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

Sub. S. B. No. 56

To amend sections 9.79, 131.02, 519.21, 715.013, 1
928.01, 928.03, 3376.07, 3796.01, 3796.02, 2
3796.03, 3796.05, 3796.06, 3796.07, 3796.09, 3
3796.10, 3796.12, 3796.13, 3796.14, 3796.15, 4
3796.17, 3796.18, 3796.19, 3796.20, 3796.21, 5
3796.22, 3796.23, 3796.24, 3796.27, 3796.28, 6
3796.29, 3796.30, 3796.31, 4735.18, 4796.25, 7
5502.01, 5502.13, 5502.14, 5703.052, 5703.053, 8
5703.19, 5703.263, 5703.50, 5703.70, 5703.77, 9
5713.30, 5739.21, and 5739.99; to enact sections 10
928.08, 2953.321, 3779.01, 3779.02, 3779.03, 11
3779.04, 3779.05, 3779.06, 3779.21, 3779.22, 12
3779.24, 3779.25, 3779.26, 3779.27, 3779.28, 13
3779.29, 3779.40, 3779.41, 3779.42, 3779.43, 14
3779.431, 3779.44, 3779.45, 3779.451, 3779.46, 15
3779.47, 3779.48, 3779.99, 3796.04, 3796.062, 16
3796.221, 3796.32, 3796.33, 3796.99, and 17
5739.27; and to repeal sections 3780.01, 18
3780.02, 3780.03, 3780.04, 3780.05, 3780.06, 19
3780.07, 3780.08, 3780.09, 3780.10, 3780.11, 20
3780.12, 3780.13, 3780.14, 3780.15, 3780.16, 21
3780.17, 3780.18, 3780.19, 3780.20, 3780.21, 22
3780.22, 3780.23, 3780.24, 3780.25, 3780.26, 23
3780.27, 3780.28, 3780.29, 3780.30, 3780.31, 24



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3780.32, 3780.33, 3780.34, 3780.35, 3780.36, 25
3780.90, 3780.99, and 3796.021 of the Revised 26
Code to revise specified provisions of the 27
liquor control, hemp, and adult-use marijuana 28
laws and to levy taxes on marijuana. 29

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

Section 1. That sections 9.79, 131.02, 519.21, 715.013, 30
928.01, 928.03, 3376.07, 3796.01, 3796.02, 3796.03, 3796.05, 31
3796.06, 3796.07, 3796.09, 3796.10, 3796.12, 3796.13, 3796.14, 32
3796.15, 3796.17, 3796.18, 3796.19, 3796.20, 3796.21, 3796.22, 33
3796.23, 3796.24, 3796.27, 3796.28, 3796.29, 3796.30, 3796.31, 34
4735.18, 4796.25, 5502.01, 5502.13, 5502.14, 5703.052, 5703.053, 35
5703.19, 5703.263, 5703.50, 5703.70, 5703.77, 5713.30, 5739.21, 36
and 5739.99 be amended and sections 928.08, 2953.321, 3779.01, 37
3779.02, 3779.03, 3779.04, 3779.05, 3779.06, 3779.21, 3779.22, 38
3779.24, 3779.25, 3779.26, 3779.27, 3779.28, 3779.29, 3779.40, 39
3779.41, 3779.42, 3779.43, 3779.431, 3779.44, 3779.45, 3779.451, 40
3779.46, 3779.47, 3779.48, 3779.99, 3796.04, 3796.062, 3796.221, 41
3796.32, 3796.33, 3796.99, and 5739.27 of the Revised Code be 42
enacted to read as follows: 43

Sec. 9.79. (A) As used in this section: 44

(1) "License" means an authorization evidenced by a 45
license, certificate, registration, permit, card, or other 46
authority that is issued or conferred by a licensing authority 47
to an individual by which the individual has or claims the 48
privilege to engage in a profession, occupation, or occupational 49
activity over which the licensing authority has jurisdiction. 50

"License" does not include a registration under section 101.72, 51
101.92, or 121.62 of the Revised Code. 52

(2) "Licensing authority" means a state agency that issues 53
licenses under Title XLVII or any other provision of the Revised 54
Code to practice an occupation or profession. 55

(3) "Offense of violence" has the same meaning as in 56
section 2901.01 of the Revised Code. 57

(4) "Sexually oriented offense" has the same meaning as in 58
section 2950.01 of the Revised Code. 59

(5) "State agency" has the same meaning as in section 1.60 60
of the Revised Code. 61

(6) "Community control sanction" has the same meaning as 62
in section 2929.01 of the Revised Code. 63

(7) "Post-release control sanction" has the same meaning 64
as in section 2967.01 of the Revised Code. 65

(8) "Fiduciary duty" means a duty to act for someone 66
else's benefit, while subordinating one's personal interest to 67
that of the other person. 68

(B) (1) Notwithstanding any provision of the Revised Code 69
to the contrary, subject to division (L) of this section, for 70
each type of license issued or conferred by a licensing 71
authority, the licensing authority shall establish within one 72
hundred eighty days after April 12, 2021, a list of specific 73
criminal offenses for which a conviction, judicial finding of 74
guilt, or plea of guilty may disqualify an individual from 75
obtaining an initial license. The licensing authority shall make 76
the list available to the public on the licensing authority's 77
web site pursuant to division (C) of section 9.78 of the Revised 78

Code. The licensing authority, in adopting the list, shall do 79
both of the following: 80

(a) Identify each disqualifying offense by name or by the 81
Revised Code section number that creates the offense; 82

(b) Include in the list only criminal offenses that are 83
directly related to the duties and responsibilities of the 84
licensed occupation. 85

(2) The licensing authority may include in the list 86
established under division (B) (1) of this section an existing or 87
former municipal ordinance or law of this or any other state or 88
the United States that is substantially equivalent to any 89
section or offense included in the list adopted under division 90
(B) (1) of this section. 91

(C) (1) Except as provided in division (C) (2) or (D) of 92
this section and subject to division (L) of this section, a 93
licensing authority shall not refuse to issue an initial license 94
to an individual based on any of the following: 95

(a) Solely or in part on a conviction of, judicial finding 96
of guilt of, or plea of guilty to an offense; 97

(b) A criminal charge that does not result in a 98
conviction, judicial finding of guilt, or plea of guilty; 99

(c) A nonspecific qualification such as "moral turpitude" 100
or lack of "moral character"; 101

(d) A disqualifying offense included in the list 102
established under division (B) of this section, if consideration 103
of that offense occurs after the time periods permitted in 104
division (D) of this section. 105

(2) If the individual was convicted of, found guilty 106

pursuant to a judicial finding of guilt of, or pleaded guilty to 107
a disqualifying offense included in the list established under 108
division (B) of this section for the license for which the 109
individual applied, the licensing authority may take the 110
conviction, judicial finding of guilt, or plea of guilty into 111
consideration in accordance with division (D) of this section. 112

(D) (1) A licensing authority that may, under division (C) 113
(2) of this section, consider a conviction of, judicial finding 114
of guilt of, or plea of guilty to an offense in determining 115
whether to refuse to issue an initial license to an individual 116
shall consider all of the following factors and shall use a 117
preponderance of the evidence standard in evaluating those 118
factors to determine whether the conviction, judicial finding of 119
guilt, or plea of guilty disqualifies the individual from 120
receiving the license: 121

(a) The nature and seriousness of the offense for which 122
the individual was convicted, found guilty pursuant to a 123
judicial finding of guilt, or pleaded guilty; 124

(b) The passage of time since the individual committed the 125
offense; 126

(c) The relationship of the offense to the ability, 127
capacity, and fitness required to perform the duties and 128
discharge the responsibilities of the occupation; 129

(d) Any evidence of mitigating rehabilitation or treatment 130
undertaken by the individual, including whether the individual 131
has been issued a certificate of qualification for employment 132
under section 2953.25 of the Revised Code or a certificate of 133
achievement and employability under section 2961.22 of the 134
Revised Code; 135

(e) Whether the denial of a license is reasonably 136
necessary to ensure public safety. 137

(2) A licensing authority may take a disqualifying offense 138
included in the list established under division (B) of this 139
section into account only during the following time periods: 140

(a) For a conviction of, judicial finding of guilt of, or 141
plea of guilty to a disqualifying offense that does not involve 142
a breach of fiduciary duty and that is not an offense of 143
violence or a sexually oriented offense, whichever of the 144
following is later, provided the individual was not convicted 145
of, found guilty pursuant to a judicial finding of guilt of, and 146
did not enter a plea of guilty to any other offense during the 147
applicable period: 148

(i) Five years from the date of conviction, judicial 149
finding of guilt, or plea of guilty; 150

(ii) Five years from the date of the release from 151
incarceration; 152

(iii) The time period specified in division (D) (3) of this 153
section. 154

(b) For a conviction of, judicial finding of guilt of, or 155
plea of guilty to a disqualifying offense that involves a breach 156
of fiduciary duty and that is not an offense of violence or a 157
sexually oriented offense, whichever of the following is later, 158
provided the individual was not convicted of, found guilty 159
pursuant to a judicial finding of guilt of, and did not enter a 160
plea of guilty to any other offense during the applicable 161
period: 162

(i) Ten years from the date of conviction, judicial 163
finding of guilt, or plea of guilty; 164

(ii) Ten years from the date of the release from 165
incarceration; 166

(iii) The time period specified in division (D) (4) of this 167
section. 168

(c) For a conviction of, judicial finding of guilt of, or 169
plea of guilty to a disqualifying offense that is an offense of 170
violence or a sexually oriented offense, any time. 171

(3) If an individual is subject to a community control 172
sanction, parole, or post-release control sanction based on a 173
conviction of, judicial finding of guilt of, or plea of guilty 174
to a disqualifying offense included in the list established 175
under division (B) of this section that is not an offense of 176
violence or a sexually oriented offense, a licensing authority 177
may take the offense into account during the following time 178
periods: 179

(a) If the community control sanction, parole, or post- 180
release control sanction was for a term of less than five years, 181
the period of the community control sanction, parole, or post- 182
release control sanction plus the number of years after the date 183
of final discharge of the community control sanction, parole, or 184
post-release control sanction necessary to equal five years; 185

(b) If the community control sanction, parole, or post- 186
release control sanction was for a term of five years or more, 187
the period of the community control sanction, parole, or post- 188
release control sanction. 189

(4) If an individual is subject to a community control 190
sanction, parole, or post-release control sanction based on a 191
conviction of, judicial finding of guilt of, or plea of guilty 192
to a disqualifying offense included in the list established 193

under division (B) of this section that involved a breach of 194
fiduciary duty and that is not an offense of violence or a 195
sexually oriented offense, a licensing authority may take the 196
offense into account during the following time periods: 197

(a) If the community control sanction, parole, or post- 198
release control sanction was for a term of less than ten years, 199
for the period of the community control sanction, parole, or 200
post-release control sanction plus the number of years after the 201
date of final discharge of the community control sanction, 202
parole, or post-release control sanction necessary to equal ten 203
years; 204

(b) If the community control sanction, parole, or post- 205
release control sanction was for a term of ten years or more, 206
the period of the community control sanction, parole, or post- 207
release control sanction. 208

(E) If a licensing authority refuses to issue an initial 209
license to an individual pursuant to division (D) of this 210
section, the licensing authority shall notify the individual in 211
writing of all of the following: 212

(1) The grounds and reasons for the refusal, including an 213
explanation of the licensing authority's application of the 214
factors under division (D) of this section to the evidence the 215
licensing authority used to reach the decision; 216

(2) The individual's right to a hearing regarding the 217
licensing authority's decision under section 119.06 of the 218
Revised Code; 219

(3) The earliest date the individual may reapply for a 220
license; 221

(4) Notice that evidence of rehabilitation may be 222

considered on reapplication. 223

(F) In an administrative hearing or civil action reviewing 224
a licensing authority's refusal under divisions (B) to (K) of 225
this section to issue an initial license to an individual, the 226
licensing authority has the burden of proof on the question of 227
whether the individual's conviction of, judicial finding of 228
guilt of, or plea of guilty to an offense directly relates to 229
the licensed occupation. 230

(G) A licensing authority that is authorized by law to 231
limit or otherwise place restrictions on a license may do so to 232
comply with the terms and conditions of a community control 233
sanction, post-release control sanction, or an intervention plan 234
established in accordance with section 2951.041 of the Revised 235
Code. 236

(H) Each licensing authority shall adopt any rules that it 237
determines are necessary to implement divisions (B) to (F) of 238
this section. 239

(I) Divisions (B) to (K) of this section do not apply to 240
any of the following: 241

(1) Any position for which appointment requires compliance 242
with section 109.77 of the Revised Code or in which an 243
individual may satisfy the requirements for appointment or 244
election by complying with that section; 245

(2) Any position for which federal law requires 246
disqualification from licensure or employment based on a 247
conviction of, judicial finding of guilt of, or plea of guilty 248
to an offense; 249

(3) Community-based long-term care services certificates 250
and community-based long-term care services contracts or grants 251

issued under section 173.381 of the Revised Code;	252
(4) Certifications of a provider to provide community-	253
based long-term care services under section 173.391 of the	254
Revised Code;	255
(5) Certificates of authority to a health insuring	256
corporation issued under section 1751.05 of the Revised Code;	257
(6) Licenses to operate a home or residential care	258
facility issued under section 3721.07 of the Revised Code;	259
(7) Certificates of authority to make contracts of	260
indemnity issued under section 3931.10 of the Revised Code;	261
(8) Supported living certificates issued under section	262
5123.161 of the Revised Code;	263
(9) Certificates to administer medications and perform	264
health-related activities under section 5123.45 of the Revised	265
Code;	266
<u>(10) Licenses issued by the division of marijuana control</u>	267
<u>under Chapter 3796. of the Revised Code.</u>	268
(J) Nothing in divisions (B) to (K) of this section	269
prohibits a licensing authority from considering either of the	270
following when making a determination whether to issue a license	271
to an individual:	272
(1) Past disciplinary action taken by the licensing	273
authority against the individual;	274
(2) Past disciplinary action taken against the individual	275
by an authority in another state that issues a license that is	276
substantially similar to the license for which the individual	277
applies.	278

(K) Notwithstanding any provision of the Revised Code to 279
the contrary, if a licensing authority issues a license to an 280
individual after considering a conviction of, judicial finding 281
of guilt of, or plea of guilty to an offense under division (D) 282
of this section, the licensing authority shall not refuse to 283
renew the individual's license based on that conviction, 284
judicial finding of guilt, or plea of guilty. 285

(L) (1) Notwithstanding any provision of the Revised Code 286
to the contrary, subject to division (G) of this section, during 287
the period commencing on ~~the effective date of this amendment~~ 288
April 4, 2023, and ending on ~~the date that is two years after~~ 289
~~the effective date of this amendment~~ April 4, 2025, no licensing 290
authority shall refuse to issue a license to a person, limit or 291
otherwise place restrictions on a person's license, or suspend 292
or revoke a person's license under any provision of the Revised 293
Code that takes effect on or after the effective date of this 294
amendment and prior to the date that is two years after the 295
effective date of this amendment and that requires or authorizes 296
such a refusal, limitation, restriction, suspension, or 297
revocation as a result of the person's conviction of, judicial 298
finding of guilt of, or plea of guilty to an offense. 299

(2) Divisions (B) to (F), and (H) to (K), of this section 300
do not apply with respect to any provision of the Revised Code 301
that takes effect on or after the effective date of this 302
amendment and prior to the date that is two years after the 303
effective date of this amendment and that requires or authorizes 304
a licensing authority to refuse to issue a license to a person, 305
to limit or otherwise place restrictions on a person's license, 306
or to suspend or revoke a person's license as a result of the 307
person's conviction of, judicial finding of guilt of, or plea of 308
guilty to an offense. 309

Sec. 131.02. (A) Except as otherwise provided in section 310
4123.37, section 5703.061, and division (K) of section 4123.511 311
of the Revised Code, whenever any amount is payable to the 312
state, the officer, employee, or agent responsible for 313
administering the law under which the amount is payable shall 314
immediately proceed to collect the amount or cause the amount to 315
be collected and shall pay the amount into the state treasury or 316
into the appropriate custodial fund in the manner set forth 317
pursuant to section 113.08 of the Revised Code. Except as 318
otherwise provided in this division, if the amount is not paid 319
within forty-five days after payment is due, the officer, 320
employee, or agent shall certify the amount due to the attorney 321
general, in the form and manner prescribed by the attorney 322
general. In the case of an amount payable by a student enrolled 323
in a state institution of higher education, the amount shall be 324
certified within the later of forty-five days after the amount 325
is due or the tenth day after the beginning of the next academic 326
semester, quarter, or other session following the session for 327
which the payment is payable. The attorney general may assess 328
the collection cost to the amount certified in such manner and 329
amount as prescribed by the attorney general. If an amount 330
payable to a political subdivision is past due, the political 331
subdivision may, with the approval of the attorney general, 332
certify the amount to the attorney general pursuant to this 333
section. 334

For the purposes of this section, the attorney general and 335
the officer, employee, or agent responsible for administering 336
the law under which the amount is payable shall agree on the 337
time a payment is due, and that agreed upon time shall be one of 338
the following times: 339

(1) If a law, including an administrative rule, of this 340

state prescribes the time a payment is required to be made or 341
reported, when the payment is required by that law to be paid or 342
reported. 343

(2) If the payment is for services rendered, when the 344
rendering of the services is completed. 345

(3) If the payment is reimbursement for a loss, when the 346
loss is incurred. 347

(4) In the case of a fine or penalty for which a law or 348
administrative rule does not prescribe a time for payment, when 349
the fine or penalty is first assessed. 350

(5) If the payment arises from a legal finding, judgment, 351
or adjudication order, when the finding, judgment, or order is 352
rendered or issued. 353

(6) If the payment arises from an overpayment of money by 354
the state to another person, when the overpayment is discovered. 355

(7) The date on which the amount for which an individual 356
is personally liable under section 5735.35, section 5739.33, or 357
division (G) of section 5747.07 of the Revised Code is 358
determined. 359

(8) Upon proof of claim being filed in a bankruptcy case. 360

(9) Any other appropriate time determined by the attorney 361
general and the officer, employee, or agent responsible for 362
administering the law under which the amount is payable on the 363
basis of statutory requirements or ordinary business processes 364
of the agency, institution, or political subdivision to which 365
the payment is owed. 366

(B) (1) The attorney general shall give immediate notice by 367
mail or otherwise to the party indebted of the nature and amount 368

of the indebtedness. 369

(2) If the amount payable to this state arises from a tax 370
levied under Chapter 3779., 5733., 5739., 5741., 5747., or 5751. 371
of the Revised Code, the notice also shall specify all of the 372
following: 373

(a) The assessment or case number; 374

(b) The tax pursuant to which the assessment is made; 375

(c) The reason for the liability, including, if 376
applicable, that a penalty or interest is due; 377

(d) An explanation of how and when interest will be added 378
to the amount assessed; 379

(e) That the attorney general and tax commissioner, acting 380
together, have the authority, but are not required, to 381
compromise the claim and accept payment over a reasonable time, 382
if such actions are in the best interest of the state. 383

(C) The attorney general shall collect the claim or secure 384
a judgment and issue an execution for its collection. 385

(D) Each claim shall bear interest, from the day on which 386
the claim became due, at the rate per annum required by section 387
5703.47 of the Revised Code. 388

(E) The attorney general and the chief officer of the 389
agency reporting a claim, acting together, may do any of the 390
following if such action is in the best interests of the state: 391

(1) Compromise the claim; 392

(2) Extend for a reasonable period the time for payment of 393
the claim by agreeing to accept monthly or other periodic 394
payments. The agreement may require security for payment of the 395

claim. 396

(3) Add fees to recover the cost of processing checks or 397
other draft instruments returned for insufficient funds and the 398
cost of providing electronic payment options. 399

(F) (1) Except as provided in division (F) (2) of this 400
section, if the attorney general finds, after investigation, 401
that any claim due and owing to the state is uncollectible, the 402
attorney general, with the consent of the chief officer of the 403
agency reporting the claim, may do the following: 404

(a) Sell, convey, or otherwise transfer the claim to one 405
or more private entities for collection; 406

(b) Cancel the claim or cause it to be canceled. 407

(2) The attorney general shall cancel or cause to be 408
canceled an unsatisfied claim on the date that is forty years 409
after the date the claim is certified, unless the attorney 410
general has adopted a rule under division (F) (5) of this section 411
shortening this time frame with respect to a subset of claims. 412

(3) No initial action shall be commenced to collect any 413
tax payable to the state that is administered by the tax 414
commissioner, whether or not such tax is subject to division (B) 415
of this section, or any penalty, interest, or additional charge 416
on such tax, after the expiration of the period ending on the 417
later of the dates specified in divisions (F) (3) (a) and (b) of 418
this section, provided that such period shall be extended by the 419
period of any stay to such collection or by any other period to 420
which the parties mutually agree. If the initial action in aid 421
of execution is commenced before the later of the dates 422
specified in divisions (F) (3) (a) and (b) of this section, any 423
and all subsequent actions may be pursued in aid of execution of 424

judgment for as long as the debt exists. 425

(a) Seven years after the assessment of the tax, penalty, 426
interest, or additional charge is issued. 427

(b) Four years after the assessment of the tax, penalty, 428
interest, or additional charge becomes final. For the purposes 429
of division (F) (3) (b) of this section, the assessment becomes 430
final at the latest of the following: upon expiration of the 431
period to petition for reassessment, or if applicable, to appeal 432
a final determination of the commissioner or decision of the 433
board of tax appeals or a court, or, if applicable, upon 434
decision of the United States supreme court. 435

For the purposes of division (F) (3) of this section, an 436
initial action to collect a tax debt is commenced at the time 437
when a certified copy of the tax commissioner's entry making an 438
assessment final has been filed in the office of the clerk of 439
court of common pleas in the county in which the taxpayer 440
resides or has its principal place of business in this state, or 441
in the office of the clerk of court of common pleas of Franklin 442
county, as provided in section 3779.44, 5739.13, 5741.14, 443
5747.13, or 5751.09 of the Revised Code or in any other 444
applicable law requiring such a filing. If an assessment has not 445
been issued and there is no time limitation on the issuance of 446
an assessment under applicable law, an action to collect a tax 447
debt commences when the action is filed in the courts of this 448
state to collect the liability. 449

(4) If information contained in a claim that is sold, 450
conveyed, or transferred to a private entity pursuant to this 451
section is confidential pursuant to federal law or a section of 452
the Revised Code that implements a federal law governing 453
confidentiality, such information remains subject to that law 454

during and following the sale, conveyance, or transfer. 455

(5) The attorney general may adopt rules to aid in the 456
implementation of this section. 457

Sec. 519.21. (A) Except as otherwise provided in divisions 458
(B) and (D) of this section, sections 519.02 to 519.25 of the 459
Revised Code confer no power on any township zoning commission, 460
board of township trustees, or board of zoning appeals to 461
prohibit the use of any land for agricultural purposes or the 462
construction or use of buildings or structures incident to the 463
use for agricultural purposes of the land on which such 464
buildings or structures are located, including buildings or 465
structures that are used primarily for vinting and selling wine 466
and that are located on land any part of which is used for 467
viticulture, and no zoning certificate shall be required for any 468
such building or structure. 469

(B) A township zoning resolution, or an amendment to such 470
resolution, may in any platted subdivision approved under 471
section 711.05, 711.09, or 711.10 of the Revised Code, or in any 472
area consisting of fifteen or more lots approved under section 473
711.131 of the Revised Code that are contiguous to one another, 474
or some of which are contiguous to one another and adjacent to 475
one side of a dedicated public road, and the balance of which 476
are contiguous to one another and adjacent to the opposite side 477
of the same dedicated public road regulate: 478

(1) Agriculture on lots of one acre or less; 479

(2) Buildings or structures incident to the use of land 480
for agricultural purposes on lots greater than one acre but not 481
greater than five acres by: set back building lines; height; and 482
size; 483

(3) Dairying and animal and poultry husbandry on lots 484
greater than one acre but not greater than five acres when at 485
least thirty-five per cent of the lots in the subdivision are 486
developed with at least one building, structure, or improvement 487
that is subject to real property taxation or that is subject to 488
the tax on manufactured and mobile homes under section 4503.06 489
of the Revised Code. After thirty-five per cent of the lots are 490
so developed, dairying and animal and poultry husbandry shall be 491
considered nonconforming use of land and buildings or structures 492
pursuant to section 519.19 of the Revised Code. 493

Division (B) of this section confers no power on any 494
township zoning commission, board of township trustees, or board 495
of zoning appeals to regulate agriculture, buildings or 496
structures, and dairying and animal and poultry husbandry on 497
lots greater than five acres. 498

(C) Such sections confer no power on any township zoning 499
commission, board of township trustees, or board of zoning 500
appeals to prohibit in a district zoned for agricultural, 501
industrial, residential, or commercial uses, the use of any land 502
for: 503

(1) A farm market where fifty per cent or more of the 504
gross income received from the market is derived from produce 505
raised on farms owned or operated by the market operator in a 506
normal crop year. However, a board of township trustees, as 507
provided in section 519.02 of the Revised Code, may regulate 508
such factors pertaining to farm markets as size of the 509
structure, size of parking areas that may be required, set back 510
building lines, and egress or ingress, where such regulation is 511
necessary to protect the public health and safety. 512

(2) Biodiesel production, biomass energy production, or 513

electric or heat energy production if the land on which the 514
production facility is located qualifies as land devoted 515
exclusively to agricultural use under sections 5713.30 to 516
5713.37 of the Revised Code for real property tax purposes. As 517
used in division (C)(2) of this section, "biodiesel," "biomass 518
energy," and "electric or heat energy" have the same meanings as 519
in section 5713.30 of the Revised Code. 520

(3) Biologically derived methane gas production if the 521
land on which the production facility is located qualifies as 522
land devoted exclusively to agricultural use under sections 523
5713.30 to 5713.37 of the Revised Code for real property tax 524
purposes and if the facility that produces the biologically 525
derived methane gas does not produce more than seventeen million 526
sixty thousand seven hundred ten British thermal units, five 527
megawatts, or both. 528

(4) Agritourism. However, a board of township trustees, as 529
provided in section 519.02 of the Revised Code, may regulate 530
such factors pertaining to agritourism, except farm markets as 531
described in division (C)(1) of this section, as size of a 532
structure used primarily for agritourism, size of parking areas 533
that may be required, setback building lines for structures used 534
primarily for agritourism, and egress or ingress where such 535
regulation is necessary to protect public health and safety. 536

Nothing in division (C)(4) of this section confers power 537
on a township zoning commission, board of township trustees, or 538
board of zoning appeals to require any parking area to be 539
improved in any manner, including requirements governing 540
drainage, parking area base, parking area paving, or any other 541
improvement. 542

Nothing in division (C)(4) of this section confers power 543

on a township zoning commission, board of township trustees, or 544
board of zoning appeals to prohibit the use of any land or the 545
construction or use of buildings or structures that are used 546
primarily for vinting and selling wine that are located on land 547
any part of which is used for viticulture as provided in 548
division (A) of this section. 549

(D) Nothing in this section prohibits a township zoning 550
commission, board of township trustees, or board of zoning 551
appeals from regulating the location of ~~medical~~-marijuana 552
cultivators, processors, or retail dispensaries or from 553
prohibiting such cultivators, processors, or dispensaries from 554
being located in the unincorporated territory of the township. 555

~~(D)(1)~~-(E) (1) As used in division (C)(3) of this section, 556
"biologically derived methane gas" has the same meaning as in 557
section 5713.30 of the Revised Code. 558

(2) As used in division (C)(4) of this section, 559
"agritourism" has the same meaning as in section 901.80 of the 560
Revised Code. 561

Sec. 715.013. (A) Except as otherwise expressly authorized 562
by the Revised Code, no municipal corporation shall levy a tax 563
that is the same as or similar to a tax levied under Chapter 564
322., 3734., 3769., 3779., 4123., 4141., 4301., 4303., 4305., 565
4307., 4309., 5707., 5725., 5726., 5727., 5728., 5729., 5731., 566
5735., 5736., 5737., 5739., 5741., 5743., 5747., 5749., or 5751. 567
of the Revised Code. 568

(B) No municipal corporation may impose any tax, fee, 569
assessment, or other charge on auxiliary containers, on the 570
sale, use, or consumption of such containers, or on the basis of 571
receipts received from the sale of such containers. As used in 572

this division, "auxiliary container" has the same meaning as in 573
section 3767.32 of the Revised Code. 574

(C) This section does not prohibit a municipal corporation 575
from levying an income tax or withholding tax in accordance with 576
Chapter 718. of the Revised Code, or a tax on any of the 577
following: 578

(1) Amounts received for admission to any place; 579

(2) The income of an electric company or combined company, 580
as defined in section 5727.01 of the Revised Code; 581

(3) On and after January 1, 2004, the income of a 582
telephone company, as defined in section 5727.01 of the Revised 583
Code. 584

Sec. 928.01. As used in this chapter: 585

(A) "Cannabidiol" means the cannabidiol compound, 586
containing a delta-9 tetrahydrocannabinol concentration of not 587
more than three-tenths per cent, derived from hemp. 588

(B) "Cultivate" or "cultivating" means to plant, water, 589
grow, fertilize, till, or harvest a plant or crop. "Cultivating" 590
includes possessing or storing a plant or crop on a premises 591
where the plant or crop was cultivated until transported to the 592
first point of sale. 593

(C) "Hemp" means the plant Cannabis sativa L. and any part 594
of that plant, including the seeds thereof and all derivatives, 595
extracts, cannabinoids, isomers, acids, salts, and salts of 596
isomers, whether growing or not, with a delta-9 597
tetrahydrocannabinol concentration of not more than three-tenths 598
per cent on a dry weight basis. 599

(D) "Hemp cultivation license" means a license to 600

cultivate hemp issued under section 928.02 of the Revised Code. 601

(E) "Hemp processing license" means a license to process 602
hemp issued under section 928.02 of the Revised Code. 603

(F) "Hemp product" means any product, containing a delta-9 604
tetrahydrocannabinol concentration of not more than three-tenths 605
per cent, that is made with hemp. "Hemp product" includes 606
cosmetics, personal care products, dietary supplements or food 607
intended for animal or human consumption, ~~cloth, cordage, fiber,~~ 608
~~fuel, paint, paper, particleboard,~~ vapor products, processed 609
hemp flowers, and any other product containing one or more 610
cannabinoids derived from hemp, including cannabidiol. "Hemp 611
product" includes any hemp not in the possession of a licensed 612
hemp cultivator or hemp processor. "Hemp product" does not 613
include a non-cannabinoid hemp product. 614

(G) "Marihuana" has the same meaning as in section 3719.01 615
of the Revised Code. 616

(H) "Medical marijuana" has the same meaning as in section 617
3796.01 of the Revised Code. 618

(I) "Non-cannabinoid hemp product" means any product that 619
is made from hemp that does not include cannabinoids. "Non- 620
cannabinoid hemp product" includes cloth, cordage, fiber, fuel, 621
paint, paper, particleboard, and foods that have been approved 622
by the United States food and drug administration as generally 623
recognized as safe. 624

(J) "Process" or "processing" means converting hemp into a 625
hemp product. 626

~~(J)~~ (K) "Delta-9 tetrahydrocannabinol" means the sum of 627
the percentage by weight of tetrahydrocannabinolic acid 628
multiplied by 0.877 plus the percentage by weight of delta-9 629

tetrahydrocannabinol. 630

~~(K)~~ (L) "Tetrahydrocannabinol" means naturally occurring 631
or synthetic equivalents, regardless of whether artificially or 632
naturally derived, of the substances contained in the plant, or 633
in the resinous extractives of cannabis, sp. or derivatives, and 634
their isomers with similar chemical structure to delta-1-cis or 635
trans tetrahydrocannabinol, and their optical isomers, salts and 636
salts of isomers. "Tetrahydrocannabinol" includes, but is not 637
limited to, delta-8 tetrahydrocannabinol, delta-10 638
tetrahydrocannabinol, tetrahydrocannabinol-o acetate, 639
tetrahydrocannabiphorol, tetrahydrocannabivarin, 640
hexahydrocannabinol, delta-6-cis or trans tetrahydrocannabinol, 641
delta-3,4-cis or trans tetrahydrocannabinol, 9- 642
hexahydrocannabinol, and delta-9-tetrahydrocannabinol acetate. 643
Since nomenclature of these substances is not internationally 644
standardized, compounds of these structures, regardless of 645
designation of atomic positions, are included. 646

"Tetrahydrocannabinol" does not include the following: 647

(1) Tetrahydrocannabinols approved by the United States 648
food and drug administration for marketing as a medication or 649
recognized by the United States food and drug administration as 650
generally recognized as safe. 651

(2) Cannabichromene (CBC); 652

(3) Cannabicyclol (CBL); 653

(4) Cannabidiol (CBD), 654

(5) Cannabidivanol (CBDV); 655

(6) Cannabielsoin (CBE); 656

(7) Cannabigerol (CBG); 657

(8) Cannabigerovarin (CBGV); 658

(9) Cannabinol (CBN); 659

(10) Cannabivarin (CBV). 660

(M) "University" means an institution of higher education 661
as defined in section 3345.12 of the Revised Code and a private 662
nonprofit institution with a certificate of authorization issued 663
pursuant to Chapter 1713. of the Revised Code. 664

~~(L)~~ (N) "USDA" means the United States department of 665
agriculture. 666

(O) "Adult-use marijuana" has the same meaning as in 667
section 3796.01 of the Revised Code. 668

(P) "Electronic smoking device" means any device that can 669
be used to deliver aerosolized or vaporized hemp or any other 670
substance to the person inhaling from the device, including an 671
electronic cigarette, electronic cigar, electronic hookah, 672
vaping pen, or electronic pipe. "Electronic smoking device" 673
includes any component, part, or accessory of such a device, 674
whether or not sold separately, and includes any substance 675
intended to be aerosolized or vaporized during the use of the 676
device. 677

(Q) "Vapor product" means a product that contains or is 678
made or derived from hemp and that is intended and marketed for 679
human consumption, including by smoking, inhaling, snorting, or 680
sniffing. "Vapor product" includes any component, part, or 681
additive that is intended for use in an electronic smoking 682
device, a mechanical heating element, battery, or electronic 683
circuit and is used to deliver the product. 684

(R) "Processed hemp flower" means the flower of a hemp 685

plant that has been dried or cured.

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

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

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

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

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

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

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(1) A requirement that each applicant comply with sections

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4776.01 to 4776.04 of the Revised Code; 715

(2) Provisions that prohibit the director from issuing a 716
hemp cultivation license or hemp processing license to an 717
applicant that has not complied with those sections. 718

(D) Requirements regarding the experience, equipment, 719
facilities, or land necessary to obtain a hemp cultivation 720
license; 721

(E) Requirements and procedures regarding standards of 722
financial responsibility for each applicant for a hemp 723
processing license. 724

(F) Procedures and requirements for the issuance, renewal, 725
denial, suspension, and revocation of a hemp cultivation license 726
and hemp processing license, including providing for a hearing 727
under Chapter 119. of the Revised Code with regard to such a 728
denial, suspension, or revocation; 729

(G) Grounds for the denial, suspension, and revocation of 730
a hemp cultivation license and of a hemp processing license, 731
including a requirement that the director revoke a hemp 732
cultivation license or hemp processing license, for a period of 733
ten years, of any person who pleads guilty to or is convicted of 734
a felony relating to a controlled substance; 735

(H) A requirement that the director shall not issue a hemp 736
cultivation license or hemp processing license to any person who 737
has pleaded guilty to or been convicted of a felony relating to 738
a controlled substance in the ten years immediately prior to the 739
submission of the application for a license; 740

(I) A requirement that any person that materially 741
falsifies information in an application for a hemp cultivation 742
license or hemp processing license is ineligible to receive 743

either license; 744

(J) A practice for maintaining relevant information 745
regarding land on which hemp is cultivated by hemp cultivation 746
licensees, including a legal description of the land, in 747
accordance with applicable federal law; 748

(K) Requirements prohibiting a hemp cultivation licensee 749
and a hemp processing licensee from cultivating or processing 750
marihuana; 751

(L) A procedure for testing, using post-decarboxylation or 752
other similarly reliable methods, delta-9 tetrahydrocannabinol 753
concentration levels of plants and products for purposes of 754
determining compliance with this chapter and rules adopted under 755
it; 756

(M) Requirements and procedures for the issuance, 757
administration, and enforcement of corrective action plans 758
issued under this chapter; 759

(N) A procedure for conducting annual inspections of, at a 760
minimum, a random sample of hemp cultivation license holders to 761
verify that plants are not being cultivated in violation of this 762
chapter or rules adopted under it; 763

(O) A procedure for conducting annual inspections of, at a 764
minimum, a random sample of hemp processing license holders to 765
verify that such license holders are not operating in violation 766
of this chapter or rules adopted under it; 767

(P) A procedure for complying with enforcement procedures 768
required under federal law; 769

(Q) A procedure for the effective disposal of all of the 770
following: 771

(1) Plants, whether growing or not, cultivated in 772
violation of this chapter or rules adopted under it; 773

(2) Products derived from plants cultivated in violation 774
of this chapter or rules adopted under it; 775

(3) Products produced in violation of this chapter or 776
rules adopted under it. 777

(R) Requirements and procedures governing the production, 778
storage, and disposal of hemp byproducts. 779

For the purposes of this chapter and notwithstanding any 780
provision of law to the contrary, "hemp product" includes a 781
byproduct, produced as a result of processing hemp, that 782
contains a delta-9 tetrahydrocannabinol concentration of more 783
than three-tenths per cent, provided that the byproduct is 784
produced, stored, and disposed of in accordance with rules 785
adopted under division (R) of this section. 786

(S) Procedures for sharing information regarding hemp 787
cultivation license holders with the secretary of the USDA; 788

(T) A setback distance requirement that specifies the 789
distance that a hemp cultivation license holder shall locate 790
hemp plants from a location where medical marijuana or adult-use 791
marijuana is being cultivated. The requirement does not apply to 792
a hemp cultivation license holder with regard to a ~~medical~~ 793
marijuana cultivator that locates medical marijuana or adult-use 794
marijuana within the established setback distance requirement 795
after the hemp cultivation license holder begins operation. 796

(U) Annual reporting requirements and procedures for hemp 797
cultivation license holders and hemp processing license holders; 798

(V) Recordkeeping and documentation maintenance 799

requirements and procedures for hemp cultivation license holders 800
and hemp processing license holders; 801

(W) Fees for the laboratory testing of plants and 802
products; 803

(X) Standards for the testing~~and~~, labeling, and 804
packaging of hemp and hemp products, which shall include the 805
child-resistant effectiveness standards described in 16 C.F.R. 806
1700.15(b); 807

(Y) Requirements prohibiting the processing of hemp in a 808
building used as a personal residence or on land that is zoned 809
for residential use; 810

(Z) Production standards and manufacturing practices for 811
processing hemp; 812

(AA) Procedures and requirements for the transportation 813
and storage of both hemp and hemp products; 814

(BB) Any other requirements or procedures necessary to 815
administer and enforce this chapter. 816

Sec. 928.08. The Ohio investigative unit in the department 817
of public safety, in consultation and in cooperation with the 818
department of agriculture, shall enforce this chapter. 819

Sec. 2953.321. (A) As used in this section: 820

(1) "Expunge" means to destroy, delete, and erase a record 821
as appropriate for the record's physical or electronic form or 822
characteristic so that the record is permanently irretrievable. 823

(2) "Official records" and "prosecutor" have the same 824
meanings as in section 2953.31 of the Revised Code. 825

(B) If a person, prior to the effective date of this 826

section, was convicted of or has pleaded guilty to a violation 827
of division (C) (3) or (7) of section 2925.11 of the Revised Code 828
and the conduct that was the basis of the violation involved 829
possession of not more than fifteen grams of hashish and not 830
more than two and one-half ounces of marihuana other than 831
hashish, the person may file an application under this section 832
requesting an expungement of the record of conviction. 833

(C) Any person who is eligible under division (B) of this 834
section to file an application for expungement may apply to the 835
sentencing court for the expungement of the record of 836
conviction. The person may file the application at any time on 837
or after the effective date of this section. The application 838
shall do all of the following: 839

(1) Identify the applicant, the offense for which the 840
expungement is sought, the date of the conviction of or plea of 841
guilty to that offense, and the court in which the conviction 842
occurred or the plea of guilty was entered; 843

(2) Include evidence that the offense was a violation of 844
division (C) (3) or (7) of section 2925.11 of the Revised Code, 845
that the conviction or plea of guilty occurred prior to the 846
effective date of this section, and that the conduct that was 847
the basis of the violation involved possession of not more than 848
fifteen grams of hashish and not more than two and one-half 849
ounces of marihuana other than hashish; 850

(3) Include a request for expungement of the record of 851
conviction of that offense under this section. 852

(D) Upon the filing of an application under division (C) 853
of this section and the payment of the fee described in division 854
(H) of this section if applicable, the court shall set a date 855

for a hearing and shall notify the prosecutor for the case of 856
the hearing on the application. The prosecutor may object to the 857
granting of the application by filing an objection with the 858
court prior to the date set for the hearing. The prosecutor 859
shall specify in the objection the reasons for believing a 860
denial of the application is justified. The court shall direct 861
its regular probation officer, a state probation officer, or the 862
department of probation of the county in which the applicant 863
resides to make inquiries and written reports as the court 864
requires concerning the applicant. The court shall hold the 865
hearing scheduled under this division. 866

(E) At the hearing held under division (D) of this 867
section, the court shall do both of the following: 868

(1) Determine whether the applicant has, prior to the 869
effective date of this section, been convicted of or pleaded 870
guilty to a violation of division (C) (3) or (7) of section 871
2925.11 of the Revised Code and whether the conduct that was the 872
basis for the violation involved possession of not more than 873
fifteen grams of hashish and not more than two and one-half 874
ounces of marihuana other than hashish; 875

(2) If the prosecutor has filed an objection in accordance 876
with division (D) of this section, consider the reasons against 877
granting the application specified by the prosecutor in the 878
objection. 879

(F) The court shall order the expungement of all official 880
records pertaining to the case and the deletion of all index 881
references to the case and, if it does order the expungement, 882
shall send notice of the order to each public office or agency 883
that the court has reason to believe may have an official record 884
pertaining to the case if the court, after complying with 885

division (E) of this section, determines that the applicant, 886
prior to the effective date of this section, had been convicted 887
of or pleaded guilty to a violation of division (C) (3) or (7) of 888
section 2925.11 of the Revised Code and that the conduct that 889
was the basis for the violation involved possession of not more 890
than fifteen grams of hashish and not more than two and one-half 891
ounces of marihuana other than hashish. 892

(G) The proceedings in the case that is the subject of an 893
order issued under division (F) of this section shall be 894
considered not to have occurred and the conviction or guilty 895
plea of the person who is the subject of the proceedings shall 896
be expunged. The record of the conviction shall not be used for 897
any purpose, including, but not limited to, a criminal records 898
check under section 109.572 of the Revised Code. The applicant 899
may, and the court shall, reply that no record exists with 900
respect to the applicant upon any inquiry into the matter. 901

(H) Upon the filing of an application under this section, 902
the applicant, unless indigent, shall pay a fee of fifty 903
dollars. The court shall pay thirty dollars of the fee into the 904
state treasury and shall pay twenty dollars of the fee into the 905
county general revenue fund. 906

Sec. 3376.07. A state institution of higher education, 907
private college, athletic association, conference, or other 908
group or organization with authority over intercollegiate 909
athletics may prohibit a student-athlete from entering into a 910
contract providing compensation to the student-athlete for use 911
of the student-athlete's name, image, or likeness if under the 912
contract the student-athlete's name, image, or likeness is 913
associated with any of the following: 914

(A) Any company that manufactures, markets, or sells, or 915

brand that is associated with, a controlled substance, marihuana 916
product, medical marijuana product, adult-use marijuana product, 917
alcoholic product, tobacco product, electronic smoking device, 918
vapor product, or product or device that consists of or contains 919
nicotine that can be ingested into the body; 920

(B) Any medical marijuana cultivator, processor, 921
laboratory, or retail dispensary licensed under Chapter 3796. of 922
the Revised Code or under the laws of another state; 923

(C) Any business engaged in the sale, rental, or 924
exhibition for any form of consideration of adult entertainment 925
that is characterized by an emphasis on the exposure or display 926
of sexual activity; 927

(D) Any casino or entity that sponsors or promotes 928
gambling activities; 929

(E) Any other category of companies, brands, or types of 930
contracts that are similar to those described in divisions (A) 931
to (D) of this section that the institution or college 932
communicates to the student-athlete before the student-athlete 933
enrolls at the institution or college. 934

Sec. 3779.01. As used in sections 3779.01 to 3779.06 and 935
3779.40 to 3779.48 of the Revised Code: 936

(A) "At retail" means for use or consumption by the 937
ultimate consumer and not for resale. 938

(B) "Delta-9 tetrahydrocannabinol," "hemp product," and 939
"tetrahydrocannabinol" have the same meanings as in section 940
928.01 of the Revised Code. 941

(C) "Identification card" means a driver's or commercial 942
driver's license, an identification card issued under sections 943

4507.50 to 4507.52 of the Revised Code or an equivalent 944
identification card issued by another state, a military 945
identification card issued by the United States department of 946
defense, or a United States or foreign passport that displays a 947
picture of the individual for whom the license, card, or 948
passport is issued and shows that the person buying is then at 949
least twenty-one years of age. 950

(D) "Intoxicating hemp product" means a hemp product 951
containing any amount of synthetic tetrahydrocannabinol, more 952
than five-tenths of a milligram of delta-9 tetrahydrocannabinol 953
per serving, two milligrams of delta-9 tetrahydrocannabinol per 954
package, or five-tenths of a milligram of total non-delta-9 955
tetrahydrocannabinol per package. "Intoxicating hemp product" 956
does not include either of the following: 957

(1) A hemp product that cannot be ingested, inhaled, 958
snorted, sniffed, or used sublingually; 959

(2) A drinkable cannabinoid product as defined in section 960
3779.21 of the Revised Code. 961

(E) "Ohio investigative unit" means the investigative unit 962
maintained by the department of public safety under section 963
5502.13 of the Revised Code. 964

(F) "Sell" means the exchange, barter, gift, offer for 965
sale, and sale of an intoxicating hemp product. 966

(G) "Total non-delta-9 tetrahydrocannabinol" means the 967
sum, after the application of any necessary conversion factor, 968
of the percentage by weight of tetrahydrocannabinol, other than 969
delta-9 tetrahydrocannabinol, and the percentage by weight of 970
tetrahydrocannabinolic acid. 971

Sec. 3779.02. (A) (1) No person shall sell an intoxicating 972

hemp product at retail in this state. 973

(2) Division (A) (1) of this section does not apply to the 974
sale of an intoxicating hemp product at retail in this state by 975
a person to which both of the following apply: 976

(a) The person is a licensed dispensary as defined under 977
section 3796.01 of the Revised Code. 978

(b) The person sells the intoxicating hemp product to an 979
individual who is twenty-one years of age or older as verified 980
by examining the individual's identification card. 981

(B) No person that is a licensed dispensary as defined 982
under section 3796.01 of the Revised Code shall do any of the 983
following: 984

(1) Subject to division (D) of section 3779.05 of the 985
Revised Code, sell an intoxicating hemp product that has not 986
been tested in compliance with rules adopted under Chapter 3796. 987
of the Revised Code that otherwise apply to adult-use marijuana; 988

(2) Sell an intoxicating hemp product that does not comply 989
with the standards and procedures for packaging, labeling, and 990
advertising set forth in rules adopted under Chapter 3796. of 991
the Revised Code that otherwise apply to adult-use marijuana; 992

(3) Violate any applicable rules adopted under division 993
(B) of section 3779.05 of the Revised Code. 994

(C) (1) No person shall sell at retail in this state a hemp 995
product and market it as adult-use marijuana or as medical 996
marijuana as defined in section 3796.01 of the Revised Code. 997

(2) No person shall use any terms associated with the sale 998
at retail in this state of a hemp product that would cause a 999
consumer to infer that the hemp product is medical marijuana or 1000

adult-use marijuana.

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(3) No person shall use any terms associated with the sale
at retail in this state of a hemp product that would cause a
consumer to infer that the person selling the hemp product is a
licensed dispensary as defined under section 3796.01 of the
Revised Code.

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(4) Division (C) (3) of this section does not apply to a
licensed dispensary as defined under section 3796.01 of the
Revised Code.

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(D) Notwithstanding any other provision of law to the
contrary, a person who violates division (A) (1) of this section
shall not be prosecuted under any other criminal statute that
otherwise would apply to the person because the person engaged
in the activities prohibited in division (A) (1) of this section.

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Sec. 3779.03. The Ohio investigative unit shall enforce
this chapter or cause it to be enforced. If the unit has
information that this chapter has been violated, it may
investigate the matter and take any action as it considers
appropriate. The authority of the Ohio investigative unit is
concurrent to the jurisdiction of any law enforcement officer to
enforce this chapter. Nothing in this chapter shall be construed
to limit or supersede the authority of any law enforcement
officer or agency.

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Sec. 3779.04. (A) The director of commerce may impose an
administrative penalty or take other enforcement actions against
a person who violates division (A) (1), (B), (C) (1), (C) (2), or
(C) (3) of section 3779.02 of the Revised Code or any rules
adopted under section 3779.05 of the Revised Code.
Administrative penalties shall be set forth in rules adopted

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under section 3779.05 of the Revised Code. 1030

(B) The director shall afford a person an opportunity for 1031
an adjudication hearing under Chapter 119. of the Revised Code 1032
to challenge the director's determination to impose an 1033
administrative penalty or taking other enforcement action under 1034
this section, the director's imposition of an administrative 1035
penalty under this section, or both. The director's 1036
determination, the imposition of the administrative penalty, and 1037
taking other enforcement action may be appealed in accordance 1038
with section 119.12 of the Revised Code. 1039

Sec. 3779.05. (A) The director of commerce shall adopt 1040
rules in accordance with Chapter 119. of the Revised Code that 1041
establish the amount of administrative penalties to be imposed 1042
by the director under section 3779.04 of the Revised Code. 1043

(B) Subject to division (C) of this section, to ensure the 1044
integrity of intoxicating hemp product sales at retail and 1045
operations in this state, the director has jurisdiction over all 1046
persons participating in the distribution and sale of 1047
intoxicating hemp products in this state and, in consultation 1048
and cooperation with the department of agriculture, the 1049
cultivation and processing of intoxicating hemp products for 1050
sale at retail in this state. Such jurisdiction includes the 1051
authority to complete regulating, investigating, and penalizing 1052
those persons in a manner that is consistent with the director's 1053
authority with respect to adult-use marijuana. To carry out this 1054
division, the director may adopt rules under Chapter 119. of the 1055
Revised Code. 1056

(C) Notwithstanding Chapter 3796. of the Revised Code and 1057
rules adopted under it to the contrary, the director shall not 1058
require hemp that is processed into an intoxicating hemp product 1059

to be cultivated or processed in this state. 1060

(D) Notwithstanding Chapter 3796. of the Revised Code and 1061
rules adopted under it to the contrary, an intoxicating hemp 1062
product that is sold at retail in this state shall be tested in 1063
a facility licensed in accordance with that chapter and rules 1064
adopted under it or, as approved by the director, in a facility 1065
in another state that meets requirements that are substantially 1066
similar to applicable requirements established under that 1067
chapter and rules adopted under it. 1068

Sec. 3779.06. (A) As used in this section: 1069

(1) "Chauffeured limousine" means a vehicle registered 1070
under section 4503.24 of the Revised Code. 1071

(2) "Street," "highway," and "motor vehicle" have the same 1072
meanings as in section 4511.01 of the Revised Code. 1073

(B) A person may have in the person's possession an opened 1074
container of an intoxicating hemp product that is a beverage in 1075
either of the following locations: 1076

(1) On the premises of a private residence; 1077

(2) In a chauffeured limousine that is located on any 1078
street, highway, or other public or private property open to the 1079
public for purposes of vehicular travel or parking if all the 1080
following apply: 1081

(a) The person, or the guest of the person, pays all or a 1082
portion of the fee imposed for the use of a chauffeured 1083
limousine pursuant to a prearranged contract; 1084

(b) The person or guest is a passenger in the limousine; 1085

(c) The person or guest is located in the limousine but is 1086

not occupying a seat in the front compartment of the limousine 1087
where the operator of the limousine is located. 1088

(C) Except as provided in division (B) of this section, no 1089
person shall have in the person's possession an opened container 1090
of an intoxicating hemp product that is a beverage in any of the 1091
following circumstances: 1092

(1) In any public place; 1093

(2) While operating or being a passenger in or on a motor 1094
vehicle on any street, highway, or other public or private 1095
property open to the public for purposes of vehicular travel or 1096
parking; 1097

(3) While being in or on a stationary motor vehicle on any 1098
street, highway, or other public or private property open to the 1099
public for purposes of vehicular travel or parking. 1100

Sec. 3779.21. As used in sections 3779.21 to 3779.48 of 1101
the Revised Code, except as provided in section 3779.40 of the 1102
Revised Code: 1103

(A) "At retail" and "identification card" have the same 1104
meanings as in section 3779.01 of the Revised Code. 1105

(B) "Distributor" means a class B permit holder under 1106
Chapter 4303. of the Revised Code. "Distributor" does not 1107
include either of the following: 1108

(1) A manufacturer; 1109

(2) A person that is a common carrier and that is used to 1110
complete delivery of a drinkable cannabinoid product to a 1111
retailer. 1112

(C) "Drinkable cannabinoid product" means a liquid hemp 1113

<u>product to which all the following apply:</u>	1114
<u>(1) The product contains cannabinoids.</u>	1115
<u>(2) The cannabinoids in the product are solely derived</u> <u>from hemp.</u>	1116 1117
<u>(3) The product is intended to be consumed as a beverage</u> <u>by humans.</u>	1118 1119
<u>(4) The product does not include a drug as defined in</u> <u>section 4729.01 of the Revised Code.</u>	1120 1121
<u>(5) The product does not contain more than three-tenths</u> <u>per cent of any tetrahydrocannabinol.</u>	1122 1123
<u>(6) The product does not contain more than forty-two one-</u> <u>hundredths of a milligram of tetrahydrocannabinol per fluid</u> <u>ounce.</u>	1124 1125 1126
<u>(7) A serving of the product does not contain more than</u> <u>twelve fluid ounces.</u>	1127 1128
<u>(8) The product contains not more than forty-eight total</u> <u>fluid ounces in all containers included in a package.</u>	1129 1130
<u>(9) A container included in a package does not contain</u> <u>more than four servings.</u>	1131 1132
<u>(10) The product does not contain any amount of synthetic</u> <u>tetrahydrocannabinol.</u>	1133 1134
<u>"Drinkable cannabinoid product" is not an intoxicating</u> <u>hemp product.</u>	1135 1136
<u>(D) "Delta-9 tetrahydrocannabinol," "hemp," "hemp</u> <u>product," and "tetrahydrocannabinol" have the same meanings as</u> <u>in section 928.01 of the Revised Code.</u>	1137 1138 1139

(E) "Manufacturer" means a person, whether located in this 1140
state or outside of this state, that manufactures a drinkable 1141
cannabinoid product for sale in this state. 1142

(F) "Retailer" means an A-1-A, class C, or class D permit 1143
holder under Chapter 4303. of the Revised Code or a licensed 1144
dispensary as defined under section 3796.01 of the Revised Code 1145
that sells drinkable cannabinoid products from the permit or 1146
license premises, as applicable. 1147

(G) "Sale" and "sell" include exchange, barter, gift, 1148
offer for sale, sale, distribution and delivery of any kind, and 1149
the transfer of title or possession of a drinkable cannabinoid 1150
product either by constructive or actual delivery by any means 1151
or devices. 1152

Sec. 3779.22. No person shall do any of the following: 1153

(A) Sell at retail a drinkable cannabinoid product unless 1154
the person is a retailer; 1155

(B) If the person is a manufacturer, sell a drinkable 1156
cannabinoid product unless the manufacturer is registered under 1157
section 3779.24 of the Revised Code; 1158

(C) If the person is a manufacturer, sell a drinkable 1159
cannabinoid product to any person other than a distributor or 1160
retailer; 1161

(D) Sell for distribution a drinkable cannabinoid product 1162
unless the person is a distributor; 1163

(E) If the person is a distributor, sell a drinkable 1164
cannabinoid product to any person other than a retailer; 1165

(F) Sell at retail a drinkable cannabinoid product to an 1166
individual who is under twenty-one years of age; 1167

(G) Fail to verify that an individual who attempts to 1168
purchase or purchases a drinkable cannabinoid product at retail 1169
is at least twenty-one years of age by examining the 1170
individual's identification card; 1171

(H) Sell a drinkable cannabinoid product that contains 1172
alcohol; 1173

(I) Fail to store a drinkable cannabinoid product for sale 1174
at retail in a display case that is solely used for the sale of 1175
drinkable cannabinoid products and that clearly states that the 1176
product is a drinkable cannabinoid product; 1177

(J) If the person is a manufacturer or distributor, pay to 1178
a retailer any payment, credit, or any other consideration to 1179
induce the retailer to advertise or display a drinkable 1180
cannabinoid product in a certain manner in the retailer's 1181
permitted or licensed premises; 1182

(K) If the person is a retailer, accept any payment, 1183
credit, or any other consideration to advertise or display a 1184
drinkable cannabinoid product in a certain manner at the 1185
retailer's licensed premises; 1186

(L) If the person is a retailer, sell a drinkable 1187
cannabinoid product for consumption on the premises where sold; 1188

(M) If the person is a retailer, allow an individual who 1189
purchases a drinkable cannabinoid product from the retailer to 1190
consume the drinkable cannabinoid product on the retailer's 1191
premises; 1192

(N) If the person is a retailer, sell a drinkable 1193
cannabinoid product at a price less than the price paid by the 1194
retailer to purchase the product from a distributor; 1195

(O) If the person is a distributor, charge a different 1196
price to a retailer for drinkable cannabinoid products based 1197
upon the quantity of drinkable cannabinoid products sold to the 1198
retailer; 1199

(P) Violate any rule adopted under section 3779.23 of the 1200
Revised Code. 1201

Sec. 3779.24. (A) No person shall manufacture a drinkable 1202
cannabinoid product for sale in this state without registering 1203
with the director of commerce in accordance with rules adopted 1204
under section 3779.23 of the Revised Code. The director shall 1205
issue a registration under this section if the applicant submits 1206
to the director an application and is in compliance with those 1207
rules. 1208

(B) A registration issued under this section is valid for 1209
one year after issuance and shall be renewed in the same manner 1210
as an initial registration. 1211

Sec. 3779.25. (A) (1) A manufacturer of a drinkable 1212
cannabinoid product shall test the product in accordance with 1213
rules adopted under section 3779.23 of the Revised Code prior to 1214
selling the product or offering the product for sale to a 1215
distributor. 1216

(2) No manufacturer, distributor, or retailer shall sell 1217
or offer to sell a drinkable cannabinoid product that is not 1218
tested in accordance with this section and rules adopted under 1219
section 3779.23 of the Revised Code or that exceeds the maximum 1220
allowable level for a substance or organism specified in those 1221
rules. 1222

(B) A manufacturer shall contract with a testing 1223
laboratory to provide the testing required under this section. 1224

(C) Notwithstanding Chapter 3796. of the Revised Code and 1225
rules adopted under it to the contrary, a drinkable cannabinoid 1226
product that is sold in this state shall be tested in a facility 1227
licensed in accordance with Chapter 3796. of the Revised Code 1228
and rules adopted under it or, as approved by the director of 1229
commerce, in a facility in another state that meets requirements 1230
that are substantially similar to applicable requirements 1231
established under Chapter 3796. of the Revised Code and rules 1232
adopted under it. 1233

(D) No distributor or retailer shall be held liable for 1234
any violations or causes of action if a drinkable cannabinoid 1235
product distributed or sold by the distributor or retailer is 1236
not consistent with testing as represented. 1237

(E) No manufacturer or testing laboratory shall fail to 1238
comply with this section. 1239

Sec. 3779.26. (A) In accordance with rules adopted under 1240
section 3779.23 of the Revised Code, a manufacturer shall 1241
include a label on each drinkable cannabinoid product container 1242
that it sells or offers for sale in this state that includes the 1243
following information in legible print: 1244

(1) The product name or common name on the front of the 1245
label; 1246

(2) The brand name on the front of the label; 1247

(3) The size of the container or net count of individual 1248
items included in the container on the front of the label; 1249

(4) The net weight or volume of the items included in the 1250
container; 1251

(5) The number of servings per container; 1252

<u>(6) A list of ingredients;</u>	1253
<u>(7) The amount of any tetrahydrocannabinol, in milligrams,</u>	1254
<u>as identified in the certificate of analysis as required under</u>	1255
<u>section 3779.25 of the Revised Code;</u>	1256
<u>(8) The number of calories per container;</u>	1257
<u>(9) The words "This Product is a Drinkable Cannabinoid</u>	1258
<u>Product."</u>	1259
<u>(B) In addition to printing the information required under</u>	1260
<u>division (A) of this section on the label, a manufacturer may</u>	1261
<u>provide the information specified in divisions (A) (6) and (7) of</u>	1262
<u>this section via a quick response code.</u>	1263
<u>(C) No manufacturer shall fail to comply with this</u>	1264
<u>section.</u>	1265
<u>Sec. 3779.27. (A) As used in this section, "sales area or</u>	1266
<u>territory" means an exclusive geographic area or territory that</u>	1267
<u>is assigned to a particular distributor and that either has one</u>	1268
<u>or more political subdivisions as its boundaries or consists of</u>	1269
<u>an area of land with readily identifiable geographic boundaries.</u>	1270
<u>(B) Each manufacturer shall assign to each of the</u>	1271
<u>manufacturer's distributors a sales area or territory within</u>	1272
<u>which each distributor shall be the distributor of the brand or</u>	1273
<u>brands of the manufacturer, provided that, if the manufacturer</u>	1274
<u>manufactures more than one brand of drinkable cannabinoid</u>	1275
<u>product, the manufacturer may assign sales areas or territories</u>	1276
<u>to additional distributors for the distribution and sale of the</u>	1277
<u>additional brand or brands, so long as not more than one</u>	1278
<u>distributor distributes the same brand or brands within the same</u>	1279
<u>sales area or territory. No distributor shall distribute a</u>	1280
<u>specific brand of drinkable cannabinoid product in any area or</u>	1281

territory other than the area or territory assigned to the 1282
distributor. 1283

Sec. 3779.28. (A) No manufacturer shall aid or assist a 1284
distributor, and no manufacturer or distributor shall aid or 1285
assist a retailer, by gift or loan of any money or property of 1286
any description or other valuable thing, or by giving premiums 1287
or rebates. No distributor or retailer shall accept the same. 1288

(B) No manufacturer shall have any financial interest, 1289
directly or indirectly, by stock ownership, or through 1290
interlocking directors in a corporation, or otherwise, in the 1291
establishment, maintenance, or promotion in the business of any 1292
distributor. No retailer shall have any interest, directly or 1293
indirectly, in the operation of, or any ownership in, the 1294
business of any distributor or manufacturer. 1295

(C) No manufacturer shall have any financial interest, 1296
directly or indirectly, by stock ownership, or through 1297
interlocking directors in a corporation, or otherwise, in the 1298
establishment, maintenance, or promotion of the business of any 1299
retailer. No distributor or employee of a distributor shall have 1300
any financial interest, directly or indirectly, by stock 1301
ownership, interlocking directors in a corporation, or 1302
otherwise, in the establishment, maintenance, or promotion of 1303
the business of any retailer. No manufacturer or distributor or 1304
any stockholder of a manufacturer or distributor shall acquire, 1305
by ownership in fee, leasehold, mortgage, or otherwise, directly 1306
or indirectly, any interest in the premises on which the 1307
business of any other person engaged in the business of selling 1308
drinkable cannabinoid products at retail is occurring. 1309

(D) No manufacturer shall sell or offer to sell to any 1310
distributor or retailer, no distributor shall sell or offer to 1311

sell to any retailer, and no distributor or retailer shall 1312
purchase or receive from any manufacturer or distributor any 1313
drinkable cannabinoid product in the United States except for 1314
cash. No right of action exists to collect any claims for credit 1315
extended contrary to this section. 1316

(E) Divisions (B) and (C) of this section do not apply to 1317
a person licensed under Chapter 3796. of the Revised Code, if 1318
both the manufacturer and the retailer are licensed under that 1319
chapter. 1320

Sec. 3779.29. (A) As used in this section: 1321

(1) "Chauffeured limousine" means a vehicle registered 1322
under section 4503.24 of the Revised Code. 1323

(2) "Street," "highway," and "motor vehicle" have the same 1324
meanings as in section 4511.01 of the Revised Code. 1325

(B) A person may have in the person's possession an opened 1326
container of a drinkable cannabinoid product in either of the 1327
following locations: 1328

(1) On the premises of a private residence; 1329

(2) In a chauffeured limousine that is located on any 1330
street, highway, or other public or private property open to the 1331
public for purposes of vehicular travel or parking if all the 1332
following apply: 1333

(a) The person, or the guest of the person, pays all or a 1334
portion of the fee imposed for the use of a chauffeured 1335
limousine pursuant to a prearranged contract. 1336

(b) The person or guest is a passenger in the limousine. 1337

(c) The person or guest is located in the limousine but is 1338

not occupying a seat in the front compartment of the limousine 1339
where the operator of the limousine is located. 1340

(C) Except as provided in division (B) of this section, no 1341
person shall have in the person's possession an opened container 1342
of a drinkable cannabinoid product in any of the following 1343
circumstances: 1344

(1) In any public place; 1345

(2) While operating or being a passenger in or on a motor 1346
vehicle on any street, highway, or other public or private 1347
property open to the public for purposes of vehicular travel or 1348
parking; 1349

(3) While being in or on a stationary motor vehicle on any 1350
street, highway, or other public or private property open to the 1351
public for purposes of vehicular travel or parking. 1352

Sec. 3779.40. (A) As used in sections 3779.40 to 3779.48 1353
of the Revised Code: 1354

(1) "Licensed dispensary" has the same meaning as in 1355
section 3796.01 of the Revised Code. 1356

(2) "Intoxicating hemp product receipts" means the total 1357
amount received by a licensed dispensary, without deduction for 1358
the cost of goods, taxes paid, or other expenses incurred, from 1359
the sale or other disposition of intoxicating hemp products to 1360
any other person. 1361

(3) "Received" has the same meaning as in section 5751.01 1362
of the Revised Code. 1363

(4) "Sale" includes exchange, barter, gift, offer for 1364
sale, and distribution, and includes transactions in interstate 1365
or foreign commerce. 1366

(5) "Taxpayer" means any person liable for a tax imposed 1367
under this section. 1368

(6) "Gallon" means one hundred twenty-eight fluid ounces. 1369

(B) For the purpose of providing for the needs of this 1370
state, a tax is levied on the intoxicating hemp product receipts 1371
received by a licensed dispensary each month at the rate of ten 1372
per cent of such receipts. All revenue from the tax shall be 1373
credited to the general revenue fund. The tax is part of the 1374
price for purposes of sales and use taxes levied under Chapters 1375
5739. and 5741. of the Revised Code. 1376

(C) For the purpose of providing for the needs of this 1377
state, an excise tax is levied on sales by a manufacturer to a 1378
distributor or retailer of drinkable cannabinoid products at the 1379
rate of three dollars and fifty cents per gallon of such 1380
products sold. All revenue from the tax shall be credited to the 1381
general revenue fund. 1382

(D) Not later than thirty days after first receiving 1383
intoxicating hemp product receipts, a licensed dispensary shall 1384
register with the tax commissioner by submitting all of the 1385
following: 1386

(1) A copy of the license or licenses issued to the 1387
registrant under Chapter 3780. or 3796. of the Revised Code; 1388

(2) The registrant's federal employer identification 1389
number or social security number or equivalent, as applicable; 1390

(3) All other information that the commissioner requires 1391
to administer and enforce the tax levied under division (B) of 1392
this section. 1393

(E) Not later than thirty days after first selling a 1394

drinkable cannabinoid product to a distributor or retailer, a 1395
manufacturer shall register with the tax commissioner by 1396
submitting all of the following: 1397

(1) The registrant's federal employer identification 1398
number or social security number or equivalent, as applicable; 1399

(2) All other information that the commissioner requires 1400
to administer and enforce the tax levied under division (C) of 1401
this section. 1402

(F) If the commissioner notifies a licensed dispensary or 1403
manufacturer required to register under this section of such 1404
requirement and of the requirement to remit the tax due under 1405
section 3779.41 of the Revised Code, and the licensed dispensary 1406
or manufacturer fails to so register and remit the tax within 1407
sixty days after the notice, the commissioner may impose an 1408
additional penalty of up to thirty-five per cent of the tax due. 1409

(G) A licensed dispensary that is registered with the tax 1410
commissioner under division (D) of this section shall notify the 1411
commissioner if any of the following occur with respect to a 1412
license issued to the registrant under Chapter 3780. or 3796. of 1413
the Revised Code: 1414

(1) The license expires or is revoked; 1415

(2) A change to the activities in which the registrant is 1416
permitted to engage; 1417

(3) A change in the location or facilities in which the 1418
registrant is permitted to engage in such activities. 1419

Sec. 3779.41. (A) Not later than the twentieth day of the 1420
month, every taxpayer shall file with the tax commissioner a 1421
return for the preceding calendar month reporting any 1422

information the commissioner finds necessary for the proper 1423
administration of sections 3779.40 to 3779.48 of the Revised 1424
Code, together with remittance of the tax due. In the case of 1425
the tax levied under division (B) of section 3779.40 of the 1426
Revised Code, the tax shall be calculated on the basis of the 1427
taxpayer's intoxicating hemp product receipts received during 1428
the preceding month. In the case of the tax levied under 1429
division (C) of section 3779.40 of the Revised Code, the tax 1430
shall be calculated on the basis of the gallons of drinkable 1431
cannabinoid products sold by the taxpayer to a distributor or 1432
retailer during the preceding month. 1433

(B) Any taxpayer that fails to file a return or pay the 1434
full amount of the tax due within the period prescribed under 1435
this section shall pay a penalty in an amount not exceeding the 1436
greater of fifty dollars or ten per cent of the tax required to 1437
be paid for the month. 1438

(C) (1) If any additional tax is found to be due, the tax 1439
commissioner may impose an additional penalty of up to fifteen 1440
per cent of the additional tax found to be due. 1441

(2) Any delinquent payments made after a taxpayer is 1442
notified of an audit or a tax discrepancy by the commissioner 1443
are subject to the penalty imposed by division (C) (1) of this 1444
section. If an assessment is issued under section 3779.44 of the 1445
Revised Code in connection with such delinquent payments, the 1446
payments shall be credited to the assessment. 1447

(D) The commissioner may collect any penalty or interest 1448
imposed by this section or section 3779.40 of the Revised Code 1449
in the same manner as the applicable tax imposed under that 1450
section. Penalties and interest so collected shall be considered 1451
as revenue arising from that tax. 1452

(E) The commissioner may abate all or a portion of any 1453
penalties imposed under this section or section 3779.40 of the 1454
Revised Code and may adopt rules governing such abatements. 1455

(F) If any tax due is not timely paid within the period 1456
prescribed under this section, the taxpayer shall pay interest, 1457
calculated at the rate per annum prescribed by section 5703.47 1458
of the Revised Code, from the date the tax payment was due to 1459
the date of payment or to the date an assessment was issued, 1460
whichever occurs first. 1461

(G) The commissioner may impose a penalty of up to ten per 1462
cent for any additional tax that is due from a taxpayer that 1463
reports incorrect information. 1464

Sec. 3779.42. (A) Any taxpayer required to file returns 1465
under section 3779.41 of the Revised Code shall remit each tax 1466
payment, and, if required by the tax commissioner, file the tax 1467
return or the annual report, electronically. The commissioner 1468
may require taxpayers to use the Ohio business gateway as 1469
defined in section 718.01 of the Revised Code to file returns 1470
and remit the taxes, or may provide another means for taxpayers 1471
to file and remit the taxes electronically. 1472

(B) A taxpayer required to remit taxes or file returns 1473
electronically under division (A) of this section may apply to 1474
the commissioner, on a form prescribed by the commissioner, to 1475
be excused from that requirement. The commissioner may excuse a 1476
taxpayer from the requirements of this section for good cause. 1477

(C) (1) If a taxpayer required to remit tax or file a 1478
return electronically under division (A) of this section fails 1479
to do so, the commissioner may impose a penalty not to exceed 1480
the following: 1481

(a) For either of the first two months the taxpayer so 1482
fails, the greater of twenty-five dollars or five per cent of 1483
the amount of the payment that was required to be remitted; 1484

(b) For the third and any subsequent months the taxpayer 1485
so fails, the greater of fifty dollars or ten per cent of the 1486
amount of the payment that was required to be remitted. 1487

(2) The penalty imposed under division (C) (1) of this 1488
section shall be considered as revenue arising from the tax 1489
imposed under division (B) or (C) of section 3779.40 of the 1490
Revised Code, as applicable. A penalty may be collected by 1491
assessment in the manner prescribed by section 3779.44 of the 1492
Revised Code. The commissioner may abate all or a portion of 1493
such a penalty. 1494

(D) The commissioner may adopt rules necessary to 1495
administer this section. 1496

Sec. 3779.43. (A) An application for refund to the 1497
taxpayer of amounts imposed under sections 3779.40 to 3779.48 of 1498
the Revised Code that are overpaid, paid illegally or 1499
erroneously, or paid on any illegal or erroneous assessment 1500
shall be filed by the taxpayer with the tax commissioner, on a 1501
form prescribed by the commissioner, within four years after the 1502
date of the illegal or erroneous payment, or within any 1503
additional period allowed under division (F) of section 3779.44 1504
of the Revised Code. The applicant shall provide the amount of 1505
the requested refund along with the claimed reasons for, and 1506
documentation to support, the issuance of a refund. 1507

(B) On the filing of the refund application, the 1508
commissioner shall determine the amount of refund to which the 1509
applicant is entitled. If the amount is not less than that 1510

claimed, the commissioner shall certify the amount to the 1511
director of budget and management and treasurer of state for 1512
payment from the tax refund fund created under section 5703.052 1513
of the Revised Code. If the amount is less than that claimed, 1514
the commissioner shall proceed in accordance with section 1515
5703.70 of the Revised Code. 1516

(C) Interest on a refund applied for under this section, 1517
computed at the rate provided for in section 5703.47 of the 1518
Revised Code, shall be allowed from the later of the date the 1519
amount was paid or when the payment was due. 1520

(D) Except as provided in section 3779.431 of the Revised 1521
Code, the commissioner may, with the consent of the taxpayer, 1522
provide for the crediting, against tax due for any month, of the 1523
amount of any refund due to the taxpayer under this section for 1524
a preceding month. 1525

Sec. 3779.431. As used in this section, "debt to this 1526
state" means unpaid taxes due the state, unpaid workers' 1527
compensation premiums due under section 4123.35 of the Revised 1528
Code, unpaid unemployment compensation contributions due under 1529
section 4141.25 of the Revised Code, unpaid unemployment 1530
compensation payment in lieu of contribution under section 1531
4141.241 of the Revised Code, unpaid fees payable to the state 1532
or to the clerk of courts pursuant to section 4505.06 of the 1533
Revised Code, incorrect payments for medicaid services under the 1534
medicaid program, or any unpaid charge, penalty, or interest 1535
arising from any of the foregoing. 1536

If a taxpayer entitled to a refund under section 3779.43 1537
of the Revised Code owes any debt to this state, the amount 1538
refundable may be applied in satisfaction of the debt. If the 1539
amount refundable is less than the amount of the debt, it may be 1540

applied in partial satisfaction of the debt. If the amount 1541
refundable is greater than the amount of the debt, the amount 1542
remaining after satisfaction of the debt shall be refunded. This 1543
section applies only to debts that have become final. For the 1544
purposes of this section, a debt becomes final when, under the 1545
applicable law, any time provided for petition for reassessment, 1546
request for reconsideration, or other appeal of the legality or 1547
validity of the amount giving rise to the debt expires without 1548
an appeal having been filed in the manner provided by law. 1549

Sec. 3779.44. (A) The tax commissioner may make an 1550
assessment, based on any information in the commissioner's 1551
possession, against any person that fails to file a return or 1552
pay tax as required under section 3779.41 of the Revised Code. 1553
The commissioner shall give the person assessed written notice 1554
of the assessment as provided in section 5703.37 of the Revised 1555
Code. With the notice, the commissioner shall provide 1556
instructions on the manner in which to petition for reassessment 1557
and request a hearing with respect to the petition. 1558

(B) Unless the person assessed, within sixty days after 1559
service of the notice of assessment, files with the 1560
commissioner, either personally or by certified mail, a written 1561
petition signed by the person or the person's authorized agent 1562
having knowledge of the facts, the assessment becomes final, and 1563
the amount of the assessment is due and payable from the person 1564
assessed to the treasurer of state. The petition shall indicate 1565
the objections of the person assessed, but additional objections 1566
may be raised in writing if received by the commissioner before 1567
the date shown on the final determination. 1568

If a petition for reassessment has been properly filed, 1569
the commissioner shall proceed under section 5703.60 of the 1570

Revised Code.

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(C) (1) After an assessment becomes final, if any portion
of the assessment, including accrued interest, remains unpaid, a
certified copy of the commissioner's entry making the assessment
final may be filed in the office of the clerk of the court of
common pleas in the county in which the person resides or has
its principal place of business in this state, or in the office
of the clerk of the court of common pleas of Franklin county.

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(2) Immediately upon the filing of the entry, the clerk
shall enter judgment for the state against the person assessed
in the amount shown on the entry. The judgment may be filed by
the clerk in a loose-leaf book entitled "special judgments for
the intoxicating hemp product receipts tax" or "special
judgments for the drinkable cannabinoid product tax," as
applicable, and shall have the same effect as other judgments.
Execution shall issue upon the judgment at the request of the
commissioner, and all laws applicable to sales on execution
shall apply to sales made under the judgment.

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(3) If the assessment is not paid in its entirety within
sixty days after the day the assessment was issued, the portion
of the assessment consisting of tax due shall bear interest at
the rate per annum prescribed by section 5703.47 of the Revised
Code from the day the commissioner issues the assessment until
it is paid or until it is certified to the attorney general for
collection under section 131.02 of the Revised Code, whichever
comes first. If the unpaid portion of the assessment is
certified to the attorney general for collection, the entire
unpaid portion of the assessment shall bear interest at the rate
per annum prescribed by section 5703.47 of the Revised Code from
the date of certification until the date it is paid in its

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entirety. Interest shall be paid in the same manner as the tax 1601
imposed by division (B) or (C) of section 3779.40 of the Revised 1602
Code, as applicable, and may be collected by the issuance of an 1603
assessment under this section. 1604

(D) If the commissioner believes that collection of a tax 1605
imposed by this chapter will be jeopardized unless proceedings 1606
to collect or secure collection of the tax is instituted without 1607
delay, the commissioner may issue a jeopardy assessment against 1608
the person liable for the tax. Immediately upon the issuance of 1609
the jeopardy assessment, the commissioner shall file an entry 1610
with the clerk of the court of common pleas in the manner 1611
prescribed by division (C) of this section. Notice of the 1612
jeopardy assessment shall be served on the person assessed or 1613
the person's authorized agent in the manner provided in section 1614
5703.37 of the Revised Code within five days of the filing of 1615
the entry with the clerk. The total amount assessed is 1616
immediately due and payable unless the person assessed files a 1617
petition for reassessment in accordance with division (B) of 1618
this section and provides security in a form satisfactory to the 1619
commissioner and in an amount sufficient to satisfy the unpaid 1620
balance of the assessment. Full or partial payment of the 1621
assessment does not prejudice the commissioner's consideration 1622
of the petition for reassessment. 1623

(E) The commissioner shall immediately forward to the 1624
treasurer of state all amounts the commissioner receives under 1625
this section, and such amounts shall be considered as revenue 1626
arising from the tax imposed under division (B) or (C) of 1627
section 3779.40 of the Revised Code, as applicable. 1628

(F) Except as otherwise provided in this division, no 1629
assessment shall be made or issued against a taxpayer for a tax 1630

imposed under this chapter more than four years after the due 1631
date for the filing of the return for the tax period for which 1632
the tax was reported, or more than four years after the return 1633
for the tax period was filed, whichever is later. The time limit 1634
may be extended if both the taxpayer and the commissioner 1635
consent in writing to the extension or enter into an agreement 1636
waiving or extending the time limit. Any such extension shall 1637
extend the four-year time limit in division (A) of section 1638
3779.43 of the Revised Code for the same period of time. Nothing 1639
in this division bars an assessment against a taxpayer that 1640
fails to file a return required under section 3779.41 of the 1641
Revised Code or that files a fraudulent return. 1642

(G) If the commissioner possesses information that 1643
indicates that the amount of tax a taxpayer is required to pay 1644
under division (B) or (C) of section 3779.40 of the Revised Code 1645
exceeds the amount the taxpayer paid, the commissioner may audit 1646
a sample of the taxpayer's sales over a representative period of 1647
time to ascertain the amount of tax due, and may issue an 1648
assessment based on the audit. The commissioner shall make a 1649
good faith effort to reach agreement with the taxpayer in 1650
selecting a representative sample. The commissioner may apply a 1651
sampling method only if the commissioner has prescribed the 1652
method by rule. 1653

(H) If the whereabouts of a person subject to this chapter 1654
is not known to the tax commissioner, the commissioner shall 1655
follow the procedures under section 5703.37 of the Revised Code. 1656

Sec. 3779.45. If any person liable for a tax imposed under 1657
section 3779.40 of the Revised Code sells the trade or business, 1658
disposes in any manner other than in the regular course of 1659
business at least seventy-five per cent of assets of the trade 1660

or business, or quits the trade or business, any tax owed by
such person shall become due and payable immediately, and the
person shall pay the tax due under this chapter, including any
applicable penalties and interest, within forty-five days after
the date of selling or quitting the trade or business. The
person's successor shall withhold a sufficient amount of the
purchase money to cover the amount due and unpaid until the
former owner produces a receipt from the tax commissioner
showing that the amounts are paid or a certificate indicating
that no tax is due. If a purchaser fails to withhold purchase
money, that person is personally liable, up to the purchase
money amount, for such amounts that are unpaid during the
operation of the business by the former owner.

The commissioner may adopt rules regarding the issuance of
certificates under this section, including the waiver of the
need for a certificate if certain criteria are met.

Sec. 3779.451. If any person subject to the tax levied
under division (B) of section 3779.40 of the Revised Code fails
to report or pay the tax as required under section 3779.41 of
the Revised Code, or fails to pay any penalty imposed under
sections 3779.40 to 3779.48 of the Revised Code within ninety
days after the time prescribed for payment of the penalty, the
attorney general, on the request of the tax commissioner, shall
commence an action in quo warranto in the court of appeals of
the county in which the person resides or has its principal
place of business to forfeit and annul the person's licenses
issued under Chapter 3780. or 3796. of the Revised Code. If the
court finds that the person is in default for the amount
claimed, it shall render judgment revoking the person's
registration and shall otherwise proceed as provided in Chapter
2733. of the Revised Code.

Sec. 3779.46. (A) The tax commissioner may prescribe 1692
requirements for the keeping of records and other pertinent 1693
documents, the filing of copies of federal income tax returns 1694
and determinations, and computations reconciling federal income 1695
tax returns with the returns required by section 3779.41 of the 1696
Revised Code. The commissioner may require any person, by rule 1697
or notice served on that person, to keep those records that the 1698
commissioner considers necessary to show whether, and the extent 1699
to which, a person is subject to a tax levied under section 1700
3779.40 of the Revised Code. 1701

(B) Each taxpayer shall maintain complete and accurate 1702
records of all sales and other dispositions of intoxicating hemp 1703
products or drinkable cannabinoid products, as applicable, and 1704
shall procure and retain all invoices, bills of lading, and 1705
other documents relating to the sales and other dispositions of 1706
such products. No person shall make a false entry upon any 1707
invoice or record upon which an entry is required by this 1708
section, and no person shall present any false entry for the 1709
inspection of the commissioner with the intent to evade a tax 1710
levied under section 3779.40 of the Revised Code. 1711

(C) The records described in divisions (A) and (B) of this 1712
section and other documents shall be open during business hours 1713
to the inspection of the commissioner, and shall be preserved 1714
for a period of four years, unless the commissioner, in writing, 1715
consents to their destruction within that period, or by order 1716
requires that they be kept for a longer period. If such records 1717
are normally kept by the person electronically, the person shall 1718
provide such records to the commissioner electronically at the 1719
commissioner's request. 1720

(D) Any information acquired by the commissioner under 1721

this chapter is confidential as provided for in section 5703.21 1722
of the Revised Code, except that the commissioner shall make 1723
public an electronic list of all actively registered persons 1724
required to remit a tax under section 3779.40 of the Revised 1725
Code, including legal names, trade names, addresses, and account 1726
numbers. In addition, the list shall include all persons that 1727
canceled their registrations at any time during the preceding 1728
four calendar years, including the effective date of the 1729
cancellation. 1730

Sec. 3779.47. (A) No person shall prepare for shipment, 1731
ship, transport, deliver, prepare for distribution, distribute, 1732
or sell intoxicating hemp products or drinkable cannabinoid 1733
products, or otherwise engage or participate in the business of 1734
selling intoxicating hemp products or drinkable cannabinoid 1735
products, with the intent to avoid payment of a tax levied by 1736
section 3779.40 of the Revised Code. 1737

(B) The tax commissioner or an agent of the commissioner 1738
may enter and inspect the facilities and records of a person 1739
selling intoxicating hemp products or drinkable cannabinoid 1740
products. Such entrance and inspection requires a properly 1741
issued search warrant if conducted outside the normal business 1742
hours of the person, but does not require a search warrant if 1743
conducted during the normal business hours of the person. No 1744
person shall prevent or hinder the commissioner or an agent of 1745
the commissioner from carrying out the authority granted under 1746
this division. 1747

(C) Whenever the commissioner discovers intoxicating hemp 1748
products or drinkable cannabinoid products that are subject to a 1749
tax levied by this chapter and upon which the tax has not been 1750
paid or the commissioner has reason to believe the tax is being 1751

avoided, the commissioner may seize and take possession of the 1752
products, which, upon seizure, shall be forfeited to the state. 1753
Within a reasonable time after seizure, the commissioner may 1754
sell the products. From the proceeds of this sale, the 1755
commissioner shall pay the costs incurred in the seizure and 1756
sale, and any proceeds remaining after the sale shall be 1757
considered as revenue arising from the tax. The seizure and sale 1758
do not relieve any person from the fine or imprisonment provided 1759
for a violation of this chapter. The commissioner shall make the 1760
sale where it is most convenient and economical, but may order 1761
the destruction of forfeited products if the quantity or quality 1762
is not sufficient to warrant its sale. 1763

Sec. 3779.48. (A) Any person that is not a taxpayer 1764
registered under section 3779.40 of the Revised Code is liable 1765
for any amounts, including tax, interest, and penalties, imposed 1766
by sections 3779.40 to 3779.48 of the Revised Code in the same 1767
manner as persons that do hold such a registration are liable, 1768
if the person does either of the following: 1769

(1) Receives intoxicating hemp product receipts from the 1770
retail sale of intoxicating hemp; 1771

(2) Sells drinkable cannabinoid products upon which the 1772
tax levied by those sections has not been paid. 1773

(B) The tax commissioner may issue an assessment against a 1774
person described in division (A) of this section for any amount 1775
due under this chapter in the same manner provided under section 1776
3779.44 of the Revised Code. 1777

Sec. 3779.99. (A) Except as provided in division (B) of 1778
this section, whoever recklessly violates division (A)(1) of 1779
section 3779.02 of the Revised Code is guilty of a misdemeanor 1780

of the first degree on a first offense and a felony of the fifth 1781
degree on a second or subsequent offense. 1782

(B) Whoever recklessly violates division (A) (1) of section 1783
3779.02 of the Revised Code is guilty of a felony of the fifth 1784
degree if the offense involves the sale of an intoxicating hemp 1785
product to a person under twenty-one years of age. 1786

(C) Whoever knowingly violates section 3779.06 of the 1787
Revised Code is guilty of a minor misdemeanor. 1788

(D) (1) As used in this section, "licensing authority" 1789
means the following: 1790

(a) For purposes of a license issued under section 3770.05 1791
of the Revised Code, the state lottery commission; 1792

(b) For purposes of sections 5743.15 and 5743.61 of the 1793
Revised Code, the tax commissioner; 1794

(c) For purposes of Chapter 4303. of the Revised Code, the 1795
division of liquor control. 1796

(2) A licensing authority shall adopt rules in accordance 1797
with Chapter 119. of the Revised Code to enforce violations of 1798
this chapter directly against a person who has been issued a 1799
license under section 3770.05, 5743.15, or 5743.61 or has been 1800
issued a permit under Chapter 4303. of the Revised Code, as 1801
applicable. 1802

(E) Whoever recklessly violates division (A) of section 1803
3779.22 of the Revised Code is guilty of a misdemeanor of the 1804
first degree on a first offense and a felony of the fifth degree 1805
on a second or subsequent offense. 1806

(F) Whoever recklessly violates division (F) of section 1807
3779.22 of the Revised Code is guilty of a felony of the fifth 1808

degree. 1809

(G) Whoever knowingly violates section 3779.29 of the 1810
Revised Code is guilty of a minor misdemeanor. 1811

(H) Whoever knowingly files a fraudulent refund claim 1812
under section 3779.43 of the Revised Code shall be fined the 1813
greater of one thousand dollars or the amount of the fraudulent 1814
refund requested, or imprisoned not more than sixty days, or 1815
both. 1816

(I) Except as otherwise provided in this section, whoever 1817
knowingly violates sections 3779.40 to 3779.48 of the Revised 1818
Code shall be fined not more than five hundred dollars, or 1819
imprisoned not more than thirty days, or both. 1820

(J) The penalties provided in divisions (H) and (I) of 1821
this section are in addition to any penalties imposed by the tax 1822
commissioner under sections 3779.40 to 3779.48 of the Revised 1823
Code. 1824

Sec. 3796.01. (A) As used in this chapter: 1825

(1) "Marijuana" means marihuana as defined in section 1826
3719.01 of the Revised Code. 1827

(2) "Medical marijuana" means marijuana that is 1828
cultivated, processed, dispensed, tested, possessed, or used for 1829
a medical purpose in accordance with this chapter. "Medical 1830
marijuana" does not include adult-use marijuana or homegrown 1831
marijuana. 1832

(3) "Academic medical center" has the same meaning as in 1833
section 4731.297 of the Revised Code. 1834

(4) "Drug database" means the database established and 1835
maintained by the state board of pharmacy pursuant to section 1836

4729.75 of the Revised Code.	1837
(5) "Physician" means an individual authorized under	1838
Chapter 4731. of the Revised Code to practice medicine and	1839
surgery or osteopathic medicine and surgery.	1840
(6) "Qualifying medical condition" means any of the	1841
following:	1842
(a) Acquired immune deficiency syndrome;	1843
(b) Alzheimer's disease;	1844
(c) Amyotrophic lateral sclerosis;	1845
(d) Cancer;	1846
(e) Chronic traumatic encephalopathy;	1847
(f) Crohn's disease;	1848
(g) Epilepsy or another seizure disorder;	1849
(h) Fibromyalgia;	1850
(i) Glaucoma;	1851
(j) Hepatitis C;	1852
(k) Inflammatory bowel disease;	1853
(l) Multiple sclerosis;	1854
(m) Pain that is either of the following:	1855
(i) Chronic and severe;	1856
(ii) Intractable.	1857
(n) Parkinson's disease;	1858
(o) Positive status for HIV;	1859

(p) Post-traumatic stress disorder;	1860
(q) Sickle cell anemia;	1861
(r) Spinal cord disease or injury;	1862
(s) Tourette's syndrome;	1863
(t) Traumatic brain injury;	1864
(u) Ulcerative colitis;	1865
(v) Any other disease or condition added by the state medical board under section 4731.302 of the Revised Code.	1866 1867
(7) "State university" has the same meaning as in section 3345.011 of the Revised Code.	1868 1869
<u>(8) "Adult-use consumer" means an individual who is at least twenty-one years of age.</u>	1870 1871
<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>	1872 1873 1874 1875 1876 1877 1878 1879 1880 1881
<u>(10) "Church" has the meaning defined in section 1710.01 of the Revised Code.</u>	1882 1883
<u>(11) "Public library" means a library provided for under Chapter 3375. of the Revised Code.</u>	1884 1885
<u>(12) "Public park" means a park established by the state</u>	1886

or a political subdivision of the state, including a county, 1887
township, municipal corporation, or park district. 1888

(13) "Public playground" means a playground established by 1889
the state or a political subdivision of the state, including a 1890
county, township, municipal corporation, or park district. 1891

(14) "School" means a child care center as defined under 1892
section 5104.01 of the Revised Code, a preschool as defined 1893
under section 2950.034 of the Revised Code, or a public or 1894
nonpublic primary school or secondary school. 1895

(15) "Public place" has the same meaning as in section 1896
3794.01 of the Revised Code. 1897

(16) "Ohio investigative unit" means the investigative 1898
unit maintained by the department of public safety under section 1899
5502.13 of the Revised Code. 1900

(17) "Homegrown marijuana" means marijuana cultivated, 1901
grown, processed, or possessed by an adult-use consumer in 1902
accordance with section 3796.04 of the Revised Code. "Homegrown 1903
marijuana" includes marijuana cultivated, grown, processed, or 1904
possessed before the effective date of this amendment under 1905
former section 3780.28 of the Revised Code, as that section 1906
existed immediately prior to the effective date of this 1907
amendment. "Homegrown marijuana" does not include medical 1908
marijuana or adult-use marijuana. 1909

(18) "Provisional license" means a temporary license 1910
issued to an applicant for a cultivator, processor, retail 1911
dispensary, or laboratory license under this chapter or Chapter 1912
3780. of the Revised Code, as that chapter existed immediately 1913
before the effective date of this amendment, that establishes 1914
the conditions that must be met before the provisional license 1915

holder may engage in the activities authorized by section 1916
3796.18, 3796.19, 3796.20, or 3796.21 of the Revised Code. 1917

(19) "Certificate of operation" means a certificate issued 1918
to the holder of a provisional license that authorizes the 1919
recipient to engage in the activities authorized by section 1920
3796.18, 3796.19, 3796.20, or 3796.21 of the Revised Code. 1921

(20) (a) "Disqualifying offense" means, subject to 1922
divisions (A) (20) (b) and (c) of this section, committing, 1923
attempting to commit, or aiding and abetting another in 1924
committing any of the following: 1925

(i) Any offense set forth in Chapter 2925., 3719., or 1926
4729. of the Revised Code, the violation of which constitutes a 1927
felony or a misdemeanor of the first degree; 1928

(ii) Any theft offense set forth under division (K) of 1929
section 2913.01 of the Revised Code, the violation of which 1930
constitutes a felony; 1931

(iii) Any violation for which a penalty is imposed under 1932
section 3715.99 of the Revised Code; 1933

(iv) A crime of moral turpitude as defined in section 1934
4776.10 of the Revised Code; 1935

(v) A violation of any former law of this state, any 1936
existing or former law of another state, any existing or former 1937
law applicable in a military court or Indian tribal court, or 1938
any existing or former law of any nation other than the United 1939
States that is or was substantially equivalent to any of the 1940
offenses listed in divisions (A) (20) (a) (i) to (iv) of this 1941
section. 1942

(b) "Disqualifying offense" does not include a misdemeanor 1943

offense respecting which an applicant for licensure or 1944
employment is convicted of, or pleads guilty to, more than five 1945
years before the date the application is submitted. 1946

(c) "Disqualifying offense" does not include any 1947
misdemeanor offense related to marijuana possession, marijuana 1948
trafficking, illegal cultivation of marijuana, illegal use or 1949
possession of drug paraphernalia or marijuana drug 1950
paraphernalia, or other misdemeanor marijuana-related offenses. 1951

(21) "Licensed cultivator" means the holder of a current, 1952
valid license issued pursuant to this chapter or Chapter 3780. 1953
of the Revised Code, as that chapter existed immediately before 1954
the effective date of this amendment, to engage in the 1955
activities authorized by section 3796.18 of the Revised Code. 1956

(22) "Licensed processor" means the holder of a current, 1957
valid license issued pursuant to this chapter or Chapter 3780. 1958
of the Revised Code, as that chapter existed immediately before 1959
the effective date of this amendment, to engage in the 1960
activities authorized by section 3796.19 of the Revised Code. 1961

(23) "Licensed dispensary" means the holder of a current, 1962
valid license issued pursuant to this chapter or Chapter 3780. 1963
of the Revised Code, as that chapter existed immediately before 1964
the effective date of this amendment, to engage in the 1965
activities authorized by section 3796.20 of the Revised Code. 1966

(24) "Licensed laboratory" means the holder of a current, 1967
valid license issued pursuant to this chapter or Chapter 3780. 1968
of the Revised Code, as that chapter existed immediately before 1969
the effective date of this amendment, to engage in the 1970
activities authorized by section 3796.21 of the Revised Code. 1971

(25) "License holder" means the holder of a current, valid 1972

license issued under this chapter or Chapter 3780. of the 1973
Revised Code, as that chapter existed immediately before the 1974
effective date of this amendment; 1975

(26) "Intoxicating hemp product" has the same meaning as 1976
in section 3779.01 of the Revised Code. 1977

(B) As used in the Revised Code, the "division of cannabis 1978
control" means the division of marijuana control and the 1979
"superintendent of cannabis control" means the superintendent of 1980
marijuana control. Whenever the division of cannabis control or 1981
the superintendent of cannabis control is referred to or 1982
designated in any statute, rule, contract, grant, or other 1983
document, the reference or designation shall be deemed to refer 1984
to the division of marijuana control or the superintendent of 1985
marijuana control, as indicated by context. 1986

(C) Notwithstanding any conflicting provision of Chapter 1987
3719. of the Revised Code or the rules adopted under it, for 1988
purposes of this chapter, ~~medical~~-marijuana is a schedule II 1989
controlled substance. 1990

Sec. 3796.02. There is hereby established a division of 1991
marijuana control in the department of commerce under the 1992
supervision and direction of the superintendent of marijuana 1993
control as established under section 121.04 of the Revised Code. 1994
The ~~medical~~-marijuana control program is hereby established in 1995
the division of marijuana control. The division shall provide 1996
for the licensure of ~~medical~~-marijuana cultivators, processors, 1997
retail dispensaries, and laboratories that test ~~medical~~- 1998
marijuana. The division shall also provide for the registration 1999
of patients and their caregivers. The division shall administer 2000
the ~~medical~~-marijuana control program. 2001

Sec. 3796.03. (A) The division of marijuana control shall 2002
adopt rules establishing standards and procedures for the 2003
~~medical-marijuana~~ control program. 2004

All rules adopted under this section shall be adopted in 2005
accordance with Chapter 119. of the Revised Code. 2006

(B) The rules shall do all of the following: 2007

(1) Establish application procedures and fees for ~~licenses~~ 2008
~~it issues under this chapter~~licensure; 2009

(2) Specify ~~both of the following:~~ 2010

~~(a) The conditions that must be met to be eligible for~~ 2011
~~licensure;~~ 2012

~~(b) In accordance with section 9.79 of the Revised Code,~~ 2013
~~the criminal offenses for which an applicant will be~~ 2014
~~disqualified from licensure pursuant to that section.~~ 2015

(3) Establish, in accordance with section 3796.05 of the 2016
Revised Code, the number of cultivator licenses ~~and retail-~~ 2017
~~dispensary licenses~~ that will be permitted at any one time; 2018

(4) Establish a license renewal schedule, renewal 2019
procedures, and renewal fees; 2020

(5) Specify reasons for which a license may be suspended, 2021
including without prior hearing, revoked, or not be renewed or 2022
issued and the reasons for which a civil penalty may be imposed 2023
on a license holder; 2024

(6) Establish standards under which a license suspension 2025
may be lifted; 2026

(7) Establish procedures for registration of medical 2027
marijuana patients and caregivers and requirements that must be 2028

met to be eligible for registration; 2029

(8) Establish training requirements for employees of 2030
~~retail-licensed~~ dispensaries; 2031

~~(9) Specify if a cultivator, processor, retail dispensary,~~ 2032
~~or laboratory that is licensed under this chapter and that~~ 2033
~~existed at a location before a school, church, public library,~~ 2034
~~public playground, or public park became established within five~~ 2035
~~hundred feet of the cultivator, processor, retail dispensary, or~~ 2036
~~laboratory, may remain in operation or shall relocate or have~~ 2037
~~its license revoked by the division;~~ 2038

~~(10)~~ Specify, by form and tetrahydrocannabinol content, a 2039
maximum ninety-day supply of medical marijuana that may be 2040
possessed; 2041

~~(11)~~(10) Specify the paraphernalia or other accessories 2042
that may be used in the administration ~~to a registered patient~~ 2043
of medical marijuana, adult-use marijuana, and homegrown 2044
marijuana; 2045

~~(12)~~(11) Establish procedures for the issuance of patient 2046
or caregiver identification cards; 2047

~~(13)~~(12) Specify the forms of or methods of using adult- 2048
use marijuana and medical marijuana that are attractive to 2049
children; 2050

~~(14)~~ Specify both of the following: 2051

~~(a) Subject to division (B) (14) (b) of this section, the~~ 2052
~~criminal offenses for which a person will be disqualified from~~ 2053
~~employment with a license holder;~~ 2054

~~(b) Which of the criminal offenses specified pursuant to~~ 2055
~~division (B) (14) (a) of this section will not disqualify a person~~ 2056

~~from employment with a license holder if the person was~~ 2057
~~convicted of or pleaded guilty to the offense more than five~~ 2058
~~years before the date the employment begins.~~ 2059

~~(15)~~(13) Establish a program to assist medical marijuana 2060
patients who are veterans or indigent in obtaining medical 2061
marijuana in accordance with this chapter; 2062

~~(16)~~(14) Establish, in accordance with section 3796.05 of 2063
the Revised Code, standards and procedures for the testing of 2064
medical marijuana and adult-use marijuana by a licensed 2065
~~laboratory licensed under this chapter;~~ 2066

(15) Establish standards and procedures for online and 2067
mobile ordering and delivery of medical marijuana and adult-use 2068
marijuana by a licensed dispensary or an agent of a licensed 2069
dispensary to an adult-use consumer or registered medical 2070
marijuana patient or caregiver, as applicable; 2071

(16) Establish application procedures, fees, and standards 2072
for the issuance of universal marijuana work permits and 2073
provisional universal marijuana permits in accordance with 2074
section 3796.13 of the Revised Code. 2075

(C) In addition to the rules described in division (B) of 2076
this section, the division may adopt any other rules it 2077
considers necessary for the program's administration and the 2078
implementation and enforcement of this chapter. 2079

(D) When adopting rules under this section, the division 2080
shall consider standards and procedures that have been found to 2081
be best practices relative to the use and regulation of medical 2082
marijuana, adult-use marijuana, and homegrown marijuana. 2083

Sec. 3796.04. (A) Notwithstanding any conflicting 2084
provision of the Revised Code, an adult-use consumer may do all 2085

of the following: 2086

(1) Cultivate, grow, and possess homegrown marijuana 2087
plants at the adult-use consumer's primary residence, if all of 2088
the following apply: 2089

(a) Not more than six homegrown marijuana plants are 2090
cultivated or grown by each adult-use consumer; 2091

(b) Not more than twelve homegrown marijuana plants are 2092
cultivated or grown at a single residence; 2093

(c) Cultivation or growing of homegrown marijuana takes 2094
place only within a secured closet, room, greenhouse, or other 2095
enclosed area in or on the grounds of the residence that 2096
prevents access by individuals under twenty-one years of age, 2097
and which is not visible by normal unaided vision from a public 2098
space; 2099

(d) Cultivation or growing of homegrown marijuana does not 2100
take place at a residence that is any of the following: 2101

(i) A type A family child care home or type B family child 2102
care home, as those terms are defined in section 5104.01 of the 2103
Revised Code; 2104

(ii) A halfway house, community transitional housing 2105
facility, community residential center, or other similar 2106
facility licensed by the division of parole and community 2107
services under section 2967.14 of the Revised Code; 2108

(iii) A residential premises occupied pursuant to a rental 2109
agreement that prohibits the activities otherwise authorized by 2110
this section. 2111

(2) Process homegrown marijuana by manual or mechanical 2112
means. 2113

<u>(3) Store homegrown marijuana and adult-use marijuana at</u>	2114
<u>the adult-use consumer's primary residence.</u>	2115
<u>(4) Use homegrown marijuana grown, cultivated, and</u>	2116
<u>processed at the adult-use consumer's primary residence;</u>	2117
<u>(5) Possess any paraphernalia or accessories that may be</u>	2118
<u>used in the administration of adult-use marijuana or homegrown</u>	2119
<u>marijuana;</u>	2120
<u>(6) Transfer adult-use marijuana to another adult-use</u>	2121
<u>consumer without remuneration at the transferor's primary</u>	2122
<u>residence.</u>	2123
<u>(B) Except as expressly authorized under division (A) (6)</u>	2124
<u>of this section, no person shall knowingly give, sell, or</u>	2125
<u>transfer homegrown marijuana to any other person, with or</u>	2126
<u>without remuneration.</u>	2127
<u>(C) This section does not authorize any person to:</u>	2128
<u>(1) Cultivate, grow, or process homegrown marijuana except</u>	2129
<u>at the person's primary residence;</u>	2130
<u>(2) Use, cultivate, process, transfer, or transport adult-</u>	2131
<u>use marijuana or homegrown marijuana before reaching twenty-one</u>	2132
<u>years of age;</u>	2133
<u>(3) Process homegrown by hydrocarbon-based extraction;</u>	2134
<u>(4) Sell, or profit from, homegrown marijuana;</u>	2135
<u>(5) Cultivate, grow, or possess homegrown marijuana on</u>	2136
<u>behalf of another person.</u>	2137
<u>(D) No person shall knowingly possess more than the</u>	2138
<u>following cumulative amounts of homegrown marijuana and adult-</u>	2139
<u>use marijuana:</u>	2140

(1) Two and one-half ounces of plant material, excluding 2141
any seeds, live plants, or clones being cultivated, grown, or 2142
processed in accordance with this section; 2143

(2) Fifteen grams of extract. 2144

(E) No person shall knowingly cultivate, grow, or possess 2145
homegrown marijuana in a manner that violates division (A) of 2146
this section. 2147

(F) Subject to divisions (B), (C), and (D) of this 2148
section, an adult-use consumer shall not be subject to arrest or 2149
criminal prosecution for cultivating, growing, possessing, 2150
processing, storing, or using homegrown marijuana, or possessing 2151
paraphernalia or accessories that may be used in the 2152
administration of adult-use or homegrown marijuana, in 2153
accordance with division (A) of this section. An adult-use 2154
consumer shall not be subject to arrest or criminal prosecution 2155
for a violation of division (A)(1)(a) or (b) of this section 2156
unless the number of homegrown marijuana plants the adult-use 2157
consumer cultivates, grows, or possesses is more than double the 2158
number of homegrown marijuana plants allowed under those 2159
divisions. 2160

(G) This section does not authorize an adult-use consumer 2161
to operate a vehicle, streetcar, trackless trolley, watercraft, 2162
or aircraft while under the influence of marijuana. 2163

Sec. 3796.05. (A) When establishing the number of 2164
cultivator licenses that will be permitted at any one time, the 2165
division of marijuana control shall consider ~~both~~ all of the 2166
following: 2167

(1) The population of this state; 2168

(2) The number of patients seeking to use medical 2169

marijuana; 2170

(3) The number of adult-use consumers seeking to use 2171
adult-use marijuana. 2172

~~(B) When establishing the number of retail dispensary~~ 2173
~~licenses that will~~ (B) (1) Not more than four hundred licensed 2174
dispensaries shall be permitted to operate in this state at any 2175
one time, the division shall consider all of the following: 2176

~~(1) The population of this state;~~ 2177

~~(2) The number of patients seeking to use medical~~ 2178
~~marijuana;~~ 2179

~~(3) The geographic distribution of dispensary sites in an~~ 2180
~~effort to ensure patient access to medical marijuana.~~ 2181

(2) (a) The division may revoke a dispensary license for 2182
failure to secure a certificate of operation within eighteen 2183
months after issuance of a provisional license. 2184

(b) The holder of a provisional license may apply to the 2185
division for not more than two six-month extensions of the 2186
deadline prescribed by division (B) (2) (a) of this section. The 2187
division shall approve the extension if the provisional license 2188
holder demonstrates that the provisional license holder has made 2189
a good-faith effort to become operational. 2190

(3) When issuing retail dispensary licenses, the division 2191
of marijuana control shall ensure that the geographic 2192
distribution of dispensary sites does not result in the 2193
oversaturation of any geographic area. 2194

(4) The division shall not, on or after the effective date 2195
of this amendment, issue a retail dispensary license for, or 2196
approve the relocation of a licensed retail dispensary to, a 2197

<u>location or facility:</u>	2198
<u>(a) That is within one mile of another licensed</u>	2199
<u>dispensary;</u>	2200
<u>(b) For which a permit has been issued under Chapter 4303.</u>	2201
<u>of the Revised Code to sell beer and intoxicating liquor, as</u>	2202
<u>those terms are defined in section 4301.01 of the Revised Code.</u>	2203
(C) When establishing standards and procedures for the	2204
testing of medical marijuana <u>and adult-use marijuana</u> , the	2205
division shall do all of the following:	2206
(1) Specify when testing must be conducted, <u>which shall</u>	2207
<u>not be more than once and shall occur before the medical</u>	2208
<u>marijuana or adult-use marijuana products are sold to a licensed</u>	2209
<u>dispensary;</u>	2210
(2) Determine the minimum amount of medical marijuana <u>or</u>	2211
<u>adult-use marijuana</u> that must be tested;	2212
(3) Specify the manner in which testing is to be conducted	2213
in an effort to ensure uniformity of medical marijuana products	2214
processed for and dispensed to patients <u>and adult-use marijuana</u>	2215
<u>products;</u>	2216
(4) Specify the manner in which test results are provided.	2217
Sec. 3796.06. (A) Only the following forms of medical	2218
marijuana may be dispensed under this chapter:	2219
(1) Oils;	2220
(2) Tinctures;	2221
(3) Plant material;	2222
(4) Edibles;	2223

(5) Patches;	2224
(6) Any other form approved by the division of marijuana control under section 3796.061 of the Revised Code.	2225 2226
(B) <u>Only the following forms of adult-use marijuana may be dispensed under this chapter:</u>	2227 2228
<u>(1) Any form in which medical marijuana may be dispensed;</u>	2229
<u>(2) Extracts;</u>	2230
<u>(3) Drops;</u>	2231
<u>(4) Lozenges;</u>	2232
<u>(5) Smoking or combustible products;</u>	2233
<u>(6) Vaporization products;</u>	2234
<u>(7) Beverages;</u>	2235
<u>(8) Pills;</u>	2236
<u>(9) Capsules;</u>	2237
<u>(10) Suppositories;</u>	2238
<u>(11) Oral pouches;</u>	2239
<u>(12) Oral strips;</u>	2240
<u>(13) Oral and topical sprays;</u>	2241
<u>(14) Salves;</u>	2242
<u>(15) Lotions or similar cosmetic products;</u>	2243
<u>(16) Inhalers;</u>	2244
<u>(17) Seeds;</u>	2245
<u>(18) Live plants;</u>	2246

<u>(19) Clones;</u>	2247
<u>(20) Pre-rolled products.</u>	2248
<u>(C) With respect to the methods of using medical</u>	2249
<u>marijuana, adult-use marijuana, homegrown marijuana, and</u>	2250
<u>intoxicating hemp products, all of the following apply:</u>	2251
<u>(1) The smoking or combustion of medical marijuana is</u>	2252
<u>prohibited.</u>	2253
<u>(2) The No person shall knowingly consume adult-use</u>	2254
<u>marijuana, homegrown marijuana, or intoxicating hemp products by</u>	2255
<u>smoking, combustion, or vaporization or knowingly consume</u>	2256
<u>medical marijuana by vaporization of medical marijuana is</u>	2257
<u>permitted in any place other than the following:</u>	2258
<u>(a) Privately owned real property that is used primarily</u>	2259
<u>for residential or agricultural purposes, including any</u>	2260
<u>dwelling, facilities, improvements, and appurtenances on such</u>	2261
<u>real property;</u>	2262
<u>(b) An outdoor concert venue in accordance with policies</u>	2263
<u>or rules adopted by the owner or operator of the outdoor concert</u>	2264
<u>venue that allow vaporization of medical marijuana products, or</u>	2265
<u>smoking, combustion, or vaporization of adult-use marijuana,</u>	2266
<u>homegrown marijuana, or intoxicating hemp products.</u>	2267
<u>(3) No person shall knowingly smoke, combust, or vaporize</u>	2268
<u>marijuana or intoxicating hemp products in any of the following:</u>	2269
<u>(a) A type A family child care home or type B family child</u>	2270
<u>care home, as those terms are defined in section 5104.01 of the</u>	2271
<u>Revised Code;</u>	2272
<u>(b) A halfway house, community transitional housing</u>	2273
<u>facility, community residential center, or other similar</u>	2274

facility licensed by the division of parole and community 2275
services under section 2967.14 of the Revised Code; 2276

(c) A residential premises occupied pursuant to a rental 2277
agreement that prohibits the smoking, combustion, or 2278
vaporization of marijuana or intoxicating hemp products; 2279

(d) A public place or place of employment, as those terms 2280
are defined in section 3794.01 of the Revised Code. 2281

(3) The division may approve additional methods of using 2282
medical marijuana, other than smoking or combustion, under 2283
section 3796.061 of the Revised Code. 2284

~~(C)~~ (D) (1) Any form or method of using adult-use marijuana 2285
or medical marijuana that is considered attractive to children, 2286
as specified in rules adopted by the division, is prohibited. 2287

(2) Adult-use marijuana and medical marijuana shall not be 2288
dispensed or sold in a form or shape that bears the likeness or 2289
contains the characteristics of a realistic or fictional human, 2290
animal, or fruit, including artistic, caricature, or cartoon 2291
renderings. 2292

~~(D) With respect to tetrahydrocannabinol content, all of~~ 2293
~~the following apply:~~ 2294

~~(1) Plant material shall have a~~ (E) (1) Except as otherwise 2295
provided in division (E) (3) of this section, the 2296
tetrahydrocannabinol content of medical marijuana dispensed or 2297
sold to patients or caregivers shall not more than thirty-five 2298
exceed: 2299

(a) Thirty-five per cent for plant material; 2300

(b) Seventy per cent for extracts. 2301

(2) ~~Extracts shall have a~~ Except as otherwise provided in 2302
division (E) (3) of this section, the tetrahydrocannabinol 2303
content of adult-use marijuana dispensed or sold to adult-use 2304
consumers shall not ~~more than seventy~~ exceed: 2305

(a) Thirty-five per cent for plant material; 2306

(b) Seventy per cent for extracts. 2307

(3) The division may adopt rules, in accordance with 2308
Chapter 119. of the Revised Code, that increase or eliminate the 2309
tetrahydrocannabinol content limits prescribed in divisions (E) 2310
(1) and (2) of this section. 2311

(F) No person shall knowingly give, sell, or distribute 2312
adult-use marijuana or homegrown marijuana to a person under 2313
twenty-one years of age. 2314

(G) No person under the age of twenty one shall knowingly 2315
purchase, use, or possess adult-use marijuana or homegrown 2316
marijuana. 2317

Sec. 3796.062. (A) No person shall knowingly transport 2318
marijuana other than adult-use marijuana, medical marijuana, or 2319
homegrown marijuana in a motor vehicle. 2320

(B) No person shall knowingly transport medical marijuana 2321
or adult-use marijuana other than unprocessed plant material, 2322
such as a bud or flower, in a motor vehicle unless either or 2323
both of the following apply: 2324

(1) The adult-use marijuana or medical marijuana is in the 2325
original, unopened packaging in which it was dispensed or sold; 2326

(2) The adult-use marijuana or medical marijuana is stored 2327
in the trunk of the motor vehicle or, if the motor vehicle does 2328
not have a trunk, behind the last upright seat of the motor 2329

vehicle or in an area not normally occupied by the driver or 2330
passengers and not easily accessible by the driver. 2331

(C) No person shall knowingly transport homegrown 2332
marijuana other than unprocessed plant material, such as a bud 2333
or flower, in a motor vehicle unless the homegrown marijuana is 2334
stored in the trunk of the motor vehicle or, if the motor 2335
vehicle does not have a trunk, behind the last upright seat of 2336
the motor vehicle or in an area not normally occupied by the 2337
driver or passengers and not easily accessible by the driver. 2338

(D) No person shall knowingly transport marijuana 2339
paraphernalia in a motor vehicle unless either or both of the 2340
following apply: 2341

(1) The marijuana paraphernalia is in the original, 2342
unopened packaging in which it was dispensed or sold; 2343

(2) The marijuana paraphernalia is stored in the trunk of 2344
the motor vehicle or, if the motor vehicle does not have a 2345
trunk, behind the last upright seat of the motor vehicle or in 2346
an area not normally occupied by the driver or passengers and 2347
not easily accessible by the driver. 2348

Sec. 3796.07. The department of commerce division of 2349
marijuana control shall establish and maintain an electronic 2350
database to monitor medical marijuana from its seed source 2351
through its cultivation, processing, testing, and dispensing. 2352
The department division may contract with a separate entity to 2353
establish and maintain all or any part of the electronic 2354
database on behalf of the department. 2355

The electronic database shall allow for information 2356
regarding medical marijuana to be updated instantaneously. Any 2357
cultivator, processor, retail dispensary, or laboratory licensed 2358

~~under this chapter~~ A license holder shall submit to the 2359
~~department division~~ any information the ~~department division~~ 2360
determines is necessary for maintaining the electronic database. 2361

Information reported or collected under this section, 2362
including all data contained in the electronic database, is 2363
confidential and is not a public record for the purposes of 2364
section 149.43 of the Revised Code. The ~~department division~~ and 2365
any entity under contract with the ~~department division~~ shall not 2366
make public any information reported to or collected by the 2367
~~department division~~ under this ~~division section~~ that identifies 2368
or would tend to identify any specific patient. Information or 2369
data that does not identify a specific patient may be released 2370
in summary, statistical, or aggregate form. 2371

Sec. 3796.09. (A) An entity that seeks to cultivate ~~or,~~ 2372
~~process medical marijuana,~~ or to conduct laboratory testing of 2373
medical marijuana and adult-use marijuana shall file an 2374
application for licensure with the ~~department division~~ of 2375
~~commerce~~ marijuana control. The entity shall file an application 2376
for each location from which it seeks to operate. Each 2377
application shall be submitted in accordance with rules adopted 2378
under section 3796.03 of the Revised Code. 2379

(B) The division shall evaluate and prioritize 2380
applications for licensure under this section according to the 2381
applicant's eligibility, suitability, and ability to operate. 2382

(C) The ~~department division~~ shall not issue a license to 2383
an applicant if unless all of the following ~~conditions~~ 2384
eligibility requirements are met: 2385

(1) The report of the criminal records check conducted 2386
pursuant to section 3796.12 of the Revised Code with respect to 2387

the application demonstrates that the person subject to the 2388
criminal records check requirement has not been convicted of or 2389
pleaded guilty to ~~any of the a~~ disqualifying offenses specified 2390
~~in rules adopted under section 9.79 and division (B) (2) (b) of~~ 2391
~~section 3796.03 of the Revised Code~~ offense. 2392

(2) ~~The~~ If the application is for a cultivator or 2393
processor license, the applicant demonstrates that it does not 2394
none of its current or prospective owners, officers, board 2395
members, administrators, employees, agents, or affiliates who 2396
may significantly influence or control the applicant's 2397
activities have an ownership or investment interest in or 2398
compensation arrangement with ~~any~~ either of the following: 2399

(a) A licensed laboratory ~~licensed under this chapter;~~ 2400
(b) An applicant for a license to conduct laboratory 2401
testing. 2402

(3) ~~The~~ If the application is for a cultivator or 2403
processor license, the applicant demonstrates that it does not 2404
none of its current or prospective owners, officers, board 2405
members, administrators, employees, agents, or affiliates who 2406
may significantly influence or control the applicant's 2407
activities share any corporate officers or employees with any 2408
either of the following: 2409

(a) A licensed laboratory ~~licensed under this chapter;~~ 2410
(b) An applicant for a license to conduct laboratory 2411
testing. 2412

(4) The applicant demonstrates that it will not be located 2413
within five hundred feet of a school, church, public library, 2414
public playground, or public park. 2415

(5) The information provided to the ~~department~~ division 2416
pursuant to section 3796.11 of the Revised Code demonstrates 2417
that the applicant is in compliance with the applicable tax laws 2418
of this state. 2419

(6) The applicant demonstrates sufficient liquid capital 2420
and ability to meet financial responsibility requirements; 2421

(7) The applicant demonstrates that the municipal 2422
corporation or township in which it will be located has not 2423
passed a moratorium or taken any other action that would 2424
prohibit the applicant from operating there; 2425

(8) The application does not contain false, misleading, or 2426
deceptive information and does not omit material information; 2427

(9) The applicant pays any fee required by the division; 2428

(10) The applicant meets all other licensure eligibility 2429
conditions established in rules adopted under section 3796.03 of 2430
the Revised Code. 2431

~~(C)~~ (D) If the number of eligible applicants exceed the 2432
number of available licenses, the division shall use an 2433
impartial and evidence-based process to rank the eligible 2434
applicants. The ranking process shall take into account all of 2435
the following: 2436

(1) The applicant's business plan; 2437

(2) The applicant's operations plan; 2438

(3) The applicant's security plan; 2439

(4) The applicant's financial plan; 2440

(5) The applicant's principal place of business; 2441

(6) The proposed location of the cultivation, processing, 2442

<u>or laboratory facility;</u>	2443
<u>(7) The applicant's plan for generating job and economic development in this state;</u>	2444
	2445
<u>(8) The applicant's environmental plan;</u>	2446
<u>(9) Employment practices, including any plans to inform, hire, or educate residents of the state, veterans, disabled persons, women, or minorities;</u>	2447
	2448
	2449
<u>(10) The criminal records of all persons subject to the criminal records check requirement;</u>	2450
	2451
<u>(11) The civil and administrative history of the applicant and persons associated with the applicant;</u>	2452
	2453
<u>(12) Any other eligibility, suitability, or operations-based determination specified in this chapter or rules adopted by the division thereunder.</u>	2454
	2455
	2456
<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>	2457
	2458
	2459
<u>(a) Highly exceeds;</u>	2460
<u>(b) Exceeds;</u>	2461
<u>(c) Meets;</u>	2462
<u>(d) Does not meet.</u>	2463
<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</u>	2464
	2465
	2466
	2467
	2468
	2469

placed in the does not meet category. 2470

(3) In conducting the lottery, the division shall give 2471
applicants in the exceeds category double odds of being selected 2472
as compared to applicants in the meets category. The division 2473
shall give applicants in the highly exceeds category double the 2474
odds of being selected as compared to applicants in the exceeds 2475
category. An applicant grouped in the does not meet category is 2476
ineligible for licensure. 2477

(F) The ~~department~~ division shall issue not less than 2478
fifteen per cent of cultivator, processor, or laboratory 2479
licenses to entities that are owned and controlled by United 2480
States citizens who are residents of this state and are members 2481
of one of the following economically disadvantaged groups: 2482
Blacks or African Americans, American Indians, Hispanics or 2483
Latinos, and Asians. If no applications or an insufficient 2484
number of applications are submitted by such entities that meet 2485
the conditions set forth in division ~~(D)~~(C) of this section, the 2486
licenses shall be issued according to usual procedures. 2487

As used in this division, "owned and controlled" means 2488
that at least fifty-one per cent of the business, including 2489
corporate stock if a corporation, is owned by persons who belong 2490
to one or more of the groups set forth in this division, and 2491
that those owners have control over the management and day-to- 2492
day operations of the business and an interest in the capital, 2493
assets, and profits and losses of the business proportionate to 2494
their percentage of ownership. 2495

~~(D)~~(G) A license expires according to the renewal 2496
schedule established in rules adopted under section 3796.03 of 2497
the Revised Code and may be renewed in accordance with the 2498
procedures established in those rules. Applications for renewal 2499

are not subject to the evaluation, prioritization, ranking, and 2500
lottery provisions in divisions (B), (D), and (E) of this 2501
section. The division shall not deny an application for renewal 2502
based solely on the location of the applicant's existing 2503
facility in proximity to other license holders. 2504

(H) A provisional license issued under this section is not 2505
transferable. 2506

(I) No person shall knowingly engage in any of the 2507
activities described in section 3796.18, 3796.19, or 3796.21 of 2508
the Revised Code without the proper license issued under this 2509
section or Chapter 3780. of the Revised Code. 2510

Sec. 3796.10. (A) An entity that seeks to dispense at 2511
retail medical marijuana and adult-use marijuana shall file an 2512
application for licensure with the division of marijuana 2513
control. The entity shall file an application for each location 2514
from which it seeks to operate. Each application shall be 2515
submitted in accordance with rules adopted under section 3796.03 2516
of the Revised Code. 2517

(B) The division shall evaluate and prioritize 2518
applications for licensure under this section according to the 2519
applicant's eligibility, suitability, and ability to operate. 2520

(C) The division shall not issue a license to an applicant 2521
if unless all of the following conditions are met: 2522

(1) The report of the criminal records check conducted 2523
pursuant to section 3796.12 of the Revised Code with respect to 2524
the application demonstrates that the person subject to the 2525
criminal records check requirement has not been convicted of or 2526
pleaded guilty to ~~any of the a disqualifying offenses specified~~ 2527
~~in rules adopted under section 9.79 and division (B) (2) (b) of~~ 2528

~~section 3796.03 of the Revised Code~~offense. 2529

(2) The applicant demonstrates that ~~it does not~~ none of 2530
its current or prospective owners, officers, board members, 2531
administrators, employees, agents, or affiliates who may 2532
significantly influence or control the applicant's activities 2533
have an ownership or investment interest in or compensation 2534
arrangement with ~~any~~ either of the following: 2535

(a) A licensed laboratory ~~licensed under this chapter;~~ 2536

(b) An applicant for a license to conduct laboratory 2537
testing. 2538

(3) The applicant demonstrates that ~~it does not~~ none of 2539
its current or prospective owners, officers, board members, 2540
administrators, employees, agents, or affiliates who may 2541
significantly influence or control the applicant's activities 2542
share any corporate officers or employees with ~~any~~ either of the 2543
following: 2544

(a) A licensed laboratory ~~licensed under this chapter;~~ 2545

(b) An applicant for a license to conduct laboratory 2546
testing. 2547

(4) The applicant demonstrates that it will not be located 2548
within five hundred feet of a school, church, public library, 2549
public playground, or public park. 2550

(5) The applicant demonstrates that the proposed location 2551
or facility is not either of the following: 2552

(a) Located within one mile of another licensed 2553
dispensary; 2554

(b) Issued a permit under Chapter 4303. of the Revised 2555

Code to sell beer and intoxicating liquor, as those terms are 2556
defined in section 4301.01 of the Revised Code. 2557

(6) The information provided to the division pursuant to 2558
section 3796.11 of the Revised Code demonstrates that the 2559
applicant is in compliance with the applicable tax laws of this 2560
state. 2561

~~(6)~~ (7) The applicant demonstrates sufficient liquid 2562
capital and ability to meet financial responsibility 2563
requirements; 2564

(8) The applicant demonstrates that the municipal 2565
corporation or township in which it will be located has not 2566
passed a moratorium or taken any other action that would 2567
prohibit the applicant from operating there; 2568

(9) The application does not contain false, misleading, or 2569
deceptive information and does not omit material information; 2570

(10) The applicant pays any fee required by the division; 2571

(11) The applicant meets all other licensure eligibility 2572
conditions established in rules adopted under section 3796.03 of 2573
the Revised Code. 2574

~~(C)~~ (D) If the number of eligible applicants exceed the 2575
number of available licenses, the division shall use an 2576
impartial and evidence-based process to rank the eligible 2577
applicants. The ranking process shall take into account all of 2578
the following: 2579

(1) The applicant's business plan; 2580

(2) The applicant's operations plan; 2581

(3) The applicant's security plan; 2582

<u>(4) The applicant's financial plan;</u>	2583
<u>(5) The applicant's principal place of business;</u>	2584
<u>(6) The proposed location of the cultivation, processing,</u> <u>or laboratory facility;</u>	2585 2586
<u>(7) The applicant's plan for generating job and economic</u> <u>development in this state;</u>	2587 2588
<u>(8) The applicant's environmental plan;</u>	2589
<u>(9) Employment practices, including any plans to inform,</u> <u>hire, or educate residents of the state, veterans, disabled</u> <u>persons, women, or minorities;</u>	2590 2591 2592
<u>(10) The criminal records of all persons subject to the</u> <u>criminal records check requirement;</u>	2593 2594
<u>(11) The civil and administrative history of the applicant</u> <u>and persons associated with the applicant;</u>	2595 2596
<u>(12) Any other eligibility, suitability, or operations-</u> <u>based determination specified in this chapter or rules adopted</u> <u>by the division thereunder.</u>	2597 2598 2599
<u>(E) (1) If the division uses a lottery system to issue</u> <u>licenses under this section, the applicants shall be grouped</u> <u>into the following distinct categories:</u>	2600 2601 2602
<u>(a) Highly exceeds;</u>	2603
<u>(b) Exceeds;</u>	2604
<u>(c) Meets;</u>	2605
<u>(d) Does not meet.</u>	2606
<u>(2) The division shall group the applicants such that the</u> <u>number of applicants in each of the highly exceeds, exceeds, and</u>	2607 2608

meets categories is roughly equal, unless doing so is not 2609
possible while conforming to an impartial and evidence-based 2610
process. Applicants that do not meet the eligibility 2611
requirements prescribed by division (C) of this section shall be 2612
placed in the does not meet category. 2613

(3) In conducting the lottery, the division shall give 2614
applicants in the exceeds category double the odds of being 2615
selected as compared to applicants in the meets category. The 2616
division shall give applicants in the highly exceeds category 2617
double the odds of being selected as compared to applicants in 2618
the exceeds category. An applicant grouped in the does not meet 2619
category is ineligible for licensure. 2620

(F) The division shall issue not less than fifteen per 2621
cent of retail dispensary licenses to entities that are owned 2622
and controlled by United States citizens who are residents of 2623
this state and are members of one of the following economically 2624
disadvantaged groups: Blacks or African Americans, American 2625
Indians, Hispanics or Latinos, and Asians. If no applications or 2626
an insufficient number of applications are submitted by such 2627
entities that meet the conditions set forth in division ~~(B)~~ (C) 2628
of this section, the licenses shall be issued according to usual 2629
procedures. 2630

As used in this division, "owned and controlled" means 2631
that at least fifty-one per cent of the business, including 2632
corporate stock if a corporation, is owned by persons who belong 2633
to one or more of the groups set forth in this division, and 2634
that those owners have control over the management and day-to- 2635
day operations of the business and an interest in the capital, 2636
assets, and profits and losses of the business proportionate to 2637
their percentage of ownership. 2638

~~(D)~~—(G) A license expires according to the renewal 2639
schedule established in rules adopted under section 3796.03 of 2640
the Revised Code and may be renewed in accordance with the 2641
procedures established in those rules. Applications for renewal 2642
are not subject to the evaluation, prioritization, ranking, and 2643
lottery provisions in divisions (B), (D), and (E) of this 2644
section. The division shall not deny an application for renewal 2645
based solely on the location of the applicant's existing 2646
dispensary facility in proximity to other license holders. 2647

(H) A provisional license issued under this section is not 2648
transferable. 2649

(I) No person shall knowingly engage in any of the 2650
activities described in section 3796.20 of the Revised Code 2651
without a dispensary license issued under this section or 2652
Chapter 3780. of the Revised Code. 2653

Sec. 3796.12. (A) As used in this section, "criminal 2654
records check" has the same meaning as in section 109.572 of the 2655
Revised Code. 2656

(B) (1) As part of the application process for a license 2657
issued under this chapter, the division of marijuana control 2658
shall require each of the following to complete a criminal 2659
records check: 2660

(a) An administrator or other person responsible for the 2661
daily operation of the entity seeking the license; 2662

(b) An owner or prospective owner, officer or prospective 2663
officer, or board member or prospective board member of the 2664
entity seeking the license. 2665

(2) If a person subject to the criminal records check 2666
requirement does not present proof of having been a resident of 2667

this state for the five-year period immediately prior to the 2668
date the criminal records check is requested or provide evidence 2669
that within that five-year period the superintendent of the 2670
bureau of criminal identification and investigation has 2671
requested information about the person from the federal bureau 2672
of investigation in a criminal records check, the division shall 2673
request that the person obtain through the superintendent a 2674
criminal records request from the federal bureau of 2675
investigation as part of the criminal records check of the 2676
person. Even if a person presents proof of having been a 2677
resident of this state for the five-year period, the division 2678
may request that the person obtain information through the 2679
superintendent from the federal bureau of investigation in the 2680
criminal records check. 2681

(C) The division shall provide the following to each 2682
person who is subject to the criminal records check requirement: 2683

(1) Information about accessing, completing, and 2684
forwarding to the superintendent of the bureau of criminal 2685
identification and investigation the form prescribed pursuant to 2686
division (C)(1) of section 109.572 of the Revised Code and the 2687
standard impression sheet to obtain fingerprint impressions 2688
prescribed pursuant to division (C)(2) of that section; 2689

(2) Written notification that the person is to instruct 2690
the superintendent to submit the completed report of the 2691
criminal records check directly to the division. 2692

(D) Each person who is subject to the criminal records 2693
check requirement shall pay to the bureau of criminal 2694
identification and investigation the fee prescribed pursuant to 2695
division (C)(3) of section 109.572 of the Revised Code for the 2696
criminal records check conducted of the person. 2697

(E) The report of any criminal records check conducted by 2698
the bureau of criminal identification and investigation in 2699
accordance with section 109.572 of the Revised Code and pursuant 2700
to a request made under this section is not a public record for 2701
the purposes of section 149.43 of the Revised Code and shall not 2702
be made available to any person other than the following: 2703

(1) The person who is the subject of the criminal records 2704
check or the person's representative; 2705

(2) The members and staff of the division; 2706

(3) A court, hearing officer, or other necessary 2707
individual involved in a case dealing with either of the 2708
following: 2709

(a) A license denial resulting from the criminal records 2710
check; 2711

(b) A civil or criminal action regarding the ~~medical~~ 2712
marijuana control program or any violation of this chapter. 2713

(F) The division shall deny a license if, after receiving 2714
the information and notification required by this section, a 2715
person subject to the criminal records check requirement fails 2716
to do either of the following: 2717

(1) Access, complete, or forward to the superintendent of 2718
the bureau of criminal identification and investigation the form 2719
prescribed pursuant to division (C)(1) of section 109.572 of the 2720
Revised Code or the standard impression sheet prescribed 2721
pursuant to division (C)(2) of that section; 2722

(2) Instruct the superintendent to submit the completed 2723
report of the criminal records check directly to the division. 2724

Sec. 3796.13. (A) The division of marijuana control shall 2725

establish and administer a universal marijuana work permit 2726
program under which an individual may apply for and obtain a 2727
single permit that authorizes the individual to work for any 2728
license holder. No license holder shall employ an individual who 2729
does not have either a valid universal marijuana work permit or 2730
a valid provisional universal marijuana work permit. 2731

(B) An individual who seeks a universal marijuana work 2732
permit shall apply in the form and manner prescribed by the 2733
division. The division may require applicants to pay a fee, as 2734
necessary to offset the costs of administering the universal 2735
marijuana work permit program. 2736

(C) Each ~~person seeking employment with an entity licensed~~ 2737
~~under this chapter~~ applicant for a universal marijuana work 2738
permit shall comply with sections 4776.01 to 4776.04 of the 2739
Revised Code. ~~Except as provided in division (B) of this~~ 2740
~~section, such an entity~~ The division shall not employ the person 2741
~~unless the person~~ issue a universal marijuana work permit or a 2742
provisional universal marijuana work permit to either of the 2743
following: 2744

(1) A person who has not submitted a complete application, 2745
all applicable fees, and a criminal records check ~~under those~~ 2746
~~sections;~~ 2747

(2) An individual who is less than twenty-one years of 2748
age. ~~The report of the resulting~~ 2749

(D) The division may issue a provisional universal 2750
marijuana work permit to an applicant whose criminal records 2751
check is pending. A provisional universal marijuana work permit 2752
is valid for three months. Upon request of the permit holder, 2753
the division may renew the permit for one additional three-month 2754

period.

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(E) Except as otherwise provided in division (F) of this
section, the division shall decline an application for a
universal marijuana work permit and immediately revoke any
provisional universal marijuana work permit issued to the
applicant under division (D) of this section if the criminal
records check shall demonstrate report indicates that the person
applicant has not been convicted of or pleaded guilty to any of
the disqualifying offenses specified in rules adopted under
division (B) (14) (a) of section 3796.03 of the Revised Code if
the person is seeking employment with an entity licensed by the
division of marijuana control under this chapter offense.

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~~(B) An entity is not prohibited by division (A) of this~~
~~section from employing a person if the disqualifying offense the~~
~~person was convicted of or pleaded guilty to is one of the~~
~~offenses specified in rules adopted under division (B) (14) (b) of~~
~~section 3796.03 of the Revised Code and the person was convicted~~
~~of or pleaded guilty to the offense more than five years before~~
~~the date the employment begins.~~

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(F) The holder of a universal marijuana work permit shall
notify the division, in the form and manner prescribed by the
division, of each license holder with, and each location where,
the permit holder is employed.

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

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(1) Suspend, suspend without prior hearing, revoke, or
refuse to renew a license or registration it issued under this
chapter or ~~a license or a registration the state board of~~

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~~pharmacy issued prior to the transfer of regulatory authority~~ 2784
~~over the medical marijuana control program to the~~ 2785
~~division~~ Chapter 3780. of the Revised Code, as that chapter 2786
existed immediately before the effective date of this amendment; 2787

(2) Refuse to issue a license; 2788

(3) Impose on a license holder a civil penalty in an 2789
amount to be determined by the division. 2790

~~(4) With respect to a suspension of a retail dispensary~~ 2791
~~license without prior hearing, the division may utilize a~~ 2792
~~telephone conference call to review the allegations and take a~~ 2793
~~vote.~~ The division shall suspend a dispensary license without 2794
prior hearing only if it finds clear and convincing evidence 2795
that continued distribution of medical marijuana and adult-use 2796
marijuana by the license holder presents a danger of immediate 2797
and serious harm to others. The suspension shall remain in 2798
effect, unless lifted by the division, until the division issues 2799
its final adjudication order. If the division does not issue the 2800
order within ninety days after the adjudication hearing, the 2801
suspension shall be lifted on the ninety-first day following the 2802
hearing. 2803

The division's actions under division (A) of this section 2804
shall be taken in accordance with Chapter 119. of the Revised 2805
Code. 2806

(B) ~~The~~ Subject to division (E) of this section, the 2807
division and the Ohio investigative unit may inspect all of the 2808
following for any reason specified in rules adopted under 2809
section 3796.03 of the Revised Code without prior notice to the 2810
applicant or license holder: 2811

(1) The premises of a license holder or an applicant for 2812

~~licensure or holder of a current, valid cultivator, processor,~~ 2813
~~retail dispensary, or laboratory license issued under this~~ 2814
chapter; 2815

(2) All records maintained pursuant to this chapter by a_ 2816
license holder ~~of a current license.~~ 2817

(C) Whenever it appears to the division, from its files, 2818
upon complaint, or otherwise, or to the Ohio investigative unit, 2819
from an inspection or investigation authorized by this section, 2820
that any person or entity has engaged in, is engaged in, or is 2821
about to engage in any practice declared to be illegal or 2822
prohibited by this chapter or the rules adopted under this 2823
chapter, or when the division believes it to be in the best 2824
interest of the public, adult-use consumers, or medical 2825
marijuana patients, the division may do any of the following: 2826

(1) Investigate the person or entity as authorized 2827
pursuant to this chapter or the rules adopted under this 2828
chapter; 2829

(2) Issue subpoenas to any person or entity for the 2830
purpose of compelling either of the following: 2831

(a) The attendance and testimony of witnesses; 2832

(b) The production of books, accounts, papers, records, or 2833
documents. 2834

(D) If a person or entity fails to comply with any order 2835
of the division or the unit or a subpoena issued by the division 2836
or the unit pursuant to this section, a judge of the court of 2837
common pleas of the county in which the person resides or the 2838
entity may be served, on application of the division or the 2839
unit, shall compel obedience by attachment proceedings as for 2840
contempt, as in the case of disobedience with respect to the 2841

requirements of a subpoena issued from such court or a refusal 2842
to testify in such court. 2843

(E) The Ohio investigative unit shall not inspect or 2844
investigate the premises of any person under this section unless 2845
one or both of the following apply: 2846

(1) The person inspected or investigated is a license 2847
holder. 2848

(2) The unit is invited by local law enforcement having 2849
jurisdiction over the person inspected or investigated. 2850

Sec. 3796.15. (A) The division of marijuana control and 2851
the Ohio investigative unit shall enforce this chapter, or cause 2852
it to be enforced. If Subject to division (E) of section 3796.14 2853
of the Revised Code, if the division or the unit has information 2854
that this chapter or any rule adopted under this chapter has 2855
been violated, it shall investigate the matter and take any 2856
action as it considers appropriate. 2857

~~(B) Nothing in this chapter shall be construed to require~~ 2858
~~the division to enforce minor violations if the division~~ 2859
~~determines that the public interest is adequately served by a~~ 2860
~~notice or warning to the alleged offender.~~ 2861

~~(C)~~ If the division suspends, revokes, or refuses to renew 2862
any license or registration issued under this chapter or Chapter 2863
3780. of the Revised Code, as that chapter existed immediately 2864
before the effective date of this amendment, and determines that 2865
there is clear and convincing evidence of a danger of immediate 2866
and serious harm to any person, the division may place under 2867
seal all medical marijuana, adult-use marijuana, and homegrown 2868
marijuana owned by or in the possession, custody, or control of 2869
the affected license holder or registrant. Except as provided in 2870

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

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

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

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

(c) Purchase or otherwise obtain medical marijuana and

adult-use marijuana from other license holders; 2900

(d) Acquire seeds, clones, plants, and other genetic 2901
material. 2902

(2) A licensed cultivator engaging in the activities 2903
authorized by this chapter shall do so respecting both medical 2904
marijuana and adult-use marijuana. 2905

(B) A licensed cultivator ~~license holder~~ shall not 2906
cultivate medical marijuana or adult-use marijuana for personal, 2907
family, or household use or on any public land, including a 2908
state park as defined in section 154.01 of the Revised Code. 2909

(C) A licensed cultivator shall identify, package, and 2910
label all medical marijuana and adult-use marijuana products in 2911
accordance with this chapter and any rules adopted thereunder 2912
before delivering or selling the products to a licensed 2913
processor or licensed dispensary. 2914

(D) The division of marijuana control shall issue the 2915
following types of cultivation licenses: 2916

(1) A level I cultivator license that authorizes the 2917
license holder to operate a cultivation area specified by the 2918
division, not to exceed one hundred thousand square feet; 2919

(2) A level II cultivator license that authorizes the 2920
license holder to operate a cultivation area specified by the 2921
division, not to exceed fifteen thousand square feet. 2922

(E) A licensed cultivator may request and receive one or 2923
more expansions to the cultivator's cultivation area, subject to 2924
the approval of the division, so long as the resulting total 2925
cultivation area, including all expansions, does not exceed the 2926
applicable maximum cultivation area prescribed by division (D) 2927

of this section.

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

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

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

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

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

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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:

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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;

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

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(3) Comply with any packaging or labeling requirements 2956
established in rules adopted by the division of marijuana 2957
control under ~~section~~ sections 3796.03 and 3796.32 of the 2958
Revised Code. 2959

Sec. 3796.20. ~~(A)~~ (A) (1) Notwithstanding any conflicting 2960
provision of the Revised Code, a licensed dispensary, including 2961
the holder of a current, valid retail dispensary license issued 2962
under this chapter, ~~or previously issued by the state board of~~ 2963
~~pharmacy,~~ before the effective date of this amendment, may do 2964
~~both~~ any of the following: 2965

~~(1) Obtain~~ (a) Purchase or otherwise obtain medical 2966
marijuana and adult-use marijuana from ~~one or more~~ 2967
~~processors~~ other license holders; 2968

~~(2) (b)~~ Dispense or sell medical marijuana in accordance 2969
with division (B) of this section; 2970

(c) Dispense or sell adult-use marijuana in accordance 2971
with division (C) of this section; 2972

(d) Sell paraphernalia that may be used in the 2973
administration of adult-use marijuana or medical marijuana as 2974
specified in rules adopted under section 3796.03 of the Revised 2975
Code; 2976

(e) Provide delivery of adult-use marijuana and medical 2977
marijuana in accordance with the rules adopted under section 2978
3796.03 of the Revised Code; 2979

(f) Deliver, transfer, or sell medical marijuana and 2980
adult-use marijuana to other license holders. 2981

(2) A licensed dispensary engaged in the activities 2982
authorized by this chapter shall do so respecting both medical 2983

marijuana and adult-use marijuana. 2984

(B) When dispensing or selling medical marijuana, a 2985
licensed ~~retail~~-dispensary shall do all of the following: 2986

(1) Dispense or sell only upon a showing of a current, 2987
valid, government-issued identification card and in accordance 2988
with a written recommendation issued by a physician holding a 2989
certificate to recommend issued by the state medical board under 2990
section 4731.30 of the Revised Code; 2991

(2) Report to the drug database the information required 2992
by section 4729.771 of the Revised Code; 2993

(3) Label the package containing medical marijuana with 2994
the following information: 2995

(a) The name and address of the licensed processor and 2996
retail dispensary; 2997

(b) The name of the patient and caregiver, if any; 2998

(c) The name of the physician who recommended treatment 2999
with medical marijuana; 3000

(d) The directions for use, if any, as recommended by the 3001
physician; 3002

(e) The date on which the medical marijuana was dispensed; 3003

(f) The quantity, strength, kind, or form of medical 3004
marijuana contained in the package. 3005

(4) Maintain an adequate supply of medical marijuana 3006
products to meet typical patient demand for those products. 3007

(C) When dispensing or selling adult-use marijuana to 3008
consumers, all of the following apply: 3009

(1) A licensed dispensary shall dispense or sell adult-use 3010
marijuana only to adult-use consumers who present a current, 3011
valid, government-issued identification card demonstrating proof 3012
that the adult-use consumer is twenty-one years of age or older. 3013

(2) No licensed dispensary shall knowingly dispense or 3014
sell more than the amount of adult-use marijuana that may be 3015
legally possessed by an adult-use consumer under section 3016
3796.221 of the Revised Code to the same adult-use consumer in 3017
the same day. 3018

(3) A licensed dispensary shall ensure that the label of 3019
the package containing adult-use marijuana contains all of the 3020
following information, in accordance with rules adopted by the 3021
division of cannabis control: 3022

(a) The name and address of the licensed processor and 3023
retail dispensary; 3024

(b) A statement that the use of adult-use marijuana by 3025
individuals under twenty-one years of age is both harmful and 3026
illegal; 3027

(c) The quantity, strength, kind, or form of adult-use 3028
marijuana contained in the package. 3029

~~When operating a licensed retail dispensary, both of the~~ 3030
~~following apply:~~ 3031

~~(1)~~ (D) (1) A licensed dispensary shall use only employees 3032
who have met the training requirements established in rules 3033
adopted under section 3796.03 of the Revised Code. 3034

(2) A licensed dispensary shall not make public any 3035
information it collects that identifies or would tend to 3036
identify any specific medical marijuana patient or adult-use 3037

consumer. 3038

(3) A licensed dispensary shall prominently display both 3039
of the following: 3040

(a) A statement that the use of adult-use or homegrown 3041
marijuana by individuals under twenty-one years of age is both 3042
harmful and illegal; 3043

(b) Information about the addictive qualities of marijuana 3044
and the potential negative health consequences associated with 3045
its use. 3046

Sec. 3796.21. (A) Notwithstanding any conflicting 3047
provision of the Revised Code, a licensed laboratory, including 3048
the holder of a current, valid laboratory license issued under 3049
this chapter ~~may before the effective date of this amendment,~~ 3050
shall do both of the following: 3051

(1) Obtain medical marijuana and adult-use marijuana from 3052
one or more licensed cultivators, licensed processors, and 3053
~~retail-licensed dispensaries licensed under this chapter;~~ 3054

(2) Conduct ~~medical marijuana~~ testing in the manner 3055
specified in rules adopted under section 3796.03 of the Revised 3056
Code. 3057

(B) When testing medical marijuana or adult-use marijuana, 3058
a licensed laboratory shall do both of the following: 3059

(1) Test ~~the marijuana~~ for potency, homogeneity, and 3060
contamination; 3061

(2) Prepare a report of the test results. 3062

Sec. 3796.22. (A) Notwithstanding any conflicting 3063
provision of the Revised Code, a patient registered under this 3064

chapter who obtains medical marijuana from a ~~retail-licensed~~ 3065
dispensary ~~licensed under~~ in accordance with this chapter may do 3066
~~both~~ all of the following: 3067

(1) Use medical marijuana; 3068

(2) Possess medical marijuana, subject to division (B) of 3069
this section; 3070

(3) Possess any paraphernalia or accessories that may be 3071
used in the administration of medical marijuana, as specified in 3072
rules adopted under section 3796.03 of the Revised Code. 3073

(B) The amount of medical marijuana possessed by a 3074
registered patient shall not exceed a ninety-day supply, as 3075
specified in rules adopted under section 3796.03 of the Revised 3076
Code. 3077

(C) A registered patient shall not be subject to arrest or 3078
criminal prosecution for doing ~~any~~ either of the following in 3079
accordance with this chapter: 3080

(1) Obtaining, using, or possessing medical marijuana; 3081

(2) Possessing any paraphernalia or accessories that may 3082
be used in the administration of medical marijuana, as specified 3083
in rules adopted under section 3796.03 of the Revised Code. 3084

(D) This section does not authorize a registered patient 3085
to operate a vehicle, streetcar, trackless trolley, watercraft, 3086
or aircraft while under the influence of ~~medical~~-marijuana. 3087

Sec. 3796.221. (A) Notwithstanding any conflicting 3088
provision of the Revised Code, an adult-use consumer who obtains 3089
adult-use marijuana from a licensed dispensary may do all of the 3090
following: 3091

<u>(1) Use adult-use marijuana;</u>	3092
<u>(2) Possess adult-use marijuana, subject to division (B)</u>	3093
<u>of this section;</u>	3094
<u>(3) Possess any paraphernalia or accessories that may be</u>	3095
<u>used in the administration of adult-use marijuana as specified</u>	3096
<u>in rules adopted under section 3796.03 of the Revised Code;</u>	3097
<u>(4) Transfer adult-use marijuana to another adult-use</u>	3098
<u>consumer without remuneration at the transferor's primary</u>	3099
<u>residence.</u>	3100
<u>(B) No person shall knowingly possess more than the</u>	3101
<u>following amounts of adult-use marijuana:</u>	3102
<u>(1) Two and one-half ounces of plant material;</u>	3103
<u>(2) Fifteen grams of extract.</u>	3104
<u>(C) Except as expressly authorized under division (A) (4)</u>	3105
<u>of this section, no person other than a license holder shall</u>	3106
<u>knowingly give, sell, or transfer adult-use marijuana to any</u>	3107
<u>other person, with or without remuneration.</u>	3108
<u>(D) Subject to division (B) of this section, an adult-use</u>	3109
<u>consumer is not subject to arrest or criminal prosecution for</u>	3110
<u>engaging in any of the activities described in division (A) of</u>	3111
<u>this section.</u>	3112
<u>(E) This section does not authorize an adult-use consumer</u>	3113
<u>to operate a vehicle, streetcar, trackless trolley, watercraft,</u>	3114
<u>or aircraft while under the influence of marijuana.</u>	3115
Sec. 3796.23. <u>(A) Notwithstanding any conflicting</u>	3116
<u>provision of the Revised Code, a caregiver registered under this</u>	3117
<u>chapter who obtains medical marijuana from a retail-licensed</u>	3118

dispensary ~~licensed under this chapter~~ may do ~~both~~ any of the 3119
following: 3120

(1) Possess medical marijuana on behalf of a registered 3121
patient under the caregiver's care, subject to division (B) of 3122
this section; 3123

(2) Assist a registered patient under the caregiver's care 3124
in the use or administration of medical marijuana; 3125

(3) Possess any paraphernalia or accessories specified in 3126
rules adopted under section 3796.03 of the Revised Code. 3127

(B) The amount of medical marijuana possessed by a 3128
registered caregiver on behalf of a registered patient shall not 3129
exceed a ninety-day supply, as specified in rules adopted under 3130
section 3796.03 of the Revised Code. If a caregiver provides 3131
care to more than one registered patient, the caregiver shall 3132
maintain separate inventories of medical marijuana for each 3133
patient. 3134

(C) A registered caregiver shall not be subject to arrest 3135
or criminal prosecution for doing any of following in accordance 3136
with this chapter: 3137

(1) Obtaining or possessing medical marijuana on behalf of 3138
a registered patient; 3139

(2) Assisting a registered patient in the use or 3140
administration of medical marijuana; 3141

(3) Possessing any paraphernalia or accessories specified 3142
in rules adopted under section 3796.03 of the Revised Code. 3143

(D) This section does not permit a registered caregiver to 3144
personally use medical marijuana, unless the caregiver is also a 3145
registered patient. 3146

Sec. 3796.24. (A) The holder of a license, as defined in 3147
section 4776.01 of the Revised Code, is not subject to 3148
professional disciplinary action solely for engaging in 3149
professional or occupational activities related to medical 3150
marijuana or adult-use marijuana. 3151

(B) Unless there is clear and convincing evidence that a 3152
child is unsafe, the use, possession, or administration of 3153
medical marijuana, adult-use marijuana, or homegrown marijuana 3154
in accordance with this chapter shall not be the sole or primary 3155
basis for any of the following: 3156

(1) An adjudication under section 2151.28 of the Revised 3157
Code determining that a child is an abused, neglected, or 3158
dependent child; 3159

(2) An allocation of parental rights and responsibilities 3160
under section 3109.04 of the Revised Code; 3161

(3) A parenting time order under section 3109.051 or 3162
3109.12 of the Revised Code. 3163

(C) Notwithstanding any conflicting provision of the 3164
Revised Code, the use or possession of medical marijuana, adult- 3165
use marijuana, or homegrown marijuana in accordance with this 3166
chapter shall not be used as a reason for disqualifying a 3167
patient from medical care or from including a patient on a 3168
transplant waiting list. 3169

(D) Notwithstanding any conflicting provision of the 3170
Revised Code, the use, possession, administration, cultivation, 3171
processing, testing, or dispensing of medical marijuana, adult- 3172
use marijuana, or homegrown marijuana in accordance with this 3173
chapter shall not be used as the sole or primary reason for 3174
taking action under any criminal or civil statute in the 3175

forfeiture or seizure of any property or asset. 3176

(E) Notwithstanding any conflicting provision of the 3177
Revised Code, ~~a person's status as a registered patient or~~ 3178
~~caregiver engaging in activity authorized by this chapter~~ is not 3179
a sufficient basis for conducting a field sobriety test on the 3180
person or for suspending the person's driver's license. To 3181
conduct any field sobriety test, a law enforcement officer must 3182
have an independent, factual basis giving reasonable suspicion 3183
that the person is operating a vehicle under the influence of 3184
marijuana or with a prohibited concentration of marijuana in the 3185
person's whole blood, blood serum, plasma, breath, or urine. 3186

(F) Notwithstanding any conflicting provision of the 3187
Revised Code, a person's status as a registered patient or 3188
caregiver, or a an adult-use consumer's engagement in activities 3189
authorized by this chapter, shall not be used as the sole or 3190
primary basis for rejecting the person as a tenant unless the 3191
rejection is required by federal law. This division does not 3192
prohibit a landlord from prohibiting the consumption of 3193
marijuana in a residential premises or common areas by smoking, 3194
combustion, or vaporization, as long as such prohibition is 3195
included in the applicable lease agreement. 3196

(G) Except as otherwise provided in section 3796.28 of the 3197
Revised Code, the use or possession of medical marijuana, adult- 3198
use marijuana, or homegrown marijuana in accordance with this 3199
chapter shall not be used as a reason for disqualifying an 3200
individual from a public benefit program administered by any 3201
state or local authority, or for otherwise denying an individual 3202
a public benefit administered by the state or any local 3203
government. 3204

(H) This chapter does not do any of the following: 3205

(1) Require a physician to recommend that a patient use 3206
medical marijuana to treat a qualifying medical condition; 3207

(2) Permit the use, possession, or administration of 3208
medical marijuana, adult-use marijuana, or homegrown marijuana 3209
other than as authorized by this chapter; 3210

(3) Permit the use, possession, or administration of 3211
medical marijuana, adult-use marijuana, or homegrown marijuana 3212
on federal land located in this state; 3213

(4) Require any public place to accommodate a registered 3214
patient's use of medical marijuana or an adult-use consumer's 3215
use of adult-use marijuana or homegrown marijuana; 3216

(5) Prohibit any public place from accommodating a 3217
registered patient's use of medical marijuana or an adult-use 3218
consumer's use of adult-use marijuana or homegrown marijuana 3219
except that no public place other than an outdoor concert venue, 3220
acting in accordance with division (C) (2) (b) of section 3796.06 3221
of the Revised Code, shall knowingly accommodate consumption of 3222
marijuana by smoking, combustion, or vaporization; 3223

(6) Restrict research related to marijuana conducted at a 3224
state university, academic medical center, or private research 3225
and development organization as part of a research protocol 3226
approved by an institutional review board or equivalent entity. 3227

(I) It is the public policy of this state that contracts 3228
related to license holders are enforceable. 3229

Sec. 3796.27. (A) As used in this section: 3230

(1) "Financial institution" means any of the following: 3231

(a) Any bank, trust company, savings and loan association, 3232
savings bank, or credit union or any affiliate, agent, or 3233

employee of a bank, trust company, savings and loan association, 3234
savings bank, or credit union; 3235

(b) Any money transmitter licensed under sections 1315.01 3236
to 1315.18 of the Revised Code or any affiliate, agent, or 3237
employee of such a licensee. 3238

(2) "Financial services" means services that a financial 3239
institution is authorized to provide under Title XI, sections 3240
1315.01 to 1315.18, or Chapter 1733. of the Revised Code, as 3241
applicable. 3242

(B) A financial institution that provides financial 3243
services to any ~~cultivator, processor, retail dispensary, or~~ 3244
~~laboratory licensed under this chapter~~ license holder shall be 3245
exempt from any criminal law of this state an element of which 3246
may be proven by substantiating that a person provides financial 3247
services to a person who possesses, delivers, or manufactures 3248
marijuana or marijuana derived products, including section 3249
2925.05 of the Revised Code and sections 2923.01 and 2923.03 of 3250
the Revised Code as those sections apply to violations of 3251
Chapter 2925. of the Revised Code, if the ~~cultivator, processor,~~ 3252
~~retail dispensary, or laboratory~~ license holder is in compliance 3253
with this chapter and the applicable tax laws of this state. 3254

(C) (1) Notwithstanding section 149.43 of the Revised Code 3255
or any other public records law to the contrary, upon the 3256
request of a financial institution, the division of marijuana 3257
control shall provide to the financial institution all of the 3258
following information: 3259

(a) Whether a person with whom the financial institution 3260
is seeking to do business is a ~~cultivator, processor, retail-~~ 3261
~~dispensary, or laboratory licensed under this chapter~~ license 3262

holder; 3263

(b) The name of any other business or individual 3264
affiliated with the person; 3265

(c) An unredacted copy of the application for a license 3266
under this chapter or under Chapter 3780. of the Revised Code, 3267
as that chapter existed immediately before the effective date of 3268
this amendment, and any supporting documentation, that was 3269
submitted by the person; 3270

(d) If applicable, information relating to sales and 3271
volume of product sold by the person; 3272

(e) Whether the person is in compliance with this chapter; 3273

(f) Any past or pending violation by the person of this 3274
chapter or Chapter 3780. of the Revised Code, as that chapter 3275
existed immediately before the effective date of this amendment, 3276
and any penalty imposed on the person for such a violation. 3277

(2) The division may charge a financial institution a 3278
reasonable fee to cover the administrative cost of providing the 3279
information. 3280

(D) Information received by a financial institution under 3281
division (C) of this section is confidential. Except as 3282
otherwise permitted by other state law or federal law, a 3283
financial institution shall not make the information available 3284
to any person other than the customer to whom the information 3285
applies and any trustee, conservator, guardian, personal 3286
representative, or agent of that customer. 3287

Sec. 3796.28. (A) Nothing in this chapter does any of the 3288
following: 3289

(1) Requires an employer to permit or accommodate an 3290

employee's use, possession, or distribution of ~~medical-~~ 3291
marijuana; 3292

(2) Prohibits an employer from refusing to hire, 3293
discharging, disciplining, or otherwise taking an adverse 3294
employment action against a person with respect to hire, tenure, 3295
terms, conditions, or privileges of employment because of that 3296
person's use, possession, or distribution of ~~medical-~~marijuana; 3297

(3) Prohibits an employer from establishing and enforcing 3298
a drug testing policy, drug-free workplace policy, or zero- 3299
tolerance drug policy; 3300

(4) Interferes with any federal restrictions on 3301
employment, including the regulations adopted by the United 3302
States department of transportation in Title 49 of the Code of 3303
Federal Regulations, as amended; 3304

(5) Permits a person to commence a cause of action against 3305
an employer for refusing to hire, discharging, disciplining, 3306
discriminating, retaliating, or otherwise taking an adverse 3307
employment action against a person with respect to hire, tenure, 3308
terms, conditions, or privileges of employment related to 3309
~~medical-~~marijuana; 3310

(6) Affects the authority of the administrator of workers' 3311
compensation to grant rebates or discounts on premium rates to 3312
employers that participate in a drug-free workplace program 3313
established in accordance with rules adopted by the 3314
administrator under Chapter 4123. of the Revised Code. 3315

(B) A person who is discharged from employment because of 3316
that person's use of ~~medical-~~marijuana shall be considered to 3317
have been discharged for just cause for purposes of division (D) 3318
of section 4141.29 of the Revised Code and shall be ineligible 3319

to serve a waiting period or to be paid benefits for the 3320
duration of the individual's unemployment as described in 3321
division (D) (2) of that section if the person's use of ~~medical~~ 3322
marijuana was in violation of an employer's drug-free workplace 3323
policy, zero-tolerance policy, or other formal program or policy 3324
regulating the use of ~~medical~~-marijuana. 3325

(C) It is not a violation of division (A), (D), or (E) of 3326
section 4112.02 of the Revised Code if an employer discharges, 3327
refuses to hire, or otherwise discriminates against a person 3328
because of that person's use of ~~medical~~-marijuana if the 3329
person's use of ~~medical~~-marijuana is in violation of the 3330
employer's drug-free workplace policy, zero-tolerance policy, or 3331
other formal program or policy regulating the use of ~~medical~~- 3332
marijuana. 3333

Sec. 3796.29. ~~The~~ (A) Except as otherwise provided in 3334
division (B) of this section, the legislative authority of a 3335
municipal corporation ~~may adopt an ordinance,~~ or a board of 3336
township trustees may adopt an ordinance or a resolution, to 3337
prohibit, or limit the number of, licensed cultivators, licensed 3338
processors, or ~~retail-licensed dispensaries licensed under this~~ 3339
~~chapter~~ within the municipal corporation or within the 3340
unincorporated territory of the township, respectively. 3341

~~This section does not authorize the~~ (B) The legislative 3342
authority of a municipal corporation or a board of township 3343
trustees ~~to~~ shall not adopt or enforce an ordinance or a 3344
resolution ~~limiting that~~ does any of the following: 3345

(1) Prohibits or limits the operations of a license holder 3346
that received a provisional license or certificate of operation 3347
before the effective date of this amendment, except that a 3348
municipal corporation or township may enforce such an ordinance 3349

or such a resolution if it was adopted before the effective date 3350
of this amendment; 3351

(2) Prohibits or limits any activity authorized under this 3352
chapter, except as expressly permitted under division (A) of 3353
this section; 3354

(3) Prohibits or limits research related to marijuana 3355
conducted at a state university, academic medical center, or 3356
private research and development organization as part of a 3357
research protocol approved by an institutional review board or 3358
equivalent entity. 3359

Sec. 3796.30. (A) Except as provided in ~~division~~ 3360
~~(B) divisions (C) and (D)~~ of this section, no ~~medical marijuana~~ 3361
~~licensed cultivator, licensed processor, retail-licensed~~ 3362
~~dispensary, or licensed laboratory that tests medical marijuana~~ 3363
shall be located within five hundred feet of the boundaries of a 3364
parcel of real estate having situated on it a school, church, 3365
public library, public playground, or public park. 3366

(B) ~~If the a request for relocation of a facility of a~~ 3367
~~licensed cultivator, licensed processor, retail-licensed~~ 3368
~~dispensary, or licensed laboratory licensed under this chapter~~ 3369
~~results would result in the cultivator, processor, retail-~~ 3370
~~dispensary, or laboratory facility~~ being located within five 3371
hundred feet of the boundaries of a parcel of real estate having 3372
situated on it a school, church, public library, public 3373
playground, or public park, the division of marijuana control 3374
shall ~~revoke the license it previously issued to the cultivator,~~ 3375
~~processor, retail dispensary, or laboratory~~ deny the request for 3376
relocation. 3377

~~(B)~~ (C) This section does not require relocation or closure 3378

of a facility used by a licensed cultivator, licensed processor, 3379
licensed dispensary, or licensed laboratory, if that facility 3380
has a certificate of operation at the time a school, church, 3381
public library, public playground, or public park relocates, or 3382
is established, on a parcel of real estate, the boundaries of 3383
which are within five hundred feet of that operational facility. 3384

(D) This section does not apply to research related to 3385
marijuana conducted at a state university, academic medical 3386
center, or private research and development organization as part 3387
of a research protocol approved by an institutional review board 3388
or equivalent entity. 3389

~~(C) As used in this section and sections 3796.03 and~~ 3390
~~3796.12 of the Revised Code:—~~ 3391

~~"Church" has the meaning defined in section 1710.01 of the~~ 3392
~~Revised Code.—~~ 3393

~~"Public library" means a library provided for under~~ 3394
~~Chapter 3375. of the Revised Code.—~~ 3395

~~"Public park" means a park established by the state or a~~ 3396
~~political subdivision of the state including a county, township,~~ 3397
~~municipal corporation, or park district.—~~ 3398

~~"Public playground" means a playground established by the~~ 3399
~~state or a political subdivision of the state including a~~ 3400
~~county, township, municipal corporation, or park district.—~~ 3401

~~"School" means a child care center as defined under~~ 3402
~~section 5104.01 of the Revised Code, a preschool as defined~~ 3403
~~under section 2950.034 of the Revised Code, or a public or~~ 3404
~~nonpublic primary school or secondary school.—~~ 3405

Sec. 3796.31. Except as otherwise authorized in the 3406

Revised Code, no political subdivision shall ~~levy~~ do either of 3407
the following: 3408

(A) Levy any tax or fee on cultivators, processors, or 3409
dispensaries license holders that is based on those the license 3410
holder's businesses' gross receipts or that is the same as or 3411
similar to any tax or fee imposed by the state; 3412

(B) Levy any tax, fee, or charge on license holders or 3413
license holders' property that is not generally charged on other 3414
businesses. 3415

Sec. 3796.32. (A) The division of marijuana control may 3416
adopt rules regulating the advertisement of adult-use marijuana 3417
and medical marijuana to prevent advertisements that are false, 3418
misleading, targeted to minors, promote excessive use, promote 3419
illegal activity, are obscene or indecent, contain depictions of 3420
marijuana use, or promote marijuana as an intoxicant. 3421

(B) Any rules the division adopts regulating the 3422
advertisement of adult-use marijuana shall be at least as 3423
stringent as the most stringent federal or state laws or rules 3424
governing the advertisement of tobacco or alcohol. 3425

(C) The division may, at any time, conduct an audit of an 3426
applicant's or license holder's published advertisements to 3427
ensure that the applicant or license holder complies with this 3428
chapter and associated rules. 3429

(D) Adult-use marijuana or medical marijuana shall not be 3430
packaged, advertised, or otherwise marketed using any graphic, 3431
picture, or drawing that bears any resemblance to a cartoon 3432
character, or any fictional character or popular culture figure 3433
whose target audience is children or youth. 3434

(E) If the division determines that a person has violated 3435

this section or any rule adopted in accordance with this 3436
section, the division may require the person to stop using the 3437
advertisement or proceed with any enforcement action it deems 3438
necessary or proper, as outlined in this chapter and associated 3439
rules. 3440

Sec. 3796.33. (A) As used in this section, "equivalent 3441
license" means: 3442

(1) In the case of an adult-use cultivator, a cultivator 3443
license of the same level issued under section 3796.09 of the 3444
Revised Code to engage in the activities authorized by section 3445
3796.18 of the Revised Code; 3446

(2) In the case of an adult-use processor, a processor 3447
license issued under section 3796.09 of the Revised Code to 3448
engage in the activities authorized by section 3796.19 of the 3449
Revised Code; 3450

(3) In the case of an adult-use dispensary, a retail 3451
dispensary license issued under section 3796.10 of the Revised 3452
Code to engage in the activities authorized by section 3796.20 3453
of the Revised Code; 3454

(4) In the case of an adult-use testing laboratory, a 3455
laboratory license issued under section 3796.09 of the Revised 3456
Code to engage in the activities authorized by section 3796.21 3457
of the Revised Code. 3458

(B) A license issued under Chapter 3780. of the Revised 3459
Code, as that chapter existed immediately before the effective 3460
date of this section, shall be treated, for all purposes, as the 3461
equivalent license under this chapter. 3462

(C) The holder of a license described in division (B) of 3463
this section is subject to all procedures, requirements, and 3464

penalties that apply to the holder of the equivalent license 3465
under this chapter. 3466

(D) If a license described in division (B) of this section 3467
is held by the same person and used at the same location as an 3468
equivalent license under this chapter, the division of marijuana 3469
control shall merge the licenses and treat them as the same 3470
license for all purposes, including expiration and renewal. 3471

Sec. 3796.99. (A) Whoever violates division (C) (2) of 3472
section 3796.06 of the Revised Code as an operator of the 3473
vehicle, streetcar, trackless trolley, watercraft, or aircraft 3474
is subject to section 1547.11, 4511.19, or 4561.15 of the 3475
Revised Code, as applicable. 3476

(B) Except as otherwise provided in division (A) of this 3477
section, whoever violates division (C) (2) or (3) of section 3478
3796.06 of the Revised Code is guilty of a minor misdemeanor. 3479

(C) (1) (a) Except as provided in division (C) (1) (b) of this 3480
section, whoever violates division (F) of section 3796.06 of the 3481
Revised Code is guilty of a misdemeanor of the first degree. 3482

(b) An offender who has previously been convicted of, or 3483
pleaded guilty to, a violation of division (F) of section 3484
3796.06 of the Revised Code, is guilty of a felony of the fifth 3485
degree. 3486

(2) The division of marijuana control shall immediately 3487
revoke the license of any license holder under this chapter who 3488
is found guilty of, or who pleads guilty or no contest to, 3489
violating division (F) of section 3796.06 of the Revised Code. 3490

(D) Except as otherwise provided in division (F) of 3491
section 3796.04 of the Revised Code, whoever violates division 3492
(B) of section 3796.221 or division (D) or (E) of section 3493

3796.04 of the Revised Code is guilty of possession of marijuana 3494
under section 2925.11 of the Revised Code. 3495

(E) Whoever violates division (B) of section 3796.04, 3496
division (I) of section 3796.09, division (I) of section 3497
3796.10, or division (C) of section 3796.221 of the Revised Code 3498
is guilty of trafficking in marijuana under section 2925.03 of 3499
the Revised Code or illegal cultivation of marijuana under 3500
section 2925.04 of the Revised Code. 3501

(F) Whoever violates division (C) (2) of section 3796.20 of 3502
the Revised Code is guilty of trafficking in marijuana under 3503
section 2925.03 of the Revised Code. 3504

(G) (1) Except as otherwise provided in divisions (G) (2) to 3505
(4) of this section, whoever violates division (G) of section 3506
3796.06 of the Revised Code by knowingly showing or giving false 3507
information concerning the individual's name, age, or other 3508
identification for the purpose of purchasing or otherwise 3509
obtaining adult-use marijuana from an adult-use dispensary 3510
licensed under this chapter is guilty of a misdemeanor of the 3511
first degree. 3512

(2) Except as otherwise provided in divisions (G) (3) and 3513
(4) of this section, whoever violates division (G) of section 3514
3796.06 of the Revised Code by knowingly presenting to an adult- 3515
use dispensary licensed under this chapter a false, fictitious, 3516
or altered identification card, a false or fictitious driver's 3517
license purportedly issued by any state, or a driver's license 3518
issued by any state that has been altered, is guilty of a 3519
misdemeanor of the first degree and, notwithstanding division 3520
(A) (2) of section 2929.28 of the Revised Code, shall be fined 3521
not less than two hundred fifty dollars and not more than one 3522
thousand dollars. 3523

(3) (a) Except as otherwise provided in division (G) (4) of 3524
this section, an offender who has previously been convicted of 3525
or pleaded guilty to a violation of division (G) of section 3526
3796.06 of the Revised Code by knowingly presenting to an adult- 3527
use dispensary licensed under this chapter a false, fictitious, 3528
or altered identification card, a false or fictitious driver's 3529
license purportedly issued by any state, or a driver's license 3530
issued by any state that has been altered, is guilty of a 3531
misdemeanor of the first degree and, notwithstanding division 3532
(A) (2) of section 2929.28 of the Revised Code, shall be fined 3533
not less than five hundred dollars nor more than one thousand 3534
dollars. 3535

(b) (i) The court also may impose a class seven suspension 3536
of the offender's driver's or commercial driver's license or 3537
permit, or nonresident operating privilege, from the range 3538
specified in division (A) (7) of section 4510.02 of the Revised 3539
Code. 3540

(ii) The court, in lieu of suspending the offender's 3541
temporary instruction permit, probationary driver's license, or 3542
driver's license, instead may order the offender to perform a 3543
determinate number of hours of community service, with the court 3544
determining the actual number of hours and the nature of the 3545
community service the offender shall perform. 3546

(4) (a) An offender who has previously been convicted of or 3547
pleaded guilty to two or more violations of division (G) of 3548
section 3796.06 of the Revised Code by knowingly presenting to 3549
an adult-use dispensary licensed under this chapter a false, 3550
fictitious, or altered identification card, a false or 3551
fictitious driver's license purportedly issued by any state, or 3552
a driver's license issued by any state that has been altered, is 3553

guilty of a misdemeanor of the first degree and, notwithstanding 3554
division (A) (2) of section 2929.28 of the Revised Code, shall be 3555
fined not less than five hundred dollars nor more than one 3556
thousand dollars. 3557

(b) (i) The court also may impose a class six suspension of 3558
the offender's driver's or commercial driver's license or permit 3559
or nonresident operating privilege from the range specified in 3560
division (A) (6) of section 4510.02 of the Revised Code, and the 3561
court may order that the suspension or denial remain in effect 3562
until the offender attains the age of twenty-one years. 3563

(ii) The court, in lieu of suspending the offender's 3564
temporary instruction permit, probationary driver's license, or 3565
driver's license, instead may order the offender to perform a 3566
determinate number of hours of community service, with the court 3567
determining the actual number of hours and the nature of the 3568
community service the offender shall perform. 3569

(5) The financial sanctions required by divisions (G) (2) 3570
to (4) of this section are in lieu of the financial sanctions 3571
described in division (A) (2) of section 2929.28 of the Revised 3572
Code but are in addition to any other sanctions or penalties 3573
that may apply to the offender, including other financial 3574
sanctions under that section or a jail term under section 3575
2929.24 of the Revised Code. 3576

(H) (1) Except as otherwise provided in division (H) (2) of 3577
this section, whoever violates division (G) of section 3796.06 3578
of the Revised Code by knowingly soliciting another person to 3579
purchase adult-use marijuana from an adult-use dispensary 3580
licensed under this chapter is guilty of a misdemeanor of the 3581
fourth degree. 3582

(2) An offender who has previously been convicted of or 3583
pleaded guilty to a violation of division (G) of section 3796.06 3584
of the Revised Code by knowingly soliciting another individual 3585
to purchase adult-use marijuana from an adult-use dispensary 3586
licensed under this chapter is guilty of a misdemeanor of the 3587
second degree. 3588

(I) Whoever violates division (A), (B), or (C) of section 3589
3796.062 of the Revised Code is guilty of a minor misdemeanor. 3590

(J) Whoever violates division (D) of section 3796.062 of 3591
the Revised Code is guilty of illegal use or possession of 3592
marijuana drug paraphernalia under section 2925.141 of the 3593
Revised Code. 3594

Sec. 4735.18. (A) Subject to section 4735.32 of the 3595
Revised Code, the superintendent of real estate, upon the 3596
superintendent's own motion, may investigate the conduct of any 3597
licensee. Subject to division (E) of this section and section 3598
4735.32 of the Revised Code, the Ohio real estate commission 3599
shall impose disciplinary sanctions upon any licensee who, 3600
whether or not acting in the licensee's capacity as a real 3601
estate broker or salesperson, or in handling the licensee's own 3602
property, is found to have been convicted of a felony or a crime 3603
of moral turpitude, and may impose disciplinary sanctions upon 3604
any licensee who, in the licensee's capacity as a real estate 3605
broker or salesperson, or in handling the licensee's own 3606
property, is found guilty of: 3607

(1) Knowingly making any misrepresentation; 3608

(2) Making any false promises with intent to influence, 3609
persuade, or induce; 3610

(3) A continued course of misrepresentation or the making 3611

of false promises through agents, salespersons, advertising, or 3612
otherwise; 3613

(4) Acting for more than one party in a transaction except 3614
as permitted by and in compliance with section 4735.71 of the 3615
Revised Code; 3616

(5) Failure within a reasonable time to account for or to 3617
remit any money coming into the licensee's possession which 3618
belongs to others; 3619

(6) Dishonest or illegal dealing, gross negligence, 3620
incompetency, or misconduct; 3621

(7) (a) By final adjudication by a court, a violation of 3622
any municipal or federal civil rights law relevant to the 3623
protection of purchasers or sellers of real estate or, by final 3624
adjudication by a court, any unlawful discriminatory practice 3625
pertaining to the purchase or sale of real estate prohibited by 3626
Chapter 4112. of the Revised Code, provided that such violation 3627
arose out of a situation wherein parties were engaged in bona 3628
fide efforts to purchase, sell, or lease real estate, in the 3629
licensee's practice as a licensed real estate broker or 3630
salesperson; 3631

(b) A second or subsequent violation of any unlawful 3632
discriminatory practice pertaining to the purchase or sale of 3633
real estate prohibited by Chapter 4112. of the Revised Code or 3634
any second or subsequent violation of municipal or federal civil 3635
rights laws relevant to purchasing or selling real estate 3636
whether or not there has been a final adjudication by a court, 3637
provided that such violation arose out of a situation wherein 3638
parties were engaged in bona fide efforts to purchase, sell, or 3639
lease real estate. For any second offense under this division, 3640

the commission shall suspend for a minimum of two months or 3641
revoke the license of the broker or salesperson. For any 3642
subsequent offense, the commission shall revoke the license of 3643
the broker or salesperson. 3644

(8) Procuring a license under this chapter, for the 3645
licensee or any salesperson by fraud, misrepresentation, or 3646
deceit; 3647

(9) Having violated or failed to comply with any provision 3648
of sections 4735.51 to 4735.74 of the Revised Code or having 3649
willfully disregarded or violated any other provisions of this 3650
chapter; 3651

(10) As a real estate broker, having demanded, without 3652
reasonable cause, other than from a broker licensed under this 3653
chapter, a commission to which the licensee is not entitled, or, 3654
as a real estate salesperson, having demanded, without 3655
reasonable cause, a commission to which the licensee is not 3656
entitled; 3657

(11) Except as permitted under section 4735.20 of the 3658
Revised Code, having paid commissions or fees to, or divided 3659
commissions or fees with, anyone not licensed as a real estate 3660
broker or salesperson under this chapter or anyone not operating 3661
as an out-of-state commercial real estate broker or salesperson 3662
under section 4735.022 of the Revised Code; 3663

(12) Having falsely represented membership in any real 3664
estate professional association of which the licensee is not a 3665
member; 3666

(13) Having accepted, given, or charged any undisclosed 3667
commission, rebate, or direct profit on expenditures made for a 3668
principal; 3669

(14) Having offered anything of value other than the 3670
consideration recited in the sales contract as an inducement to 3671
a person to enter into a contract for the purchase or sale of 3672
real estate or having offered real estate or the improvements on 3673
real estate as a prize in a lottery or scheme of chance; 3674

(15) Having acted in the dual capacity of real estate 3675
broker and undisclosed principal, or real estate salesperson and 3676
undisclosed principal, in any transaction; 3677

(16) Having guaranteed, authorized, or permitted any 3678
person to guarantee future profits which may result from the 3679
resale of real property; 3680

(17) Having advertised or placed a sign on any property 3681
offering it for sale or for rent without the consent of the 3682
owner or the owner's authorized agent; 3683

(18) Having induced any party to a contract of sale or 3684
lease to break such contract for the purpose of substituting in 3685
lieu of it a new contract with another principal; 3686

(19) Having negotiated the sale, exchange, or lease of any 3687
real property directly with a seller, purchaser, lessor, or 3688
tenant knowing that such seller, purchaser, lessor, or tenant is 3689
represented by another broker under a written exclusive agency 3690
agreement, exclusive right to sell or lease listing agreement, 3691
or exclusive purchaser agency agreement with respect to such 3692
property except as provided for in section 4735.75 of the 3693
Revised Code; 3694

(20) Having offered real property for sale or for lease 3695
without the knowledge and consent of the owner or the owner's 3696
authorized agent, or on any terms other than those authorized by 3697
the owner or the owner's authorized agent; 3698

(21) Having published advertising, whether printed, radio, 3699
display, or of any other nature, which was misleading or 3700
inaccurate in any material particular, or in any way having 3701
misrepresented any properties, terms, values, policies, or 3702
services of the business conducted; 3703

(22) Having knowingly withheld from or inserted in any 3704
statement of account or invoice any statement that made it 3705
inaccurate in any material particular; 3706

(23) Having published or circulated unjustified or 3707
unwarranted threats of legal proceedings which tended to or had 3708
the effect of harassing competitors or intimidating their 3709
customers; 3710

(24) Having failed to keep complete and accurate records 3711
of all transactions for a period of three years from the date of 3712
the transaction, such records to include copies of listing 3713
forms, earnest money receipts, offers to purchase and 3714
acceptances of them, records of receipts and disbursements of 3715
all funds received by the licensee as broker and incident to the 3716
licensee's transactions as such, and records required pursuant 3717
to divisions (C) (4) and (5) of section 4735.20 of the Revised 3718
Code, and any other instruments or papers related to the 3719
performance of any of the acts set forth in the definition of a 3720
real estate broker; 3721

(25) Failure of a real estate broker or salesperson to 3722
furnish all parties involved in a real estate transaction true 3723
copies of all listings and other agreements to which they are a 3724
party, at the time each party signs them; 3725

(26) Failure to maintain at all times a special or trust 3726
bank account in a depository of a state or federally chartered 3727

institution located in this state. The account shall be 3728
noninterest-bearing, separate and distinct from any personal or 3729
other account of the broker, and, except as provided in division 3730
(A) (27) of this section, shall be used for the deposit and 3731
maintenance of all escrow funds, security deposits, and other 3732
moneys received by the broker in a fiduciary capacity. The name, 3733
account number, if any, and location of the depository wherein 3734
such special or trust account is maintained shall be submitted 3735
in writing to the superintendent. Checks drawn on such special 3736
or trust bank accounts are deemed to meet the conditions imposed 3737
by section 1349.21 of the Revised Code. Funds deposited in the 3738
trust or special account in connection with a purchase agreement 3739
shall be maintained in accordance with section 4735.24 of the 3740
Revised Code. 3741

(27) Failure to maintain at all times a special or trust 3742
bank account in a depository of a state or federally chartered 3743
institution in this state, to be used exclusively for the 3744
deposit and maintenance of all rents, security deposits, escrow 3745
funds, and other moneys received by the broker in a fiduciary 3746
capacity in the course of managing real property. This account 3747
shall be separate and distinct from any other account maintained 3748
by the broker. The name, account number, and location of the 3749
depository shall be submitted in writing to the superintendent. 3750
This account may earn interest, which shall be paid to the 3751
property owners on a pro rata basis. 3752

Division (A) (27) of this section does not apply to brokers 3753
who are not engaged in the management of real property on behalf 3754
of real property owners. 3755

(28) Having failed to put definite expiration dates in all 3756
written agency agreements to which the broker is a party; 3757

(29) Having an unsatisfied final judgment or lien in any 3758
court of record against the licensee arising out of the 3759
licensee's conduct as a licensed broker or salesperson; 3760

(30) Failing to render promptly upon demand a full and 3761
complete statement of the expenditures by the broker or 3762
salesperson of funds advanced by or on behalf of a party to a 3763
real estate transaction to the broker or salesperson for the 3764
purpose of performing duties as a licensee under this chapter in 3765
conjunction with the real estate transaction; 3766

(31) Failure within a reasonable time, after the receipt 3767
of the commission by the broker, to render an accounting to and 3768
pay a real estate salesperson the salesperson's earned share of 3769
it; 3770

(32) Performing any service for another constituting the 3771
practice of law, as determined by any court of law; 3772

(33) Having been adjudicated incompetent by a court, as 3773
provided in section 5122.301 of the Revised Code. A license 3774
revoked or suspended under this division shall be reactivated 3775
upon proof to the commission of the removal of the disability. 3776

(34) Having authorized or permitted a person to act as an 3777
agent in the capacity of a real estate broker, or a real estate 3778
salesperson, who was not then licensed as a real estate broker 3779
or real estate salesperson under this chapter or who was not 3780
then operating as an out-of-state commercial real estate broker 3781
or salesperson under section 4735.022 of the Revised Code; 3782

(35) Having knowingly inserted or participated in 3783
inserting any materially inaccurate term in a document, 3784
including naming a false consideration; 3785

(36) Having failed to inform the licensee's client of the 3786

existence of an offer or counteroffer or having failed to 3787
present an offer or counteroffer in a timely manner, unless 3788
otherwise instructed by the client, provided the instruction of 3789
the client does not conflict with any state or federal law; 3790

(37) Having failed to comply with section 4735.24 of the 3791
Revised Code; 3792

(38) Having acted as a broker without authority, impeded 3793
the ability of a principal broker to perform any of the duties 3794
described in section 4735.081 of the Revised Code, or impeded 3795
the ability a management level licensee to perform the 3796
licensee's duties; 3797

(39) Entering into a right-to-list home sale agreement. 3798

(B) Whenever the commission, pursuant to section 4735.051 3799
of the Revised Code, imposes disciplinary sanctions for any 3800
violation of this section, the commission also may impose such 3801
sanctions upon the broker with whom the salesperson is 3802
affiliated if the commission finds that the broker had knowledge 3803
of the salesperson's actions that violated this section. 3804

(C) The commission shall, pursuant to section 4735.051 of 3805
the Revised Code, impose disciplinary sanctions upon any foreign 3806
real estate dealer or salesperson who, in that capacity or in 3807
handling the dealer's or salesperson's own property, is found 3808
guilty of any of the acts or omissions specified or comprehended 3809
in division (A) of this section insofar as the acts or omissions 3810
pertain to foreign real estate. If the commission imposes such 3811
sanctions upon a foreign real estate salesperson for a violation 3812
of this section, the commission also may suspend or revoke the 3813
license of the foreign real estate dealer with whom the 3814
salesperson is affiliated if the commission finds that the 3815

dealer had knowledge of the salesperson's actions that violated 3816
this section. 3817

(D) The commission may suspend, in whole or in part, the 3818
imposition of the penalty of suspension of a license under this 3819
section. 3820

(E) A person licensed under this chapter who represents a 3821
party to a transaction or a proposed transaction involving the 3822
sale, purchase, exchange, lease, or management of real property 3823
that is or will be used in the cultivation, processing, 3824
dispensing, or testing of medical marijuana or adult-use 3825
marijuana under Chapter 3796. of the Revised Code, or who 3826
receives, holds, or disburses funds from a real estate brokerage 3827
trust account in connection with such a transaction, shall not 3828
be subject to disciplinary sanctions under this chapter solely 3829
because the licensed person engaged in activities permitted 3830
under this chapter and related to activities under Chapter 3796. 3831
of the Revised Code. 3832

Sec. 4796.25. This chapter does not apply to any of the 3833
following: 3834

(A) Licenses issued under Chapter 3780. or 3796. of the 3835
Revised Code; 3836

(B) Licenses issued pursuant to rules prescribed under 3837
Section 5 of Article IV, Ohio Constitution; 3838

(C) Commercial fishing licenses issued under section 3839
1533.342 of the Revised Code; 3840

(D) Licenses issued under Chapter 4506. of the Revised 3841
Code; 3842

(E) Physician certificates to recommend treatment with 3843

medical marijuana issued under section 4731.30 of the Revised	3844
Code;	3845
(F) Money transmitter licenses issued under section	3846
1315.04 of the Revised Code;	3847
(G) Lottery sales agent licenses issued under section	3848
3770.05 of the Revised Code;	3849
(H) Licenses issued under Chapter 3905. of the Revised	3850
Code;	3851
(I) Fantasy contest operator licenses issued under section	3852
3774.02 of the Revised Code;	3853
(J) Teledentistry permits issued under section 4715.43 of	3854
the Revised Code;	3855
(K) Physician training certificates issued under section	3856
4731.291 of the Revised Code;	3857
(L) Podiatrist training certificates issued under section	3858
4731.573 of the Revised Code;	3859
(M) Licenses issued under Chapter 4740. of the Revised	3860
Code;	3861
(N) Licenses issued by a political subdivision to an	3862
individual by which the individual has or claims the privilege	3863
to act as a tradesperson as defined in section 4740.01 of the	3864
Revised Code in the political subdivision's jurisdiction.	3865
Sec. 5502.01. (A) The department of public safety shall	3866
administer and enforce the laws relating to the registration,	3867
licensing, sale, and operation of motor vehicles and the laws	3868
pertaining to the licensing of drivers of motor vehicles.	3869
The department shall compile, analyze, and publish	3870

statistics relative to motor vehicle accidents and the causes of 3871
them, prepare and conduct educational programs for the purpose 3872
of promoting safety in the operation of motor vehicles on the 3873
highways, and conduct research and studies for the purpose of 3874
promoting safety on the highways of this state. 3875

(B) The department shall administer the laws and rules 3876
relative to trauma and emergency medical services specified in 3877
Chapter 4765. of the Revised Code and any laws and rules 3878
relative to medical transportation services specified in Chapter 3879
4766. of the Revised Code. 3880

(C) The department shall administer and enforce the laws 3881
contained in Chapters 4301. and 4303. of the Revised Code and 3882
enforce the rules and orders of the liquor control commission 3883
pertaining to retail liquor permit holders. 3884

(D) The department shall administer the laws governing the 3885
state emergency management agency and shall enforce all 3886
additional duties and responsibilities as prescribed in the 3887
Revised Code related to emergency management services. 3888

(E) The department shall conduct investigations pursuant 3889
to Chapter 5101. of the Revised Code in support of the duty of 3890
the department of job and family services to administer the 3891
supplemental nutrition assistance program throughout this state. 3892
The department of public safety shall conduct investigations 3893
necessary to protect the state's property rights and interests 3894
in the supplemental nutrition assistance program. 3895

(F) The department of public safety shall enforce 3896
compliance with orders and rules of the public utilities 3897
commission and applicable laws in accordance with Chapters 3898
4905., 4921., and 4923. of the Revised Code regarding commercial 3899

motor vehicle transportation safety, economic, and hazardous 3900
materials requirements. 3901

(G) Notwithstanding Chapter 4117. of the Revised Code, the 3902
department of public safety may establish requirements for its 3903
enforcement personnel, including its enforcement agents 3904
described in section 5502.14 of the Revised Code, that include 3905
standards of conduct, work rules and procedures, and criteria 3906
for eligibility as law enforcement personnel. 3907

(H) The department shall administer, maintain, and operate 3908
the Ohio criminal justice network. The Ohio criminal justice 3909
network shall be a computer network that supports state and 3910
local criminal justice activities. The network shall be an 3911
electronic repository for various data, which may include arrest 3912
warrants, notices of persons wanted by law enforcement agencies, 3913
criminal records, prison inmate records, stolen vehicle records, 3914
vehicle operator's licenses, and vehicle registrations and 3915
titles. 3916

(I) The department shall coordinate all homeland security 3917
activities of all state agencies and shall be a liaison between 3918
state agencies and local entities for those activities and 3919
related purposes. 3920

(J) The department shall administer and enforce the laws 3921
relative to private investigators and security service providers 3922
specified in Chapter 4749. of the Revised Code. 3923

(K) The department shall administer criminal justice 3924
services in accordance with sections 5502.61 to 5502.66 of the 3925
Revised Code. 3926

(L) The department shall administer the Ohio school safety 3927
and crisis center and the Ohio mobile training team in 3928

accordance with sections 5502.70 to 5502.703 of the Revised Code. 3929
3930

(M) The department shall coordinate security measures and 3931
operations, and may direct the department of administrative 3932
services to implement any security measures and operations the 3933
department of public safety requires, at the Vern Riffe Center 3934
and the James A. Rhodes state office tower. 3935

Notwithstanding section 125.28 of the Revised Code, the 3936
director of public safety may recover the costs of directing 3937
security measures and operations under this division by either 3938
issuing intrastate transfer voucher billings to the department 3939
of administrative services, which the department shall process 3940
to pay for the costs, or, upon the request of the director of 3941
administrative services, the director of budget and management 3942
may transfer cash in the requested amount from the building 3943
management fund created under section 125.28 of the Revised 3944
Code. Payments received or cash transfers made under this 3945
division for the costs of directing security measures and 3946
operations shall be deposited into the state treasury to the 3947
credit of the security, investigations, and policing fund 3948
created under section 4501.11 of the Revised Code. 3949

(N) The department shall assist the division of marijuana 3950
control in enforcing Chapter 3796. of the Revised Code, as 3951
provided in that chapter. 3952

Sec. 5502.13. The department of public safety shall 3953
maintain an investigative unit in order to conduct 3954
investigations and other enforcement activity authorized by 3955
Chapters 3796., 4301., 4303., 5101., 5107., and 5108. and 3956
sections 2903.12, 2903.13, 2903.14, 2907.09, 2913.46, 2917.11, 3957
2921.13, 2921.31, 2921.32, 2921.33, 2923.12, 2923.121, 2925.11, 3958

2925.13, 2927.02, and 4507.30 of the Revised Code. The director 3959
of public safety shall appoint the employees of the unit who are 3960
necessary, designate the activities to be performed by those 3961
employees, and prescribe their titles and duties. 3962

Sec. 5502.14. (A) As used in this section, "felony" has 3963
the same meaning as in section 109.511 of the Revised Code. 3964

(B) (1) Any person who is employed by the department of 3965
public safety and designated by the director of public safety to 3966
enforce Title XLIII of the Revised Code, and the rules adopted 3967
under it, Chapter 3796. of the Revised Code and the rules 3968
adopted under that chapter, and the laws and rules regulating 3969
the use of supplemental nutrition assistance program benefits 3970
shall be known as an enforcement agent. The employment by the 3971
department of public safety and the designation by the director 3972
of public safety of a person as an enforcement agent shall be 3973
subject to division (D) of this section. An enforcement agent 3974
has the authority vested in peace officers pursuant to section 3975
2935.03 of the Revised Code to keep the peace, to enforce all of 3976
the following: 3977

(a) All applicable laws and rules on any retail liquor 3978
permit premises, or on any other premises of public or private 3979
property, where a violation of Title XLIII of the Revised Code 3980
or any rule adopted under it is occurring, ~~and to enforce all;~~ 3981

(b) All applicable laws and rules on persons and premises 3982
licensed under Chapter 3796. of the Revised Code and, if invited 3983
by local law enforcement having jurisdiction, on any other 3984
public or private property where a violation of Chapter 3796. or 3985
any rule adopted under that chapter is occurring; 3986

(c) All laws and rules governing the use of supplemental 3987

nutrition assistance program benefits, women, infants, and 3988
children's coupons, electronically transferred benefits, or any 3989
other access device that is used alone or in conjunction with 3990
another access device to obtain payments, allotments, benefits, 3991
money, goods, or other things of value, or that can be used to 3992
initiate a transfer of funds, pursuant to the supplemental 3993
nutrition assistance program established under the Food and 3994
Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) or any 3995
supplemental food program administered by any department of this 3996
state pursuant to the "Child Nutrition Act of 1966," 80 Stat. 3997
885, 42 U.S.C.A. 1786. Enforcement agents, in enforcing 3998
compliance with the laws and rules described in this division, 3999
may keep the peace and make arrests for violations of those laws 4000
and rules. 4001

(2) In addition to the authority conferred by division (B) 4002
(1) of this section, an enforcement agent also may execute 4003
search warrants and seize and take into custody any contraband, 4004
as defined in section 2901.01 of the Revised Code, or any 4005
property that is otherwise necessary for evidentiary purposes 4006
related to any violations of the laws or rules described in 4007
division (B)(1) of this section. An enforcement agent may enter 4008
public or private premises where activity alleged to violate the 4009
laws or rules described in division (B)(1) of this section is 4010
occurring. 4011

(3) Enforcement agents who are on, immediately adjacent 4012
to, or across from retail liquor permit premises or premises 4013
licensed under Chapter 3796. of the Revised Code and who are 4014
performing investigative duties relating to ~~that~~ those premises, 4015
enforcement agents who are on premises that are not liquor 4016
permit premises or premises licensed under Chapter 3796. of the 4017
Revised Code but on which a violation of Title XLIII or Chapter 4018

3796. of the Revised Code or any rule adopted under ~~it~~that 4019
title or chapter allegedly is occurring, and enforcement agents 4020
who view a suspected violation of Title XLIII or Chapter 3796. 4021
of the Revised Code, of a rule adopted under ~~it~~that title or 4022
chapter, or of another law or rule described in division (B)(1) 4023
of this section have the authority to enforce the laws and rules 4024
described in division (B)(1) of this section, authority to 4025
enforce any section in Title XXIX of the Revised Code or any 4026
other section of the Revised Code listed in section 5502.13 of 4027
the Revised Code if they witness a violation of the section 4028
under any of the circumstances described in this division, and 4029
authority to make arrests for violations of the laws and rules 4030
described in division (B)(1) of this section and violations of 4031
any of those sections. 4032

(4) The jurisdiction of an enforcement agent under 4033
division (B) of this section shall be concurrent with that of 4034
the peace officers of the county, township, or municipal 4035
corporation in which the violation occurs. 4036

(C) Enforcement agents of the department of public safety 4037
who are engaged in the enforcement of the laws and rules 4038
described in division (B)(1) of this section may carry concealed 4039
weapons when conducting undercover investigations pursuant to 4040
their authority as law enforcement officers and while acting 4041
within the scope of their authority pursuant to this chapter. 4042

(D)(1) The department of public safety shall not employ, 4043
and the director of public safety shall not designate, a person 4044
as an enforcement agent on a permanent basis, on a temporary 4045
basis, for a probationary term, or on other than a permanent 4046
basis if the person previously has been convicted of or has 4047
pleaded guilty to a felony. 4048

(2) (a) The department of public safety shall terminate the 4049
employment of a person who is designated as an enforcement agent 4050
and who does either of the following: 4051

(i) Pleads guilty to a felony; 4052

(ii) Pleads guilty to a misdemeanor pursuant to a 4053
negotiated plea agreement as provided in division (D) of section 4054
2929.43 of the Revised Code in which the enforcement agent 4055
agrees to surrender the certificate awarded to that agent under 4056
section 109.77 of the Revised Code. 4057

(b) The department shall suspend the employment of a 4058
person who is designated as an enforcement agent if the person 4059
is convicted, after trial, of a felony. If the enforcement agent 4060
files an appeal from that conviction and the conviction is 4061
upheld by the highest court to which the appeal is taken or if 4062
no timely appeal is filed, the department shall terminate the 4063
employment of that agent. If the enforcement agent files an 4064
appeal that results in that agent's acquittal of the felony or 4065
conviction of a misdemeanor, or in the dismissal of the felony 4066
charge against the agent, the department shall reinstate the 4067
agent. An enforcement agent who is reinstated under division (D) 4068
(2) (b) of this section shall not receive any back pay unless the 4069
conviction of that agent of the felony was reversed on appeal, 4070
or the felony charge was dismissed, because the court found 4071
insufficient evidence to convict the agent of the felony. 4072

(3) Division (D) of this section does not apply regarding 4073
an offense that was committed prior to January 1, 1997. 4074

(4) The suspension or termination of the employment of a 4075
person designated as an enforcement agent under division (D) (2) 4076
of this section shall be in accordance with Chapter 119. of the 4077

Revised Code.

4078

Sec. 5703.052. (A) There is hereby created in the state 4079
treasury the tax refund fund, from which refunds shall be paid 4080
for amounts illegally or erroneously assessed or collected, or 4081
for any other reason overpaid, with respect to taxes levied by 4082
Chapter 3779., 4301., 4305., 5726., 5728., 5729., 5731., 5733., 4083
5735., 5736., 5739., 5741., 5743., 5747., 5748., 5749., 5751., 4084
or 5753. and sections 3737.71, 3905.35, 3905.36, 4303.33, 4085
5707.03, 5725.18, 5727.28, 5727.38, 5727.81, and 5727.811 of the 4086
Revised Code. Refunds for fees levied under sections 3734.90 to 4087
3734.9014 of the Revised Code, wireless 9-1-1 charges imposed 4088
under section 128.40 of the Revised Code, next generation 9-1-1 4089
access fees imposed under sections 128.41 and 128.42 of the 4090
Revised Code, or any penalties assessed with respect to such 4091
fees or charges, that are illegally or erroneously assessed or 4092
collected, or for any other reason overpaid, also shall be paid 4093
from the fund. Refunds for amounts illegally or erroneously 4094
assessed or collected by the tax commissioner, or for any other 4095
reason overpaid, that are due under section 1509.50 of the 4096
Revised Code shall be paid from the fund. Refunds for amounts 4097
illegally or erroneously assessed or collected by the 4098
commissioner, or for any other reason overpaid to the 4099
commissioner, under sections 718.80 to 718.95 of the Revised 4100
Code shall be paid from the fund. However, refunds for amounts 4101
illegally or erroneously assessed or collected by the 4102
commissioner, or for any other reason overpaid to the 4103
commissioner, with respect to taxes levied under section 4104
5739.101 of the Revised Code shall not be paid from the tax 4105
refund fund, but shall be paid as provided in section 5739.104 4106
of the Revised Code. 4107

(B) (1) Upon certification by the tax commissioner to the 4108

treasurer of state of a tax refund, a wireless 9-1-1 charge 4109
refund, a next generation 9-1-1 access fee refund, or another 4110
amount refunded, or by the superintendent of insurance of a 4111
domestic or foreign insurance tax refund, the treasurer of state 4112
shall place the amount certified to the credit of the fund. The 4113
certified amount transferred shall be derived from the receipts 4114
of the same tax, fee, wireless 9-1-1 charge, next generation 9- 4115
1-1 access fee, or other amount from which the refund arose. 4116

(2) When a refund is for a tax, fee, wireless 9-1-1 4117
charge, next generation 9-1-1 access fee, or other amount that 4118
is not levied by the state or that was illegally or erroneously 4119
distributed to a taxing jurisdiction, the tax commissioner shall 4120
recover the amount of that refund from the next distribution of 4121
that tax, fee, wireless 9-1-1 charge, next generation 9-1-1 4122
access fee, or other amount that otherwise would be made to the 4123
taxing jurisdiction. If the amount to be recovered would exceed 4124
twenty-five per cent of the next distribution of that tax, fee, 4125
wireless 9-1-1 charge, next generation 9-1-1 access fee, or 4126
other amount, the commissioner may spread the recovery over more 4127
than one future distribution, taking into account the amount to 4128
be recovered and the amount of the anticipated future 4129
distributions. In no event may the commissioner spread the 4130
recovery over a period to exceed thirty-six months. 4131

Sec. 5703.053. As used in this section, "postal service" 4132
means the United States postal service. 4133

An application to the tax commissioner for a tax refund 4134
under section 3779.43, 4307.05, 4307.07, 718.91, 5726.30, 4135
5727.28, 5727.91, 5728.061, 5735.122, 5735.13, 5735.14, 4136
5735.141, 5735.142, 5736.08, 5739.07, 5741.10, 5743.05, 5743.53, 4137
5745.11, 5749.08, or 5751.08 of the Revised Code or division (B) 4138

of section 5703.05 of the Revised Code, or a fee refunded under 4139
section 3734.905 of the Revised Code, that is received after the 4140
last day for filing under such section shall be considered to 4141
have been filed in a timely manner if: 4142

(A) The application is delivered by the postal service and 4143
the earliest postal service postmark on the cover in which the 4144
application is enclosed is not later than the last day for 4145
filing the application; 4146

(B) The application is delivered by the postal service, 4147
the only postmark on the cover in which the application is 4148
enclosed was affixed by a private postal meter, the date of that 4149
postmark is not later than the last day for filing the 4150
application, and the application is received within seven days 4151
of such last day; or 4152

(C) The application is delivered by the postal service, no 4153
postmark date was affixed to the cover in which the application 4154
is enclosed or the date of the postmark so affixed is not 4155
legible, and the application is received within seven days of 4156
the last day for making the application. 4157

Sec. 5703.19. (A) To carry out the purposes of the laws 4158
that the tax commissioner is required to administer, the 4159
commissioner or any person employed by the commissioner for that 4160
purpose, upon demand, may inspect books, accounts, records, and 4161
memoranda of any person or public utility subject to those laws, 4162
and may examine under oath any officer, agent, or employee of 4163
that person or public utility. Any person other than the 4164
commissioner who makes a demand pursuant to this section shall 4165
produce the person's authority to make the inspection. 4166

(B) If a person or public utility receives at least ten 4167

days' written notice of a demand made under division (A) of this 4168
section and refuses to comply with that demand, a penalty of 4169
five hundred dollars shall be imposed upon the person or public 4170
utility for each day the person or public utility refuses to 4171
comply with the demand. Penalties imposed under this division 4172
may be assessed and collected in the same manner as assessments 4173
made under Chapter 3769., 4305., 5727., 5728., 5733., 5735., 4174
5736., 5739., 5743., 5745., 5747., 5749., 5751., or 5753., ~~or~~ 4175
~~sections~~ section 718.907, or 3779.44, or sections 3734.90 to 4176
3734.9014, of the Revised Code. 4177

Sec. 5703.263. (A) (1) "Tax return preparer" means any 4178
person other than an accountant or an attorney that operates a 4179
business that prepares, or directly or indirectly employs 4180
another person to prepare, for a taxpayer a tax return or 4181
application for refund in exchange for compensation or 4182
remuneration from the taxpayer or the taxpayer's related member. 4183
The preparation of a substantial portion of a tax return or 4184
application for refund shall be considered to be the same as the 4185
preparation of the return or application for refund. "Tax return 4186
preparer" does not include an individual who performs only one 4187
or more of the following activities: 4188

(a) Furnishes typing, reproducing, or other mechanical 4189
assistance; 4190

(b) Prepares an application for refund or a return on 4191
behalf of an employer by whom the individual is regularly and 4192
continuously employed, or on behalf of an officer or employee of 4193
that employer; 4194

(c) Prepares as a fiduciary an application for refund or a 4195
return; 4196

(d) Prepares an application for refund or a return for a taxpayer in response to a notice of deficiency issued to the taxpayer or the taxpayer's related member, or in response to a waiver of restriction after the commencement of an audit of the taxpayer or the taxpayer's related member.

(2) "Related member" has the same meaning as in section 5733.042 of the Revised Code.

(3) "Accountant" means any of the following:

(a) An individual who holds both a CPA certificate and an Ohio permit or Ohio registration issued by the accountancy board under section 4701.10 of the Revised Code;

(b) An individual who holds a foreign certificate;

(c) An individual who is employed by a public accounting firm with respect to any return prepared under the supervision of an individual described in division (A)(3)(a) or (b) of this section, regardless of whether the public accounting firm is required to register with the accountancy board under section 4701.04 of the Revised Code.

(4) "CPA certificate" and "foreign certificate" have the same meanings as in section 4701.01 of the Revised Code.

(5) "Attorney" means an individual who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules, is permitted to practice as an attorney and counselor at law in this state under Chapter 4705. of the Revised Code, and is not currently suspended or removed from such practice under that chapter.

(6) A tax return preparer engages in "prohibited conduct" if the preparer does any of the following:

(a) Prepares any return or application for refund that 4225
includes an understatement of a taxpayer's tax liability due to 4226
an unreasonable position or due to willful or reckless conduct. 4227
For the purposes of this division, "unreasonable position" and 4228
"willful or reckless conduct" have the meanings as used in 4229
section 6694 of the Internal Revenue Code. 4230

(b) When required under any provision of Title LVII of the 4231
Revised Code, the preparer fails to do any of the following: 4232

(i) Provide copies of a return or application for refund; 4233

(ii) Provide the preparer's signature or federal preparer 4234
tax identification number on a return or application for refund; 4235

(iii) Retain copies of the preparer's records; 4236

(iv) Provide any information or documents requested by the 4237
tax commissioner; 4238

(v) Act diligently in determining a taxpayer's eligibility 4239
for tax credits, deductions, or exemptions. 4240

(c) Negotiates a check or other negotiable instrument 4241
issued to a taxpayer by the department of taxation without the 4242
permission of the taxpayer; 4243

(d) Engages in any conduct subject to criminal penalties 4244
under Title LVII of the Revised Code; 4245

(e) Misrepresents the preparer's eligibility to file 4246
returns or applications for refund on behalf of taxpayers, or 4247
otherwise misrepresents the preparer's experience or education; 4248

(f) Guarantees the payment of any tax refund or the 4249
allowance of any tax credit, deduction, or exemption; 4250

(g) Engages in any other fraudulent or deceptive conduct 4251

that substantially interferes with the proper administration of 4252
any provision of Title LVII of the Revised Code. 4253

(7) "State" means a state of the United States, the 4254
District of Columbia, the commonwealth of Puerto Rico, or any 4255
territory or possession of the United States. 4256

(B) When a tax return preparer engages in prohibited 4257
conduct, the commissioner, may do either or both of the 4258
following: 4259

(1) If the commissioner has previously warned the tax 4260
return preparer in writing of the consequences of continuing to 4261
engage in prohibited conduct, impose a penalty not exceeding one 4262
hundred dollars per instance of prohibited conduct; 4263

(2) Regardless of whether the commissioner has previously 4264
warned the tax return preparer, request that the attorney 4265
general apply to a court of competent jurisdiction for an 4266
injunction to restrain the preparer from further engaging in the 4267
prohibited conduct. The court may take either of the following 4268
actions: 4269

(a) If the court finds that injunctive relief is 4270
appropriate to prevent the recurrence of the prohibited conduct, 4271
the court shall issue an injunction against the preparer 4272
enjoining the preparer from engaging in such conduct. 4273

(b) If the court finds that the preparer has continually 4274
or repeatedly engaged in prohibited conduct, and that enjoining 4275
the preparer solely from engaging in such conduct would not be 4276
sufficient to prevent the preparer's interference with the 4277
proper administration of any provision of Title LVII of the 4278
Revised Code, the court may issue an injunction against the 4279
preparer enjoining the preparer from acting as a tax return 4280

preparer in this state. 4281

If a tax return preparer has been enjoined from preparing 4282
tax returns or applications for refunds by a federal court or by 4283
another state court in the five years preceding the date on 4284
which an injunction is requested under this section, that prior 4285
injunction shall be sufficient to establish a prima facie case 4286
for the issuance of an injunction under division (B) (2) of this 4287
section. 4288

(C) The commissioner may require a tax return preparer to 4289
include the preparer's name and federal preparer tax 4290
identification number when filing any return or application for 4291
refund. If a tax return preparer fails to include this 4292
information when required to do so by the commissioner, or if 4293
the information provided is false, inaccurate, or incomplete, 4294
the commissioner may impose a penalty of fifty dollars for each 4295
such failure, provided that the maximum penalty imposed on a 4296
preparer under this division in a calendar year shall not exceed 4297
twenty-five thousand dollars. 4298

(D) The penalties imposed under divisions (B) (1) and (C) 4299
of this section may be assessed and collected in the same manner 4300
as assessments made under Chapter 3769., 4305., 5727., 5728., 4301
5733., 5735., 5736., 5739., 5743., 5745., 5747., 5749., 5751., 4302
or 5753., section 718.90 or 3779.44, or sections 3734.90 to 4303
3734.9014 of the Revised Code. The commissioner may abate all or 4304
a portion of any penalty imposed under this section upon the 4305
showing of good cause by the tax return preparer. 4306

Sec. 5703.50. As used in sections 5703.50 to 5703.53 of 4307
the Revised Code: 4308

(A) "Tax" includes only those taxes imposed on tangible 4309

personal property listed in accordance with Chapter 5711. of the 4310
Revised Code, taxes imposed under Chapters 3779., 5733., 5736., 4311
5739., 5741., 5747., and 5751. of the Revised Code, and the tax 4312
administered under sections 718.80 to 718.95 of the Revised 4313
Code. 4314

(B) "Taxpayer" means a person subject to or potentially 4315
subject to a tax including an employer required to deduct and 4316
withhold any amount under section 5747.06 of the Revised Code. 4317

(C) "Audit" means the examination of a taxpayer or the 4318
inspection of the books, records, memoranda, or accounts of a 4319
taxpayer for the purpose of determining liability for a tax. 4320

(D) "Assessment" means a notice of underpayment or 4321
nonpayment of a tax issued pursuant to section 718.90, 3779.44, 4322
5711.26, 5711.32, 5733.11, 5736.09, 5739.13, 5741.11, 5741.13, 4323
5747.13, or 5751.09 of the Revised Code. 4324

(E) "County auditor" means the auditor of the county in 4325
which the tangible personal property subject to a tax is 4326
located. 4327

Sec. 5703.70. (A) On the filing of an application for 4328
refund under section 718.91, 3734.905, 3779.43, 4307.05, 4329
4307.07, 5726.30, 5727.28, 5727.91, 5728.061, 5733.12, 5735.122, 4330
5735.13, 5735.14, 5735.141, 5735.142, 5735.18, 5736.08, 5739.07, 4331
5739.071, 5739.104, 5741.10, 5743.05, 5743.53, 5747.11, 5749.08, 4332
5751.08, or 5753.06 of the Revised Code, or an application for 4333
compensation under section 5739.061 of the Revised Code, if the 4334
tax commissioner determines that the amount of the refund or 4335
compensation to which the applicant is entitled is less than the 4336
amount claimed in the application, the commissioner shall give 4337
the applicant written notice by ordinary mail of the amount. The 4338

notice shall be sent to the address shown on the application 4339
unless the applicant notifies the commissioner of a different 4340
address. The applicant shall have sixty days from the date the 4341
commissioner mails the notice to provide additional information 4342
to the commissioner or request a hearing, or both. 4343

(B) If the applicant neither requests a hearing nor 4344
provides additional information to the tax commissioner within 4345
the time prescribed by division (A) of this section, the 4346
commissioner shall take no further action, and the refund or 4347
compensation amount denied becomes final. 4348

(C) (1) If the applicant requests a hearing within the time 4349
prescribed by division (A) of this section, the tax commissioner 4350
shall assign a time and place for the hearing and notify the 4351
applicant of such time and place, but the commissioner may 4352
continue the hearing from time to time, as necessary. After the 4353
hearing, the commissioner may make such adjustments to the 4354
refund or compensation as the commissioner finds proper, and 4355
shall issue a final determination thereon. 4356

(2) If the applicant does not request a hearing, but 4357
provides additional information, within the time prescribed by 4358
division (A) of this section, the commissioner shall review the 4359
information, make such adjustments to the refund or compensation 4360
as the commissioner finds proper, and issue a final 4361
determination thereon. The commissioner may review such 4362
information and make such adjustments as many times as the 4363
commissioner finds proper before the issuance of a final 4364
determination. 4365

(3) If the applicant requests a hearing and provides 4366
additional information within the time prescribed by division 4367
(A) of this section, the commissioner may review the information 4368

and make such adjustments to the refund or compensation as the
commissioner finds proper. The commissioner may review such
information and make such adjustments as many times as the
commissioner finds proper before the issuance of a final
determination.

The commissioner shall assign a time and place for the
hearing and notify the applicant of such time and place, but the
commissioner may continue the hearing from time to time, as
necessary. After the hearing, the commissioner may make any
additional adjustments to the refund or compensation as the
commissioner finds proper and shall issue a final determination
thereon.

(4) The commissioner shall serve a copy of the final
determination made under division (C)(1), (2), or (3) of this
section on the applicant in the manner provided in section
5703.37 of the Revised Code, and the decision is final, subject
to appeal under section 5717.02 of the Revised Code.

(D) The tax commissioner shall certify to the director of
budget and management and treasurer of state for payment from
the tax refund fund created by section 5703.052 of the Revised
Code, the amount of the refund to be refunded under division (B)
or (C) of this section. The commissioner also shall certify to
the director and treasurer of state for payment from the general
revenue fund the amount of compensation to be paid under
division (B) or (C) of this section.

Sec. 5703.77. (A) As used in this section:

(1) "Taxpayer" means a person subject to or previously
subject to a tax or fee, a person that remits a tax or fee, or a
person required to or previously required to withhold or collect

and remit a tax or fee on behalf of another person. 4398

(2) "Tax or fee" means a tax or fee administered by the 4399
tax commissioner. 4400

(3) "Credit account balance" means the amount that a 4401
taxpayer remits to the state in excess of the amount required to 4402
be remitted, after accounting for factors applicable to the 4403
taxpayer such as accelerated payments, estimated payments, tax 4404
credits, and tax credit balances that may be carried forward. 4405

(4) "Tax debt" means an unpaid tax or fee or any unpaid 4406
penalty, interest, or additional charge on such a tax or fee due 4407
the state. 4408

(B) As soon as practicable, but not later than sixty days 4409
before the expiration of the period of time during which a 4410
taxpayer may file a refund application for a tax or fee, the tax 4411
commissioner shall review the taxpayer's accounts for the tax or 4412
fee and notify the taxpayer of any credit account balance for 4413
which the commissioner is required to issue a refund if the 4414
taxpayer were to file a refund application for that balance, 4415
regardless of whether the taxpayer files a refund application or 4416
amended return with respect to that tax or fee. The notice shall 4417
be made using contact information for the taxpayer on file with 4418
the commissioner. 4419

(C) Notwithstanding sections 128.47, 718.91, 3734.905, 4420
3779.43, 4307.05, 5726.30, 5727.28, 5727.42, 5727.91, 5728.061, 4421
5735.122, 5736.08, 5739.07, 5739.104, 5741.10, 5743.05, 5743.53, 4422
5747.11, 5749.08, 5751.08, 5753.06, and any other section of the 4423
Revised Code governing refunds, the commissioner may apply the 4424
amount of any credit account balance for which the commissioner 4425
is required to issue a refund if the taxpayer were to file a 4426

refund application for that balance as a credit against the 4427
taxpayer's liability for the tax or fee in the taxpayer's next 4428
reporting period for that tax or fee or issue a refund of that 4429
credit account balance to the taxpayer, subject to division (D) 4430
of this section. 4431

(D) Before issuing a refund to a taxpayer under division 4432
(C) of this section, the tax commissioner shall withhold from 4433
that refund the amount of any of the taxpayer's tax debt 4434
certified to the attorney general under section 131.02 of the 4435
Revised Code and the amount of the taxpayer's liability, if any, 4436
for a tax debt. The commissioner shall apply any amount withheld 4437
first in satisfaction of the amount of the taxpayer's certified 4438
tax debt and then in satisfaction of the taxpayer's liability. 4439
If the credit account balance originates from the tax 4440
administered under sections 718.80 to 718.95 of the Revised 4441
Code, it may be applied only against the taxpayer's certified 4442
tax debt or tax liability due under those sections. 4443

(E) The tax commissioner may adopt rules to administer 4444
this section. 4445

Sec. 5713.30. As used in sections 5713.31 to 5713.37 and 4446
5715.01 of the Revised Code: 4447

(A) "Land devoted exclusively to agricultural use" means: 4448

(1) Tracts, lots, or parcels of land totaling not less 4449
than ten acres to which, during the three calendar years prior 4450
to the year in which application is filed under section 5713.31 4451
of the Revised Code, and through the last day of May of such 4452
year, one or more of the following apply: 4453

(a) The tracts, lots, or parcels of land were devoted 4454
exclusively to commercial animal or poultry husbandry, 4455

aquaculture, algaculture meaning the farming of algae, 4456
apiculture, the cultivation of hemp by a person issued a hemp 4457
cultivation license under section 928.02 of the Revised Code, 4458
the production for a commercial purpose of timber, field crops, 4459
tobacco, fruits, vegetables, nursery stock, ornamental trees, 4460
sod, or flowers, or the growth of timber for a noncommercial 4461
purpose, if the land on which the timber is grown is contiguous 4462
to or part of a parcel of land under common ownership that is 4463
otherwise devoted exclusively to agricultural use. 4464

(b) The tracts, lots, or parcels of land were devoted 4465
exclusively to biodiesel production, biomass energy production, 4466
electric or heat energy production, or biologically derived 4467
methane gas production if the land on which the production 4468
facility is located is contiguous to or part of a parcel of land 4469
under common ownership or leasehold that is otherwise devoted 4470
exclusively to agricultural use, provided that (i) at least 4471
fifty per cent of the feedstock used in the production is 4472
agricultural feedstock, (ii) at least twenty per cent of the 4473
agricultural feedstock used in the production is derived from 4474
parcels of land under common ownership or leasehold, and (iii) 4475
none of the feedstock used in the production consists of human 4476
waste. As used in this division, "agricultural feedstock" means 4477
manure and food waste, and "human waste" includes sludge as 4478
defined in section 6111.01 of the Revised Code. 4479

(c) The tracts, lots, or parcels of land are eligible 4480
conservation land. 4481

(2) Tracts, lots, or parcels of land totaling less than 4482
ten acres that, during the three calendar years prior to the 4483
year in which application is filed under section 5713.31 of the 4484
Revised Code and through the last day of May of such year, were 4485

devoted exclusively to commercial animal or poultry husbandry, 4486
aquaculture, algaculture meaning the farming of algae, 4487
apiculture, the cultivation of hemp by a person issued a hemp 4488
cultivation license under section 928.02 of the Revised Code, 4489
the production for a commercial purpose of field crops, tobacco, 4490
fruits, vegetables, timber, nursery stock, ornamental trees, 4491
sod, or flowers where such activities produced an average yearly 4492
gross income of at least twenty-five hundred dollars during such 4493
three-year period or where there is evidence of an anticipated 4494
gross income of such amount from such activities during the tax 4495
year in which application is made, or were eligible conservation 4496
land; 4497

(3) Tracts, lots, or parcels of land, or portions thereof 4498
that, during the previous three consecutive calendar years have 4499
been designated as land devoted exclusively to agricultural use, 4500
but such land has been lying idle or fallow for up to one year 4501
and no action has occurred to such land that is either 4502
inconsistent with the return of it to agricultural production or 4503
converts the land devoted exclusively to agricultural use as 4504
defined in this section. Such land shall remain designated as 4505
land devoted exclusively to agricultural use provided that 4506
beyond one year, but less than three years, the landowner proves 4507
good cause as determined by the board of revision. 4508

(4) Tracts, lots, or parcels of land, or portions thereof 4509
that, during the previous three consecutive calendar years have 4510
been designated as land devoted exclusively to agricultural use, 4511
but such land has been lying idle or fallow because of dredged 4512
material being stored or deposited on such land pursuant to a 4513
contract between the land's owner and the department of natural 4514
resources or the United States army corps of engineers and no 4515
action has occurred to the land that is either inconsistent with 4516

the return of it to agricultural production or converts the land 4517
devoted exclusively to agricultural use. Such land shall remain 4518
designated as land devoted exclusively to agricultural use until 4519
the last year in which dredged material is stored or deposited 4520
on the land pursuant to such a contract, but not to exceed five 4521
years. 4522

"Land devoted exclusively to agricultural use" includes 4523
tracts, lots, or parcels of land or portions thereof that are 4524
used for conservation practices, provided that the tracts, lots, 4525
or parcels of land or portions thereof comprise twenty-five per 4526
cent or less of the total of the tracts, lots, or parcels of 4527
land that satisfy the criteria established in division (A) (1), 4528
(2), (3), or (4) of this section together with the tracts, lots, 4529
or parcels of land or portions thereof that are used for 4530
conservation practices. 4531

Notwithstanding any other provision of law to the 4532
contrary, the existence of agritourism on a tract, lot, or 4533
parcel of land that otherwise meets the definition of "land 4534
devoted exclusively to agricultural use" as defined in this 4535
division does not disqualify that tract, lot, or parcel from 4536
valuation under sections 5713.30 to 5713.37 and 5715.01 of the 4537
Revised Code. 4538

A tract, lot, or parcel of land taxed under sections 4539
5713.22 to 5713.26 of the Revised Code is not land devoted 4540
exclusively to agricultural use. 4541

A tract, lot, parcel, or portion thereof on which medical 4542
marijuana or adult-use marijuana, as those terms are defined by 4543
section 3796.01 of the Revised Code, is cultivated or processed 4544
is not land devoted exclusively to agricultural use. 4545

(B) "Conversion of land devoted exclusively to 4546
agricultural use" means any of the following: 4547

(1) The failure of the owner of land devoted exclusively 4548
to agricultural use during the next preceding calendar year to 4549
file a renewal application under section 5713.31 of the Revised 4550
Code without good cause as determined by the board of revision; 4551

(2) The failure of the new owner of such land to file an 4552
initial application under that section without good cause as 4553
determined by the board of revision; 4554

(3) The failure of such land or portion thereof to qualify 4555
as land devoted exclusively to agricultural use for the current 4556
calendar year as requested by an application filed under such 4557
section; 4558

(4) The failure of the owner of the land described in 4559
division (A) (3) or (4) of this section to act on such land in a 4560
manner that is consistent with the return of the land to 4561
agricultural production after three years. 4562

The construction or installation of an energy facility, as 4563
defined in section 5727.01 of the Revised Code, on a portion of 4564
a tract, lot, or parcel of land devoted exclusively to 4565
agricultural use shall not cause the remaining portion of the 4566
tract, lot, or parcel to be regarded as a conversion of land 4567
devoted exclusively to agricultural use if the remaining portion 4568
of the tract, lot, or parcel continues to be devoted exclusively 4569
to agricultural use. 4570

(C) "Tax savings" means the difference between the dollar 4571
amount of real property taxes levied in any year on land valued 4572
and assessed in accordance with its current agricultural use 4573
value and the dollar amount of real property taxes that would 4574

have been levied upon such land if it had been valued and 4575
assessed for such year in accordance with Section 2 of Article 4576
XII, Ohio Constitution. 4577

(D) "Owner" includes, but is not limited to, any person 4578
owning a fee simple, fee tail, or life estate or a buyer on a 4579
land installment contract. 4580

(E) "Conservation practices" are practices used to abate 4581
soil erosion as required in the management of the farming 4582
operation, and include, but are not limited to, the 4583
installation, construction, development, planting, or use of 4584
grass waterways, terraces, diversions, filter strips, field 4585
borders, windbreaks, riparian buffers, wetlands, ponds, and 4586
cover crops for that purpose. 4587

(F) "Wetlands" has the same meaning as in section 6111.02 4588
of the Revised Code. 4589

(G) "Biodiesel" means a mono-alkyl ester combustible 4590
liquid fuel that is derived from vegetable oils or animal fats 4591
or any combination of those reagents and that meets the American 4592
society for testing and materials specification D6751-03a for 4593
biodiesel fuel (B100) blend stock distillate fuels. 4594

(H) "Biologically derived methane gas" means gas from the 4595
anaerobic digestion of organic materials, including animal waste 4596
and agricultural crops and residues. 4597

(I) "Biomass energy" means energy that is produced from 4598
organic material derived from plants or animals and available on 4599
a renewable basis, including, but not limited to, agricultural 4600
crops, tree crops, crop by-products, and residues. 4601

(J) "Electric or heat energy" means electric or heat 4602
energy generated from manure, cornstalks, soybean waste, or 4603

other agricultural feedstocks. 4604

(K) "Dredged material" means material that is excavated or 4605
dredged from waters of this state. "Dredged material" does not 4606
include material resulting from normal farming, silviculture, 4607
and ranching activities, such as plowing, cultivating, seeding, 4608
and harvesting, for production of food, fiber, and forest 4609
products. 4610

(L) "Agritourism" has the same meaning as in section 4611
901.80 of the Revised Code. 4612

(M) "Eligible conservation land" means either of the 4613
following: 4614

(1) A tract, lot, or parcel devoted to and qualified for 4615
payments or other compensation under a land retirement or 4616
conservation program under an agreement with an agency of the 4617
federal government; 4618

(2) A tract, lot, or parcel that meets at least one of the 4619
conditions described in divisions (M) (2) (a) to (c) of this 4620
section and the condition described in division (M) (2) (d) of 4621
this section. 4622

(a) The land is subject to an agricultural water project 4623
or nature water project that receives funding from the H2Ohio 4624
fund created in section 126.60 of the Revised Code. 4625

(b) The land was subject to such a project during the 4626
immediately preceding calendar year. 4627

(c) The land is or was subject to such a project for the 4628
current or one of the two immediately preceding tax years and, 4629
for the current tax year, is subject to either a conservation 4630
easement held by the state or an agency of the state or a 4631

conservation easement held by any other person if such easement 4632
is a condition of a nature water project that is funded through 4633
the H2Ohio fund. 4634

(d) For the tax year that includes or immediately precedes 4635
the year in which the land became subject to the project 4636
described in division (M) (2) (a), (b), or (c) of this section, as 4637
applicable, the land qualified as land devoted exclusively to 4638
agricultural use pursuant to other criteria in divisions (A) (1) 4639
to (4) of this section. 4640

As used in division (M) (2) of this section, "conservation 4641
easement" has the same meaning as in section 5301.67 of the 4642
Revised Code. 4643

Sec. 5739.21. (A) One hundred per cent of all money 4644
deposited into the state treasury under sections 5739.01 to 4645
5739.31 of the Revised Code that is not required to be 4646
distributed as provided in ~~section~~ sections 5739.102 and - 4647
5739.27 of the Revised Code or division (B) of this section 4648
shall be credited to the general revenue fund. 4649

(B) (1) In any case where any county or transit authority 4650
has levied a tax or taxes pursuant to section 5739.021, 4651
5739.023, or 5739.026 of the Revised Code, the tax commissioner 4652
shall, within forty-five days after the end of each month, 4653
determine and certify to the director of budget and management 4654
the amount of the proceeds of such tax or taxes received during 4655
that month from billings and assessments, or associated with tax 4656
returns or reports filed during that month, to be returned to 4657
the county or transit authority levying the tax or taxes. The 4658
amount to be returned to each county and transit authority shall 4659
be a fraction of the aggregate amount of money collected with 4660
respect to each area in which one or more of such taxes are 4661

concurrently in effect with the tax levied by section 5739.02 of 4662
the Revised Code. The numerator of the fraction is the rate of 4663
the tax levied by the county or transit authority and the 4664
denominator of the fraction is the aggregate rate of such taxes 4665
applicable to such area. The amount to be returned to each 4666
county or transit authority shall be reduced by the amount of 4667
any refunds of county or transit authority tax paid pursuant to 4668
section 5739.07 of the Revised Code during the same month, or 4669
transfers made pursuant to division (B)(2) of section 5703.052 4670
of the Revised Code. 4671

(2) On a periodic basis, using the best information 4672
available, the tax commissioner shall distribute any amount of a 4673
county or transit authority tax that cannot be distributed under 4674
division (B)(1) of this section. Through audit or other means, 4675
the commissioner shall attempt to obtain the information 4676
necessary to make the distribution as provided under that 4677
division and, on receipt of that information, shall make 4678
adjustments to distributions previously made under this 4679
division. 4680

(3) Eight and thirty-three one-hundredths of one per cent 4681
of the revenue collected from the tax due under division (A) of 4682
section 5739.029 of the Revised Code shall be distributed to the 4683
county where the sale of the motor vehicle is situated under 4684
section 5739.033 of the Revised Code. The amount to be so 4685
distributed to the county shall be apportioned on the basis of 4686
the rates of taxes the county levies pursuant to sections 4687
5739.021 and 5739.026 of the Revised Code, as applicable, and 4688
shall be credited to the funds of the county as provided in 4689
divisions (A) and (B) of section 5739.211 of the Revised Code. 4690

(C) The aggregate amount to be returned to any county or 4691

transit authority shall be reduced by one per cent, which shall 4692
be certified directly to the credit of the local sales tax 4693
administrative fund, which is hereby created in the state 4694
treasury. For the purpose of determining the amount to be 4695
returned to a county and transit authority in which the rate of 4696
tax imposed by the transit authority has been reduced under 4697
section 5739.028 of the Revised Code, the tax commissioner shall 4698
use the respective rates of tax imposed by the county or transit 4699
authority that results from the change in the rates authorized 4700
under that section. 4701

(D) The director of budget and management shall transfer, 4702
from the same funds and in the same proportions specified in 4703
division (A) of this section, to the permissive tax distribution 4704
fund created by division (B) (1) of section 4301.423 of the 4705
Revised Code and to the local sales tax administrative fund, the 4706
amounts certified by the tax commissioner. The tax commissioner 4707
shall then, on or before the twentieth day of the month in which 4708
such certification is made, provide for payment of such 4709
respective amounts to the county treasurer and to the fiscal 4710
officer of the transit authority levying the tax or taxes. The 4711
amount transferred to the local sales tax administrative fund is 4712
for use by the tax commissioner in defraying costs incurred in 4713
administering such taxes levied by a county or transit 4714
authority. 4715

Sec. 5739.27. (A) Terms used in this section have the same 4716
meanings as in section 3796.01 of the Revised Code. 4717

(B) For the purpose of funding the needs of the state and 4718
local governments that host adult-use marijuana dispensaries, an 4719
excise tax is levied on the retail sale of adult-use marijuana. 4720
The rate of the tax shall equal ten per cent of the price of 4721

adult-use marijuana and is in addition to other taxes levied 4722
under this chapter or Chapter 5741. of the Revised Code. 4723

(C) The tax shall be paid by the consumer to the vendor at 4724
the time of the sale, and the vendor shall report and remit the 4725
tax to the state in the same manner and at the same time the 4726
vendor reports and remits the tax levied under section 5739.02 4727
of the Revised Code. The return required by this division shall 4728
be filed on a form prescribed by the tax commissioner, which 4729
shall be separate from the return required to be filed under 4730
section 5739.12 of the Revised Code. A vendor with no sales of 4731
adult-use marijuana for a reporting period is not required to 4732
file this separate return. For all purposes of the Revised Code, 4733
the tax levied under this section shall be considered a tax 4734
levied under section 5739.02 of the Revised Code. 4735

(D) For the same purpose as the tax levied under division 4736
(B) of this section, a tax is levied on a vendor that sells any 4737
marijuana other than adult-use marijuana or medical marijuana to 4738
a consumer. That tax equals ten per cent of the price of such 4739
marijuana, and the consumer and vendor are liable for any 4740
amounts, including tax, interest, and penalties, imposed under 4741
this section and chapter in the same manner as vendors subject 4742
to the tax imposed under division (B) of this section. 4743

(E) All amounts collected from a tax levied under this 4744
section shall be deposited into the marijuana receipts fund, 4745
which is created in the state treasury. Investment earnings of 4746
the marijuana receipts fund shall be credited to that fund. 4747

From the marijuana receipts fund, the director of budget 4748
and management shall transfer as needed to the tax refund fund 4749
amounts equal to the refunds attributable to the tax levied 4750
under this section and certified by the tax commissioner under 4751

section 5739.07 of the Revised Code.

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

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(G) Beginning in fiscal year 2026, and for the following
six fiscal years, the director of budget and management shall
distribute twenty-five per cent of funds in the marijuana
receipts fund, after making any transfers required under
division (E) of this section, to the host community cannabis
fund, which is created in the state treasury, for the benefit of
municipal corporations or townships that have, as of June 30,
2026, and at all times since, at least one licensed dispensary
or location for which a provisional license has been issued.
Distributions to such municipal corporations and townships shall
be based on the portion of the tax levied under division (B) of
this section attributable to each municipal corporation or
township. Municipal corporations and townships receiving funds
under this division may use such funds for any lawful purpose.

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

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Sec. 5739.99. (A) Whoever violates section 5739.26 or
5739.29 of the Revised Code shall be fined not less than twenty-
five nor more than one hundred dollars for a first offense; for
each subsequent offense such person shall, if a corporation, be

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fined not less than one hundred nor more than five hundred 4782
dollars, or if an individual, or a member of a partnership, 4783
firm, or association, be fined not less than twenty-five nor 4784
more than one hundred dollars, or imprisoned not more than sixty 4785
days, or both. 4786

(B) Whoever violates division (A) of section 5739.30 of 4787
the Revised Code shall be fined not less than one hundred nor 4788
more than one thousand dollars, or imprisoned not more than 4789
sixty days, or both. 4790

(C) (1) Whoever violates division (A) (1) of section 5739.31 4791
of the Revised Code shall be fined not less than twenty-five nor 4792
more than one hundred dollars. If the offender previously has 4793
been convicted of a violation of division (A) (1) of section 4794
5739.31 of the Revised Code, the offender is guilty of a felony 4795
of the fourth degree. 4796

(2) Whoever violates division (A) (2) of section 5739.31 of 4797
the Revised Code shall be fined not less than one hundred 4798
dollars nor more than five hundred dollars, or imprisoned for 4799
not more than ten days, or both, for the first offense; for each 4800
subsequent offense, each such person shall be fined not less 4801
than one thousand dollars nor more than twenty-five hundred 4802
dollars, or imprisoned not more than thirty days, or both. The 4803
motor vehicles and goods of any person charged with violating 4804
division (A) (2) of section 5739.31 of the Revised Code may be 4805
impounded and held pending the disposition of the charge, and 4806
may be sold at auction by the county sheriff in the manner 4807
prescribed by law to satisfy any fine imposed by this division. 4808

(3) Whoever violates division (B) of section 5739.31 of 4809
the Revised Code is guilty of a felony of the fourth degree. 4810
Each day that business is conducted while a vendor's license is 4811

suspended constitutes a separate offense. 4812

(D) Except as otherwise provided in this section, whoever 4813
violates sections 5739.01 to 5739.31 of the Revised Code, or any 4814
lawful rule promulgated by the department of taxation under 4815
authority of such sections, shall be fined not less than twenty- 4816
five nor more than one hundred dollars. 4817

(E) Whoever violates section 5739.12 of the Revised Code 4818
by failing to remit to the state the tax collected under section 4819
5739.02, 5739.021, 5739.023, ~~or~~ 5739.026, or 5739.27 of the 4820
Revised Code is guilty of a felony of the fourth degree and 4821
shall suffer the loss of the person's vendor's license as 4822
required by section 5739.17 of the Revised Code. A person shall 4823
not be eligible for a vendor's license for two years following 4824
conviction. 4825

(F) Whoever violates division (E) of section 5739.17 of 4826
the Revised Code is guilty of failure to display a transient 4827
vendor's license, a minor misdemeanor. A sheriff or police 4828
officer in a municipal corporation may enforce this division. 4829
The prosecuting attorney of a county shall inform the tax 4830
commissioner of any instance when a complaint is brought against 4831
a transient vendor pursuant to this division. 4832

(G) Whoever violates section 5739.103 of the Revised Code 4833
shall be fined not less than twenty-five nor more than one 4834
hundred dollars. If the offender previously has been convicted 4835
of violating that section, the offender is guilty of a felony of 4836
the fourth degree. 4837

(H) The penalties provided in this section are in addition 4838
to any penalties imposed by the tax commissioner under section 4839
5739.133 of the Revised Code. 4840

Section 2. That existing sections 9.79, 131.02, 519.21, 4841
715.013, 928.01, 928.03, 3376.07, 3796.01, 3796.02, 3796.03, 4842
3796.05, 3796.06, 3796.07, 3796.09, 3796.10, 3796.12, 3796.13, 4843
3796.14, 3796.15, 3796.17, 3796.18, 3796.19, 3796.20, 3796.21, 4844
3796.22, 3796.23, 3796.24, 3796.27, 3796.28, 3796.29, 3796.30, 4845
3796.31, 4735.18, 4796.25, 5502.01, 5502.13, 5502.14, 5703.052, 4846
5703.053, 5703.19, 5703.263, 5703.50, 5703.70, 5703.77, 5713.30, 4847
5739.21, and 5739.99 of the Revised Code are hereby repealed. 4848

Section 3. That sections 3780.01, 3780.02, 3780.03, 4849
3780.04, 3780.05, 3780.06, 3780.07, 3780.08, 3780.09, 3780.10, 4850
3780.11, 3780.12, 3780.13, 3780.14, 3780.15, 3780.16, 3780.17, 4851
3780.18, 3780.19, 3780.20, 3780.21, 3780.22, 3780.23, 3780.24, 4852
3780.25, 3780.26, 3780.27, 3780.28, 3780.29, 3780.30, 3780.31, 4853
3780.32, 3780.33, 3780.34, 3780.35, 3780.36, 3780.90, 3780.99, 4854
and 3796.021 of the Revised Code are hereby repealed. 4855

Section 4. (A) All rules adopted by the Division of 4856
Cannabis Control pursuant to Chapter 3780. of the Revised Code, 4857
as that chapter existed immediately before the effective date of 4858
this section, and that are not in conflict with the requirements 4859
of this act, continue in effect until repealed or amended by the 4860
Division of Marijuana Control. The Director of the Legislative 4861
Service Commission shall renumber rules adopted under Chapter 4862
3780. of the Revised Code to reflect the transfer of authority 4863
to Chapter 3796. of the Revised Code, as amended by this act. 4864

(B) Any rules that are pending before the Common Sense 4865
Initiative or the Joint Committee on Agency Rule Review on the 4866
effective date of this section that were proposed by the 4867
Division of Cannabis Control under Chapter 3780. of the Revised 4868
Code, as that chapter existed immediately before the effective 4869
date of this section, shall be treated as having been proposed 4870

by the Division of Marijuana Control under Chapter 3796. of the 4871
Revised Code. 4872

(C) Notwithstanding any provision of section 121.95 of the 4873
Revised Code to the contrary, a regulatory restriction contained 4874
in a rule adopted by the Division of Marijuana Control in 4875
accordance with Chapter 3796. of the Revised Code, as amended by 4876
this act, during the period beginning on the effective date of 4877
this section and ending twelve months after that date is not 4878
subject to sections 121.95 to 121.953 of the Revised Code. 4879

Section 5. If any provision of a section of this act or 4880
the application thereof to any person or circumstance is held 4881
invalid, the invalidity does not affect other provisions or 4882
applications of the section or related sections that can be 4883
given effect without the invalid provision or application, and 4884
to this end the provisions are severable. 4885

Section 6. The General Assembly, applying the principle 4886
stated in division (B) of section 1.52 of the Revised Code that 4887
amendments are to be harmonized if reasonably capable of 4888
simultaneous operation, finds that the following sections, 4889
presented in this act as composites of the sections as amended 4890
by the acts indicated, are the resulting versions of the 4891
sections in effect prior to the effective date of the sections 4892
as presented in this act: 4893

Section 519.21 of the Revised Code as amended by both H.B. 4894
523 and S.B. 75 of the 131st General Assembly. 4895

Section 5739.99 of the Revised Code as amended by both 4896
S.B. 143 and S.B. 200 of the 124th General Assembly. 4897