of the following:</u>	2278
<u>(1) Dispense or sell adult-use marijuana only to adult-use</u>	2279
<u>consumers who present a current, valid, government-issued</u>	2280
<u>identification card demonstrating proof that the adult-use</u>	2281
<u>consumer is twenty-one years of age or older;</u>	2282
<u>(2) Dispense or sell not more than the amount of adult-use</u>	2283
<u>marijuana that may be legally possessed by an adult-use consumer</u>	2284
<u>under section 3796.221 of the Revised Code to the same adult-use</u>	2285
<u>consumer in the same day;</u>	2286

<u>(3) Label the package containing adult-use marijuana with</u>	2287
<u>the following information:</u>	2288
<u>(a) The name and address of the licensed processor and</u>	2289
<u>licensed dispensary;</u>	2290
<u>(b) A statement that the use of adult-use marijuana by</u>	2291
<u>individuals under twenty-one years of age is both harmful and</u>	2292
<u>illegal;</u>	2293
<u>(c) The quantity, strength, kind, or form of adult-use</u>	2294
<u>marijuana contained in the package.</u>	2295
<u>(D) When operating a licensed retail-dispensary, both <u>all</u></u>	2296
<u>of the following apply:</u>	2297
<u>(1) A licensed dispensary shall use only employees who</u>	2298
<u>have met the training requirements established in rules adopted</u>	2299
<u>under section 3796.03 of the Revised Code.</u>	2300
<u>(2) A licensed dispensary shall not make public any</u>	2301
<u>information it <u>the licensed dispensary</u> collects that identifies</u>	2302
<u>or would tend to identify any specific <u>medical marijuana</u> patient</u>	2303
<u>or <u>adult-use</u> consumer.</u>	2304
<u>(3) A licensed dispensary shall prominently display both</u>	2305
<u>of the following:</u>	2306
<u>(a) A statement that the use of adult-use or homegrown</u>	2307
<u>marijuana by individuals under twenty-one years of age is both</u>	2308
<u>harmful and illegal;</u>	2309
<u>(b) Information about the addictive qualities of marijuana</u>	2310
<u>and the potential negative health consequences associated with</u>	2311
<u>the use of marijuana.</u>	2312
<u>(E) No person shall own or operate more than eight</u>	2313

licensed dispensaries. 2314

Sec. 3796.21. (A) Notwithstanding any conflicting 2315
provision of the Revised Code, ~~the holder of a current, valid a~~ 2316
~~licensed laboratory license issued under this chapter may shall~~ 2317
do both of the following: 2318

(1) Obtain medical marijuana and adult-use marijuana from 2319
one or more licensed cultivators, licensed processors, and 2320
~~retail-licensed dispensaries licensed under this chapter;~~ 2321

(2) Conduct ~~medical marijuana testing~~ in the manner 2322
specified in rules adopted under section 3796.03 of the Revised 2323
Code. 2324

(B) When testing medical marijuana or adult-use marijuana, 2325
a licensed laboratory shall do both of the following: 2326

(1) Test ~~the marijuana~~ for potency, homogeneity, and 2327
contamination; 2328

(2) Prepare a report of the test results. 2329

Sec. 3796.22. (A) Notwithstanding any conflicting 2330
provision of the Revised Code, a patient registered under this 2331
chapter who obtains medical marijuana from a ~~retail-licensed~~ 2332
dispensary licensed under in accordance with this chapter may do 2333
~~both~~ all of the following: 2334

(1) Use medical marijuana; 2335

(2) Possess medical marijuana, subject to division (B) of 2336
this section; 2337

(3) Possess any paraphernalia or accessories that may be 2338
used in the administration of medical marijuana, as specified in 2339
rules adopted under section 3796.03 of the Revised Code. 2340

(B) The amount of medical marijuana possessed by a 2341
registered patient shall not exceed a ninety-day supply, as 2342
specified in rules adopted under section 3796.03 of the Revised 2343
Code. 2344

(C) A registered patient shall not be subject to arrest or 2345
criminal prosecution for doing ~~any either~~ of the following in 2346
accordance with this chapter: 2347

(1) Obtaining, using, or possessing medical marijuana; 2348

(2) Possessing any paraphernalia or accessories that may 2349
be used in the administration of medical marijuana, as specified 2350
in rules adopted under section 3796.03 of the Revised Code. 2351

(D) This section does not authorize a registered patient 2352
to operate a vehicle, streetcar, trackless trolley, watercraft, 2353
or aircraft while under the influence of medical marijuana. 2354

Sec. 3796.221. (A) Notwithstanding any conflicting 2355
provision of the Revised Code, an adult-use consumer who obtains 2356
adult-use marijuana from a licensed dispensary in accordance 2357
with this chapter or in accordance with Chapter 3780. of the 2358
Revised Code, as that chapter existed before the effective date 2359
of this amendment, may do all of the following: 2360

(1) Use adult-use marijuana; 2361

(2) Possess adult-use marijuana, subject to divisions (B) 2362
and (C) of this section; 2363

(3) Possess any paraphernalia or accessories that may be 2364
used in the administration of adult-use marijuana. 2365

(B) The amount of adult-use marijuana possessed by an 2366
adult-use consumer shall not exceed: 2367

<u>(1) Two and one-half ounces of plant material;</u>	2368
<u>(2) Fifteen grams of extract.</u>	2369
<u>(C) An adult-use consumer shall store adult-use marijuana possessed in accordance with this section in its original packaging at all times the adult-use marijuana is not actively being used.</u>	2370 2371 2372 2373
<u>(D) Subject to divisions (B) and (C) of this section, an adult-use consumer is not subject to arrest or criminal prosecution for engaging in any of the activities described in division (A) of this section.</u>	2374 2375 2376 2377
<u>(E) This section does not authorize an adult-use consumer to operate a vehicle, streetcar, trackless trolley, watercraft, or aircraft while under the influence of adult-use marijuana.</u>	2378 2379 2380
Sec. 3796.24. (A) The holder of a license, as defined in section 4776.01 of the Revised Code, is not subject to professional disciplinary action solely for engaging in professional or occupational activities related to medical marijuana.	2381 2382 2383 2384 2385
(B) Unless there is clear and convincing evidence that a child is unsafe, the use, possession, or administration of medical marijuana in accordance with this chapter shall not be the sole or primary basis for any of the following:	2386 2387 2388 2389
(1) An adjudication under section 2151.28 of the Revised Code determining that a child is an abused, neglected, or dependent child;	2390 2391 2392
(2) An allocation of parental rights and responsibilities under section 3109.04 of the Revised Code;	2393 2394
(3) A parenting time order under section 3109.051 or	2395

3109.12 of the Revised Code.	2396
(C) Notwithstanding any conflicting provision of the Revised Code, the use or possession of medical marijuana in accordance with this chapter shall not be used as a reason for disqualifying a patient from medical care or from including a patient on a transplant waiting list.	2397 2398 2399 2400 2401
(D) Notwithstanding any conflicting provision of the Revised Code, the use, possession, administration, cultivation, processing, testing, or dispensing of medical marijuana in accordance with this chapter shall not be used as the sole or primary reason for taking action under any criminal or civil statute in the forfeiture or seizure of any property or asset.	2402 2403 2404 2405 2406 2407
(E) Notwithstanding any conflicting provision of the Revised Code, a person's status as a registered patient or caregiver is not a sufficient basis for conducting a field sobriety test on the person or for suspending the person's driver's license. To conduct any field sobriety test, a law enforcement officer must have an independent, factual basis giving reasonable suspicion that the person is operating a vehicle under the influence of marijuana or with a prohibited concentration of marijuana in the person's whole blood, blood serum, plasma, breath, or urine.	2408 2409 2410 2411 2412 2413 2414 2415 2416 2417
(F) Notwithstanding any conflicting provision of the Revised Code, a person's status as a registered patient or caregiver shall not be used as the sole or primary basis for rejecting the person as a tenant unless the rejection is required by federal law.	2418 2419 2420 2421 2422
(G) This chapter does not do any of the following:	2423
(1) Require a physician to recommend that a patient use	2424

medical marijuana to treat a qualifying medical condition;	2425
(2) Permit the use, possession, or administration of	2426
medical marijuana, <u>adult-use marijuana, or homegrown marijuana</u>	2427
other than as authorized by this chapter;	2428
(3) Permit the use, possession, or administration of	2429
medical marijuana, <u>adult-use marijuana, or homegrown marijuana</u>	2430
on federal land located in this state;	2431
(4) Require any public place to accommodate a registered	2432
patient's use of medical marijuana <u>or an adult-use consumer's</u>	2433
<u>use of adult-use marijuana or homegrown marijuana;</u>	2434
(5) Prohibit <u>Subject to section 3796.06 of the Revised</u>	2435
<u>Code, prohibit</u> any public place from accommodating a registered	2436
patient's use of medical marijuana <u>or an adult-use consumer's</u>	2437
<u>use of adult-use marijuana or homegrown marijuana, other than by</u>	2438
<u>smoking, combustion, or vaporization;</u>	2439
(6) Restrict research related to marijuana conducted at a	2440
state university, academic medical center, or private research	2441
and development organization as part of a research protocol	2442
approved by an institutional review board or equivalent entity.	2443
Sec. 3796.27. (A) As used in this section:	2444
(1) "Financial institution" means any of the following:	2445
(a) Any bank, trust company, savings and loan association,	2446
savings bank, or credit union or any affiliate, agent, or	2447
employee of a bank, trust company, savings and loan association,	2448
savings bank, or credit union;	2449
(b) Any money transmitter licensed under sections 1315.01	2450
to 1315.18 of the Revised Code or any affiliate, agent, or	2451
employee of such a licensee.	2452

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

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

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

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

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

(c) An unredacted copy of the application for a license under this chapter or Chapter 3780. of the Revised Code, and any

supporting documentation, that was submitted by the person;	2482
(d) If applicable, information relating to sales and	2483
volume of product sold by the person;	2484
(e) Whether the person is in compliance with this chapter;	2485
(f) Any past or pending violation by the person of this	2486
chapter, and any penalty imposed on the person for such a	2487
violation.	2488
(2) The division may charge a financial institution a	2489
reasonable fee to cover the administrative cost of providing the	2490
information.	2491
(D) Information received by a financial institution under	2492
division (C) of this section is confidential. Except as	2493
otherwise permitted by other state law or federal law, a	2494
financial institution shall not make the information available	2495
to any person other than the customer to whom the information	2496
applies and any trustee, conservator, guardian, personal	2497
representative, or agent of that customer.	2498
Sec. 3796.28. (A) Nothing in this chapter does any of the	2499
following:	2500
(1) Requires an employer to permit or accommodate an	2501
employee's use, possession, or distribution of medical	2502
marijuana;	2503
(2) Prohibits an employer from refusing to hire,	2504
discharging, disciplining, or otherwise taking an adverse	2505
employment action against a person with respect to hire, tenure,	2506
terms, conditions, or privileges of employment because of that	2507
person's use, possession, or distribution of medical marijuana;	2508
(3) Prohibits an employer from establishing and enforcing	2509

a drug testing policy, drug-free workplace policy, or zero- 2510
tolerance drug policy; 2511

(4) Interferes with any federal restrictions on 2512
employment, including the regulations adopted by the United 2513
States department of transportation in Title 49 of the Code of 2514
Federal Regulations, as amended; 2515

(5) Permits a person to commence a cause of action against 2516
an employer for refusing to hire, discharging, disciplining, 2517
discriminating, retaliating, or otherwise taking an adverse 2518
employment action against a person with respect to hire, tenure, 2519
terms, conditions, or privileges of employment related to 2520
~~medical-marijuana~~; 2521

(6) Affects the authority of the administrator of workers' 2522
compensation to grant rebates or discounts on premium rates to 2523
employers that participate in a drug-free workplace program 2524
established in accordance with rules adopted by the 2525
administrator under Chapter 4123. of the Revised Code. 2526

(B) A person who is discharged from employment because of 2527
that person's use of ~~medical-marijuana~~ shall be considered to 2528
have been discharged for just cause for purposes of division (D) 2529
of section 4141.29 of the Revised Code and shall be ineligible 2530
to serve a waiting period or to be paid benefits for the 2531
duration of the individual's unemployment as described in 2532
division (D)(2) of that section if the person's use of ~~medical-~~ 2533
marijuana was in violation of an employer's drug-free workplace 2534
policy, zero-tolerance policy, or other formal program or policy 2535
regulating the use of ~~medical-marijuana~~. 2536

(C) It is not a violation of division (A), (D), or (E) of 2537
section 4112.02 of the Revised Code if an employer discharges, 2538

refuses to hire, or otherwise discriminates against a person 2539
because of that person's use of ~~medical~~-marijuana if the 2540
person's use of ~~medical~~-marijuana is in violation of the 2541
employer's drug-free workplace policy, zero-tolerance policy, or 2542
other formal program or policy regulating the use of ~~medical~~- 2543
marijuana. 2544

Sec. 3796.29. ~~The~~ (A) Except as otherwise provided in 2545
divisions (B) and (C) of this section, the legislative authority 2546
of a municipal corporation may adopt an ordinance, or a board of 2547
township trustees may adopt a resolution, to prohibit, or limit 2548
the number of, licensed cultivators, licensed processors, or 2549
~~retail-licensed dispensaries licensed under this chapter~~ within 2550
the municipal corporation or within the unincorporated territory 2551
of the township, respectively. 2552

(B) The legislative authority of a municipal corporation 2553
shall not adopt an ordinance, and a board of township trustees 2554
shall not adopt a resolution, that prohibits or limits the 2555
operations of a person licensed before the effective date of 2556
this amendment under this chapter or Chapter 3780. of the 2557
Revised Code. This division does not prohibit the enforcement of 2558
a municipal ordinance or township resolution adopted before the 2559
effective date of this amendment. 2560

(C) This section does not authorize the legislative 2561
authority of a municipal corporation or a board of township 2562
trustees to adopt an ordinance or resolution limiting research 2563
related to marijuana conducted at a state university, academic 2564
medical center, or private research and development organization 2565
as part of a research protocol approved by an institutional 2566
review board or equivalent entity. 2567

Sec. 3796.30. (A) Except as otherwise provided in division 2568

~~(B) of this section, no medical marijuana licensed cultivator, 2569
licensed processor, retail licensed dispensary, or licensed 2570
laboratory ~~that tests medical marijuana~~ shall be located within 2571
five hundred feet of the boundaries of a parcel of real estate 2572
having situated on it a school, church, public library, public 2573
playground, or public park. 2574~~

(B) If the relocation of a facility used by a licensed 2575
cultivator, licensed processor, retail licensed dispensary, or 2576
licensed laboratory licensed under this chapter to conduct 2577
activities authorized by this chapter results in the cultivator, 2578
processor, retail dispensary, or laboratory facility being 2579
located within five hundred feet of the boundaries of a parcel 2580
of real estate having situated on it a school, church, public 2581
library, public playground, or public park, the division of 2582
marijuana cannabis control shall revoke the license it 2583
previously issued to the cultivator, processor, retail 2584
dispensary, or laboratory to the operators of that facility. 2585

~~(B)(C) This section does not apply to research related to 2586
marijuana conducted at a state university, academic medical 2587
center, or private research and development organization as part 2588
of a research protocol approved by an institutional review board 2589
or equivalent entity. 2590~~

(D) This section does not apply to a facility used by a 2591
licensed cultivator, licensed processor, licensed dispensary, or 2592
licensed laboratory, if that facility is operational at the time 2593
a school, church, public library, public playground, or public 2594
park relocates, or is established, on a parcel of real estate, 2595
the boundaries of which are within five hundred feet of that 2596
operational facility. 2597

~~(C) As used in this section and sections 3796.03 and 2598~~

3796.12 of the Revised Code:—	2599
"Church" has the meaning defined in section 1710.01 of the Revised Code.—	2600
	2601
"Public library" means a library provided for under Chapter 3375. of the Revised Code.—	2602
	2603
"Public park" means a park established by the state or a political subdivision of the state including a county, township, municipal corporation, or park district.—	2604
	2605
	2606
"Public playground" means a playground established by the state or a political subdivision of the state including a county, township, municipal corporation, or park district.—	2607
	2608
	2609
"School" means a child care center as defined under section 5104.01 of the Revised Code, a preschool as defined under section 2950.034 of the Revised Code, or a public or nonpublic primary school or secondary school.—	2610
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<u>Sec. 3796.32. (A) The division of cannabis control may adopt rules regulating the advertisement of adult-use marijuana to prevent advertisements that are false, misleading, targeted to minors, promote excessive use, promote illegal activity, are obscene or indecent, contain depictions of marijuana use, or promote marijuana as an intoxicant.</u>	2614
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<u>(B) Any rules the division adopts regulating the advertisement of adult-use marijuana shall be at least as stringent as the most stringent federal or state laws or rules governing the advertisement of tobacco or alcohol.</u>	2620
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	2623
<u>(C) The division may, at any time, conduct an audit of an applicant's or license holder's published advertisements to ensure that the applicant or license holder complies with this</u>	2624
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	2626

chapter and associated rules. 2627

(D) Adult-use marijuana shall not be packaged, advertised, 2628
or otherwise marketed using any graphic, picture, or drawing 2629
that bears any resemblance to a cartoon character, or any 2630
fictional character or popular culture figure whose target 2631
audience is children or youth. 2632

(E) If the division determines that a person has violated 2633
this section or any rule adopted in accordance with this 2634
section, the division may require the person to stop using the 2635
advertisement or proceed with any enforcement action it deems 2636
necessary or proper, as outlined in this chapter and associated 2637
rules. 2638

Sec. 3796.33. (A) All licenses issued by the division of 2639
cannabis control under Chapter 3780. of the Revised Code remain 2640
in effect for the remainder of the license term, unless earlier 2641
suspended or revoked. The division shall not renew any license 2642
issued under Chapter 3780. of the Revised Code. 2643

(B) (1) An adult-use cultivator is subject to all 2644
procedures, requirements, and penalties that apply to a 2645
cultivator licensed under sections 3796.09 and 3796.18 of the 2646
Revised Code. At any time prior to the expiration of the adult- 2647
use cultivator license, the license holder may apply to the 2648
division for cultivator license under this chapter of the same 2649
level and at the same location. 2650

(2) An adult-use processor is subject to all procedures, 2651
requirements, and penalties that apply to a processor licensed 2652
under sections 3796.09 and 3796.19 of the Revised Code. At any 2653
time prior to the expiration of an adult-use processor license, 2654
the license holder may apply to the division for a processor 2655

license under this chapter at the same location. 2656

(3) An adult-use dispensary is subject to all procedures, 2657
requirements, and penalties that apply to a retail dispensary 2658
licensed under sections 3796.10 and 3796.20 of the Revised Code. 2659
At any time prior to the expiration of an adult-use dispensary 2660
license, the license holder may apply to the division for a 2661
retail dispensary license under this chapter at the same 2662
location. 2663

(4) An adult-use testing laboratory is subject to all 2664
procedures, requirements, and penalties that apply to a 2665
laboratory licensed under sections 3796.09 and 3796.21 of the 2666
Revised Code. At any time prior to the expiration of an adult- 2667
use testing laboratory license, the license holder may apply to 2668
the division for a laboratory license under this chapter at the 2669
same location. 2670

(C) The division of cannabis control shall prescribe 2671
procedures, forms, and fees for obtaining a license under this 2672
section that closely resemble the procedures, forms, and fees 2673
that apply for renewal of the corresponding licenses. The 2674
division shall not accept an application for licensure under 2675
this section from any person other than a person licensed under 2676
Chapter 3780. of the Revised Code. 2677

(D) (1) Subject to division (D) (2) of this section, the 2678
division of cannabis control shall not approve an application 2679
for licensure under this section unless the applicant meets all 2680
corresponding eligibility criteria under division (C) of section 2681
3796.09 or division (C) of section 3796.10 of the Revised Code. 2682

(2) The division shall not deny an application for 2683
licensure under this section based on the location of the 2684

license holder's existing facility in proximity to a school, 2685
church, public library, public playground, public park, or other 2686
license holder. 2687

(3) Applications for licensure under this section are not 2688
subject to the evaluation, prioritization, ranking, and lottery 2689
provisions in divisions (B), (D), and (E) of section 3796.09 of 2690
the Revised Code and divisions (B), (D), and (E) of section 2691
3796.10 of the Revised Code. The division shall issue a license 2692
to each eligible applicant. 2693

Sec. 3796.99. (A) (1) Whoever violates division (C) (2) of 2694
section 3796.06 of the Revised Code as an operator of the 2695
vehicle, streetcar, trackless trolley, watercraft, or aircraft 2696
is subject to section 1547.11, 4511.19, or 4561.15 of the 2697
Revised Code, as applicable. 2698

(2) Whoever violates division (C) (2) of section 3796.06 of 2699
the Revised Code as a passenger of the vehicle, streetcar, 2700
trackless trolley, watercraft, or aircraft shall be sentenced as 2701
follows: 2702

(a) Except as otherwise provided in division (A) (2) (b), 2703
(c), (d), or (e) of this section, the offender is guilty of a 2704
misdemeanor of the first degree. The court shall sentence the 2705
offender to a mandatory jail term of three consecutive days. The 2706
court may impose a jail term in addition to the three-day 2707
mandatory jail term. However, in no case shall the cumulative 2708
jail term imposed for the offense exceed six months. In 2709
addition, the court shall impose upon the offender a fine of not 2710
less than three hundred seventy-five and not more than one 2711
thousand seventy-five dollars. The court shall impose a class 2712
seven suspension of the offender's license, permit, or 2713
privileges from the range specified in division (A) (7) of 2714

section 4510.02 of the Revised Code. 2715

(b) Except as otherwise provided in division (A)(2)(c), 2716
(d), or (e) of this section, an offender who, within ten years 2717
of the offense, previously has been convicted of or pleaded 2718
guilty to one violation of division (C)(2) of section 3796.06 of 2719
the Revised Code as a passenger of a vehicle, streetcar, 2720
trackless trolley, watercraft, or aircraft is guilty of a 2721
misdemeanor of the first degree. The court shall sentence the 2722
offender to a mandatory jail term of ten consecutive days. The 2723
court may impose a jail term in addition to the ten-day 2724
mandatory jail term. However, in no case shall the cumulative 2725
jail term imposed for the offense exceed six months. In 2726
addition, notwithstanding the fines set forth in Chapter 2929. 2727
of the Revised Code, the court shall impose upon the offender a 2728
fine of not less than five hundred twenty-five and not more than 2729
one thousand six hundred twenty-five dollars. The court shall 2730
impose a class six suspension of the offender's license, permit, 2731
or privileges from the range specified in division (A)(6) of 2732
section 4510.02 of the Revised Code. 2733

(c) Except as otherwise provided in division (A)(2)(d) or 2734
(e) of this section, an offender who, within ten years of the 2735
offense, previously has been convicted of or pleaded guilty to 2736
two violations of division (C)(2) of section 3796.06 of the 2737
Revised Code as a passenger of a vehicle, streetcar, trackless 2738
trolley, watercraft, or aircraft is guilty of a misdemeanor of 2739
the first degree. The court shall sentence the offender to a 2740
mandatory jail term of thirty consecutive days. The court may 2741
impose a jail term in addition to the thirty-day mandatory jail 2742
term. Notwithstanding the jail terms set forth in sections 2743
2929.21 to 2929.28 of the Revised Code, the additional jail term 2744
shall not exceed one year, and the cumulative jail term imposed 2745

for the offense shall not exceed one year. In addition, 2746
notwithstanding the fines set forth in Chapter 2929. of the 2747
Revised Code, the court shall impose upon the offender a fine of 2748
not less than eight hundred fifty and not more than two thousand 2749
seven hundred fifty dollars. The court shall impose a class five 2750
suspension of the offender's license, permit, or privileges from 2751
the range specified in division (A) (5) of section 4510.02 of the 2752
Revised Code. 2753

(d) Except as otherwise provided in division (A) (2) (e) of 2754
this section, an offender who, within ten years of the offense, 2755
previously has been convicted of or pleaded guilty to three 2756
violations of division (C) (2) of section 3796.06 of the Revised 2757
Code as a passenger of a vehicle, streetcar, trackless trolley, 2758
watercraft, or aircraft is guilty of a felony of the fourth 2759
degree. Notwithstanding the prison terms set forth in Chapter 2760
2929. of the Revised Code, the court shall sentence the offender 2761
to a mandatory prison term of one, two, three, four, or five 2762
years. Additionally, notwithstanding section 2929.18 of the 2763
Revised Code, the court shall impose a fine of not less than one 2764
thousand three hundred fifty nor more than ten thousand five 2765
hundred dollars. The court shall impose a class four suspension 2766
of the offender's license, permit, or privileges from the range 2767
specified in division (A) (4) of section 4510.02 of the Revised 2768
Code. 2769

(e) An offender who previously has been convicted of or 2770
pleaded guilty to a felony violation of division (C) (2) of 2771
section 3796.06 of the Revised Code as a passenger of a vehicle, 2772
streetcar, trackless trolley, watercraft, or aircraft, 2773
regardless of when the violation and the conviction or guilty 2774
plea occurred, is guilty of a felony of the third degree. 2775
Notwithstanding the prison terms set forth in Chapter 2929. of 2776

the Revised Code, the court shall sentence the offender to a 2777
mandatory prison term of one, two, three, four, or five years. 2778
Additionally, notwithstanding section 2929.18 of the Revised 2779
Code, the court shall impose a fine of not less than one 2780
thousand three hundred fifty nor more than ten thousand five 2781
hundred dollars. The court shall impose a class three suspension 2782
of the offender's license, permit, or privileges from the range 2783
specified in division (A) (3) of section 4510.02 of the Revised 2784
Code. 2785

(B) Except as otherwise provided in division (A) of this 2786
section, whoever violates division (C) (2) of section 3796.06 of 2787
the Revised Code is guilty of a minor misdemeanor. 2788

(C) (1) (a) Except as provided in division (C) (1) (b) of this 2789
section, whoever violates division (G) of section 3796.06 of the 2790
Revised Code is guilty of a misdemeanor of the first degree. 2791

(b) An offender who has previously been convicted of, or 2792
pleaded guilty to, a violation of division (G) of section 2793
3796.06 of the Revised Code, is guilty of a felony of the fifth 2794
degree. 2795

(2) The division of cannabis control shall immediately 2796
revoke the license of any license holder under this chapter or 2797
Chapter 3780. of the Revised Code who is found guilty of, or who 2798
pleads guilty or no contest to, violating division (G) of 2799
section 3796.06 of the Revised Code. 2800

(D) Whoever violates division (B) of section 3796.221 or 2801
division (A) (1) or (D) of section 3796.04 of the Revised Code is 2802
guilty of possession of marijuana under section 2925.11 of the 2803
Revised Code. 2804

(E) Whoever engages in any of the activities described in 2805

section 3796.18, 3796.19, 3796.20, or 3796.21 of the Revised 2806
Code without the proper license under this chapter or Chapter 2807
3780. of the Revised Code is guilty of trafficking in marijuana 2808
under section 2925.03 of the Revised Code or illegal cultivation 2809
of marijuana under section 2925.04 of the Revised Code. 2810

(F) Whoever violates division (C) (2) of section 3796.20 of 2811
the Revised Code is guilty of trafficking in marijuana under 2812
section 2925.03 of the Revised Code. 2813

(G) (1) Except as otherwise provided in divisions (G) (2) to 2814
(4) of this section, whoever violates division (H) of section 2815
3796.06 of the Revised Code by knowingly showing or giving false 2816
information concerning the individual's name, age, or other 2817
identification for the purpose of purchasing or otherwise 2818
obtaining adult-use marijuana from a licensed dispensary is 2819
guilty of a misdemeanor of the first degree. 2820

(2) Except as otherwise provided in divisions (G) (3) and 2821
(4) of this section, whoever violates division (H) of section 2822
3796.06 of the Revised Code by knowingly presenting to a 2823
licensed dispensary a false, fictitious, or altered 2824
identification card, a false or fictitious driver's license 2825
purportedly issued by any state, or a driver's license issued by 2826
any state that has been altered, is guilty of a misdemeanor of 2827
the first degree and, notwithstanding division (A) (2) of section 2828
2929.28 of the Revised Code, shall be fined not less than two 2829
hundred fifty dollars and not more than one thousand dollars. 2830

(3) (a) Except as otherwise provided in division (G) (4) of 2831
this section, an offender who has previously been convicted of 2832
or pleaded guilty to a violation of division (H) of section 2833
3796.06 of the Revised Code by knowingly presenting to a 2834
licensed dispensary a false, fictitious, or altered 2835

identification card, a false or fictitious driver's license 2836
purportedly issued by any state, or a driver's license issued by 2837
any state that has been altered, is guilty of a misdemeanor of 2838
the first degree and, notwithstanding division (A) (2) of section 2839
2929.28 of the Revised Code, shall be fined not less than five 2840
hundred dollars nor more than one thousand dollars. 2841

(b) (i) The court also may impose a class seven suspension 2842
of the offender's driver's or commercial driver's license or 2843
permit, or nonresident operating privilege, from the range 2844
specified in division (A) (7) of section 4510.02 of the Revised 2845
Code. 2846

(ii) The court, in lieu of suspending the offender's 2847
temporary instruction permit, probationary driver's license, or 2848
driver's license, instead may order the offender to perform a 2849
determinate number of hours of community service, with the court 2850
determining the actual number of hours and the nature of the 2851
community service the offender shall perform. 2852

(4) (a) An offender who has previously been convicted of or 2853
pleaded guilty to two or more violations of division (H) of 2854
section 3796.06 of the Revised Code by knowingly presenting to a 2855
licensed dispensary a false, fictitious, or altered 2856
identification card, a false or fictitious driver's license 2857
purportedly issued by any state, or a driver's license issued by 2858
any state that has been altered, is guilty of a misdemeanor of 2859
the first degree and, notwithstanding division (A) (2) of section 2860
2929.28 of the Revised Code, shall be fined not less than five 2861
hundred dollars nor more than one thousand dollars. 2862

(b) (i) The court also may impose a class six suspension of 2863
the offender's driver's or commercial driver's license or permit 2864
or nonresident operating privilege from the range specified in 2865

division (A) (6) of section 4510.02 of the Revised Code, and the 2866
court may order that the suspension or denial remain in effect 2867
until the offender attains the age of twenty-one years. 2868

(ii) The court, in lieu of suspending the offender's 2869
temporary instruction permit, probationary driver's license, or 2870
driver's license, instead may order the offender to perform a 2871
determinate number of hours of community service, with the court 2872
determining the actual number of hours and the nature of the 2873
community service the offender shall perform. 2874

(5) The financial sanctions required by divisions (G) (2) 2875
to (4) of this section are in lieu of the financial sanctions 2876
described in division (A) (2) of section 2929.28 of the Revised 2877
Code but are in addition to any other sanctions or penalties 2878
that may apply to the offender, including other financial 2879
sanctions under that section or a jail term under section 2880
2929.24 of the Revised Code. 2881

(H) (1) Except as otherwise provided in division (H) (2) of 2882
this section, whoever violates division (H) of section 3796.06 2883
of the Revised Code by knowingly soliciting another person to 2884
purchase adult-use marijuana from a licensed dispensary is 2885
guilty of a misdemeanor of the fourth degree. 2886

(2) An offender who has previously been convicted of or 2887
pleaded guilty to a violation of division (H) of section 3796.06 2888
of the Revised Code by knowingly soliciting another individual 2889
to purchase adult-use marijuana from a licensed dispensary is 2890
guilty of a misdemeanor of the second degree. 2891

(I) Whoever violates division (A), (B), or (C) of section 2892
3796.062 of the Revised Code is guilty of a minor misdemeanor. 2893

(J) Whoever violates division (D) of section 3796.062 of 2894

the Revised Code is guilty of illegal use or possession of 2895
marijuana drug paraphernalia under section 2925.141 of the 2896
Revised Code. 2897

Sec. 4729.80. (A) If the state board of pharmacy 2898
establishes and maintains a drug database pursuant to section 2899
4729.75 of the Revised Code, the board is authorized or required 2900
to provide information from the database only as follows: 2901

(1) On receipt of a request from a designated 2902
representative of a government entity responsible for the 2903
licensure, regulation, or discipline of health care 2904
professionals with authority to prescribe, administer, or 2905
dispense drugs, the board may provide to the representative 2906
information from the database relating to the professional who 2907
is the subject of an active investigation being conducted by the 2908
government entity or relating to a professional who is acting as 2909
an expert witness for the government entity in such an 2910
investigation. 2911

(2) On receipt of a request from a federal officer, or a 2912
state or local officer of this or any other state, whose duties 2913
include enforcing laws relating to drugs, the board shall 2914
provide to the officer information from the database relating to 2915
the person who is the subject of an active investigation of a 2916
drug abuse offense, as defined in section 2925.01 of the Revised 2917
Code, being conducted by the officer's employing government 2918
entity. 2919

(3) Pursuant to a subpoena issued by a grand jury, the 2920
board shall provide to the grand jury information from the 2921
database relating to the person who is the subject of an 2922
investigation being conducted by the grand jury. 2923

(4) Pursuant to a subpoena, search warrant, or court order 2924
in connection with the investigation or prosecution of a 2925
possible or alleged criminal offense, the board shall provide 2926
information from the database as necessary to comply with the 2927
subpoena, search warrant, or court order. 2928

(5) On receipt of a request from a prescriber or the 2929
prescriber's delegate approved by the board, the board shall 2930
provide to the prescriber a report of information from the 2931
database relating to a patient who is either a current patient 2932
of the prescriber or a potential patient of the prescriber based 2933
on a referral of the patient to the prescriber, if all of the 2934
following conditions are met: 2935

(a) The prescriber certifies in a form specified by the 2936
board that it is for the purpose of providing medical treatment 2937
to the patient who is the subject of the request; 2938

(b) The prescriber has not been denied access to the 2939
database by the board. 2940

(6) On receipt of a request from a pharmacist or the 2941
pharmacist's delegate approved by the board, the board shall 2942
provide to the pharmacist information from the database relating 2943
to a current patient of the pharmacist, if the pharmacist 2944
certifies in a form specified by the board that it is for the 2945
purpose of the pharmacist's practice of pharmacy involving the 2946
patient who is the subject of the request and the pharmacist has 2947
not been denied access to the database by the board. 2948

(7) On receipt of a request from an individual seeking the 2949
individual's own database information in accordance with the 2950
procedure established in rules adopted under section 4729.84 of 2951
the Revised Code, the board may provide to the individual the 2952

individual's own prescription history. 2953

(8) On receipt of a request from a medical director or a 2954
pharmacy director of a managed care organization that has 2955
entered into a contract with the department of medicaid under 2956
section 5167.10 of the Revised Code and a data security 2957
agreement with the board required by section 5167.14 of the 2958
Revised Code, the board shall provide to the medical director or 2959
the pharmacy director information from the database relating to 2960
a medicaid recipient enrolled in the managed care organization, 2961
including information in the database related to prescriptions 2962
for the recipient that were not covered or reimbursed under a 2963
program administered by the department of medicaid. 2964

(9) On receipt of a request from the medicaid director, 2965
the board shall provide to the director information from the 2966
database relating to a recipient of a program administered by 2967
the department of medicaid, including information in the 2968
database related to prescriptions for the recipient that were 2969
not covered or paid by a program administered by the department. 2970

(10) On receipt of a request from a medical director of a 2971
managed care organization that has entered into a contract with 2972
the administrator of workers' compensation under division (B) (4) 2973
of section 4121.44 of the Revised Code and a data security 2974
agreement with the board required by section 4121.447 of the 2975
Revised Code, the board shall provide to the medical director 2976
information from the database relating to a claimant under 2977
Chapter 4121., 4123., 4127., or 4131. of the Revised Code 2978
assigned to the managed care organization, including information 2979
in the database related to prescriptions for the claimant that 2980
were not covered or reimbursed under Chapter 4121., 4123., 2981
4127., or 4131. of the Revised Code, if the administrator of 2982

workers' compensation confirms, upon request from the board, 2983
that the claimant is assigned to the managed care organization. 2984

(11) On receipt of a request from the administrator of 2985
workers' compensation, the board shall provide to the 2986
administrator information from the database relating to a 2987
claimant under Chapter 4121., 4123., 4127., or 4131. of the 2988
Revised Code, including information in the database related to 2989
prescriptions for the claimant that were not covered or 2990
reimbursed under Chapter 4121., 4123., 4127., or 4131. of the 2991
Revised Code. 2992

(12) On receipt of a request from a prescriber or the 2993
prescriber's delegate approved by the board, the board shall 2994
provide to the prescriber information from the database relating 2995
to a patient's mother, if the prescriber certifies in a form 2996
specified by the board that it is for the purpose of providing 2997
medical treatment to a newborn or infant patient diagnosed as 2998
opioid dependent and the prescriber has not been denied access 2999
to the database by the board. 3000

(13) On receipt of a request from the director of health, 3001
the board shall provide to the director information from the 3002
database relating to the duties of the director or the 3003
department of health in implementing the Ohio violent death 3004
reporting system established under section 3701.93 of the 3005
Revised Code. 3006

(14) On receipt of a request from a requestor described in 3007
division (A)(1), (2), (5), or (6) of this section who is from or 3008
participating with another state's prescription monitoring 3009
program, the board may provide to the requestor information from 3010
the database, but only if there is a written agreement under 3011
which the information is to be used and disseminated according 3012

to the laws of this state. 3013

(15) On receipt of a request from a delegate of a retail 3014
dispensary licensed under Chapter 3796. of the Revised Code who 3015
is approved by the board to serve as the dispensary's delegate, 3016
the board shall provide to the delegate a report of information 3017
from the database pertaining only to a patient's use of medical 3018
marijuana, if both of the following conditions are met: 3019

(a) The delegate certifies in a form specified by the 3020
board that it is for the purpose of dispensing medical marijuana 3021
for use in accordance with Chapter 3796. of the Revised Code. 3022

(b) The retail dispensary or delegate has not been denied 3023
access to the database by the board. 3024

(16) On receipt of a request from a judge of a program 3025
certified by the Ohio supreme court as a specialized docket 3026
program for drugs, the board shall provide to the judge, or an 3027
employee of the program who is designated by the judge to 3028
receive the information, information from the database that 3029
relates specifically to a current or prospective program 3030
participant. 3031

(17) On receipt of a request from a coroner, deputy 3032
coroner, or coroner's delegate approved by the board, the board 3033
shall provide to the requestor information from the database 3034
relating to a deceased person about whom the coroner is 3035
conducting or has conducted an autopsy or investigation. 3036

(18) On receipt of a request from a prescriber, the board 3037
may provide to the prescriber a summary of the prescriber's 3038
prescribing record if such a record is created by the board. 3039
Information in the summary is subject to the confidentiality 3040
requirements of this chapter. 3041

(19) (a) On receipt of a request from a pharmacy's responsible person, the board may provide to the responsible person a summary of the pharmacy's dispensing record if such a record is created by the board. Information in the summary is subject to the confidentiality requirements of this chapter.

(b) As used in division (A) (19) (a) of this section, "responsible person" has the same meaning as in rules adopted by the board under section 4729.26 of the Revised Code.

(20) The board may provide information from the database without request to a prescriber or pharmacist who is authorized to use the database pursuant to this chapter.

(21) (a) On receipt of a request from a prescriber or pharmacist, or the prescriber's or pharmacist's delegate, who is a designated representative of a peer review committee, the board shall provide to the committee information from the database relating to a prescriber who is subject to the committee's evaluation, supervision, or discipline if the information is to be used for one of those purposes. The board shall provide only information that it determines, in accordance with rules adopted under section 4729.84 of the Revised Code, is appropriate to be provided to the committee.

(b) As used in division (A) (21) (a) of this section, "peer review committee" has the same meaning as in section 2305.25 of the Revised Code, except that it includes only a peer review committee of a hospital or a peer review committee of a nonprofit health care corporation that is a member of the hospital or of which the hospital is a member.

(22) On receipt of a request from a requestor described in division (A) (5) or (6) of this section who is from or

participating with a prescription monitoring program that is 3071
operated by a federal agency and approved by the board, the 3072
board may provide to the requestor information from the 3073
database, but only if there is a written agreement under which 3074
the information is to be used and disseminated according to the 3075
laws of this state. 3076

(23) Any personal health information submitted to the 3077
board pursuant to section 4729.772 of the Revised Code may be 3078
provided by the board only as authorized by the submitter of the 3079
information and in accordance with rules adopted under section 3080
4729.84 of the Revised Code. 3081

(24) On receipt of a request from a person described in 3082
division (A)(5), (6), or (17) of this section who is 3083
participating in a drug overdose fatality review committee 3084
described in section 307.631 of the Revised Code, the board may 3085
provide to the requestor information from the database, but only 3086
if there is a written agreement under which the information is 3087
to be used and disseminated according to the laws of this state. 3088

(25) On receipt of a request from a person described in 3089
division (A)(5), (6), or (17) of this section who is 3090
participating in a suicide fatality review committee described 3091
in section 307.641 of the Revised Code, the board may provide to 3092
the requestor information from the database, but only if there 3093
is a written agreement under which the information is to be used 3094
and disseminated according to the laws of this state. 3095

(26) On receipt of a request from a designated 3096
representative of the division of ~~marijuana~~cannabis control in 3097
the department of commerce, the board shall provide to the 3098
representative information from the database relating to an 3099
individual who, or entity that, is the subject of an active 3100

investigation being conducted by the division. 3101

(B) The state board of pharmacy shall maintain a record of 3102
each individual or entity that requests information from the 3103
database pursuant to this section. In accordance with rules 3104
adopted under section 4729.84 of the Revised Code, the board may 3105
use the records to document and report statistics and law 3106
enforcement outcomes. 3107

The board may provide records of an individual's requests 3108
for database information only to the following: 3109

(1) A designated representative of a government entity 3110
that is responsible for the licensure, regulation, or discipline 3111
of health care professionals with authority to prescribe, 3112
administer, or dispense drugs who is involved in an active 3113
criminal or disciplinary investigation being conducted by the 3114
government entity of the individual who submitted the requests 3115
for database information; 3116

(2) A federal officer, or a state or local officer of this 3117
or any other state, whose duties include enforcing laws relating 3118
to drugs and who is involved in an active investigation being 3119
conducted by the officer's employing government entity of the 3120
individual who submitted the requests for database information; 3121

(3) A designated representative of the department of 3122
medicaid regarding a prescriber who is treating or has treated a 3123
recipient of a program administered by the department and who 3124
submitted the requests for database information. 3125

(C) Information contained in the database and any 3126
information obtained from it is confidential and is not a public 3127
record. Information contained in the records of requests for 3128
information from the database is confidential and is not a 3129

public record. Information contained in the database that does 3130
not identify a person, including any licensee or registrant of 3131
the board or other entity, may be released in summary, 3132
statistical, or aggregate form. 3133

(D) A pharmacist or prescriber shall not be held liable in 3134
damages to any person in any civil action for injury, death, or 3135
loss to person or property on the basis that the pharmacist or 3136
prescriber did or did not seek or obtain information from the 3137
database. 3138

Sec. 4735.18. (A) Subject to section 4735.32 of the 3139
Revised Code, the superintendent of real estate, upon the 3140
superintendent's own motion, may investigate the conduct of any 3141
licensee. Subject to division (E) of this section and section 3142
4735.32 of the Revised Code, the Ohio real estate commission 3143
shall impose disciplinary sanctions upon any licensee who, 3144
whether or not acting in the licensee's capacity as a real 3145
estate broker or salesperson, or in handling the licensee's own 3146
property, is found to have been convicted of a felony or a crime 3147
of moral turpitude, and may impose disciplinary sanctions upon 3148
any licensee who, in the licensee's capacity as a real estate 3149
broker or salesperson, or in handling the licensee's own 3150
property, is found guilty of: 3151

(1) Knowingly making any misrepresentation; 3152

(2) Making any false promises with intent to influence, 3153
persuade, or induce; 3154

(3) A continued course of misrepresentation or the making 3155
of false promises through agents, salespersons, advertising, or 3156
otherwise; 3157

(4) Acting for more than one party in a transaction except 3158

as permitted by and in compliance with section 4735.71 of the Revised Code; 3159
3160

(5) Failure within a reasonable time to account for or to remit any money coming into the licensee's possession which belongs to others; 3161
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(6) Dishonest or illegal dealing, gross negligence, incompetency, or misconduct; 3164
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(7) (a) By final adjudication by a court, a violation of any municipal or federal civil rights law relevant to the protection of purchasers or sellers of real estate or, by final adjudication by a court, any unlawful discriminatory practice pertaining to the purchase or sale of real estate prohibited by Chapter 4112. of the Revised Code, provided that such violation arose out of a situation wherein parties were engaged in bona fide efforts to purchase, sell, or lease real estate, in the licensee's practice as a licensed real estate broker or salesperson; 3166
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(b) A second or subsequent violation of any unlawful discriminatory practice pertaining to the purchase or sale of real estate prohibited by Chapter 4112. of the Revised Code or any second or subsequent violation of municipal or federal civil rights laws relevant to purchasing or selling real estate whether or not there has been a final adjudication by a court, provided that such violation arose out of a situation wherein parties were engaged in bona fide efforts to purchase, sell, or lease real estate. For any second offense under this division, the commission shall suspend for a minimum of two months or revoke the license of the broker or salesperson. For any subsequent offense, the commission shall revoke the license of the broker or salesperson. 3176
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(8) Procuring a license under this chapter, for the licensee or any salesperson by fraud, misrepresentation, or deceit;	3189 3190 3191
(9) Having violated or failed to comply with any provision of sections 4735.51 to 4735.74 of the Revised Code or having willfully disregarded or violated any other provisions of this chapter;	3192 3193 3194 3195
(10) As a real estate broker, having demanded, without reasonable cause, other than from a broker licensed under this chapter, a commission to which the licensee is not entitled, or, as a real estate salesperson, having demanded, without reasonable cause, a commission to which the licensee is not entitled;	3196 3197 3198 3199 3200 3201
(11) Except as permitted under section 4735.20 of the Revised Code, having paid commissions or fees to, or divided commissions or fees with, anyone not licensed as a real estate broker or salesperson under this chapter or anyone not operating as an out-of-state commercial real estate broker or salesperson under section 4735.022 of the Revised Code;	3202 3203 3204 3205 3206 3207
(12) Having falsely represented membership in any real estate professional association of which the licensee is not a member;	3208 3209 3210
(13) Having accepted, given, or charged any undisclosed commission, rebate, or direct profit on expenditures made for a principal;	3211 3212 3213
(14) Having offered anything of value other than the consideration recited in the sales contract as an inducement to a person to enter into a contract for the purchase or sale of real estate or having offered real estate or the improvements on	3214 3215 3216 3217

real estate as a prize in a lottery or scheme of chance;	3218
(15) Having acted in the dual capacity of real estate broker and undisclosed principal, or real estate salesperson and undisclosed principal, in any transaction;	3219 3220 3221
(16) Having guaranteed, authorized, or permitted any person to guarantee future profits which may result from the resale of real property;	3222 3223 3224
(17) Having advertised or placed a sign on any property offering it for sale or for rent without the consent of the owner or the owner's authorized agent;	3225 3226 3227
(18) Having induced any party to a contract of sale or lease to break such contract for the purpose of substituting in lieu of it a new contract with another principal;	3228 3229 3230
(19) Having negotiated the sale, exchange, or lease of any real property directly with a seller, purchaser, lessor, or tenant knowing that such seller, purchaser, lessor, or tenant is represented by another broker under a written exclusive agency agreement, exclusive right to sell or lease listing agreement, or exclusive purchaser agency agreement with respect to such property except as provided for in section 4735.75 of the Revised Code;	3231 3232 3233 3234 3235 3236 3237 3238
(20) Having offered real property for sale or for lease without the knowledge and consent of the owner or the owner's authorized agent, or on any terms other than those authorized by the owner or the owner's authorized agent;	3239 3240 3241 3242
(21) Having published advertising, whether printed, radio, display, or of any other nature, which was misleading or inaccurate in any material particular, or in any way having misrepresented any properties, terms, values, policies, or	3243 3244 3245 3246

services of the business conducted;	3247
(22) Having knowingly withheld from or inserted in any	3248
statement of account or invoice any statement that made it	3249
inaccurate in any material particular;	3250
(23) Having published or circulated unjustified or	3251
unwarranted threats of legal proceedings which tended to or had	3252
the effect of harassing competitors or intimidating their	3253
customers;	3254
(24) Having failed to keep complete and accurate records	3255
of all transactions for a period of three years from the date of	3256
the transaction, such records to include copies of listing	3257
forms, earnest money receipts, offers to purchase and	3258
acceptances of them, records of receipts and disbursements of	3259
all funds received by the licensee as broker and incident to the	3260
licensee's transactions as such, and records required pursuant	3261
to divisions (C) (4) and (5) of section 4735.20 of the Revised	3262
Code, and any other instruments or papers related to the	3263
performance of any of the acts set forth in the definition of a	3264
real estate broker;	3265
(25) Failure of a real estate broker or salesperson to	3266
furnish all parties involved in a real estate transaction true	3267
copies of all listings and other agreements to which they are a	3268
party, at the time each party signs them;	3269
(26) Failure to maintain at all times a special or trust	3270
bank account in a depository of a state or federally chartered	3271
institution located in this state. The account shall be	3272
noninterest-bearing, separate and distinct from any personal or	3273
other account of the broker, and, except as provided in division	3274
(A) (27) of this section, shall be used for the deposit and	3275

maintenance of all escrow funds, security deposits, and other 3276
moneys received by the broker in a fiduciary capacity. The name, 3277
account number, if any, and location of the depository wherein 3278
such special or trust account is maintained shall be submitted 3279
in writing to the superintendent. Checks drawn on such special 3280
or trust bank accounts are deemed to meet the conditions imposed 3281
by section 1349.21 of the Revised Code. Funds deposited in the 3282
trust or special account in connection with a purchase agreement 3283
shall be maintained in accordance with section 4735.24 of the 3284
Revised Code. 3285

(27) Failure to maintain at all times a special or trust 3286
bank account in a depository of a state or federally chartered 3287
institution in this state, to be used exclusively for the 3288
deposit and maintenance of all rents, security deposits, escrow 3289
funds, and other moneys received by the broker in a fiduciary 3290
capacity in the course of managing real property. This account 3291
shall be separate and distinct from any other account maintained 3292
by the broker. The name, account number, and location of the 3293
depository shall be submitted in writing to the superintendent. 3294
This account may earn interest, which shall be paid to the 3295
property owners on a pro rata basis. 3296

Division (A) (27) of this section does not apply to brokers 3297
who are not engaged in the management of real property on behalf 3298
of real property owners. 3299

(28) Having failed to put definite expiration dates in all 3300
written agency agreements to which the broker is a party; 3301

(29) Having an unsatisfied final judgment or lien in any 3302
court of record against the licensee arising out of the 3303
licensee's conduct as a licensed broker or salesperson; 3304

(30) Failing to render promptly upon demand a full and complete statement of the expenditures by the broker or salesperson of funds advanced by or on behalf of a party to a real estate transaction to the broker or salesperson for the purpose of performing duties as a licensee under this chapter in conjunction with the real estate transaction;

(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;

(32) Performing any service for another constituting the practice of law, as determined by any court of law;

(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.

(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;

(35) Having knowingly inserted or participated in inserting any materially inaccurate term in a document, including naming a false consideration;

(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; 3334

(37) Having failed to comply with section 4735.24 of the 3335
Revised Code; 3336

(38) Having acted as a broker without authority, impeded 3337
the ability of a principal broker to perform any of the duties 3338
described in section 4735.081 of the Revised Code, or impeded 3339
the ability a management level licensee to perform the 3340
licensee's duties; 3341

(39) Entering into a right-to-list home sale agreement. 3342

(B) Whenever the commission, pursuant to section 4735.051 3343
of the Revised Code, imposes disciplinary sanctions for any 3344
violation of this section, the commission also may impose such 3345
sanctions upon the broker with whom the salesperson is 3346
affiliated if the commission finds that the broker had knowledge 3347
of the salesperson's actions that violated this section. 3348

(C) The commission shall, pursuant to section 4735.051 of 3349
the Revised Code, impose disciplinary sanctions upon any foreign 3350
real estate dealer or salesperson who, in that capacity or in 3351
handling the dealer's or salesperson's own property, is found 3352
guilty of any of the acts or omissions specified or comprehended 3353
in division (A) of this section insofar as the acts or omissions 3354
pertain to foreign real estate. If the commission imposes such 3355
sanctions upon a foreign real estate salesperson for a violation 3356
of this section, the commission also may suspend or revoke the 3357
license of the foreign real estate dealer with whom the 3358
salesperson is affiliated if the commission finds that the 3359
dealer had knowledge of the salesperson's actions that violated 3360
this section. 3361

(D) The commission may suspend, in whole or in part, the 3362

imposition of the penalty of suspension of a license under this 3363
section. 3364

(E) A person licensed under this chapter who represents a 3365
party to a transaction or a proposed transaction involving the 3366
sale, purchase, exchange, lease, or management of real property 3367
that is or will be used in the cultivation, processing, 3368
dispensing, or testing of medical marijuana or adult-use 3369
marijuana under Chapter 3796. of the Revised Code, or who 3370
receives, holds, or disburses funds from a real estate brokerage 3371
trust account in connection with such a transaction, shall not 3372
be subject to disciplinary sanctions under this chapter solely 3373
because the licensed person engaged in activities permitted 3374
under this chapter and related to activities under Chapter 3796. 3375
of the Revised Code. 3376

Sec. 4743.09. (A) As used in this section: 3377

(1) "Durable medical equipment" means a type of equipment, 3378
such as a remote monitoring device utilized by a physician, 3379
physician assistant, or advanced practice registered nurse in 3380
accordance with this section, that can withstand repeated use, 3381
is primarily and customarily used to serve a medical purpose, 3382
and generally is not useful to a person in the absence of 3383
illness or injury and, in addition, includes repair and 3384
replacement parts for the equipment. 3385

(2) "Facility fee" means any fee charged or billed for 3386
telehealth services provided in a facility that is intended to 3387
compensate the facility for its operational expenses and is 3388
separate and distinct from a professional fee. 3389

(3) "Health care professional" means: 3390

(a) An advanced practice registered nurse, as defined in 3391

section 4723.01 of the Revised Code;	3392
(b) An optometrist licensed under Chapter 4725. of the Revised Code to practice optometry;	3393 3394
(c) A pharmacist licensed under Chapter 4729. of the Revised Code;	3395 3396
(d) A physician assistant licensed under Chapter 4730. of the Revised Code;	3397 3398
(e) A physician licensed under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;	3399 3400 3401
(f) A psychologist, independent school psychologist, or school psychologist licensed under Chapter 4732. of the Revised Code;	3402 3403 3404
(g) A chiropractor licensed under Chapter 4734. of the Revised Code;	3405 3406
(h) An audiologist or speech-language pathologist licensed under Chapter 4753. of the Revised Code;	3407 3408
(i) An occupational therapist or physical therapist licensed under Chapter 4755. of the Revised Code;	3409 3410
(j) An occupational therapy assistant or physical therapist assistant licensed under Chapter 4755. of the Revised Code;	3411 3412 3413
(k) A professional clinical counselor, independent social worker, independent marriage and family therapist, art therapist, or music therapist licensed under Chapter 4757. of the Revised Code;	3414 3415 3416 3417
(l) An independent chemical dependency counselor licensed	3418

under Chapter 4758. of the Revised Code;	3419
(m) A dietitian licensed under Chapter 4759. of the Revised Code;	3420 3421
(n) A respiratory care professional licensed under Chapter 4761. of the Revised Code;	3422 3423
(o) A genetic counselor licensed under Chapter 4778. of the Revised Code;	3424 3425
(p) A certified Ohio behavior analyst certified under Chapter 4783. of the Revised Code;	3426 3427
(q) A certified mental health assistant licensed under Chapter 4772. of the Revised Code.	3428 3429
(4) "Health care professional licensing board" means any of the following:	3430 3431
(a) The board of nursing;	3432
(b) The state vision professionals board;	3433
(c) The state board of pharmacy;	3434
(d) The state medical board;	3435
(e) The state board of psychology;	3436
(f) The state chiropractic board;	3437
(g) The state speech and hearing professionals board;	3438
(h) The Ohio occupational therapy, physical therapy, and athletic trainers board;	3439 3440
(i) The counselor, social worker, and marriage and family therapist board;	3441 3442
(j) The chemical dependency professionals board.	3443

(5) "Health plan issuer" has the same meaning as in 3444
section 3922.01 of the Revised Code. 3445

(6) "Telehealth services" means health care services 3446
provided through the use of information and communication 3447
technology by a health care professional, within the 3448
professional's scope of practice, who is located at a site other 3449
than the site where either of the following is located: 3450

(a) The patient receiving the services; 3451

(b) Another health care professional with whom the 3452
provider of the services is consulting regarding the patient. 3453

(B) (1) Each health care professional licensing board shall 3454
permit a health care professional under its jurisdiction to 3455
provide the professional's services as telehealth services in 3456
accordance with this section. Subject to division (B) (2) of this 3457
section, a board may adopt any rules it considers necessary to 3458
implement this section. All rules adopted under this section 3459
shall be adopted in accordance with Chapter 119. of the Revised 3460
Code. Any such rules adopted by a board are not subject to the 3461
requirements of division (F) of section 121.95 of the Revised 3462
Code. 3463

(2) (a) Except as provided in division (B) (2) (b) of this 3464
section, the rules adopted by a health care professional 3465
licensing board under this section shall establish a standard of 3466
care for telehealth services that is equal to the standard of 3467
care for in-person services. 3468

(b) Subject to division (B) (2) (c) of this section, a board 3469
may require an initial in-person visit prior to prescribing a 3470
schedule II controlled substance to a new patient, equivalent to 3471
applicable state and federal requirements. 3472

(c) (i) A board shall not require an initial in-person 3473
visit for a new patient whose medical record indicates that the 3474
patient is receiving hospice or palliative care, who is 3475
receiving medication-assisted treatment or any other medication 3476
for opioid-use disorder, who is a patient with a mental health 3477
condition, or who, as determined by the clinical judgment of a 3478
health care professional, is in an emergency situation. 3479

(ii) Notwithstanding division ~~(B)~~ (C) of section 3796.01 of 3480
the Revised Code, medical marijuana shall not be considered a 3481
schedule II controlled substance. 3482

(C) With respect to the provision of telehealth services, 3483
all of the following apply: 3484

(1) A health care professional may use synchronous or 3485
asynchronous technology to provide telehealth services to a 3486
patient during an initial visit if the appropriate standard of 3487
care for an initial visit is satisfied. 3488

(2) A health care professional may deny a patient 3489
telehealth services and, instead, require the patient to undergo 3490
an in-person visit. 3491

(3) When providing telehealth services in accordance with 3492
this section, a health care professional shall comply with all 3493
requirements under state and federal law regarding the 3494
protection of patient information. A health care professional 3495
shall ensure that any username or password information and any 3496
electronic communications between the professional and a patient 3497
are securely transmitted and stored. 3498

(4) A health care professional may use synchronous or 3499
asynchronous technology to provide telehealth services to a 3500
patient during an annual visit if the appropriate standard of 3501

care for an annual visit is satisfied. 3502

(5) In the case of a health care professional who is a 3503
physician, physician assistant, or advanced practice registered 3504
nurse, both of the following apply: 3505

(a) The professional may provide telehealth services to a 3506
patient located outside of this state if permitted by the laws 3507
of the state in which the patient is located. 3508

(b) The professional may provide telehealth services 3509
through the use of medical devices that enable remote 3510
monitoring, including such activities as monitoring a patient's 3511
blood pressure, heart rate, or glucose level. 3512

(D) When a patient has consented to receiving telehealth 3513
services, the health care professional who provides those 3514
services is not liable in damages under any claim made on the 3515
basis that the services do not meet the same standard of care 3516
that would apply if the services were provided in-person. 3517

(E) (1) A health care professional providing telehealth 3518
services shall not charge a patient or a health plan issuer 3519
covering telehealth services under section 3902.30 of the 3520
Revised Code any of the following: a facility fee, an 3521
origination fee, or any fee associated with the cost of the 3522
equipment used at the provider site to provide telehealth 3523
services. 3524

A health care professional providing telehealth services 3525
may charge a health plan issuer for durable medical equipment 3526
used at a patient or client site. 3527

(2) A health care professional may negotiate with a health 3528
plan issuer to establish a reimbursement rate for fees 3529
associated with the administrative costs incurred in providing 3530

telehealth services as long as a patient is not responsible for 3531
any portion of the fee. 3532

(3) A health care professional providing telehealth 3533
services shall obtain a patient's consent before billing for the 3534
cost of providing the services, but the requirement to do so 3535
applies only once. 3536

(F) Nothing in this section limits or otherwise affects 3537
any other provision of the Revised Code that requires a health 3538
care professional who is not a physician to practice under the 3539
supervision of, in collaboration with, in consultation with, or 3540
pursuant to the referral of another health care professional. 3541

(G) It is the intent of the general assembly, through the 3542
amendments to this section, to expand access to and investment 3543
in telehealth services in this state in congruence with the 3544
expansion and investment in telehealth services made during the 3545
COVID-19 pandemic. 3546

Sec. 4776.01. As used in this chapter: 3547

(A) "License" means an authorization evidenced by a 3548
license, certificate, registration, permit, card, or other 3549
authority that is issued or conferred by a licensing agency to a 3550
licensee or to an applicant for an initial license by which the 3551
licensee or initial license applicant has or claims the 3552
privilege to engage in a profession, occupation, or occupational 3553
activity, or, except in the case of the state dental board, to 3554
have control of and operate certain specific equipment, 3555
machinery, or premises, over which the licensing agency has 3556
jurisdiction. 3557

(B) Except as provided in section 4776.20 of the Revised 3558
Code, "licensee" means the person to whom the license is issued 3559

by a licensing agency. "Licensee" includes a person who, for 3560
purposes of section 3796.13 of the Revised Code, has complied 3561
with sections 4776.01 to 4776.04 of the Revised Code and has 3562
been determined by the division of ~~marijuana~~ cannabis control, 3563
as the applicable licensing agency, to meet the requirements for 3564
employment. 3565

(C) Except as provided in section 4776.20 of the Revised 3566
Code, "licensing agency" means any of the following: 3567

(1) The board authorized by Chapters 4701., 4717., 4725., 3568
4729., 4730., 4731., 4732., 4734., 4740., 4741., 4747., 4751., 3569
4753., 4755., 4757., 4759., 4760., 4761., 4762., 4774., 4778., 3570
4779., and 4783. of the Revised Code to issue a license to 3571
engage in a specific profession, occupation, or occupational 3572
activity, or to have charge of and operate certain specific 3573
equipment, machinery, or premises. 3574

(2) The state dental board, relative to its authority to 3575
issue a license pursuant to section 4715.12, 4715.16, 4715.21, 3576
or 4715.27 of the Revised Code; 3577

(3) The division of ~~marijuana~~ cannabis control, relative 3578
to its authority under Chapter 3796. of the Revised Code and any 3579
rules adopted under that chapter with respect to a person who is 3580
subject to section 3796.13 of the Revised Code; 3581

(4) The director of agriculture, relative to the 3582
director's authority to issue licenses under Chapter 928. of the 3583
Revised Code. 3584

(D) "Applicant for an initial license" includes persons 3585
seeking a license for the first time and persons seeking a 3586
license by reciprocity, endorsement, or similar manner of a 3587
license issued in another state. "Applicant for an initial 3588

license" also includes a person who, for purposes of section 3589
3796.13 of the Revised Code, is required to comply with sections 3590
4776.01 to 4776.04 of the Revised Code. 3591

(E) "Applicant for a restored license" includes persons 3592
seeking restoration of a license under section 4730.14, 4730.28, 3593
4731.222, 4731.281, 4759.062, 4759.063, 4760.06, 4760.061, 3594
4761.06, 4761.061, 4762.06, 4762.061, 4774.06, 4774.061, 3595
4778.07, or 4778.071 of the Revised Code. "Applicant for a 3596
restored license" does not include a person seeking restoration 3597
of a license under section 4751.33 of the Revised Code. 3598

(F) "Criminal records check" has the same meaning as in 3599
section 109.572 of the Revised Code. 3600

Sec. 5502.01. (A) The department of public safety shall 3601
administer and enforce the laws relating to the registration, 3602
licensing, sale, and operation of motor vehicles and the laws 3603
pertaining to the licensing of drivers of motor vehicles. 3604

The department shall compile, analyze, and publish 3605
statistics relative to motor vehicle accidents and the causes of 3606
them, prepare and conduct educational programs for the purpose 3607
of promoting safety in the operation of motor vehicles on the 3608
highways, and conduct research and studies for the purpose of 3609
promoting safety on the highways of this state. 3610

(B) The department shall administer the laws and rules 3611
relative to trauma and emergency medical services specified in 3612
Chapter 4765. of the Revised Code and any laws and rules 3613
relative to medical transportation services specified in Chapter 3614
4766. of the Revised Code. 3615

(C) The department shall administer and enforce the laws 3616
contained in Chapters 4301. and 4303. of the Revised Code and 3617

enforce the rules and orders of the liquor control commission 3618
pertaining to retail liquor permit holders. 3619

(D) The department shall administer the laws governing the 3620
state emergency management agency and shall enforce all 3621
additional duties and responsibilities as prescribed in the 3622
Revised Code related to emergency management services. 3623

(E) The department shall conduct investigations pursuant 3624
to Chapter 5101. of the Revised Code in support of the duty of 3625
the department of job and family services to administer the 3626
supplemental nutrition assistance program throughout this state. 3627
The department of public safety shall conduct investigations 3628
necessary to protect the state's property rights and interests 3629
in the supplemental nutrition assistance program. 3630

(F) The department of public safety shall enforce 3631
compliance with orders and rules of the public utilities 3632
commission and applicable laws in accordance with Chapters 3633
4905., 4921., and 4923. of the Revised Code regarding commercial 3634
motor vehicle transportation safety, economic, and hazardous 3635
materials requirements. 3636

(G) Notwithstanding Chapter 4117. of the Revised Code, the 3637
department of public safety may establish requirements for its 3638
enforcement personnel, including its enforcement agents 3639
described in section 5502.14 of the Revised Code, that include 3640
standards of conduct, work rules and procedures, and criteria 3641
for eligibility as law enforcement personnel. 3642

(H) The department shall administer, maintain, and operate 3643
the Ohio criminal justice network. The Ohio criminal justice 3644
network shall be a computer network that supports state and 3645
local criminal justice activities. The network shall be an 3646

electronic repository for various data, which may include arrest 3647
warrants, notices of persons wanted by law enforcement agencies, 3648
criminal records, prison inmate records, stolen vehicle records, 3649
vehicle operator's licenses, and vehicle registrations and 3650
titles. 3651

(I) The department shall coordinate all homeland security 3652
activities of all state agencies and shall be a liaison between 3653
state agencies and local entities for those activities and 3654
related purposes. 3655

(J) The department shall administer and enforce the laws 3656
relative to private investigators and security service providers 3657
specified in Chapter 4749. of the Revised Code. 3658

(K) The department shall administer criminal justice 3659
services in accordance with sections 5502.61 to 5502.66 of the 3660
Revised Code. 3661

(L) The department shall administer the Ohio school safety 3662
and crisis center and the Ohio mobile training team in 3663
accordance with sections 5502.70 to 5502.703 of the Revised 3664
Code. 3665

(M) The department shall coordinate security measures and 3666
operations, and may direct the department of administrative 3667
services to implement any security measures and operations the 3668
department of public safety requires, at the Vern Riffe Center 3669
and the James A. Rhodes state office tower. 3670

Notwithstanding section 125.28 of the Revised Code, the 3671
director of public safety may recover the costs of directing 3672
security measures and operations under this division by either 3673
issuing intrastate transfer voucher billings to the department 3674
of administrative services, which the department shall process 3675

to pay for the costs, or, upon the request of the director of 3676
administrative services, the director of budget and management 3677
may transfer cash in the requested amount from the building 3678
management fund created under section 125.28 of the Revised 3679
Code. Payments received or cash transfers made under this 3680
division for the costs of directing security measures and 3681
operations shall be deposited into the state treasury to the 3682
credit of the security, investigations, and policing fund 3683
created under section 4501.11 of the Revised Code. 3684

(N) The department shall assist the division of cannabis 3685
control in enforcing Chapter 3796. of the Revised Code, as 3686
provided in that chapter. 3687

Sec. 5502.13. The department of public safety shall 3688
maintain an investigative unit in order to conduct 3689
investigations and other enforcement activity authorized by 3690
Chapters 3796., 4301., 4303., 5101., 5107., and 5108. and 3691
sections 2903.12, 2903.13, 2903.14, 2907.09, 2913.46, 2917.11, 3692
2921.13, 2921.31, 2921.32, 2921.33, 2923.12, 2923.121, 2925.11, 3693
2925.13, 2927.02, and 4507.30 of the Revised Code. The director 3694
of public safety shall appoint the employees of the unit who are 3695
necessary, designate the activities to be performed by those 3696
employees, and prescribe their titles and duties. 3697

Sec. 5502.14. (A) As used in this section, "felony" has 3698
the same meaning as in section 109.511 of the Revised Code. 3699

(B) (1) Any person who is employed by the department of 3700
public safety and designated by the director of public safety to 3701
enforce Title XLIII of the Revised Code, ~~and~~ and the rules adopted 3702
under it, Chapter 3796. of the Revised Code and the rules 3703
adopted under that chapter, and the laws and rules regulating 3704
the use of supplemental nutrition assistance program benefits 3705

shall be known as an enforcement agent. The employment by the 3706
department of public safety and the designation by the director 3707
of public safety of a person as an enforcement agent shall be 3708
subject to division (D) of this section. An enforcement agent 3709
has the authority vested in peace officers pursuant to section 3710
2935.03 of the Revised Code to keep the peace, to enforce all of 3711
the following: 3712

(a) All applicable laws and rules on any retail liquor 3713
permit premises, or on any other premises of public or private 3714
property, where a violation of Title XLIII of the Revised Code 3715
or any rule adopted under it is occurring, ~~and to enforce all;~~ 3716

(b) All applicable laws and rules on persons and premises 3717
licensed under Chapter 3796. or 3780. of the Revised Code and, 3718
if invited by local law enforcement having jurisdiction, on any 3719
other public or private property where a violation of Chapter 3720
3796. or any rule adopted under that chapter is occurring; 3721

(c) All laws and rules governing the use of supplemental 3722
nutrition assistance program benefits, women, infants, and 3723
children's coupons, electronically transferred benefits, or any 3724
other access device that is used alone or in conjunction with 3725
another access device to obtain payments, allotments, benefits, 3726
money, goods, or other things of value, or that can be used to 3727
initiate a transfer of funds, pursuant to the supplemental 3728
nutrition assistance program established under the Food and 3729
Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) or any 3730
supplemental food program administered by any department of this 3731
state pursuant to the "Child Nutrition Act of 1966," 80 Stat. 3732
885, 42 U.S.C.A. 1786. Enforcement agents, in enforcing 3733
compliance with the laws and rules described in this division, 3734
may keep the peace and make arrests for violations of those laws 3735

and rules. 3736

(2) In addition to the authority conferred by division (B) 3737
(1) of this section, an enforcement agent also may execute 3738
search warrants and seize and take into custody any contraband, 3739
as defined in section 2901.01 of the Revised Code, or any 3740
property that is otherwise necessary for evidentiary purposes 3741
related to any violations of the laws or rules described in 3742
division (B) (1) of this section. An enforcement agent may enter 3743
public or private premises where activity alleged to violate the 3744
laws or rules described in division (B) (1) of this section is 3745
occurring. 3746

(3) Enforcement agents who are on, immediately adjacent 3747
to, or across from retail liquor permit premises or premises 3748
licensed under Chapter 3796. or 3780. of the Revised Code and 3749
who are performing investigative duties relating to ~~that~~ those 3750
premises, enforcement agents who are on premises that are not 3751
liquor permit premises or premises licensed under Chapter 3796. 3752
or 3780. of the Revised Code but on which a violation of Title 3753
XLIII or Chapter 3796. of the Revised Code or any rule adopted 3754
under ~~it~~ that title or chapter allegedly is occurring, and 3755
enforcement agents who view a suspected violation of Title XLIII 3756
or Chapter 3796. of the Revised Code, of a rule adopted under 3757
~~it~~ that title or chapter, or of another law or rule described in 3758
division (B) (1) of this section have the authority to enforce 3759
the laws and rules described in division (B) (1) of this section, 3760
authority to enforce any section in Title XXIX of the Revised 3761
Code or any other section of the Revised Code listed in section 3762
5502.13 of the Revised Code if they witness a violation of the 3763
section under any of the circumstances described in this 3764
division, and authority to make arrests for violations of the 3765
laws and rules described in division (B) (1) of this section and 3766

violations of any of those sections. 3767

(4) The jurisdiction of an enforcement agent under 3768
division (B) of this section shall be concurrent with that of 3769
the peace officers of the county, township, or municipal 3770
corporation in which the violation occurs. 3771

(C) Enforcement agents of the department of public safety 3772
who are engaged in the enforcement of the laws and rules 3773
described in division (B) (1) of this section may carry concealed 3774
weapons when conducting undercover investigations pursuant to 3775
their authority as law enforcement officers and while acting 3776
within the scope of their authority pursuant to this chapter. 3777

(D) (1) The department of public safety shall not employ, 3778
and the director of public safety shall not designate, a person 3779
as an enforcement agent on a permanent basis, on a temporary 3780
basis, for a probationary term, or on other than a permanent 3781
basis if the person previously has been convicted of or has 3782
pleaded guilty to a felony. 3783

(2) (a) The department of public safety shall terminate the 3784
employment of a person who is designated as an enforcement agent 3785
and who does either of the following: 3786

(i) Pleads guilty to a felony; 3787

(ii) Pleads guilty to a misdemeanor pursuant to a 3788
negotiated plea agreement as provided in division (D) of section 3789
2929.43 of the Revised Code in which the enforcement agent 3790
agrees to surrender the certificate awarded to that agent under 3791
section 109.77 of the Revised Code. 3792

(b) The department shall suspend the employment of a 3793
person who is designated as an enforcement agent if the person 3794
is convicted, after trial, of a felony. If the enforcement agent 3795

files an appeal from that conviction and the conviction is 3796
upheld by the highest court to which the appeal is taken or if 3797
no timely appeal is filed, the department shall terminate the 3798
employment of that agent. If the enforcement agent files an 3799
appeal that results in that agent's acquittal of the felony or 3800
conviction of a misdemeanor, or in the dismissal of the felony 3801
charge against the agent, the department shall reinstate the 3802
agent. An enforcement agent who is reinstated under division (D) 3803
(2) (b) of this section shall not receive any back pay unless the 3804
conviction of that agent of the felony was reversed on appeal, 3805
or the felony charge was dismissed, because the court found 3806
insufficient evidence to convict the agent of the felony. 3807

(3) Division (D) of this section does not apply regarding 3808
an offense that was committed prior to January 1, 1997. 3809

(4) The suspension or termination of the employment of a 3810
person designated as an enforcement agent under division (D) (2) 3811
of this section shall be in accordance with Chapter 119. of the 3812
Revised Code. 3813

Sec. 5713.30. As used in sections 5713.31 to 5713.37 and 3814
5715.01 of the Revised Code: 3815

(A) "Land devoted exclusively to agricultural use" means: 3816

(1) Tracts, lots, or parcels of land totaling not less 3817
than ten acres to which, during the three calendar years prior 3818
to the year in which application is filed under section 5713.31 3819
of the Revised Code, and through the last day of May of such 3820
year, one or more of the following apply: 3821

(a) The tracts, lots, or parcels of land were devoted 3822
exclusively to commercial animal or poultry husbandry, 3823
aquaculture, algaculture meaning the farming of algae, 3824

apiculture, the cultivation of hemp by a person issued a hemp 3825
cultivation license under section 928.02 of the Revised Code, 3826
the production for a commercial purpose of timber, field crops, 3827
tobacco, fruits, vegetables, nursery stock, ornamental trees, 3828
sod, or flowers, or the growth of timber for a noncommercial 3829
purpose, if the land on which the timber is grown is contiguous 3830
to or part of a parcel of land under common ownership that is 3831
otherwise devoted exclusively to agricultural use. 3832

(b) The tracts, lots, or parcels of land were devoted 3833
exclusively to biodiesel production, biomass energy production, 3834
electric or heat energy production, or biologically derived 3835
methane gas production if the land on which the production 3836
facility is located is contiguous to or part of a parcel of land 3837
under common ownership or leasehold that is otherwise devoted 3838
exclusively to agricultural use, provided that (i) at least 3839
fifty per cent of the feedstock used in the production is 3840
agricultural feedstock, (ii) at least twenty per cent of the 3841
agricultural feedstock used in the production is derived from 3842
parcels of land under common ownership or leasehold, and (iii) 3843
none of the feedstock used in the production consists of human 3844
waste. As used in this division, "agricultural feedstock" means 3845
manure and food waste, and "human waste" includes sludge as 3846
defined in section 6111.01 of the Revised Code. 3847

(c) The tracts, lots, or parcels of land were devoted to 3848
and qualified for payments or other compensation under a land 3849
retirement or conservation program under an agreement with an 3850
agency of the federal government. 3851

(2) Tracts, lots, or parcels of land totaling less than 3852
ten acres that, during the three calendar years prior to the 3853
year in which application is filed under section 5713.31 of the 3854

Revised Code and through the last day of May of such year, were 3855
devoted exclusively to commercial animal or poultry husbandry, 3856
aquaculture, algaculture meaning the farming of algae, 3857
apiculture, the cultivation of hemp by a person issued a hemp 3858
cultivation license under section 928.02 of the Revised Code, 3859
the production for a commercial purpose of field crops, tobacco, 3860
fruits, vegetables, timber, nursery stock, ornamental trees, 3861
sod, or flowers where such activities produced an average yearly 3862
gross income of at least twenty-five hundred dollars during such 3863
three-year period or where there is evidence of an anticipated 3864
gross income of such amount from such activities during the tax 3865
year in which application is made, or were devoted to and 3866
qualified for payments or other compensation under a land 3867
retirement or conservation program under an agreement with an 3868
agency of the federal government; 3869

(3) Tracts, lots, or parcels of land, or portions thereof 3870
that, during the previous three consecutive calendar years have 3871
been designated as land devoted exclusively to agricultural use, 3872
but such land has been lying idle or fallow for up to one year 3873
and no action has occurred to such land that is either 3874
inconsistent with the return of it to agricultural production or 3875
converts the land devoted exclusively to agricultural use as 3876
defined in this section. Such land shall remain designated as 3877
land devoted exclusively to agricultural use provided that 3878
beyond one year, but less than three years, the landowner proves 3879
good cause as determined by the board of revision. 3880

(4) Tracts, lots, or parcels of land, or portions thereof 3881
that, during the previous three consecutive calendar years have 3882
been designated as land devoted exclusively to agricultural use, 3883
but such land has been lying idle or fallow because of dredged 3884
material being stored or deposited on such land pursuant to a 3885

contract between the land's owner and the department of natural 3886
resources or the United States army corps of engineers and no 3887
action has occurred to the land that is either inconsistent with 3888
the return of it to agricultural production or converts the land 3889
devoted exclusively to agricultural use. Such land shall remain 3890
designated as land devoted exclusively to agricultural use until 3891
the last year in which dredged material is stored or deposited 3892
on the land pursuant to such a contract, but not to exceed five 3893
years. 3894

"Land devoted exclusively to agricultural use" includes 3895
tracts, lots, or parcels of land or portions thereof that are 3896
used for conservation practices, provided that the tracts, lots, 3897
or parcels of land or portions thereof comprise twenty-five per 3898
cent or less of the total of the tracts, lots, or parcels of 3899
land that satisfy the criteria established in division (A) (1), 3900
(2), (3), or (4) of this section together with the tracts, lots, 3901
or parcels of land or portions thereof that are used for 3902
conservation practices. 3903

Notwithstanding any other provision of law to the 3904
contrary, the existence of agritourism on a tract, lot, or 3905
parcel of land that otherwise meets the definition of "land 3906
devoted exclusively to agricultural use" as defined in this 3907
division does not disqualify that tract, lot, or parcel from 3908
valuation under sections 5713.30 to 5713.37 and 5715.01 of the 3909
Revised Code. 3910

A tract, lot, or parcel of land taxed under sections 3911
5713.22 to 5713.26 of the Revised Code is not land devoted 3912
exclusively to agricultural use. 3913

A tract, lot, parcel, or portion thereof on which medical 3914
marijuana or adult-use marijuana, as those terms are defined by 3915

section 3796.01 of the Revised Code, is cultivated or processed 3916
is not land devoted exclusively to agricultural use. 3917

(B) "Conversion of land devoted exclusively to 3918
agricultural use" means any of the following: 3919

(1) The failure of the owner of land devoted exclusively 3920
to agricultural use during the next preceding calendar year to 3921
file a renewal application under section 5713.31 of the Revised 3922
Code without good cause as determined by the board of revision; 3923

(2) The failure of the new owner of such land to file an 3924
initial application under that section without good cause as 3925
determined by the board of revision; 3926

(3) The failure of such land or portion thereof to qualify 3927
as land devoted exclusively to agricultural use for the current 3928
calendar year as requested by an application filed under such 3929
section; 3930

(4) The failure of the owner of the land described in 3931
division (A) (3) or (4) of this section to act on such land in a 3932
manner that is consistent with the return of the land to 3933
agricultural production after three years. 3934

The construction or installation of an energy facility, as 3935
defined in section 5727.01 of the Revised Code, on a portion of 3936
a tract, lot, or parcel of land devoted exclusively to 3937
agricultural use shall not cause the remaining portion of the 3938
tract, lot, or parcel to be regarded as a conversion of land 3939
devoted exclusively to agricultural use if the remaining portion 3940
of the tract, lot, or parcel continues to be devoted exclusively 3941
to agricultural use. 3942

(C) "Tax savings" means the difference between the dollar 3943
amount of real property taxes levied in any year on land valued 3944

and assessed in accordance with its current agricultural use 3945
value and the dollar amount of real property taxes that would 3946
have been levied upon such land if it had been valued and 3947
assessed for such year in accordance with Section 2 of Article 3948
XII, Ohio Constitution. 3949

(D) "Owner" includes, but is not limited to, any person 3950
owning a fee simple, fee tail, or life estate or a buyer on a 3951
land installment contract. 3952

(E) "Conservation practices" are practices used to abate 3953
soil erosion as required in the management of the farming 3954
operation, and include, but are not limited to, the 3955
installation, construction, development, planting, or use of 3956
grass waterways, terraces, diversions, filter strips, field 3957
borders, windbreaks, riparian buffers, wetlands, ponds, and 3958
cover crops for that purpose. 3959

(F) "Wetlands" has the same meaning as in section 6111.02 3960
of the Revised Code. 3961

(G) "Biodiesel" means a mono-alkyl ester combustible 3962
liquid fuel that is derived from vegetable oils or animal fats 3963
or any combination of those reagents and that meets the American 3964
society for testing and materials specification D6751-03a for 3965
biodiesel fuel (B100) blend stock distillate fuels. 3966

(H) "Biologically derived methane gas" means gas from the 3967
anaerobic digestion of organic materials, including animal waste 3968
and agricultural crops and residues. 3969

(I) "Biomass energy" means energy that is produced from 3970
organic material derived from plants or animals and available on 3971
a renewable basis, including, but not limited to, agricultural 3972
crops, tree crops, crop by-products, and residues. 3973

(J) "Electric or heat energy" means electric or heat 3974
energy generated from manure, cornstalks, soybean waste, or 3975
other agricultural feedstocks. 3976

(K) "Dredged material" means material that is excavated or 3977
dredged from waters of this state. "Dredged material" does not 3978
include material resulting from normal farming, silviculture, 3979
and ranching activities, such as plowing, cultivating, seeding, 3980
and harvesting, for production of food, fiber, and forest 3981
products. 3982

(L) "Agritourism" has the same meaning as in section 3983
901.80 of the Revised Code. 3984

Sec. 5739.21. (A) One hundred per cent of all money 3985
deposited into the state treasury under sections 5739.01 to 3986
5739.31 of the Revised Code that is not required to be 3987
distributed as provided in ~~section~~ sections 5739.102 and 5739.27 3988
of the Revised Code or division (B) of this section shall be 3989
credited to the general revenue fund. 3990

(B) (1) In any case where any county or transit authority 3991
has levied a tax or taxes pursuant to section 5739.021, 3992
5739.023, or 5739.026 of the Revised Code, the tax commissioner 3993
shall, within forty-five days after the end of each month, 3994
determine and certify to the director of budget and management 3995
the amount of the proceeds of such tax or taxes received during 3996
that month from billings and assessments, or associated with tax 3997
returns or reports filed during that month, to be returned to 3998
the county or transit authority levying the tax or taxes. The 3999
amount to be returned to each county and transit authority shall 4000
be a fraction of the aggregate amount of money collected with 4001
respect to each area in which one or more of such taxes are 4002
concurrently in effect with the tax levied by section 5739.02 of 4003

the Revised Code. The numerator of the fraction is the rate of 4004
the tax levied by the county or transit authority and the 4005
denominator of the fraction is the aggregate rate of such taxes 4006
applicable to such area. The amount to be returned to each 4007
county or transit authority shall be reduced by the amount of 4008
any refunds of county or transit authority tax paid pursuant to 4009
section 5739.07 of the Revised Code during the same month, or 4010
transfers made pursuant to division (B) (2) of section 5703.052 4011
of the Revised Code. 4012

(2) On a periodic basis, using the best information 4013
available, the tax commissioner shall distribute any amount of a 4014
county or transit authority tax that cannot be distributed under 4015
division (B) (1) of this section. Through audit or other means, 4016
the commissioner shall attempt to obtain the information 4017
necessary to make the distribution as provided under that 4018
division and, on receipt of that information, shall make 4019
adjustments to distributions previously made under this 4020
division. 4021

(3) Eight and thirty-three one-hundredths of one per cent 4022
of the revenue collected from the tax due under division (A) of 4023
section 5739.029 of the Revised Code shall be distributed to the 4024
county where the sale of the motor vehicle is situated under 4025
section 5739.033 of the Revised Code. The amount to be so 4026
distributed to the county shall be apportioned on the basis of 4027
the rates of taxes the county levies pursuant to sections 4028
5739.021 and 5739.026 of the Revised Code, as applicable, and 4029
shall be credited to the funds of the county as provided in 4030
divisions (A) and (B) of section 5739.211 of the Revised Code. 4031

(C) The aggregate amount to be returned to any county or 4032
transit authority shall be reduced by one per cent, which shall 4033

be certified directly to the credit of the local sales tax 4034
administrative fund, which is hereby created in the state 4035
treasury. For the purpose of determining the amount to be 4036
returned to a county and transit authority in which the rate of 4037
tax imposed by the transit authority has been reduced under 4038
section 5739.028 of the Revised Code, the tax commissioner shall 4039
use the respective rates of tax imposed by the county or transit 4040
authority that results from the change in the rates authorized 4041
under that section. 4042

(D) The director of budget and management shall transfer, 4043
from the same funds and in the same proportions specified in 4044
division (A) of this section, to the permissive tax distribution 4045
fund created by division (B) (1) of section 4301.423 of the 4046
Revised Code and to the local sales tax administrative fund, the 4047
amounts certified by the tax commissioner. The tax commissioner 4048
shall then, on or before the twentieth day of the month in which 4049
such certification is made, provide for payment of such 4050
respective amounts to the county treasurer and to the fiscal 4051
officer of the transit authority levying the tax or taxes. The 4052
amount transferred to the local sales tax administrative fund is 4053
for use by the tax commissioner in defraying costs incurred in 4054
administering such taxes levied by a county or transit 4055
authority. 4056

Sec. 5739.27. (A) Terms used in this section have the same 4057
meanings as in section 3796.01 of the Revised Code. 4058

(B) For the purpose of funding the needs of the state, an 4059
excise tax is levied on the retail sale of adult-use marijuana. 4060
The rate of the tax shall equal fifteen per cent of the price of 4061
adult-use marijuana and is in addition to other taxes levied 4062
under this chapter or Chapter 5741. of the Revised Code. 4063

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

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

(E) (1) For the purpose of receiving and distributing, and accounting for, revenue received from the tax levied under this section, the marijuana receipts fund is created in the state treasury. All amounts collected from the tax levied under this section shall be deposited into the marijuana receipts fund. Investment earnings of the marijuana receipts fund shall be credited to that fund.

(2) From the marijuana receipts fund, the director of budget and management shall transfer as needed to the tax refund fund amounts equal to the refunds attributable to the tax levied

under this section and certified by the tax commissioner under 4094
section 5739.07 of the Revised Code. 4095

(3) After making any transfers required under division (E) 4096
(2) of this section, the director of budget and management shall 4097
transfer amounts remaining in the marijuana receipts fund to the 4098
general revenue fund. 4099

Sec. 5739.99. (A) Whoever violates section 5739.26 or 4100
5739.29 of the Revised Code shall be fined not less than twenty- 4101
five nor more than one hundred dollars for a first offense; for 4102
each subsequent offense such person shall, if a corporation, be 4103
fined not less than one hundred nor more than five hundred 4104
dollars, or if an individual, or a member of a partnership, 4105
firm, or association, be fined not less than twenty-five nor 4106
more than one hundred dollars, or imprisoned not more than sixty 4107
days, or both. 4108

(B) Whoever violates division (A) of section 5739.30 of 4109
the Revised Code shall be fined not less than one hundred nor 4110
more than one thousand dollars, or imprisoned not more than 4111
sixty days, or both. 4112

(C) (1) Whoever violates division (A) (1) of section 5739.31 4113
of the Revised Code shall be fined not less than twenty-five nor 4114
more than one hundred dollars. If the offender previously has 4115
been convicted of a violation of division (A) (1) of section 4116
5739.31 of the Revised Code, the offender is guilty of a felony 4117
of the fourth degree. 4118

(2) Whoever violates division (A) (2) of section 5739.31 of 4119
the Revised Code shall be fined not less than one hundred 4120
dollars nor more than five hundred dollars, or imprisoned for 4121
not more than ten days, or both, for the first offense; for each 4122

subsequent offense, each such person shall be fined not less 4123
than one thousand dollars nor more than twenty-five hundred 4124
dollars, or imprisoned not more than thirty days, or both. The 4125
motor vehicles and goods of any person charged with violating 4126
division (A) (2) of section 5739.31 of the Revised Code may be 4127
impounded and held pending the disposition of the charge, and 4128
may be sold at auction by the county sheriff in the manner 4129
prescribed by law to satisfy any fine imposed by this division. 4130

(3) Whoever violates division (B) of section 5739.31 of 4131
the Revised Code is guilty of a felony of the fourth degree. 4132
Each day that business is conducted while a vendor's license is 4133
suspended constitutes a separate offense. 4134

(D) Except as otherwise provided in this section, whoever 4135
violates sections 5739.01 to 5739.31 of the Revised Code, or any 4136
lawful rule promulgated by the department of taxation under 4137
authority of such sections, shall be fined not less than twenty- 4138
five nor more than one hundred dollars. 4139

(E) Whoever violates section 5739.12 of the Revised Code 4140
by failing to remit to the state the tax collected under section 4141
5739.02, 5739.021, 5739.023, ~~or~~ 5739.026, or 5739.27 of the 4142
Revised Code is guilty of a felony of the fourth degree and 4143
shall suffer the loss of the person's vendor's license as 4144
required by section 5739.17 of the Revised Code. A person shall 4145
not be eligible for a vendor's license for two years following 4146
conviction. 4147

(F) Whoever violates division (E) of section 5739.17 of 4148
the Revised Code is guilty of failure to display a transient 4149
vendor's license, a minor misdemeanor. A sheriff or police 4150
officer in a municipal corporation may enforce this division. 4151
The prosecuting attorney of a county shall inform the tax 4152

commissioner of any instance when a complaint is brought against 4153
a transient vendor pursuant to this division. 4154

(G) Whoever violates section 5739.103 of the Revised Code 4155
shall be fined not less than twenty-five nor more than one 4156
hundred dollars. If the offender previously has been convicted 4157
of violating that section, the offender is guilty of a felony of 4158
the fourth degree. 4159

(H) The penalties provided in this section are in addition 4160
to any penalties imposed by the tax commissioner under section 4161
5739.133 of the Revised Code. 4162

Section 2. That existing sections 121.04, 121.08, 519.21, 4163
928.03, 3376.07, 3780.01, 3780.06, 3780.08, 3780.10, 3780.11, 4164
3780.31, 3796.01, 3796.02, 3796.03, 3796.032, 3796.05, 3796.06, 4165
3796.061, 3796.07, 3796.09, 3796.10, 3796.11, 3796.12, 3796.13, 4166
3796.14, 3796.15, 3796.16, 3796.17, 3796.18, 3796.19, 3796.20, 4167
3796.21, 3796.22, 3796.24, 3796.27, 3796.28, 3796.29, 3796.30, 4168
4729.80, 4735.18, 4743.09, 4776.01, 5502.01, 5502.13, 5502.14, 4169
5713.30, 5739.21, and 5739.99 of the Revised Code are hereby 4170
repealed. 4171

Section 3. That sections 3780.02, 3780.03, 3780.04, 4172
3780.05, 3780.07, 3780.09, 3780.12, 3780.13, 3780.14, 3780.15, 4173
3780.16, 3780.17, 3780.18, 3780.19, 3780.20, 3780.21, 3780.22, 4174
3780.23, 3780.24, 3780.25, 3780.26, 3780.27, 3780.28, 3780.29, 4175
3780.30, 3780.32, 3780.33, 3780.34, 3780.35, 3780.36, 3780.90, 4176
3780.99, and 3796.021 of the Revised Code are hereby repealed. 4177

Section 4. The Division of Cannabis Control shall adopt 4178
and implement all rules necessary to effectuate this act within 4179
nine months after the effective date of this section. 4180

Notwithstanding any provision of section 121.95 of the 4181

Revised Code to the contrary, a regulatory restriction contained 4182
in a rule adopted by the Division of Cannabis Control in 4183
accordance with Chapter 3796. of the Revised Code, as amended by 4184
this act, during the period beginning on the effective date of 4185
this section and ending twelve months after that date is not 4186
subject to sections 121.95 to 121.953 of the Revised Code. 4187

Section 5. The General Assembly, applying the principle 4188
stated in division (B) of section 1.52 of the Revised Code that 4189
amendments are to be harmonized if reasonably capable of 4190
simultaneous operation, finds that the following sections, 4191
presented in this act as composites of the sections as amended 4192
by the acts indicated, are the resulting versions of the 4193
sections in effect prior to the effective date of the sections 4194
as presented in this act: 4195

Section 519.21 of the Revised Code as amended by both H.B. 4196
523 and S.B. 75 of the 131st General Assembly. 4197

Section 5739.99 of the Revised Code as amended by both 4198
S.B. 143 and S.B. 200 of the 124th General Assembly. 4199