

**I\_136\_1413-16**

**136th General Assembly**

**Regular Session**

**2025-2026**

**Sub. S. B. No. 56**

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To amend sections 9.79, 109.572, 131.02, 519.21, 1  
715.013, 928.01, 928.03, 3376.07, 3796.01, 2  
3796.02, 3796.03, 3796.05, 3796.06, 3796.07, 3  
3796.09, 3796.10, 3796.12, 3796.13, 3796.14, 4  
3796.15, 3796.17, 3796.18, 3796.19, 3796.20, 5  
3796.21, 3796.22, 3796.23, 3796.24, 3796.27, 6  
3796.28, 3796.29, 3796.30, 3796.31, 4506.01, 7  
4735.18, 4796.25, 5502.01, 5502.13, 5502.14, 8  
5703.052, 5703.053, 5703.19, 5703.263, 5703.50, 9  
5703.70, 5703.77, 5713.30, and 5743.45; to 10  
amend, for the purpose of adopting a new section 11  
number as indicated in parentheses, section 12  
3780.37 (3796.34); to enact sections 928.08, 13  
2953.321, 3779.01, 3779.02, 3779.021, 3779.022, 14  
3779.03, 3779.031, 3779.032, 3779.04, 3779.05, 15  
3779.051, 3779.06, 3779.07, 3779.08, 3779.09, 16  
3779.10, 3779.11, 3779.21, 3779.22, 3779.221, 17  
3779.23, 3779.24, 3779.25, 3779.26, 3779.27, 18  
3779.28, 3779.29, 3779.30, 3779.40, 3779.41, 19  
3779.42, 3779.43, 3779.431, 3779.44, 3779.45, 20  
3779.451, 3779.46, 3779.47, 3779.48, 3779.99, 21  
3796.04, 3796.062, 3796.221, 3796.32, 3796.33, 22  
3796.40, 3796.99, and 5119.171; and to repeal 23  
sections 3780.01, 3780.02, 3780.03, 3780.04, 24



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3780.05, 3780.06, 3780.07, 3780.08, 3780.09, 25  
3780.10, 3780.11, 3780.12, 3780.13, 3780.14, 26  
3780.15, 3780.16, 3780.17, 3780.20, 3780.21, 27  
3780.22, 3780.24, 3780.25, 3780.26, 3780.27, 28  
3780.28, 3780.29, 3780.30, 3780.31, 3780.32, 29  
3780.33, 3780.34, 3780.35, 3780.36, 3780.90, 30  
3780.99, and 3796.021 of the Revised Code to 31  
revise specified provisions of the liquor 32  
control, hemp, and adult-use marijuana laws, to 33  
levy taxes on certain hemp products, and to make 34  
an appropriation. 35

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

**Section 1.** That sections 9.79, 109.572, 131.02, 519.21, 36  
715.013, 928.01, 928.03, 3376.07, 3796.01, 3796.02, 3796.03, 37  
3796.05, 3796.06, 3796.07, 3796.09, 3796.10, 3796.12, 3796.13, 38  
3796.14, 3796.15, 3796.17, 3796.18, 3796.19, 3796.20, 3796.21, 39  
3796.22, 3796.23, 3796.24, 3796.27, 3796.28, 3796.29, 3796.30, 40  
3796.31, 4506.01, 4735.18, 4796.25, 5502.01, 5502.13, 5502.14, 41  
5703.052, 5703.053, 5703.19, 5703.263, 5703.50, 5703.70, 42  
5703.77, 5713.30, and 5743.45 be amended; section 3780.37 43  
(3796.34) be amended for the purpose of adopting a new section 44  
number as indicated in parentheses; and sections 928.08, 45  
2953.321, 3779.01, 3779.02, 3779.021, 3779.022, 3779.03, 46  
3779.031, 3779.032, 3779.04, 3779.05, 3779.051, 3779.06, 47  
3779.07, 3779.08, 3779.09, 3779.10, 3779.11, 3779.21, 3779.22, 48  
3779.221, 3779.23, 3779.24, 3779.25, 3779.26, 3779.27, 3779.28, 49  
3779.29, 3779.30, 3779.40, 3779.41, 3779.42, 3779.43, 3779.431, 50  
3779.44, 3779.45, 3779.451, 3779.46, 3779.47, 3779.48, 3779.99, 51

3796.04, 3796.062, 3796.221, 3796.32, 3796.33, 3796.40, 3796.99, 52  
and 5119.171 of the Revised Code be enacted to read as follows: 53

**Sec. 9.79.** (A) As used in this section: 54

(1) "License" means an authorization evidenced by a 55  
license, certificate, registration, permit, card, or other 56  
authority that is issued or conferred by a licensing authority 57  
to an individual by which the individual has or claims the 58  
privilege to engage in a profession, occupation, or occupational 59  
activity over which the licensing authority has jurisdiction. 60  
"License" does not include a registration under section 101.72, 61  
101.92, or 121.62 of the Revised Code. 62

(2) "Licensing authority" means a state agency that issues 63  
licenses under Title XLVII or any other provision of the Revised 64  
Code to practice an occupation or profession. 65

(3) "Offense of violence" has the same meaning as in 66  
section 2901.01 of the Revised Code. 67

(4) "Sexually oriented offense" has the same meaning as in 68  
section 2950.01 of the Revised Code. 69

(5) "State agency" has the same meaning as in section 1.60 70  
of the Revised Code. 71

(6) "Community control sanction" has the same meaning as 72  
in section 2929.01 of the Revised Code. 73

(7) "Post-release control sanction" has the same meaning 74  
as in section 2967.01 of the Revised Code. 75

(8) "Fiduciary duty" means a duty to act for someone 76  
else's benefit, while subordinating one's personal interest to 77  
that of the other person. 78

(B) (1) Notwithstanding any provision of the Revised Code 79  
to the contrary, subject to division (L) of this section, for 80  
each type of license issued or conferred by a licensing 81  
authority, the licensing authority shall establish within one 82  
hundred eighty days after April 12, 2021, a list of specific 83  
criminal offenses for which a conviction, judicial finding of 84  
guilt, or plea of guilty may disqualify an individual from 85  
obtaining an initial license. The licensing authority shall make 86  
the list available to the public on the licensing authority's 87  
web site pursuant to division (C) of section 9.78 of the Revised 88  
Code. The licensing authority, in adopting the list, shall do 89  
both of the following: 90

(a) Identify each disqualifying offense by name or by the 91  
Revised Code section number that creates the offense; 92

(b) Include in the list only criminal offenses that are 93  
directly related to the duties and responsibilities of the 94  
licensed occupation. 95

(2) The licensing authority may include in the list 96  
established under division (B) (1) of this section an existing or 97  
former municipal ordinance or law of this or any other state or 98  
the United States that is substantially equivalent to any 99  
section or offense included in the list adopted under division 100  
(B) (1) of this section. 101

(C) (1) Except as provided in division (C) (2) or (D) of 102  
this section and subject to division (L) of this section, a 103  
licensing authority shall not refuse to issue an initial license 104  
to an individual based on any of the following: 105

(a) Solely or in part on a conviction of, judicial finding 106  
of guilt of, or plea of guilty to an offense; 107

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

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

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

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

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

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

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

(c) The relationship of the offense to the ability, 137  
capacity, and fitness required to perform the duties and 138  
discharge the responsibilities of the occupation; 139

(d) Any evidence of mitigating rehabilitation or treatment 140  
undertaken by the individual, including whether the individual 141  
has been issued a certificate of qualification for employment 142  
under section 2953.25 of the Revised Code or a certificate of 143  
achievement and employability under section 2961.22 of the 144  
Revised Code; 145

(e) Whether the denial of a license is reasonably 146  
necessary to ensure public safety. 147

(2) A licensing authority may take a disqualifying offense 148  
included in the list established under division (B) of this 149  
section into account only during the following time periods: 150

(a) For a conviction of, judicial finding of guilt of, or 151  
plea of guilty to a disqualifying offense that does not involve 152  
a breach of fiduciary duty and that is not an offense of 153  
violence or a sexually oriented offense, whichever of the 154  
following is later, provided the individual was not convicted 155  
of, found guilty pursuant to a judicial finding of guilt of, and 156  
did not enter a plea of guilty to any other offense during the 157  
applicable period: 158

(i) Five years from the date of conviction, judicial 159  
finding of guilt, or plea of guilty; 160

(ii) Five years from the date of the release from 161  
incarceration; 162

(iii) The time period specified in division (D) (3) of this 163  
section. 164

(b) For a conviction of, judicial finding of guilt of, or 165  
plea of guilty to a disqualifying offense that involves a breach 166  
of fiduciary duty and that is not an offense of violence or a 167  
sexually oriented offense, whichever of the following is later, 168  
provided the individual was not convicted of, found guilty 169  
pursuant to a judicial finding of guilt of, and did not enter a 170  
plea of guilty to any other offense during the applicable 171  
period: 172

(i) Ten years from the date of conviction, judicial 173  
finding of guilt, or plea of guilty; 174

(ii) Ten years from the date of the release from 175  
incarceration; 176

(iii) The time period specified in division (D) (4) of this 177  
section. 178

(c) For a conviction of, judicial finding of guilt of, or 179  
plea of guilty to a disqualifying offense that is an offense of 180  
violence or a sexually oriented offense, any time. 181

(3) If an individual is subject to a community control 182  
sanction, parole, or post-release control sanction based on a 183  
conviction of, judicial finding of guilt of, or plea of guilty 184  
to a disqualifying offense included in the list established 185  
under division (B) of this section that is not an offense of 186  
violence or a sexually oriented offense, a licensing authority 187  
may take the offense into account during the following time 188  
periods: 189

(a) If the community control sanction, parole, or post- 190  
release control sanction was for a term of less than five years, 191  
the period of the community control sanction, parole, or post- 192  
release control sanction plus the number of years after the date 193

of final discharge of the community control sanction, parole, or 194  
post-release control sanction necessary to equal five years; 195

(b) If the community control sanction, parole, or post- 196  
release control sanction was for a term of five years or more, 197  
the period of the community control sanction, parole, or post- 198  
release control sanction. 199

(4) If an individual is subject to a community control 200  
sanction, parole, or post-release control sanction based on a 201  
conviction of, judicial finding of guilt of, or plea of guilty 202  
to a disqualifying offense included in the list established 203  
under division (B) of this section that involved a breach of 204  
fiduciary duty and that is not an offense of violence or a 205  
sexually oriented offense, a licensing authority may take the 206  
offense into account during the following time periods: 207

(a) If the community control sanction, parole, or post- 208  
release control sanction was for a term of less than ten years, 209  
for the period of the community control sanction, parole, or 210  
post-release control sanction plus the number of years after the 211  
date of final discharge of the community control sanction, 212  
parole, or post-release control sanction necessary to equal ten 213  
years; 214

(b) If the community control sanction, parole, or post- 215  
release control sanction was for a term of ten years or more, 216  
the period of the community control sanction, parole, or post- 217  
release control sanction. 218

(E) If a licensing authority refuses to issue an initial 219  
license to an individual pursuant to division (D) of this 220  
section, the licensing authority shall notify the individual in 221  
writing of all of the following: 222



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

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

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

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

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

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

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

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

(1) Any position for which appointment requires compliance	252
with section 109.77 of the Revised Code or in which an	253
individual may satisfy the requirements for appointment or	254
election by complying with that section;	255
(2) Any position for which federal law requires	256
disqualification from licensure or employment based on a	257
conviction of, judicial finding of guilt of, or plea of guilty	258
to an offense;	259
(3) Community-based long-term care services certificates	260
and community-based long-term care services contracts or grants	261
issued under section 173.381 of the Revised Code;	262
(4) Certifications of a provider to provide community-	263
based long-term care services under section 173.391 of the	264
Revised Code;	265
(5) Certificates of authority to a health insuring	266
corporation issued under section 1751.05 of the Revised Code;	267
(6) Licenses to operate a home or residential care	268
facility issued under section 3721.07 of the Revised Code;	269
(7) Certificates of authority to make contracts of	270
indemnity issued under section 3931.10 of the Revised Code;	271
(8) Supported living certificates issued under section	272
5123.161 of the Revised Code;	273
(9) Certificates to administer medications and perform	274
health-related activities under section 5123.45 of the Revised	275
Code;	276
<u>(10) Licenses issued by the division of marijuana control</u>	277
<u>under Chapter 3796. of the Revised Code.</u>	278

(J) Nothing in divisions (B) to (K) of this section 279  
prohibits a licensing authority from considering either of the 280  
following when making a determination whether to issue a license 281  
to an individual: 282

(1) Past disciplinary action taken by the licensing 283  
authority against the individual; 284

(2) Past disciplinary action taken against the individual 285  
by an authority in another state that issues a license that is 286  
substantially similar to the license for which the individual 287  
applies. 288

(K) Notwithstanding any provision of the Revised Code to 289  
the contrary, if a licensing authority issues a license to an 290  
individual after considering a conviction of, judicial finding 291  
of guilt of, or plea of guilty to an offense under division (D) 292  
of this section, the licensing authority shall not refuse to 293  
renew the individual's license based on that conviction, 294  
judicial finding of guilt, or plea of guilty. 295

(L) (1) Notwithstanding any provision of the Revised Code 296  
to the contrary, subject to division (G) of this section, during 297  
the period commencing on ~~the effective date of this amendment~~ 298  
April 4, 2023, and ending on ~~the date that is two years after~~ 299  
~~the effective date of this amendment~~ April 4, 2025, no licensing 300  
authority shall refuse to issue a license to a person, limit or 301  
otherwise place restrictions on a person's license, or suspend 302  
or revoke a person's license under any provision of the Revised 303  
Code that takes effect on or after the effective date of this 304  
amendment and prior to the date that is two years after the 305  
effective date of this amendment and that requires or authorizes 306  
such a refusal, limitation, restriction, suspension, or 307  
revocation as a result of the person's conviction of, judicial 308

finding of guilt of, or plea of guilty to an offense. 309

(2) Divisions (B) to (F), and (H) to (K), of this section 310  
do not apply with respect to any provision of the Revised Code 311  
that takes effect on or after the effective date of this 312  
amendment and prior to the date that is two years after the 313  
effective date of this amendment and that requires or authorizes 314  
a licensing authority to refuse to issue a license to a person, 315  
to limit or otherwise place restrictions on a person's license, 316  
or to suspend or revoke a person's license as a result of the 317  
person's conviction of, judicial finding of guilt of, or plea of 318  
guilty to an offense. 319

**Sec. 109.572.** (A) (1) Upon receipt of a request pursuant to 320  
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 321  
Code, a completed form prescribed pursuant to division (C) (1) of 322  
this section, and a set of fingerprint impressions obtained in 323  
the manner described in division (C) (2) of this section, the 324  
superintendent of the bureau of criminal identification and 325  
investigation shall conduct a criminal records check in the 326  
manner described in division (B) of this section to determine 327  
whether any information exists that indicates that the person 328  
who is the subject of the request previously has been convicted 329  
of or pleaded guilty to any of the following: 330

(a) A violation of section 2903.01, 2903.02, 2903.03, 331  
2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 332  
2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 333  
2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 334  
2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 335  
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 336  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 337  
2923.12, 2923.13, 2923.161, 2923.17, 2923.21, 2923.42, 2925.02, 338

2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 339  
2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 2925.37, or 3716.11 340  
of the Revised Code, felonious sexual penetration in violation 341  
of former section 2907.12 of the Revised Code, a violation of 342  
section 2905.04 of the Revised Code as it existed prior to July 343  
1, 1996, a violation of section 2919.23 of the Revised Code that 344  
would have been a violation of section 2905.04 of the Revised 345  
Code as it existed prior to July 1, 1996, had the violation been 346  
committed prior to that date, or a violation of section 2925.11 347  
of the Revised Code that is not a minor drug possession offense; 348

(b) A violation of an existing or former law of this 349  
state, any other state, or the United States that is 350  
substantially equivalent to any of the offenses listed in 351  
division (A)(1)(a) of this section; 352

(c) If the request is made pursuant to section 3319.39 of 353  
the Revised Code for an applicant who is a teacher, any offense 354  
specified under section 9.79 of the Revised Code or in section 355  
3319.31 of the Revised Code. 356

(2) On receipt of a request pursuant to section 3712.09 or 357  
3721.121 of the Revised Code, a completed form prescribed 358  
pursuant to division (C)(1) of this section, and a set of 359  
fingerprint impressions obtained in the manner described in 360  
division (C)(2) of this section, the superintendent of the 361  
bureau of criminal identification and investigation shall 362  
conduct a criminal records check with respect to any person who 363  
has applied for employment in a position for which a criminal 364  
records check is required by those sections. The superintendent 365  
shall conduct the criminal records check in the manner described 366  
in division (B) of this section to determine whether any 367  
information exists that indicates that the person who is the 368

subject of the request previously has been convicted of or 369  
pleaded guilty to any of the following: 370

(a) A violation of section 2903.01, 2903.02, 2903.03, 371  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 372  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 373  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 374  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 375  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 376  
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 377  
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 378  
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 379

(b) An existing or former law of this state, any other 380  
state, or the United States that is substantially equivalent to 381  
any of the offenses listed in division (A) (2) (a) of this 382  
section. 383

(3) On receipt of a request pursuant to section 173.27, 384  
173.38, 173.381, 3740.11, 5119.34, 5164.34, 5164.341, 5164.342, 385  
5123.081, or 5123.169 of the Revised Code, a completed form 386  
prescribed pursuant to division (C) (1) of this section, and a 387  
set of fingerprint impressions obtained in the manner described 388  
in division (C) (2) of this section, the superintendent of the 389  
bureau of criminal identification and investigation shall 390  
conduct a criminal records check of the person for whom the 391  
request is made. The superintendent shall conduct the criminal 392  
records check in the manner described in division (B) of this 393  
section to determine whether any information exists that 394  
indicates that the person who is the subject of the request 395  
previously has been convicted of, has pleaded guilty to, or 396  
(except in the case of a request pursuant to section 5164.34, 397  
5164.341, or 5164.342 of the Revised Code) has been found 398

eligible for intervention in lieu of conviction for any of the 399  
following, regardless of the date of the conviction, the date of 400  
entry of the guilty plea, or (except in the case of a request 401  
pursuant to section 5164.34, 5164.341, or 5164.342 of the 402  
Revised Code) the date the person was found eligible for 403  
intervention in lieu of conviction: 404

(a) A violation of section 959.13, 959.131, 2903.01, 405  
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 406  
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 407  
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 408  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 409  
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 410  
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 411  
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 412  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 413  
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 414  
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 415  
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 416  
2919.121, 2919.123, 2919.124, 2919.22, 2919.23, 2919.24, 417  
2919.25, 2921.03, 2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 418  
2921.32, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 419  
2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21, 420  
2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 421  
2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, 422  
2925.24, 2925.36, 2925.55, 2925.56, 2927.12, or 3716.11 of the 423  
Revised Code; 424

(b) Felonious sexual penetration in violation of former 425  
section 2907.12 of the Revised Code; 426

(c) A violation of section 2905.04 of the Revised Code as 427  
it existed prior to July 1, 1996; 428

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 429  
the Revised Code when the underlying offense that is the object 430  
of the conspiracy, attempt, or complicity is one of the offenses 431  
listed in divisions (A) (3) (a) to (c) of this section; 432

(e) A violation of an existing or former municipal 433  
ordinance or law of this state, any other state, or the United 434  
States that is substantially equivalent to any of the offenses 435  
listed in divisions (A) (3) (a) to (d) of this section. 436

(4) On receipt of a request pursuant to section 2151.86, 437  
2151.904, or 5103.053 of the Revised Code, a completed form 438  
prescribed pursuant to division (C) (1) of this section, and a 439  
set of fingerprint impressions obtained in the manner described 440  
in division (C) (2) of this section, the superintendent of the 441  
bureau of criminal identification and investigation shall 442  
conduct a criminal records check in the manner described in 443  
division (B) of this section to determine whether any 444  
information exists that indicates that the person who is the 445  
subject of the request previously has been convicted of or 446  
pleaded guilty to any of the following: 447

(a) A violation of section 959.13, 2151.421, 2903.01, 448  
2903.02, 2903.03, 2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 449  
2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 450  
2903.32, 2903.34, 2905.01, 2905.02, 2905.05, 2905.32, 2907.02, 451  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 452  
2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 453  
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 454  
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 455  
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 456  
2923.13, 2923.161, 2923.17, 2923.21, 2925.02, 2925.03, 2925.04, 457  
2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 2925.23, 2925.24, 458



2925.31, 2925.32, 2925.36, 2925.37, 2927.12, or 3716.11 of the 459  
Revised Code, a violation of section 2905.04 of the Revised Code 460  
as it existed prior to July 1, 1996, a violation of section 461  
2919.23 of the Revised Code that would have been a violation of 462  
section 2905.04 of the Revised Code as it existed prior to July 463  
1, 1996, had the violation been committed prior to that date, a 464  
violation of section 2925.11 of the Revised Code that is not a 465  
minor drug possession offense, two or more OVI or OVUAC 466  
violations committed within the three years immediately 467  
preceding the submission of the application or petition that is 468  
the basis of the request, or felonious sexual penetration in 469  
violation of former section 2907.12 of the Revised Code, or a 470  
violation of Chapter 2919. of the Revised Code that is a felony; 471

(b) A violation of an existing or former law of this 472  
state, any other state, or the United States that is 473  
substantially equivalent to any of the offenses listed in 474  
division (A) (4) (a) of this section. 475

(5) Upon receipt of a request pursuant to section 5104.013 476  
of the Revised Code, a completed form prescribed pursuant to 477  
division (C) (1) of this section, and a set of fingerprint 478  
impressions obtained in the manner described in division (C) (2) 479  
of this section, the superintendent of the bureau of criminal 480  
identification and investigation shall conduct a criminal 481  
records check in the manner described in division (B) of this 482  
section to determine whether any information exists that 483  
indicates that the person who is the subject of the request has 484  
been convicted of or pleaded guilty to any of the following: 485

(a) A violation of section 2151.421, 2903.01, 2903.02, 486  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 487  
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 488

2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 489  
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 490  
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 491  
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 492  
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 493  
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 494  
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 495  
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 496  
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 497  
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 498  
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 499  
3716.11 of the Revised Code, felonious sexual penetration in 500  
violation of former section 2907.12 of the Revised Code, a 501  
violation of section 2905.04 of the Revised Code as it existed 502  
prior to July 1, 1996, a violation of section 2919.23 of the 503  
Revised Code that would have been a violation of section 2905.04 504  
of the Revised Code as it existed prior to July 1, 1996, had the 505  
violation been committed prior to that date, a violation of 506  
section 2925.11 of the Revised Code that is not a minor drug 507  
possession offense, a violation of section 2923.02 or 2923.03 of 508  
the Revised Code that relates to a crime specified in this 509  
division, or a second violation of section 4511.19 of the 510  
Revised Code within five years of the date of application for 511  
licensure or certification. 512

(b) A violation of an existing or former law of this 513  
state, any other state, or the United States that is 514  
substantially equivalent to any of the offenses or violations 515  
described in division (A) (5) (a) of this section. 516

(6) Upon receipt of a request pursuant to section 5153.111 517  
of the Revised Code, a completed form prescribed pursuant to 518  
division (C) (1) of this section, and a set of fingerprint 519

impressions obtained in the manner described in division (C) (2) 520  
of this section, the superintendent of the bureau of criminal 521  
identification and investigation shall conduct a criminal 522  
records check in the manner described in division (B) of this 523  
section to determine whether any information exists that 524  
indicates that the person who is the subject of the request 525  
previously has been convicted of or pleaded guilty to any of the 526  
following: 527

(a) A violation of section 2903.01, 2903.02, 2903.03, 528  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 529  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 530  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 531  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 532  
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 533  
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 534  
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 535  
Code, felonious sexual penetration in violation of former 536  
section 2907.12 of the Revised Code, a violation of section 537  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 538  
a violation of section 2919.23 of the Revised Code that would 539  
have been a violation of section 2905.04 of the Revised Code as 540  
it existed prior to July 1, 1996, had the violation been 541  
committed prior to that date, or a violation of section 2925.11 542  
of the Revised Code that is not a minor drug possession offense; 543

(b) A violation of an existing or former law of this 544  
state, any other state, or the United States that is 545  
substantially equivalent to any of the offenses listed in 546  
division (A) (6) (a) of this section. 547

(7) On receipt of a request for a criminal records check 548  
from an individual pursuant to section 4749.03 or 4749.06 of the 549

Revised Code, accompanied by a completed copy of the form 550  
prescribed in division (C) (1) of this section and a set of 551  
fingerprint impressions obtained in a manner described in 552  
division (C) (2) of this section, the superintendent of the 553  
bureau of criminal identification and investigation shall 554  
conduct a criminal records check in the manner described in 555  
division (B) of this section to determine whether any 556  
information exists indicating that the person who is the subject 557  
of the request has been convicted of or pleaded guilty to any 558  
criminal offense in this state or in any other state. If the 559  
individual indicates that a firearm will be carried in the 560  
course of business, the superintendent shall require information 561  
from the federal bureau of investigation as described in 562  
division (B) (2) of this section. Subject to division (F) of this 563  
section, the superintendent shall report the findings of the 564  
criminal records check and any information the federal bureau of 565  
investigation provides to the director of public safety. 566

(8) On receipt of a request pursuant to section 1321.37, 567  
1321.53, or 4763.05 of the Revised Code, a completed form 568  
prescribed pursuant to division (C) (1) of this section, and a 569  
set of fingerprint impressions obtained in the manner described 570  
in division (C) (2) of this section, the superintendent of the 571  
bureau of criminal identification and investigation shall 572  
conduct a criminal records check with respect to any person who 573  
has applied for a license, permit, or certification from the 574  
department of commerce or a division in the department. The 575  
superintendent shall conduct the criminal records check in the 576  
manner described in division (B) of this section to determine 577  
whether any information exists that indicates that the person 578  
who is the subject of the request previously has been convicted 579  
of or pleaded guilty to any criminal offense in this state, any 580

other state, or the United States. 581

(9) On receipt of a request for a criminal records check 582  
from the treasurer of state under section 113.041 of the Revised 583  
Code or from an individual under section 928.03, 4701.08, 584  
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 585  
4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 586  
4731.171, 4731.222, 4731.281, 4731.531, 4732.091, 4734.202, 587  
4740.061, 4741.10, 4747.051, 4751.20, 4751.201, 4751.21, 588  
4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 589  
4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 4776.021, 590  
4778.04, 4778.07, 4779.091, or 4783.04 of the Revised Code, 591  
accompanied by a completed form prescribed under division (C)(1) 592  
of this section and a set of fingerprint impressions obtained in 593  
the manner described in division (C)(2) of this section, the 594  
superintendent of the bureau of criminal identification and 595  
investigation shall conduct a criminal records check in the 596  
manner described in division (B) of this section to determine 597  
whether any information exists that indicates that the person 598  
who is the subject of the request has been convicted of or 599  
pleaded guilty to any criminal offense in this state or any 600  
other state. Subject to division (F) of this section, the 601  
superintendent shall send the results of a check requested under 602  
section 113.041 of the Revised Code to the treasurer of state 603  
and shall send the results of a check requested under any of the 604  
other listed sections to the licensing board specified by the 605  
individual in the request. 606

(10) On receipt of a request pursuant to section 124.74, 607  
718.131, 1121.23, 1315.141, 1733.47, or 1761.26 of the Revised 608  
Code, a completed form prescribed pursuant to division (C)(1) of 609  
this section, and a set of fingerprint impressions obtained in 610  
the manner described in division (C)(2) of this section, the 611

superintendent of the bureau of criminal identification and 612  
investigation shall conduct a criminal records check in the 613  
manner described in division (B) of this section to determine 614  
whether any information exists that indicates that the person 615  
who is the subject of the request previously has been convicted 616  
of or pleaded guilty to any criminal offense under any existing 617  
or former law of this state, any other state, or the United 618  
States. 619

(11) On receipt of a request for a criminal records check 620  
from an appointing or licensing authority under section 3772.07 621  
of the Revised Code, a completed form prescribed under division 622  
(C)(1) of this section, and a set of fingerprint impressions 623  
obtained in the manner prescribed in division (C)(2) of this 624  
section, the superintendent of the bureau of criminal 625  
identification and investigation shall conduct a criminal 626  
records check in the manner described in division (B) of this 627  
section to determine whether any information exists that 628  
indicates that the person who is the subject of the request 629  
previously has been convicted of or pleaded guilty or no contest 630  
to any offense under any existing or former law of this state, 631  
any other state, or the United States that makes the person 632  
ineligible for appointment or retention under section 3772.07 of 633  
the Revised Code or that is a disqualifying offense as defined 634  
in that section or substantially equivalent to a disqualifying 635  
offense, as applicable. 636

(12) On receipt of a request pursuant to section 2151.33 637  
or 2151.412 of the Revised Code, a completed form prescribed 638  
pursuant to division (C)(1) of this section, and a set of 639  
fingerprint impressions obtained in the manner described in 640  
division (C)(2) of this section, the superintendent of the 641  
bureau of criminal identification and investigation shall 642

conduct a criminal records check with respect to any person for 643  
whom a criminal records check is required under that section. 644  
The superintendent shall conduct the criminal records check in 645  
the manner described in division (B) of this section to 646  
determine whether any information exists that indicates that the 647  
person who is the subject of the request previously has been 648  
convicted of or pleaded guilty to any of the following: 649

(a) A violation of section 2903.01, 2903.02, 2903.03, 650  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 651  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 652  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 653  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 654  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 655  
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 656  
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 657  
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 658

(b) An existing or former law of this state, any other 659  
state, or the United States that is substantially equivalent to 660  
any of the offenses listed in division (A)(12)(a) of this 661  
section. 662

(13) On receipt of a request pursuant to section 3796.12 663  
of the Revised Code, a completed form prescribed pursuant to 664  
division (C)(1) of this section, and a set of fingerprint 665  
impressions obtained in a manner described in division (C)(2) of 666  
this section, the superintendent of the bureau of criminal 667  
identification and investigation shall conduct a criminal 668  
records check in the manner described in division (B) of this 669  
section to determine whether any information exists that 670  
indicates that the person who is the subject of the request 671  
previously has been convicted of or pleaded guilty to a 672

disqualifying offense as specified in rules adopted under 673  
section 9.79 and division ~~(B) (2) (b)~~ (B) of section 3796.03 of 674  
the Revised Code if the person who is the subject of the request 675  
is an administrator or other person responsible for the daily 676  
operation of, or an owner or prospective owner, officer or 677  
prospective officer, or board member or prospective board member 678  
of, an entity seeking a license from the department of commerce 679  
under Chapter 3796. of the Revised Code. 680

(14) On receipt of a request required by section 3796.13 681  
of the Revised Code, a completed form prescribed pursuant to 682  
division (C) (1) of this section, and a set of fingerprint 683  
impressions obtained in a manner described in division (C) (2) of 684  
this section, the superintendent of the bureau of criminal 685  
identification and investigation shall conduct a criminal 686  
records check in the manner described in division (B) of this 687  
section to determine whether any information exists that 688  
indicates that the person who is the subject of the request 689  
previously has been convicted of or pleaded guilty to a 690  
disqualifying offense as specified in rules adopted under\_ 691  
section 9.79 and division ~~(B) (14) (a)~~ (B) of section 3796.03 of 692  
the Revised Code if the person who is the subject of the request 693  
is seeking employment with an entity licensed by the department 694  
of commerce under Chapter 3796. of the Revised Code. 695

(15) On receipt of a request pursuant to section 4768.06 696  
of the Revised Code, a completed form prescribed under division 697  
(C) (1) of this section, and a set of fingerprint impressions 698  
obtained in the manner described in division (C) (2) of this 699  
section, the superintendent of the bureau of criminal 700  
identification and investigation shall conduct a criminal 701  
records check in the manner described in division (B) of this 702  
section to determine whether any information exists indicating 703



that the person who is the subject of the request has been 704  
convicted of or pleaded guilty to any criminal offense in this 705  
state or in any other state. 706

(16) On receipt of a request pursuant to division (B) of 707  
section 4764.07 or division (A) of section 4735.143 of the 708  
Revised Code, a completed form prescribed under division (C) (1) 709  
of this section, and a set of fingerprint impressions obtained 710  
in the manner described in division (C) (2) of this section, the 711  
superintendent of the bureau of criminal identification and 712  
investigation shall conduct a criminal records check in the 713  
manner described in division (B) of this section to determine 714  
whether any information exists indicating that the person who is 715  
the subject of the request has been convicted of or pleaded 716  
guilty to any criminal offense in any state or the United 717  
States. 718

(17) On receipt of a request for a criminal records check 719  
under section 147.022 of the Revised Code, a completed form 720  
prescribed under division (C) (1) of this section, and a set of 721  
fingerprint impressions obtained in the manner prescribed in 722  
division (C) (2) of this section, the superintendent of the 723  
bureau of criminal identification and investigation shall 724  
conduct a criminal records check in the manner described in 725  
division (B) of this section to determine whether any 726  
information exists that indicates that the person who is the 727  
subject of the request previously has been convicted of or 728  
pleaded guilty or no contest to any criminal offense under any 729  
existing or former law of this state, any other state, or the 730  
United States. 731

(18) Upon receipt of a request pursuant to division (F) of 732  
section 2915.081 or division (E) of section 2915.082 of the 733

Revised Code, a completed form prescribed under division (C) (1) 734  
of this section, and a set of fingerprint impressions obtained 735  
in the manner described in division (C) (2) of this section, the 736  
superintendent of the bureau of criminal identification and 737  
investigation shall conduct a criminal records check in the 738  
manner described in division (B) of this section to determine 739  
whether any information exists indicating that the person who is 740  
the subject of the request has been convicted of or pleaded 741  
guilty or no contest to any offense that is a violation of 742  
Chapter 2915. of the Revised Code or to any offense under any 743  
existing or former law of this state, any other state, or the 744  
United States that is substantially equivalent to such an 745  
offense. 746

(19) On receipt of a request pursuant to section 3775.03 747  
of the Revised Code, a completed form prescribed under division 748  
(C) (1) of this section, and a set of fingerprint impressions 749  
obtained in the manner described in division (C) (2) of this 750  
section, the superintendent of the bureau of criminal 751  
identification and investigation shall conduct a criminal 752  
records check in the manner described in division (B) of this 753  
section and shall request information from the federal bureau of 754  
investigation to determine whether any information exists 755  
indicating that the person who is the subject of the request has 756  
been convicted of any offense under any existing or former law 757  
of this state, any other state, or the United States that is a 758  
disqualifying offense as defined in section 3772.07 of the 759  
Revised Code. 760

(20) On receipt of a request pursuant to section 3779.05 761  
of the Revised Code, a completed form prescribed pursuant to 762  
division (C) (1) of this section, and a set of fingerprint 763  
impressions obtained in a manner described in division (C) (2) of 764

this section, the superintendent of the bureau of criminal 765  
identification and investigation shall conduct a criminal 766  
records check in the manner described in division (B) of this 767  
section to determine whether any information exists that 768  
indicates that the person who is the subject of the request 769  
previously has been convicted of or pleaded guilty to a 770  
disqualifying offense as defined in section 3779.01 of the 771  
Revised Code if the person who is the subject of the request is 772  
an administrator or other person responsible for the daily 773  
operation of, or an owner or prospective owner, officer or 774  
prospective officer, or board member or prospective board member 775  
of, an entity seeking a license from the division of cannabis 776  
control in the department of commerce under section 3779.03 of 777  
the Revised Code. 778

(21) On receipt of a request required by section 3779.051 779  
of the Revised Code, a completed form prescribed pursuant to 780  
division (C)(1) of this section, and a set of fingerprint 781  
impressions obtained in a manner described in division (C)(2) of 782  
this section, the superintendent of the bureau of criminal 783  
identification and investigation shall conduct a criminal 784  
records check in the manner described in division (B) of this 785  
section to determine whether any information exists that 786  
indicates that the person who is the subject of the request 787  
previously has been convicted of or pleaded guilty to a 788  
disqualifying offense as defined in section 3779.01 of the 789  
Revised Code if the person who is the subject of the request is 790  
seeking employment with an entity licensed by the department of 791  
commerce under section 3779.03 of the Revised Code. 792

(B) Subject to division (F) of this section, the 793  
superintendent shall conduct any criminal records check to be 794  
conducted under this section as follows: 795

(1) The superintendent shall review or cause to be 796  
reviewed any relevant information gathered and compiled by the 797  
bureau under division (A) of section 109.57 of the Revised Code 798  
that relates to the person who is the subject of the criminal 799  
records check, including, if the criminal records check was 800  
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 801  
173.381, 718.131, 928.03, 1121.23, 1315.141, 1321.37, 1321.53, 802  
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3740.11, 803  
3712.09, 3721.121, 3772.07, 3775.03, 3779.05, 3796.12, 3796.13, 804  
4729.071, 4729.53, 4729.90, 4729.92, 4749.03, 4749.06, 4763.05, 805  
4764.07, 4768.06, 5103.053, 5104.013, 5164.34, 5164.341, 806  
5164.342, 5123.081, 5123.169, or 5153.111 of the Revised Code, 807  
any relevant information contained in records that have been 808  
sealed under section 2953.32 of the Revised Code; 809

(2) If the request received by the superintendent asks for 810  
information from the federal bureau of investigation, the 811  
superintendent shall request from the federal bureau of 812  
investigation any information it has with respect to the person 813  
who is the subject of the criminal records check, including 814  
fingerprint-based checks of national crime information databases 815  
as described in 42 U.S.C. 671 if the request is made pursuant to 816  
section 2151.86, 5103.053, or 5104.013 of the Revised Code or if 817  
any other Revised Code section requires fingerprint-based checks 818  
of that nature, and shall review or cause to be reviewed any 819  
information the superintendent receives from that bureau. If a 820  
request under section 3319.39 of the Revised Code asks only for 821  
information from the federal bureau of investigation, the 822  
superintendent shall not conduct the review prescribed by 823  
division (B)(1) of this section. 824

(3) The superintendent or the superintendent's designee 825  
may request criminal history records from other states or the 826

federal government pursuant to the national crime prevention and 827  
privacy compact set forth in section 109.571 of the Revised 828  
Code. 829

(4) The superintendent shall include in the results of the 830  
criminal records check a list or description of the offenses 831  
listed or described in the relevant provision of division (A) of 832  
this section. The superintendent shall exclude from the results 833  
any information the dissemination of which is prohibited by 834  
federal law. 835

(5) The superintendent shall send the results of the 836  
criminal records check to the person to whom it is to be sent 837  
not later than the following number of days after the date the 838  
superintendent receives the request for the criminal records 839  
check, the completed form prescribed under division (C) (1) of 840  
this section, and the set of fingerprint impressions obtained in 841  
the manner described in division (C) (2) of this section: 842

(a) If the superintendent is required by division (A) of 843  
this section (other than division (A) (3) of this section) to 844  
conduct the criminal records check, thirty; 845

(b) If the superintendent is required by division (A) (3) 846  
of this section to conduct the criminal records check, sixty. 847

(C) (1) The superintendent shall prescribe a form to obtain 848  
the information necessary to conduct a criminal records check 849  
from any person for whom a criminal records check is to be 850  
conducted under this section. The form that the superintendent 851  
prescribes pursuant to this division may be in a tangible 852  
format, in an electronic format, or in both tangible and 853  
electronic formats. 854

(2) The superintendent shall prescribe standard impression 855

856 sheets to obtain the fingerprint impressions of any person for  
857 whom a criminal records check is to be conducted under this  
858 section. Any person for whom a records check is to be conducted  
859 under this section shall obtain the fingerprint impressions at a  
860 county sheriff's office, municipal police department, or any  
861 other entity with the ability to make fingerprint impressions on  
862 the standard impression sheets prescribed by the superintendent.  
863 The office, department, or entity may charge the person a  
864 reasonable fee for making the impressions. The standard  
865 impression sheets the superintendent prescribes pursuant to this  
866 division may be in a tangible format, in an electronic format,  
867 or in both tangible and electronic formats.

868 (3) Subject to division (D) of this section, the  
869 superintendent shall prescribe and charge a reasonable fee for  
870 providing a criminal records check under this section. The  
871 person requesting the criminal records check shall pay the fee  
872 prescribed pursuant to this division. In the case of a request  
873 under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47,  
874 1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the  
875 fee shall be paid in the manner specified in that section.

876 (4) The superintendent of the bureau of criminal  
877 identification and investigation may prescribe methods of  
878 forwarding fingerprint impressions and information necessary to  
879 conduct a criminal records check, which methods shall include,  
880 but not be limited to, an electronic method.

881 (D) The results of a criminal records check conducted  
882 under this section, other than a criminal records check  
883 specified in division (A) (7) of this section, are valid for the  
884 person who is the subject of the criminal records check for a  
885 period of one year from the date upon which the superintendent

completes the criminal records check. If during that period the 886  
superintendent receives another request for a criminal records 887  
check to be conducted under this section for that person, the 888  
superintendent shall provide the results from the previous 889  
criminal records check of the person at a lower fee than the fee 890  
prescribed for the initial criminal records check. 891

(E) When the superintendent receives a request for 892  
information from a registered private provider, the 893  
superintendent shall proceed as if the request was received from 894  
a school district board of education under section 3319.39 of 895  
the Revised Code. The superintendent shall apply division (A)(1) 896  
(c) of this section to any such request for an applicant who is 897  
a teacher. 898

(F)(1) Subject to division (F)(2) of this section, all 899  
information regarding the results of a criminal records check 900  
conducted under this section that the superintendent reports or 901  
sends under division (A)(7) or (9) of this section to the 902  
director of public safety, the treasurer of state, or the 903  
person, board, or entity that made the request for the criminal 904  
records check shall relate to the conviction of the subject 905  
person, or the subject person's plea of guilty to, a criminal 906  
offense. 907

(2) Division (F)(1) of this section does not limit, 908  
restrict, or preclude the superintendent's release of 909  
information that relates to the arrest of a person who is 910  
eighteen years of age or older, to an adjudication of a child as 911  
a delinquent child, or to a criminal conviction of a person 912  
under eighteen years of age in circumstances in which a release 913  
of that nature is authorized under division (E)(2), (3), or (4) 914  
of section 109.57 of the Revised Code pursuant to a rule adopted 915

under division (E) (1) of that section. 916

(G) As used in this section: 917

(1) "Criminal records check" means any criminal records 918  
check conducted by the superintendent of the bureau of criminal 919  
identification and investigation in accordance with division (B) 920  
of this section. 921

(2) "Minor drug possession offense" has the same meaning 922  
as in section 2925.01 of the Revised Code. 923

(3) "OVI or OVUAC violation" means a violation of section 924  
4511.19 of the Revised Code or a violation of an existing or 925  
former law of this state, any other state, or the United States 926  
that is substantially equivalent to section 4511.19 of the 927  
Revised Code. 928

(4) "Registered private provider" means a nonpublic school 929  
or entity registered with the department of education and 930  
workforce under section 3310.41 of the Revised Code to 931  
participate in the autism scholarship program or section 3310.58 932  
of the Revised Code to participate in the Jon Peterson special 933  
needs scholarship program. 934

**Sec. 131.02.** (A) Except as otherwise provided in section 935  
4123.37, section 5703.061, and division (K) of section 4123.511 936  
of the Revised Code, whenever any amount is payable to the 937  
state, the officer, employee, or agent responsible for 938  
administering the law under which the amount is payable shall 939  
immediately proceed to collect the amount or cause the amount to 940  
be collected and shall pay the amount into the state treasury or 941  
into the appropriate custodial fund in the manner set forth 942  
pursuant to section 113.08 of the Revised Code. Except as 943  
otherwise provided in this division, if the amount is not paid 944



within forty-five days after payment is due, the officer, 945  
employee, or agent shall certify the amount due to the attorney 946  
general, in the form and manner prescribed by the attorney 947  
general. In the case of an amount payable by a student enrolled 948  
in a state institution of higher education, the amount shall be 949  
certified within the later of forty-five days after the amount 950  
is due or the tenth day after the beginning of the next academic 951  
semester, quarter, or other session following the session for 952  
which the payment is payable. The attorney general may assess 953  
the collection cost to the amount certified in such manner and 954  
amount as prescribed by the attorney general. If an amount 955  
payable to a political subdivision is past due, the political 956  
subdivision may, with the approval of the attorney general, 957  
certify the amount to the attorney general pursuant to this 958  
section. 959

For the purposes of this section, the attorney general and 960  
the officer, employee, or agent responsible for administering 961  
the law under which the amount is payable shall agree on the 962  
time a payment is due, and that agreed upon time shall be one of 963  
the following times: 964

(1) If a law, including an administrative rule, of this 965  
state prescribes the time a payment is required to be made or 966  
reported, when the payment is required by that law to be paid or 967  
reported. 968

(2) If the payment is for services rendered, when the 969  
rendering of the services is completed. 970

(3) If the payment is reimbursement for a loss, when the 971  
loss is incurred. 972

(4) In the case of a fine or penalty for which a law or 973

administrative rule does not prescribe a time for payment, when 974  
the fine or penalty is first assessed. 975

(5) If the payment arises from a legal finding, judgment, 976  
or adjudication order, when the finding, judgment, or order is 977  
rendered or issued. 978

(6) If the payment arises from an overpayment of money by 979  
the state to another person, when the overpayment is discovered. 980

(7) The date on which the amount for which an individual 981  
is personally liable under section 5735.35, section 5739.33, or 982  
division (G) of section 5747.07 of the Revised Code is 983  
determined. 984

(8) Upon proof of claim being filed in a bankruptcy case. 985

(9) Any other appropriate time determined by the attorney 986  
general and the officer, employee, or agent responsible for 987  
administering the law under which the amount is payable on the 988  
basis of statutory requirements or ordinary business processes 989  
of the agency, institution, or political subdivision to which 990  
the payment is owed. 991

(B) (1) The attorney general shall give immediate notice by 992  
mail or otherwise to the party indebted of the nature and amount 993  
of the indebtedness. 994

(2) If the amount payable to this state arises from a tax 995  
levied under Chapter 3779., 3796., 5733., 5739., 5741., 5747., 996  
or 5751. of the Revised Code, the notice also shall specify all 997  
of the following: 998

(a) The assessment or case number; 999

(b) The tax pursuant to which the assessment is made; 1000

(c) The reason for the liability, including, if 1001  
applicable, that a penalty or interest is due; 1002

(d) An explanation of how and when interest will be added 1003  
to the amount assessed; 1004

(e) That the attorney general and tax commissioner, acting 1005  
together, have the authority, but are not required, to 1006  
compromise the claim and accept payment over a reasonable time, 1007  
if such actions are in the best interest of the state. 1008

(C) The attorney general shall collect the claim or secure 1009  
a judgment and issue an execution for its collection. 1010

(D) Each claim shall bear interest, from the day on which 1011  
the claim became due, at the rate per annum required by section 1012  
5703.47 of the Revised Code. 1013

(E) The attorney general and the chief officer of the 1014  
agency reporting a claim, acting together, may do any of the 1015  
following if such action is in the best interests of the state: 1016

(1) Compromise the claim; 1017

(2) Extend for a reasonable period the time for payment of 1018  
the claim by agreeing to accept monthly or other periodic 1019  
payments. The agreement may require security for payment of the 1020  
claim. 1021

(3) Add fees to recover the cost of processing checks or 1022  
other draft instruments returned for insufficient funds and the 1023  
cost of providing electronic payment options. 1024

(F) (1) Except as provided in division (F) (2) of this 1025  
section, if the attorney general finds, after investigation, 1026  
that any claim due and owing to the state is uncollectible, the 1027  
attorney general, with the consent of the chief officer of the 1028

agency reporting the claim, may do the following: 1029

(a) Sell, convey, or otherwise transfer the claim to one 1030  
or more private entities for collection; 1031

(b) Cancel the claim or cause it to be canceled. 1032

(2) The attorney general shall cancel or cause to be 1033  
canceled an unsatisfied claim on the date that is forty years 1034  
after the date the claim is certified, unless the attorney 1035  
general has adopted a rule under division (F) (5) of this section 1036  
shortening this time frame with respect to a subset of claims. 1037

(3) No initial action shall be commenced to collect any 1038  
tax payable to the state that is administered by the tax 1039  
commissioner, whether or not such tax is subject to division (B) 1040  
of this section, or any penalty, interest, or additional charge 1041  
on such tax, after the expiration of the period ending on the 1042  
later of the dates specified in divisions (F) (3) (a) and (b) of 1043  
this section, provided that such period shall be extended by the 1044  
period of any stay to such collection or by any other period to 1045  
which the parties mutually agree. If the initial action in aid 1046  
of execution is commenced before the later of the dates 1047  
specified in divisions (F) (3) (a) and (b) of this section, any 1048  
and all subsequent actions may be pursued in aid of execution of 1049  
judgment for as long as the debt exists. 1050

(a) Seven years after the assessment of the tax, penalty, 1051  
interest, or additional charge is issued. 1052

(b) Four years after the assessment of the tax, penalty, 1053  
interest, or additional charge becomes final. For the purposes 1054  
of division (F) (3) (b) of this section, the assessment becomes 1055  
final at the latest of the following: upon expiration of the 1056  
period to petition for reassessment, or if applicable, to appeal 1057

a final determination of the commissioner or decision of the  
board of tax appeals or a court, or, if applicable, upon  
decision of the United States supreme court.

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

(4) If information contained in a claim that is sold,  
conveyed, or transferred to a private entity pursuant to this  
section is confidential pursuant to federal law or a section of  
the Revised Code that implements a federal law governing  
confidentiality, such information remains subject to that law  
during and following the sale, conveyance, or transfer.

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

**Sec. 519.21.** (A) Except as otherwise provided in divisions  
(B) and (D) of this section, sections 519.02 to 519.25 of the  
Revised Code confer no power on any township zoning commission,  
board of township trustees, or board of zoning appeals to  
prohibit the use of any land for agricultural purposes or the

construction or use of buildings or structures incident to the 1088  
use for agricultural purposes of the land on which such 1089  
buildings or structures are located, including buildings or 1090  
structures that are used primarily for vinting and selling wine 1091  
and that are located on land any part of which is used for 1092  
viticulture, and no zoning certificate shall be required for any 1093  
such building or structure. 1094

(B) A township zoning resolution, or an amendment to such 1095  
resolution, may in any platted subdivision approved under 1096  
section 711.05, 711.09, or 711.10 of the Revised Code, or in any 1097  
area consisting of fifteen or more lots approved under section 1098  
711.131 of the Revised Code that are contiguous to one another, 1099  
or some of which are contiguous to one another and adjacent to 1100  
one side of a dedicated public road, and the balance of which 1101  
are contiguous to one another and adjacent to the opposite side 1102  
of the same dedicated public road regulate: 1103

(1) Agriculture on lots of one acre or less; 1104

(2) Buildings or structures incident to the use of land 1105  
for agricultural purposes on lots greater than one acre but not 1106  
greater than five acres by: set back building lines; height; and 1107  
size; 1108

(3) Dairying and animal and poultry husbandry on lots 1109  
greater than one acre but not greater than five acres when at 1110  
least thirty-five per cent of the lots in the subdivision are 1111  
developed with at least one building, structure, or improvement 1112  
that is subject to real property taxation or that is subject to 1113  
the tax on manufactured and mobile homes under section 4503.06 1114  
of the Revised Code. After thirty-five per cent of the lots are 1115  
so developed, dairying and animal and poultry husbandry shall be 1116  
considered nonconforming use of land and buildings or structures 1117

pursuant to section 519.19 of the Revised Code. 1118

Division (B) of this section confers no power on any 1119  
township zoning commission, board of township trustees, or board 1120  
of zoning appeals to regulate agriculture, buildings or 1121  
structures, and dairying and animal and poultry husbandry on 1122  
lots greater than five acres. 1123

(C) Such sections confer no power on any township zoning 1124  
commission, board of township trustees, or board of zoning 1125  
appeals to prohibit in a district zoned for agricultural, 1126  
industrial, residential, or commercial uses, the use of any land 1127  
for: 1128

(1) A farm market where fifty per cent or more of the 1129  
gross income received from the market is derived from produce 1130  
raised on farms owned or operated by the market operator in a 1131  
normal crop year. However, a board of township trustees, as 1132  
provided in section 519.02 of the Revised Code, may regulate 1133  
such factors pertaining to farm markets as size of the 1134  
structure, size of parking areas that may be required, set back 1135  
building lines, and egress or ingress, where such regulation is 1136  
necessary to protect the public health and safety. 1137

(2) Biodiesel production, biomass energy production, or 1138  
electric or heat energy production if the land on which the 1139  
production facility is located qualifies as land devoted 1140  
exclusively to agricultural use under sections 5713.30 to 1141  
5713.37 of the Revised Code for real property tax purposes. As 1142  
used in division (C) (2) of this section, "biodiesel," "biomass 1143  
energy," and "electric or heat energy" have the same meanings as 1144  
in section 5713.30 of the Revised Code. 1145

(3) Biologically derived methane gas production if the 1146

land on which the production facility is located qualifies as 1147  
land devoted exclusively to agricultural use under sections 1148  
5713.30 to 5713.37 of the Revised Code for real property tax 1149  
purposes and if the facility that produces the biologically 1150  
derived methane gas does not produce more than seventeen million 1151  
sixty thousand seven hundred ten British thermal units, five 1152  
megawatts, or both. 1153

(4) Agritourism. However, a board of township trustees, as 1154  
provided in section 519.02 of the Revised Code, may regulate 1155  
such factors pertaining to agritourism, except farm markets as 1156  
described in division (C) (1) of this section, as size of a 1157  
structure used primarily for agritourism, size of parking areas 1158  
that may be required, setback building lines for structures used 1159  
primarily for agritourism, and egress or ingress where such 1160  
regulation is necessary to protect public health and safety. 1161

Nothing in division (C) (4) of this section confers power 1162  
on a township zoning commission, board of township trustees, or 1163  
board of zoning appeals to require any parking area to be 1164  
improved in any manner, including requirements governing 1165  
drainage, parking area base, parking area paving, or any other 1166  
improvement. 1167

Nothing in division (C) (4) of this section confers power 1168  
on a township zoning commission, board of township trustees, or 1169  
board of zoning appeals to prohibit the use of any land or the 1170  
construction or use of buildings or structures that are used 1171  
primarily for vinting and selling wine that are located on land 1172  
any part of which is used for viticulture as provided in 1173  
division (A) of this section. 1174

(D) Nothing in this section prohibits a township zoning 1175  
commission, board of township trustees, or board of zoning 1176



appeals from regulating the location of ~~medical~~-marijuana 1177  
cultivators, processors, or retail dispensaries or from 1178  
prohibiting such cultivators, processors, or dispensaries from 1179  
being located in the unincorporated territory of the township. 1180

~~(D)(1)~~ (E)(1) As used in division (C)(3) of this section, 1181  
"biologically derived methane gas" has the same meaning as in 1182  
section 5713.30 of the Revised Code. 1183

(2) As used in division (C)(4) of this section, 1184  
"agritourism" has the same meaning as in section 901.80 of the 1185  
Revised Code. 1186

**Sec. 715.013.** (A) Except as otherwise expressly authorized 1187  
by the Revised Code, no municipal corporation shall levy a tax 1188  
that is the same as or similar to a tax levied under Chapter 1189  
322., 3734., 3769., 3779., 3796., 4123., 4141., 4301., 4303., 1190  
4305., 4307., 4309., 5707., 5725., 5726., 5727., 5728., 5729., 1191  
5731., 5735., 5736., 5737., 5739., 5741., 5743., 5747., 5749., 1192  
or 5751. of the Revised Code. 1193

(B) No municipal corporation may impose any tax, fee, 1194  
assessment, or other charge on auxiliary containers, on the 1195  
sale, use, or consumption of such containers, or on the basis of 1196  
receipts received from the sale of such containers. As used in 1197  
this division, "auxiliary container" has the same meaning as in 1198  
section 3767.32 of the Revised Code. 1199

(C) This section does not prohibit a municipal corporation 1200  
from levying an income tax or withholding tax in accordance with 1201  
Chapter 718. of the Revised Code, or a tax on any of the 1202  
following: 1203

(1) Amounts received for admission to any place; 1204

(2) The income of an electric company or combined company, 1205

as defined in section 5727.01 of the Revised Code; 1206

(3) On and after January 1, 2004, the income of a 1207  
telephone company, as defined in section 5727.01 of the Revised 1208  
Code. 1209

**Sec. 928.01.** As used in this chapter: 1210

(A) "Cannabidiol" means the cannabidiol compound, 1211  
containing a delta-9 tetrahydrocannabinol concentration of not 1212  
more than three-tenths per cent, derived from hemp. 1213

(B) "Cultivate" or "cultivating" means to plant, water, 1214  
grow, fertilize, till, or harvest a plant or crop. "Cultivating" 1215  
includes possessing or storing a plant or crop on a premises 1216  
where the plant or crop was cultivated until transported to the 1217  
first point of sale. 1218

(C) "Hemp" means the plant Cannabis sativa L. and any part 1219  
of that plant, including the seeds thereof and all derivatives, 1220  
extracts, cannabinoids, isomers, acids, salts, and salts of 1221  
isomers, whether growing or not, with a delta-9 1222  
tetrahydrocannabinol concentration of not more than three-tenths 1223  
per cent on a dry weight basis. 1224

(D) "Hemp cultivation license" means a license to 1225  
cultivate hemp issued under section 928.02 of the Revised Code. 1226

(E) "Hemp processing license" means a license to process 1227  
hemp issued under section 928.02 of the Revised Code. 1228

(F) "Hemp product" means any product, containing a delta-9 1229  
tetrahydrocannabinol concentration of not more than three-tenths 1230  
per cent, that is made with hemp. "Hemp product" includes 1231  
cosmetics, personal care products, dietary supplements or food 1232  
intended for animal or human consumption, ~~cloth, cordage, fiber,~~ 1233

fuel, paint, paper, particleboard, vapor products, processed 1234  
hemp flowers, and any other product containing one or more 1235  
cannabinoids derived from hemp, including cannabidiol. "Hemp 1236  
product" includes any hemp not in the possession of a licensed 1237  
hemp cultivator or hemp processor. "Hemp product" does not 1238  
include a non-cannabinoid hemp product. 1239

(G) "Marihuana" has the same meaning as in section 3719.01 1240  
of the Revised Code. 1241

(H) "Medical marijuana" has the same meaning as in section 1242  
3796.01 of the Revised Code. 1243

(I) "Non-cannabinoid hemp product" means any product that 1244  
is made from hemp that does not include cannabinoids. "Non- 1245  
cannabinoid hemp product" includes cloth, cordage, fiber, fuel, 1246  
paint, paper, particleboard, and foods that have been approved 1247  
by the United States food and drug administration as generally 1248  
recognized as safe. 1249

(J) "Process" or "processing" means converting hemp into a 1250  
hemp product. 1251

~~(J)~~ (K) "Delta-9 tetrahydrocannabinol" means the sum of 1252  
the percentage by weight of tetrahydrocannabinolic acid 1253  
multiplied by 0.877 plus the percentage by weight of delta-9 1254  
tetrahydrocannabinol. 1255

~~(K)~~ (L) "Tetrahydrocannabinol" means naturally occurring 1256  
substances contained in the plant, or in the resinous 1257  
extractives of cannabis, sp. or derivatives, and their isomers 1258  
with similar chemical structure to delta-1-cis or trans 1259  
tetrahydrocannabinol, and their optical isomers, salts and salts 1260  
of isomers. "Tetrahydrocannabinol" includes, but is not limited 1261  
to, delta-8 tetrahydrocannabinol, delta-10 tetrahydrocannabinol, 1262

tetrahydrocannabinol-o acetate, tetrahydrocannabiphorol, 1263  
tetrahydrocannabivarin, hexahydrocannabinol, delta-6-cis or 1264  
trans tetrahydrocannabinol, delta-3,4-cis or trans 1265  
tetrahydrocannabinol, 9-hexahydrocannabinol, and delta-9- 1266  
tetrahydrocannabinol acetate. Since nomenclature of these 1267  
substances is not internationally standardized, compounds of 1268  
these structures, regardless of designation of atomic positions, 1269  
are included. 1270

"Tetrahydrocannabinol" does not include the following: 1271

(1) Tetrahydrocannabinols approved by the United States 1272  
food and drug administration for marketing as a medication or 1273  
recognized by the United States food and drug administration as 1274  
generally recognized as safe. 1275

(2) Cannabichromene (CBC); 1276

(3) Cannabicyclol (CBL); 1277

(4) Cannabidiol (CBD), 1278

(5) Cannabidivarin (CBDV); 1279

(6) Cannabielsoin (CBE); 1280

(7) Cannabigerol (CBG); 1281

(8) Cannabigerovarin (CBGV); 1282

(9) Cannabinol (CBN); 1283

(10) Cannabivarin (CBV). 1284

(M) "University" means an institution of higher education 1285  
as defined in section 3345.12 of the Revised Code and a private 1286  
nonprofit institution with a certificate of authorization issued 1287  
pursuant to Chapter 1713. of the Revised Code. 1288

~~(I)~~ (N) "USDA" means the United States department of  
agriculture.

(O) "Adult-use marijuana" and "medical marijuana" have the  
same meanings as in section 3796.01 of the Revised Code.

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

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

(R) "Processed hemp flower" means the flower of a hemp  
plant that has been dried or cured.

**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 processing.  
The director also shall adopt such rules, in consultation with  
the governor and attorney general, regarding hemp cultivation if  
the director implements a program to monitor and regulate hemp

cultivation under division (A) (1) of section 928.02 of the Revised Code. The rules shall include all of the following:

(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;

(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:

(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;

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

(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:

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

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

(D) Requirements regarding the experience, equipment, 1347  
facilities, or land necessary to obtain a hemp cultivation 1348  
license; 1349

(E) Requirements and procedures regarding standards of 1350  
financial responsibility for each applicant for a hemp 1351  
processing license. 1352

(F) Procedures and requirements for the issuance, renewal, 1353  
denial, suspension, and revocation of a hemp cultivation license 1354  
and hemp processing license, including providing for a hearing 1355  
under Chapter 119. of the Revised Code with regard to such a 1356  
denial, suspension, or revocation; 1357

(G) Grounds for the denial, suspension, and revocation of 1358  
a hemp cultivation license and of a hemp processing license, 1359  
including a requirement that the director revoke a hemp 1360  
cultivation license or hemp processing license, for a period of 1361  
ten years, of any person who pleads guilty to or is convicted of 1362  
a felony relating to a controlled substance; 1363

(H) A requirement that the director shall not issue a hemp 1364  
cultivation license or hemp processing license to any person who 1365  
has pleaded guilty to or been convicted of a felony relating to 1366  
a controlled substance in the ten years immediately prior to the 1367  
submission of the application for a license; 1368

(I) A requirement that any person that materially 1369  
falsifies information in an application for a hemp cultivation 1370  
license or hemp processing license is ineligible to receive 1371  
either license; 1372

(J) A practice for maintaining relevant information 1373  
regarding land on which hemp is cultivated by hemp cultivation 1374  
licensees, including a legal description of the land, in 1375

accordance with applicable federal law; 1376

(K) Requirements prohibiting a hemp cultivation licensee 1377  
and a hemp processing licensee from cultivating or processing 1378  
marihuana; 1379

(L) A procedure for testing, using post-decarboxylation or 1380  
other similarly reliable methods, delta-9 tetrahydrocannabinol 1381  
concentration levels of plants and products for purposes of 1382  
determining compliance with this chapter and rules adopted under 1383  
it; 1384

(M) Requirements and procedures for the issuance, 1385  
administration, and enforcement of corrective action plans 1386  
issued under this chapter; 1387

(N) A procedure for conducting annual inspections of, at a 1388  
minimum, a random sample of hemp cultivation license holders to 1389  
verify that plants are not being cultivated in violation of this 1390  
chapter or rules adopted under it; 1391

(O) A procedure for conducting annual inspections of, at a 1392  
minimum, a random sample of hemp processing license holders to 1393  
verify that such license holders are not operating in violation 1394  
of this chapter or rules adopted under it; 1395

(P) A procedure for complying with enforcement procedures 1396  
required under federal law; 1397

(Q) A procedure for the effective disposal of all of the 1398  
following: 1399

(1) Plants, whether growing or not, cultivated in 1400  
violation of this chapter or rules adopted under it; 1401

(2) Products derived from plants cultivated in violation 1402  
of this chapter or rules adopted under it; 1403



(3) Products produced in violation of this chapter or 1404  
rules adopted under it. 1405

(R) Requirements and procedures governing the production, 1406  
storage, and disposal of hemp byproducts. 1407

For the purposes of this chapter and notwithstanding any 1408  
provision of law to the contrary, "hemp product" includes a 1409  
byproduct, produced as a result of processing hemp, that 1410  
contains a delta-9 tetrahydrocannabinol concentration of more 1411  
than three-tenths per cent, provided that the byproduct is 1412  
produced, stored, and disposed of in accordance with rules 1413  
adopted under division (R) of this section. 1414

(S) Procedures for sharing information regarding hemp 1415  
cultivation license holders with the secretary of the USDA; 1416

(T) A setback distance requirement that specifies the 1417  
distance that a hemp cultivation license holder shall locate 1418  
hemp plants from a location where medical marijuana or adult-use 1419  
marijuana is being cultivated. The requirement does not apply to 1420  
a hemp cultivation license holder with regard to a ~~medical~~ 1421  
marijuana cultivator that locates medical marijuana or adult-use 1422  
marijuana within the established setback distance requirement 1423  
after the hemp cultivation license holder begins operation. 1424

(U) Annual reporting requirements and procedures for hemp 1425  
cultivation license holders and hemp processing license holders; 1426

(V) Recordkeeping and documentation maintenance 1427  
requirements and procedures for hemp cultivation license holders 1428  
and hemp processing license holders; 1429

(W) Fees for the laboratory testing of plants and 1430  
products; 1431

(X) Standards for the testing~~and~~, labeling, and 1432  
packaging of hemp and hemp products; 1433

(Y) Requirements prohibiting the processing of hemp in a 1434  
building used as a personal residence or on land that is zoned 1435  
for residential use; 1436

(Z) Production standards and manufacturing practices for 1437  
processing hemp; 1438

(AA) Procedures and requirements for the transportation 1439  
and storage of both hemp and hemp products; 1440

(BB) Any other requirements or procedures necessary to 1441  
administer and enforce this chapter. 1442

**Sec. 928.08.** The department of agriculture, in 1443  
consultation and in cooperation with the Ohio investigative unit 1444  
in the department of public safety, shall enforce this chapter. 1445

**Sec. 2953.321.** (A) As used in this section: 1446

(1) "Expunge" means to destroy, delete, and erase a record 1447  
as appropriate for the record's physical or electronic form or 1448  
characteristic so that the record is permanently irretrievable. 1449

(2) "Official records" and "prosecutor" have the same 1450  
meanings as in section 2953.31 of the Revised Code. 1451

(B) If a person, prior to the effective date of this 1452  
section, was convicted of or has pleaded guilty to a violation 1453  
of division (C) (3) or (7) of section 2925.11 of the Revised Code 1454  
and the conduct that was the basis of the violation involved 1455  
possession of not more than fifteen grams of hashish and not 1456  
more than two and one-half ounces of marihuana other than 1457  
hashish, the person may file an application under this section 1458  
requesting an expungement of the record of conviction. 1459

(C) Any person who is eligible under division (B) of this 1460  
section to file an application for expungement may apply to the 1461  
sentencing court for the expungement of the record of 1462  
conviction. The person may file the application at any time on 1463  
or after the effective date of this section. The application 1464  
shall do all of the following: 1465

(1) Identify the applicant, the offense for which the 1466  
expungement is sought, the date of the conviction of or plea of 1467  
guilty to that offense, and the court in which the conviction 1468  
occurred or the plea of guilty was entered; 1469

(2) Include evidence that the offense was a violation of 1470  
division (C) (3) or (7) of section 2925.11 of the Revised Code, 1471  
that the conviction or plea of guilty occurred prior to the 1472  
effective date of this section, and that the conduct that was 1473  
the basis of the violation involved possession of not more than 1474  
fifteen grams of hashish and not more than two and one-half 1475  
ounces of marihuana other than hashish; 1476

(3) Include a request for expungement of the record of 1477  
conviction of that offense under this section. 1478

(D) Upon the filing of an application under division (C) 1479  
of this section and the payment of the fee described in division 1480  
(H) of this section if applicable, the court shall set a date 1481  
for a hearing and shall notify the prosecutor for the case of 1482  
the hearing on the application. The prosecutor may object to the 1483  
granting of the application by filing an objection with the 1484  
court prior to the date set for the hearing. The prosecutor 1485  
shall specify in the objection the reasons for believing a 1486  
denial of the application is justified. The court shall direct 1487  
its regular probation officer, a state probation officer, or the 1488  
department of probation of the county in which the applicant 1489

resides to make inquiries and written reports as the court 1490  
requires concerning the applicant. The court shall hold the 1491  
hearing scheduled under this division. 1492

(E) At the hearing held under division (D) of this 1493  
section, the court shall do both of the following: 1494

(1) Determine whether the applicant has, prior to the 1495  
effective date of this section, been convicted of or pleaded 1496  
guilty to a violation of division (C) (3) or (7) of section 1497  
2925.11 of the Revised Code and whether the conduct that was the 1498  
basis for the violation involved possession of not more than 1499  
fifteen grams of hashish and not more than two and one-half 1500  
ounces of marihuana other than hashish; 1501

(2) If the prosecutor has filed an objection in accordance 1502  
with division (D) of this section, consider the reasons against 1503  
granting the application specified by the prosecutor in the 1504  
objection. 1505

(F) The court shall order the expungement of all official 1506  
records pertaining to the case and the deletion of all index 1507  
references to the case and, if it does order the expungement, 1508  
shall send notice of the order to each public office or agency 1509  
that the court has reason to believe may have an official record 1510  
pertaining to the case if the court, after complying with 1511  
division (E) of this section, determines that the applicant, 1512  
prior to the effective date of this section, had been convicted 1513  
of or pleaded guilty to a violation of division (C) (3) or (7) of 1514  
section 2925.11 of the Revised Code and that the conduct that 1515  
was the basis for the violation involved possession of not more 1516  
than fifteen grams of hashish and not more than two and one-half 1517  
ounces of marihuana other than hashish. 1518

(G) The proceedings in the case that is the subject of an 1519  
order issued under division (F) of this section shall be 1520  
considered not to have occurred and the conviction or guilty 1521  
plea of the person who is the subject of the proceedings shall 1522  
be expunged. The record of the conviction shall not be used for 1523  
any purpose, including, but not limited to, a criminal records 1524  
check under section 109.572 of the Revised Code. The applicant 1525  
may, and the court shall, reply that no record exists with 1526  
respect to the applicant upon any inquiry into the matter. 1527

(H) Upon the filing of an application under this section, 1528  
the applicant, unless indigent, shall pay a fee of fifty 1529  
dollars. The court shall pay thirty dollars of the fee into the 1530  
state treasury, with half of that amount credited to the 1531  
attorney general reimbursement fund created by section 109.11 of 1532  
the Revised Code, and shall pay twenty dollars of the fee into 1533  
the county general revenue fund. 1534

**Sec. 3376.07.** A state institution of higher education, 1535  
private college, athletic association, conference, or other 1536  
group or organization with authority over intercollegiate 1537  
athletics may prohibit a student-athlete from entering into a 1538  
contract providing compensation to the student-athlete for use 1539  
of the student-athlete's name, image, or likeness if under the 1540  
contract the student-athlete's name, image, or likeness is 1541  
associated with any of the following: 1542

(A) Any company that manufactures, markets, or sells, or 1543  
brand that is associated with, a controlled substance, marihuana 1544  
product, medical marijuana product, adult-use marijuana product, 1545  
alcoholic product, tobacco product, electronic smoking device, 1546  
vapor product, or product or device that consists of or contains 1547  
nicotine that can be ingested into the body; 1548

(B) Any medical or adult-use marijuana cultivator, 1549  
processor, laboratory, or retail dispensary licensed under 1550  
Chapter 3796. of the Revised Code or under the laws of another 1551  
state; 1552

(C) Any business engaged in the sale, rental, or 1553  
exhibition for any form of consideration of adult entertainment 1554  
that is characterized by an emphasis on the exposure or display 1555  
of sexual activity; 1556

(D) Any casino or entity that sponsors or promotes 1557  
gambling activities; 1558

(E) Any other category of companies, brands, or types of 1559  
contracts that are similar to those described in divisions (A) 1560  
to (D) of this section that the institution or college 1561  
communicates to the student-athlete before the student-athlete 1562  
enrolls at the institution or college. 1563

Sec. 3779.01. As used in sections 3779.01 to 3779.10 and 1564  
3779.40 to 3779.48 of the Revised Code: 1565

(A) "At retail" means for use or consumption by the 1566  
ultimate consumer and not for resale. 1567

(B) "Delta-9 tetrahydrocannabinol," "hemp product," and 1568  
"tetrahydrocannabinol" have the same meanings as in section 1569  
928.01 of the Revised Code. 1570

(C) (1) "Disqualifying offense" means, subject to divisions 1571  
(C) (2) and (3) of this section, committing, attempting to 1572  
commit, or aiding and abetting another in committing any of the 1573  
following: 1574

(a) Any offense set forth in Chapter 2925., 3719., or 1575  
4729. of the Revised Code, the violation of which constitutes a 1576

felony or a misdemeanor of the first degree; 1577

(b) Any theft offense set forth under division (K) of 1578  
section 2913.01 of the Revised Code, the violation of which 1579  
constitutes a felony; 1580

(c) Any violation for which a penalty is imposed under 1581  
section 3715.99 of the Revised Code; 1582

(d) A crime of moral turpitude as defined in section 1583  
4776.10 of the Revised Code; 1584

(e) A violation of any former law of this state, any 1585  
existing or former law of another state, any existing or former 1586  
law applicable in a military court or Indian tribal court, or 1587  
any existing or former law of any nation other than the United 1588  
States that is or was substantially equivalent to any of the 1589  
offenses listed in divisions (C)(1)(a) to (d) of this section. 1590

(2) "Disqualifying offense" does not include a misdemeanor 1591  
offense respecting which an applicant for licensure or 1592  
employment is convicted of, or pleads guilty to, more than five 1593  
years before the date the application is submitted. 1594

(3) "Disqualifying offense" does not include any 1595  
misdemeanor offense related to marijuana possession, marijuana 1596  
trafficking, illegal cultivation of marijuana, illegal use or 1597  
possession of drug paraphernalia or marijuana drug 1598  
paraphernalia, or other misdemeanor marijuana-related offenses. 1599

(D) "Identification card" means a driver's or commercial 1600  
driver's license, an identification card issued under sections 1601  
4507.50 to 4507.52 of the Revised Code or an equivalent 1602  
identification card issued by another state, a military 1603  
identification card issued by the United States department of 1604  
defense, or a United States or foreign passport that displays a 1605

picture of the individual for whom the license, card, or 1606  
passport is issued and shows that the person buying is then at 1607  
least twenty-one years of age. 1608

(E) "Intoxicating hemp product" means a hemp product 1609  
containing more than five-tenths of a milligram of delta-9 1610  
tetrahydrocannabinol per serving, two milligrams of delta-9 1611  
tetrahydrocannabinol per package, or five-tenths of a milligram 1612  
of total non-delta-9 tetrahydrocannabinol per package. 1613  
"Intoxicating hemp product" does not include either of the 1614  
following: 1615

(1) A hemp product that cannot be ingested, inhaled, 1616  
snorted, sniffed, or used sublingually; 1617

(2) A low-level or high-level drinkable cannabinoid 1618  
product as defined in section 3779.21 of the Revised Code. 1619

(F) "Ohio investigative unit" means the investigative unit 1620  
maintained by the department of public safety under section 1621  
5502.13 of the Revised Code. 1622

(G) "Sell" means the exchange, barter, gift, offer for 1623  
sale, and sale of an intoxicating hemp product. 1624

(H) "Total non-delta-9 tetrahydrocannabinol" means the 1625  
sum, after the application of any necessary conversion factor, 1626  
of the percentage by weight of tetrahydrocannabinol, other than 1627  
delta-9 tetrahydrocannabinol, and the percentage by weight of 1628  
tetrahydrocannabinolic acid. 1629

**Sec. 3779.02.** (A) (1) No person shall sell an intoxicating 1630  
hemp product at retail in this state. 1631

(2) Subject to section 3779.08 of the Revised Code, 1632  
division (A) (1) of this section does not apply to the sale of an 1633



intoxicating hemp product at retail in this state by a person to 1634  
which both of the following apply: 1635

(a) The person is a hemp dispensary licensed under section 1636  
3779.03 of the Revised Code. 1637

(b) The person sells the intoxicating hemp product to an 1638  
individual who is twenty-one years of age or older as verified 1639  
by examining the individual's identification card. 1640

(3) Notwithstanding any other provision of law to the 1641  
contrary, a person who violates division (A)(1) of this section 1642  
shall not be prosecuted under any other criminal statute that 1643  
otherwise would apply to the person because the person engaged 1644  
in the activities prohibited in division (A)(1) of this section. 1645

(B) No person that is a licensed hemp dispensary shall do 1646  
any of the following: 1647

(1) Subject to division (D) of section 3779.08 of the 1648  
Revised Code, sell an intoxicating hemp product that has not 1649  
been tested in compliance with rules adopted under Chapter 3796. 1650  
of the Revised Code that otherwise apply to adult-use marijuana; 1651

(2) Sell an intoxicating hemp product that does not comply 1652  
with the standards and procedures for packaging and labeling set 1653  
forth in rules adopted under Chapter 3796. of the Revised Code 1654  
that otherwise apply to adult-use marijuana; 1655

(3) Violate any applicable rules adopted under section 1656  
3779.08 of the Revised Code, including rules establishing 1657  
advertising requirements governing intoxicating hemp products. 1658

(C)(1) No person shall sell at retail in this state a hemp 1659  
product and market it as adult-use marijuana or as medical 1660  
marijuana as defined in section 3796.01 of the Revised Code. 1661

(2) No person shall use any terms associated with the sale 1662  
at retail in this state of a hemp product that would cause a 1663  
consumer to infer that the hemp product is medical marijuana or 1664  
adult-use marijuana. 1665

(3) No person shall use any terms associated with the sale 1666  
at retail in this state of a hemp product that would cause a 1667  
consumer to infer that the person selling the hemp product is a 1668  
licensed hemp dispensary. 1669

(4) Division (C) (3) of this section does not apply to a 1670  
hemp dispensary licensed under section 3779.03 of the Revised 1671  
Code. 1672

(D) No licensed hemp dispensary shall do either of the 1673  
following: 1674

(1) Sell any cigarette, tobacco product, vapor product, or 1675  
electronic smoking product, as those terms are defined in 1676  
section 5743.01 of the Revised Code; 1677

(2) Allow an individual who is under twenty-one years of 1678  
age to enter the dispensary. 1679

(E) No person shall sell an intoxicating hemp product that 1680  
includes hemp that was not cultivated by one of the following: 1681

(1) A hemp cultivator licensed under Chapter 928. of the 1682  
Revised Code in this state or by the United States department of 1683  
agriculture if the director of agriculture takes action under 1684  
division (A) (2) of section 928.02 of the Revised Code; 1685

(2) A hemp cultivator that is licensed in another state by 1686  
the United States department of agriculture; 1687

(3) A hemp cultivator that is licensed in another state by 1688  
a governing body of that state whose hemp production plans have 1689

been approved by the United State department of agriculture. 1690

(F) No person shall sell an intoxicating hemp product that 1691  
is adulterated with any of the following: 1692

(1) A drug, as defined in section 4729.01 of the Revised 1693  
Code; 1694

(2) Contaminants, as defined in rules adopted under 1695  
section 3779.08 of the Revised Code; 1696

(3) Other substances that enhance the effects of the 1697  
tetrahydrocannabinol included in the product as specified in 1698  
rules adopted under section 3779.08 of the Revised Code. 1699

(G) No person who is the ultimate consumer of an edible 1700  
intoxicating hemp product shall fail to store the product in the 1701  
original packaging at all times when the product is not actively 1702  
in use. 1703

**Sec. 3779.021.** A person shall not be prosecuted or 1704  
penalized under section 3779.02 of the Revised Code until the 1705  
date that is two hundred and ten days after the effective date 1706  
of this section if both of the following apply: 1707

(A) The person is selling an intoxicating hemp product on 1708  
the effective date this section. 1709

(B) The facility at which the person is selling the 1710  
intoxicating hemp product does not allow individuals under the 1711  
age of twenty-one to enter the facility. 1712

**Sec. 3779.022.** Notwithstanding any provision to the 1713  
contrary in sections 3779.01 to 3779.10 of the Revised Code, an 1714  
individual who obtains an intoxicating hemp product from a hemp 1715  
dispensary licensed under section 3779.03 of the Revised Code 1716  
may transfer the intoxicating hemp product to another individual 1717

who is twenty-one years of age or over if both of the following 1718  
apply: 1719

(A) The transfer occurs without remuneration. 1720

(B) The transfer occurs on any privately owned real 1721  
property that is used primarily for residential or agricultural 1722  
purposes, including any dwellings, facilities, improvements, and 1723  
appurtenances on such real property. 1724

**Sec. 3779.03.** (A) An entity that seeks to sell at retail 1725  
an intoxicating hemp product in this state shall file an 1726  
application for licensure as a hemp dispensary with the division 1727  
of cannabis control. The entity shall file an application for 1728  
each location from which it seeks to operate. Each application 1729  
shall be submitted in accordance with rules adopted under 1730  
section 3779.08 of the Revised Code. 1731

(B) The division shall evaluate and prioritize 1732  
applications for licensure under this section according to the 1733  
applicant's eligibility, suitability, and ability to operate. 1734

(C) The division shall issue a biennial license to an 1735  
applicant if all of the following conditions are met: 1736

(1) The report of the criminal records check conducted 1737  
pursuant to section 3779.05 of the Revised Code with respect to 1738  
the application demonstrates that the person subject to the 1739  
criminal records check requirement has not been convicted of or 1740  
pleaded guilty to a disqualifying offense. 1741

(2) The applicant demonstrates that none of its current or 1742  
prospective owners, officers, board members, administrators, 1743  
employees, agents, or affiliates who may significantly influence 1744  
or control the applicant's activities have an ownership or 1745  
investment interest in or compensation arrangement with a 1746

laboratory specified in division (D) of section 3779.08 of the 1747  
Revised Code. 1748

(3) The applicant demonstrates that none of its current or 1749  
prospective owners, officers, board members, administrators, 1750  
employees, agents, or affiliates who may significantly influence 1751  
or control the applicant's activities share any corporate 1752  
officers or employees with a laboratory specified in division 1753  
(D) of section 3779.08 of the Revised Code. 1754

(4) The applicant demonstrates that the proposed location 1755  
or facility will not be located within five hundred feet of a 1756  
school, church, public library, public playground, or public 1757  
park. 1758

(5) The applicant demonstrates that the proposed location 1759  
or facility is not either of the following: 1760

(a) Located within one mile of another licensed hemp 1761  
dispensary; 1762

(b) Issued a permit under Chapter 4303. of the Revised 1763  
Code to sell beer and intoxicating liquor, as those terms are 1764  
defined in section 4301.01 of the Revised Code. 1765

(6) The information provided to the division of cannabis 1766  
control pursuant to section 3779.04 of the Revised Code 1767  
demonstrates that the applicant is in compliance with the 1768  
applicable tax laws of this state. 1769

(7) The applicant demonstrates sufficient liquid capital 1770  
and ability to meet financial responsibility requirements. 1771

(8) The applicant demonstrates that the municipal 1772  
corporation or township in which it will be located has not 1773  
passed a moratorium or taken any other action that would 1774

prohibit the applicant from operating there. 1775

(9) The application does not contain false, misleading, or 1776  
deceptive information and does not omit material information. 1777

(10) The applicant pays the applicable fees established 1778  
under section 3779.032 of the Revised Code. 1779

(11) The applicant meets all other licensure eligibility 1780  
conditions established in rules adopted under section 3779.08 of 1781  
the Revised Code. 1782

(D) If the number of eligible applicants exceeds the 1783  
number of available licenses, the division shall use an 1784  
impartial and evidence-based process to rank the eligible 1785  
applicants. The ranking process shall take into account all of 1786  
the following: 1787

(1) The applicant's business plan; 1788

(2) The applicant's operations plan; 1789

(3) The applicant's security plan; 1790

(4) The applicant's financial plan; 1791

(5) The applicant's principal place of business; 1792

(6) The applicant's environmental plan; 1793

(7) Employment practices; 1794

(8) The criminal records of all persons subject to the 1795  
criminal records check requirement; 1796

(9) The civil and administrative history of the applicant 1797  
and persons associated with the applicant; 1798

(10) Any other eligibility, suitability, or operations 1799  
based determination specified in sections 3779.01 to 3779.10 of 1800

the Revised Code or rules adopted under section 3779.08 of the 1801  
Revised Code. 1802

(E) (1) If the division uses a lottery system to issue 1803  
licenses under this section, the applicants shall be grouped 1804  
into the following distinct categories: 1805

(a) Highly exceeds; 1806

(b) Exceeds; 1807

(c) Meets; 1808

(d) Does not meet. 1809

(2) The division shall group the applicants such that the 1810  
number of applicants in each of the highly exceeds, exceeds, and 1811  
meets categories is roughly equal, unless doing so is not 1812  
possible while conforming to an impartial and evidence-based 1813  
process. Applicants that do not meet the eligibility 1814  
requirements prescribed by division (C) of this section shall be 1815  
placed in the does not meet category. 1816

(3) In conducting the lottery, the division shall give 1817  
applicants in the exceeds category double the odds of being 1818  
selected as compared to applicants in the meets category. The 1819  
division shall give applicants in the highly exceeds category 1820  
double the odds of being selected as compared to applicants in 1821  
the exceeds category. An applicant grouped in the does not meet 1822  
category is ineligible for licensure. 1823

(F) A biennial license may be renewed in accordance with 1824  
the procedures established in rules adopted under section 1825  
3779.08 of the Revised Code. Prior to the renewal of the 1826  
license, the applicant shall pay the renewal fee established 1827  
under section 3779.032 of the Revised Code. Applications for 1828

renewal are not subject to the evaluation, prioritization, 1829  
ranking, and lottery provisions in divisions (B), (D), and (E) 1830  
of this section. 1831

(G) The division shall issue a license under this section 1832  
to an entity that sold or offered for sale intoxicating hemp 1833  
products on or before June 30, 2025, if both of the following 1834  
apply: 1835

(1) The entity's receipts from hemp product and 1836  
intoxicating hemp product sales exceeded eighty per cent of its 1837  
total gross receipts for either of the following: 1838

(a) Calendar year 2024; 1839

(b) The twelve months immediately prior to the effective 1840  
date of this section. 1841

(2) The entity complies with all other requirements for 1842  
licensure established under this section and rules adopted under 1843  
section 3779.08 of the Revised Code. 1844

**Sec. 3779.031.** (A) Except as provided in division (B) of 1845  
this section, not more than four hundred hemp dispensaries shall 1846  
be licensed to operate in this state at any one time. 1847

(B) Notwithstanding division (A) of this section, more 1848  
than four hundred hemp dispensaries may be licensed to operate 1849  
in this state at any one time if more than four hundred entities 1850  
are licensed as a result of division (G) of section 3779.03 of 1851  
the Revised Code. In that case, the division shall not issue any 1852  
additional licenses until the number of valid licenses that 1853  
results from division (G) of section 3779.03 of the Revised Code 1854  
is less than four hundred. At such time when the number of 1855  
licenses resulting from division (G) of section 3779.03 of the 1856  
Revised Code is less than four hundred, division (A) of this 1857



section applies. 1858

Sec. 3779.032. (A) As used in this section, "grandfathered 1859  
entity" means an entity that is described in division (G) of 1860  
section 3779.03 of the Revised Code. 1861

(B) The division of cannabis control shall charge the 1862  
following hemp dispensary fees: 1863

	1	2
A	<u>Application fee</u>	<u>\$5,000</u>
B	<u>Initial first-year license</u> <u>fee for an applicant that is</u> <u>a grandfathered entity</u>	<u>\$10,000</u>
C	<u>Initial second-year license</u> <u>fee for an applicant that is</u> <u>a grandfathered entity</u>	<u>\$15,000</u>
D	<u>Initial two-year license fee</u> <u>for an applicant that is not</u> <u>a grandfathered entity</u>	<u>\$75,000</u>
E	<u>Two-year renewal license fee</u> <u>for a hemp dispensary that is</u> <u>a grandfathered entity</u>	<u>\$35,000</u>
F	<u>Two-year renewal license fee</u> <u>for a hemp dispensary that is</u> <u>not a grandfathered entity</u>	<u>\$75,000</u>

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Sec. 3779.04. (A) (1) Notwithstanding section 149.43 of the 1867  
Revised Code or any other public records law to the contrary or 1868  
any law relating to the confidentiality of tax return 1869  
information, upon the request of the division of cannabis 1870  
control, the department of taxation shall provide to the 1871  
division all of the following information: 1872

(a) Whether an applicant for licensure under section 1873  
3779.03 of the Revised Code is in compliance with the applicable 1874  
tax laws of this state; 1875

(b) Any past or pending violation by the applicant of 1876  
those tax laws, and any penalty imposed on the applicant for 1877  
such a violation. 1878

(2) The division shall request the information only as it 1879  
pertains to an application for licensure that the division, as 1880  
applicable, is reviewing. 1881

(3) The department of taxation may charge the division a 1882  
reasonable fee to cover the administrative cost of providing the 1883  
information. 1884

(B) Information received under this section is 1885  
confidential. Except as otherwise permitted by other state law 1886  
or federal law, the division shall not make the information 1887  
available to any person other than the applicant for licensure 1888  
to whom the information applies. 1889

Sec. 3779.05. (A) As used in this section, "criminal 1890  
records check" has the same meaning as in section 109.572 of the 1891  
Revised Code. 1892

(B) (1) As part of the application process for a license 1893

issued under section 3779.03 of the Revised Code, the division 1894  
of cannabis control shall require each of the following to 1895  
complete a criminal records check: 1896

(a) An administrator or other person responsible for the 1897  
daily operation of the entity seeking the license; 1898

(b) An owner or prospective owner, officer or prospective 1899  
officer, or board member or prospective board member of the 1900  
entity seeking the license. 1901

(2) If a person subject to the criminal records check 1902  
requirement does not present proof of having been a resident of 1903  
this state for the five-year period immediately prior to the 1904  
date the criminal records check is requested or provide evidence 1905  
that within that five-year period the superintendent of the 1906  
bureau of criminal identification and investigation has 1907  
requested information about the person from the federal bureau 1908  
of investigation in a criminal records check, the division shall 1909  
request that the person obtain through the superintendent a 1910  
criminal records request from the federal bureau of 1911  
investigation as part of the criminal records check of the 1912  
person. Even if a person presents proof of having been a 1913  
resident of this state for the five-year period, the division 1914  
may request that the person obtain information through the 1915  
superintendent from the federal bureau of investigation in the 1916  
criminal records check. 1917

(C) The division shall provide both of the following to 1918  
each person who is subject to the criminal records check 1919  
requirement: 1920

(1) Information about accessing, completing, and 1921  
forwarding to the superintendent of the bureau of criminal 1922

identification and investigation the form prescribed pursuant to 1923  
division (C) (1) of section 109.572 of the Revised Code and the 1924  
standard impression sheet to obtain fingerprint impressions 1925  
prescribed pursuant to division (C) (2) of that section; 1926

(2) Written notification that the person is to instruct 1927  
the superintendent to submit the completed report of the 1928  
criminal records check directly to the division. 1929

(D) Each person who is subject to the criminal records 1930  
check requirement shall pay to the bureau of criminal 1931  
identification and investigation the fee prescribed pursuant to 1932  
division (C) (3) of section 109.572 of the Revised Code for the 1933  
criminal records check conducted of the person. 1934

(E) The report of any criminal records check conducted by 1935  
the bureau of criminal identification and investigation in 1936  
accordance with section 109.572 of the Revised Code and pursuant 1937  
to a request made under this section is not a public record for 1938  
the purposes of section 149.43 of the Revised Code and shall not 1939  
be made available to any person other than the following: 1940

(1) The person who is the subject of the criminal records 1941  
check or the person's representative; 1942

(2) The members and staff of the division; 1943

(3) A court, hearing officer, or other necessary 1944  
individual involved in a case dealing with either of the 1945  
following: 1946

(a) A license denial resulting from the criminal records 1947  
check; 1948

(b) An administrative or criminal action regarding any 1949  
violation of sections 3779.01 to 3779.10 of the Revised Code or 1950

rules adopted under those sections.

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

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

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

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**Sec. 3779.051.** Each person seeking employment with a hemp  
dispensary licensed under section 3779.03 of the Revised Code  
shall comply with sections 4776.01 to 4776.04 of the Revised  
Code. Such a hemp dispensary shall not employ the person unless  
the person has submitted a criminal records check under those  
sections and the report of the resulting criminal records check  
demonstrates that the person has not been convicted of or  
pleaded guilty to any of the disqualifying offenses.

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**Sec. 3779.06.** 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. 3779.07. (A) The superintendent of cannabis control 1980  
may impose an administrative penalty or take other enforcement 1981  
actions against a person who violates division (A) (1), (B), (C) 1982  
(1), (C) (2), or (C) (3) of section 3779.02 of the Revised Code or 1983  
any rules adopted under section 3779.08 of the Revised Code. 1984  
Administrative penalties shall be set forth in rules adopted 1985  
under section 3779.08 of the Revised Code. 1986

(B) The superintendent shall afford a person an 1987  
opportunity for an adjudication hearing under Chapter 119. of 1988  
the Revised Code to challenge the superintendent's determination 1989  
to impose an administrative penalty or taking other enforcement 1990  
action under this section, the superintendent's imposition of an 1991  
administrative penalty under this section, or both. The 1992  
superintendent's determination, the imposition of the 1993  
administrative penalty, and taking other enforcement action may 1994  
be appealed in accordance with section 119.12 of the Revised 1995  
Code. 1996

Sec. 3779.08. (A) Not later than one hundred eighty days 1997  
after the effective date of this section, the superintendent of 1998  
cannabis control shall adopt rules in accordance with Chapter 1999  
119. of the Revised Code that do all of the following: 2000

(1) Establish application procedures for licenses issued 2001  
under section 3779.03 of the Revised Code; 2002

(2) Specify conditions that must be met to be eligible for 2003  
issuance of a license under section 3779.03 of the Revised Code; 2004

(3) Establish renewal procedures for licenses issued under 2005  
section 3779.03 of the Revised Code; 2006

(4) Specify reasons for which a license may be suspended, 2007  
including without prior hearing, be revoked, or not be renewed 2008

<u>or issued and the reasons for which an administrative penalty</u>	2009
<u>may be imposed on a license holder;</u>	2010
<u>(5) Establish standards under which a license suspension</u>	2011
<u>may be lifted;</u>	2012
<u>(6) Establish the amount of administrative penalties to be</u>	2013
<u>imposed by the superintendent under section 3779.07 of the</u>	2014
<u>Revised Code and procedures for imposing such penalties;</u>	2015
<u>(7) Establish a list of contaminants that are prohibited</u>	2016
<u>for inclusion in an intoxicating hemp product for purposes of</u>	2017
<u>division (F) of section 3779.02 of the Revised Code;</u>	2018
<u>(8) Establish a list of substances that enhance the</u>	2019
<u>effects of the tetrahydrocannabinol that are prohibited for</u>	2020
<u>inclusion in an intoxicating hemp product for purposes of</u>	2021
<u>division (F) of section 3779.02 of the Revised Code;</u>	2022
<u>(9) Establish requirements for the advertisement of</u>	2023
<u>intoxicating hemp products consistent with advertisement</u>	2024
<u>requirements for adult-use marijuana and medical marijuana</u>	2025
<u>established under section 3796.32 of the Revised Code. The rules</u>	2026
<u>shall include a requirement that a person that advertises an</u>	2027
<u>intoxicating hemp product submit the advertisement to the</u>	2028
<u>superintendent for the superintendent's approval. The</u>	2029
<u>superintendent shall approve or deny an advertisement not later</u>	2030
<u>than twenty-one business days after submission.</u>	2031
<u>(B) Subject to division (C) of this section, to ensure the</u>	2032
<u>integrity of intoxicating hemp product sales at retail and</u>	2033
<u>operations in this state, the superintendent has jurisdiction</u>	2034
<u>over all persons participating in the distribution and sale of</u>	2035
<u>intoxicating hemp products in this state and, in consultation</u>	2036
<u>and cooperation with the department of agriculture, the</u>	2037

cultivation and processing of intoxicating hemp products for 2038  
sale at retail in this state. Such jurisdiction includes the 2039  
authority to complete regulating, investigating, and penalizing 2040  
those persons in a manner that is consistent with the 2041  
superintendent's authority with respect to adult-use marijuana. 2042  
To carry out this division, the superintendent, not later than 2043  
one hundred eighty days after the effective date of this 2044  
section, shall adopt rules under Chapter 119. of the Revised 2045  
Code in addition to the rules adopted under division (A) of this 2046  
section. 2047

As part of the rules adopted under this division, the 2048  
superintendent shall establish limits on the potency, serving 2049  
sizes, and package sizes of intoxicating hemp products. The 2050  
limits on potency shall include a prohibition against the 2051  
inclusion of any synthetic tetrahydrocannabinol in an 2052  
intoxicating hemp product. The limits on potency shall not 2053  
exceed the potency limits for adult-use marijuana established 2054  
under Chapter 3796. of the Revised Code. The superintendent also 2055  
shall establish and maintain a list of approved 2056  
tetrahydrocannabinols that may be included for use in 2057  
intoxicating hemp products. 2058

(C) Notwithstanding Chapter 3796. of the Revised Code and 2059  
rules adopted under it to the contrary, the superintendent shall 2060  
not require hemp that is processed into an intoxicating hemp 2061  
product to be cultivated or processed in this state. 2062

(D) Notwithstanding Chapter 3796. of the Revised Code and 2063  
rules adopted under it to the contrary, an intoxicating hemp 2064  
product that is sold at retail in this state shall be tested in 2065  
a facility licensed in accordance with that chapter and rules 2066  
adopted under it or, as approved by the superintendent, in a 2067



facility in another state that meets requirements that are 2068  
substantially similar to applicable requirements established 2069  
under that chapter and rules adopted under it. 2070

**Sec. 3779.09.** (A) As used in this section: 2071

(1) "Chauffeured limousine" means a vehicle registered 2072  
under section 4503.24 of the Revised Code. 2073

(2) "Street," "highway," and "motor vehicle" have the same 2074  
meanings as in section 4511.01 of the Revised Code. 2075

(B) A person may have in the person's possession an opened 2076  
container of an intoxicating hemp product that is a beverage in 2077  
either of the following locations: 2078

(1) On the premises of a private residence; 2079

(2) In a chauffeured limousine that is located on any 2080  
street, highway, or other public or private property open to the 2081  
public for purposes of vehicular travel or parking if all the 2082  
following apply: 2083

(a) The person, or the guest of the person, pays all or a 2084  
portion of the fee imposed for the use of a chauffeured 2085  
limousine pursuant to a prearranged contract; 2086

(b) The person or guest is a passenger in the limousine; 2087

(c) The person or guest is located in the limousine but is 2088  
not occupying a seat in the front compartment of the limousine 2089  
where the operator of the limousine is located. 2090

(C) Except as provided in division (B) of this section, no 2091  
person shall have in the person's possession an opened container 2092  
of an intoxicating hemp product that is a beverage in any of the 2093  
following circumstances: 2094

<u>(1) In any public place;</u>	2095
<u>(2) While operating or being a passenger in or on a motor</u>	2096
<u>vehicle on any street, highway, or other public or private</u>	2097
<u>property open to the public for purposes of vehicular travel or</u>	2098
<u>parking;</u>	2099
<u>(3) While being in or on a stationary motor vehicle on any</u>	2100
<u>street, highway, or other public or private property open to the</u>	2101
<u>public for purposes of vehicular travel or parking.</u>	2102
<u><b>Sec. 3779.10.</b> (A) Except as provided in division (B) of</u>	2103
<u>this section, the legislative authority of a municipal</u>	2104
<u>corporation or a board of township trustees may adopt an</u>	2105
<u>ordinance or a resolution, to prohibit, or limit the number of,</u>	2106
<u>licensed hemp dispensaries within the municipal corporation or</u>	2107
<u>within the unincorporated territory of the township,</u>	2108
<u>respectively.</u>	2109
<u>(B) The legislative authority of a municipal corporation</u>	2110
<u>or a board of township trustees shall not adopt or enforce an</u>	2111
<u>ordinance or a resolution that does any of the following:</u>	2112
<u>(1) Prohibits or limits the operations of an entity</u>	2113
<u>described under division (G) of section 3779.03 of the Revised</u>	2114
<u>Code, except that a municipal corporation or township may</u>	2115
<u>enforce such an ordinance or such a resolution if it was adopted</u>	2116
<u>on or before June 30, 2025;</u>	2117
<u>(2) Prohibits or limits any activity authorized under</u>	2118
<u>sections 3779.01 to 3779.09 of the Revised Code, except as</u>	2119
<u>expressly permitted under division (A) of this section;</u>	2120
<u>(3) Prohibits or limits research related to intoxicating</u>	2121
<u>hemp conducted at a state university, academic medical center,</u>	2122
<u>or private research and development organization as part of a</u>	2123

research protocol approved by an institutional review board or 2124  
equivalent entity. 2125

Sec. 3779.11. A hemp dispensary licensed under section 2126  
3779.03 of the Revised Code shall prominently display both of 2127  
the following: 2128

(A) A statement that the use of intoxicating hemp products 2129  
by individuals under twenty-one years of age is both harmful and 2130  
illegal; 2131

(B) Information about the addictive qualities of 2132  
intoxicating hemp products and the potential negative health 2133  
consequences associated with their use. 2134

Sec. 3779.21. As used in sections 3779.21 to 3779.29 and 2135  
3779.40 to 3779.48 of the Revised Code, except as provided in 2136  
section 3779.40 of the Revised Code: 2137

(A) "At retail" and "identification card" have the same 2138  
meanings as in section 3779.01 of the Revised Code. 2139

(B) "Distributor" means a class B permit holder under 2140  
Chapter 4303. of the Revised Code, or the holder of an 2141  
equivalent permit or other authorization issued by another 2142  
state, that sells, offers for sale, arranges for sale, or 2143  
delivers a low-level or high-level drinkable cannabinoid product 2144  
to a low-level or high-level retailer located in this state. 2145  
"Distributor" does not include either of the following: 2146

(1) A manufacturer; 2147

(2) A person that is a common carrier and that is used to 2148  
complete delivery of a low-level or high-level drinkable 2149  
cannabinoid product to a retailer. 2150

(C) "Delta-9 tetrahydrocannabinol," "hemp," "hemp 2151

product," and "tetrahydrocannabinol" have the same meanings as 2152  
in section 928.01 of the Revised Code. 2153

(D) "High-level drinkable cannabinoid product" or "high- 2154  
level DCP" means a liquid hemp product to which all of the 2155  
following apply: 2156

(1) The product contains cannabinoids. 2157

(2) The cannabinoids in the product are solely derived 2158  
from hemp. 2159

(3) The product is intended to be consumed via ingestion. 2160

(4) The product does not include a drug as defined in 2161  
section 4729.01 of the Revised Code. 2162

(5) The product does not contain more than three-tenths 2163  
per cent of any tetrahydrocannabinol. 2164

(6) The product contains more than five milligrams of 2165  
total tetrahydrocannabinol per serving, but does not contain 2166  
more than ten milligrams of total tetrahydrocannabinol per 2167  
serving. 2168

(7) The product container does not contain more than one 2169  
serving. 2170

"High-level drinkable cannabinoid product" is not an 2171  
intoxicating hemp product. 2172

(E) "High-level retailer" means a class C permit holder 2173  
under Chapter 4303. of the Revised Code. 2174

(F) "Low-level drinkable cannabinoid product" or "low- 2175  
level DCP" means a liquid hemp product to which all of the 2176  
following apply: 2177

(1) The product contains cannabinoids. 2178

<u>(2) The cannabinoids in the product are solely derived</u>	2179
<u>from hemp.</u>	2180
<u>(3) The product is prepackaged and intended to be consumed</u>	2181
<u>via ingestion.</u>	2182
<u>(4) The product does not include a drug as defined in</u>	2183
<u>section 4729.01 of the Revised Code.</u>	2184
<u>(5) The product does not contain more than three-tenths</u>	2185
<u>per cent of any tetrahydrocannabinol.</u>	2186
<u>(6) The product does not contain more than five milligrams</u>	2187
<u>of total tetrahydrocannabinol per serving.</u>	2188
<u>(7) The product container does not contain more than one</u>	2189
<u>serving.</u>	2190
<u>"Low-level drinkable cannabinoid product" is not an</u>	2191
<u>intoxicating hemp product.</u>	2192
<u>(G) "Low-level retailer" means an A-1-A or class D permit</u>	2193
<u>holder under Chapter 4303. of the Revised Code.</u>	2194
<u>(H) "Manufacturer" means a person, whether located in this</u>	2195
<u>state or outside of this state, that manufactures a low-level or</u>	2196
<u>high-level drinkable cannabinoid product for sale in this state.</u>	2197
<u>(I) "Sale" and "sell" include exchange, barter, gift,</u>	2198
<u>offer for sale, sale, distribution and delivery of any kind, and</u>	2199
<u>the transfer of title or possession of a low-level or high-level</u>	2200
<u>drinkable cannabinoid product either by constructive or actual</u>	2201
<u>delivery by any means or devices.</u>	2202
<u>(J) "Serving" means twelve fluid ounces.</u>	2203
<u>Sec. 3779.22. (A) (1) A low-level retailer may sell at</u>	2204
<u>retail low-level drinkable cannabinoid products for consumption</u>	2205

on the premises where sold. 2206

(2) A high-level retailer may sell at retail low-level or 2207  
high-level drinkable cannabinoid products for consumption off 2208  
the premises where sold. 2209

(B) No person shall do any of the following: 2210

(1) Sell at retail a low-level or high-level drinkable 2211  
cannabinoid product unless authorized to do so under division 2212  
(A) of this section; 2213

(2) If the person is a manufacturer, sell a low-level or 2214  
high-level drinkable cannabinoid product unless the manufacturer 2215  
is registered under section 3779.24 of the Revised Code; 2216

(3) If the person is a manufacturer, sell a low-level 2217  
drinkable cannabinoid product to any person other than a low- 2218  
level retailer, high-level retailer, or distributor; 2219

(4) If the person is a manufacturer, sell a high-level 2220  
drinkable cannabinoid product to any person other than a high- 2221  
level retailer or distributor; 2222

(5) Sell for distribution a low-level or high-level 2223  
drinkable cannabinoid product unless the person is a 2224  
distributor; 2225

(6) If the person is a distributor, sell a low-level 2226  
drinkable cannabinoid product in this state to any person other 2227  
than a low-level or high-level retailer; 2228

(7) If the person is a distributor, sell a high-level 2229  
drinkable cannabinoid product in this state to any person other 2230  
than a high-level retailer; 2231

(8) Sell at retail a low-level or high-level drinkable 2232

cannabinoid product to an individual who is under twenty-one 2233  
years of age; 2234

(9) Fail to verify that an individual who attempts to 2235  
purchase or purchases a low-level or high-level drinkable 2236  
cannabinoid product at retail is at least twenty-one years of 2237  
age by examining the individual's identification card; 2238

(10) Sell a low-level or high-level drinkable cannabinoid 2239  
product that contains alcohol; 2240

(11) If the person is a high-level retailer, fail to store 2241  
a low-level or high-level drinkable cannabinoid product for sale 2242  
at retail in a display case that is solely used for the sale of 2243  
drinkable cannabinoid products and that clearly states that the 2244  
product is a low-level or high-level drinkable cannabinoid 2245  
product; 2246

(12) If the person is a manufacturer or distributor, do 2247  
either of the following: 2248

(a) Pay to a low-level retailer any payment, credit, or 2249  
any other consideration to induce the retailer to advertise or 2250  
display a low-level drinkable cannabinoid product in a certain 2251  
manner in the retailer's permitted premises; 2252

(b) Pay to a high-level retailer any payment, credit, or 2253  
any other consideration to induce the retailer to advertise or 2254  
display a low-level or high-level drinkable cannabinoid product 2255  
in a certain manner in the retailer's permitted premises. 2256

(13) If the person is a low-level or high-level retailer, 2257  
accept any payment, credit, or any other consideration to 2258  
advertise or display a low-level or high-level drinkable 2259  
cannabinoid product, as applicable, in a certain manner at the 2260  
retailer's permitted premises; 2261

(14) If the person is not a low-level retailer, allow an 2262  
individual who purchases a drinkable cannabinoid product from 2263  
the retailer to consume the drinkable cannabinoid product on the 2264  
retailer's premises; 2265

(15) If the person is a low-level or high-level retailer, 2266  
sell a low-level or high-level drinkable cannabinoid product, as 2267  
applicable, at a price less than the price paid by the retailer 2268  
to purchase the product from a distributor; 2269

(16) If the person is a low-level or high-level retailer 2270  
and the person is purchasing a low-level or high-level drinkable 2271  
cannabinoid product directly, as applicable, from a manufacturer 2272  
for subsequent retail sale, sell a low-level or high-level 2273  
drinkable cannabinoid product, as applicable, at a price less 2274  
than the price paid by the retailer to purchase the product from 2275  
the manufacturer; 2276

(17) If the person is a distributor, charge a different 2277  
price to a low-level or high-level retailer for low-level or 2278  
high-level drinkable cannabinoid products, as applicable, based 2279  
upon the quantity of drinkable cannabinoid products sold to the 2280  
retailer; 2281

(18) Violate any rule adopted under section 3779.23 of the 2282  
Revised Code. 2283

(C) (1) Prior to the effective date of the rules adopted 2284  
under section 3779.23 of the Revised Code, a low-level retailer 2285  
may sell low-level drinkable cannabinoid products and a high- 2286  
level retailer may sell low-level or high-level drinkable 2287  
cannabinoid products, a distributor may distribute such 2288  
products, and a manufacturer may manufacture such products, 2289  
provided both of the following apply: 2290



(a) The low-level or high-level drinkable cannabinoid 2291  
products, as applicable, are in compliance with the labeling 2292  
requirements specified in section 3779.26 of the Revised Code; 2293

(b) Such sales, distribution, and manufacturing are 2294  
otherwise in compliance with applicable statutory provisions of 2295  
sections 3779.21 to 3779.30 of the Revised Code. 2296

(2) On and after the effective date of those rules, sales, 2297  
distribution, and manufacturing of such products shall be in 2298  
full compliance with those rules and with applicable statutory 2299  
provisions of sections 3779.21 to 3779.30 of the Revised Code. 2300

**Sec. 3779.221.** The superintendent of liquor control may 2301  
impose an administrative penalty or take other enforcement 2302  
actions against a person who violates division (B) of section 2303  
3779.22 of the Revised Code or any rules adopted under section 2304  
3779.23 of the Revised Code. Administrative penalties shall be 2305  
set forth in rules adopted under section 3779.23 of the Revised 2306  
Code. 2307

(B) The superintendent shall afford a person an 2308  
opportunity for an adjudication hearing under Chapter 119. of 2309  
the Revised Code to challenge the superintendent's determination 2310  
to impose an administrative penalty or taking other enforcement 2311  
action under this section, the superintendent's imposition of an 2312  
administrative penalty under this section, or both. The 2313  
superintendent's determination, the imposition of the 2314  
administrative penalty, and taking other enforcement action may 2315  
be appealed in accordance with section 119.12 of the Revised 2316  
Code. 2317

**Sec. 3779.23.** Not later than six months after the 2318  
effective date of this section, the superintendent of liquor 2319

control shall adopt rules in accordance with Chapter 119. of the 2320  
Revised Code for the administration and enforcement of sections 2321  
3779.21 to 3779.30 of the Revised Code, including rules 2322  
governing all the following: 2323

(A) Registration of manufacturers under section 3779.24 of 2324  
the Revised Code; 2325

(B) The testing of low-level and high-level drinkable 2326  
cannabinoid products under section 3779.25 of the Revised Code, 2327  
including rules governing the issuance of a certificate of 2328  
analysis as required under division (C) of section 3779.25 of 2329  
the Revised Code; 2330

(C) The labeling of low-level and high-level drinkable 2331  
cannabinoid products under section 3779.26 of the Revised Code; 2332

(D) Establishment and maintenance of a list of approved 2333  
tetrahydrocannabinols that may be included for use in low-level 2334  
and high-level drinkable cannabinoid products; 2335

(E) Advertisement of low-level and high-level drinkable 2336  
cannabinoid products. The rules shall include a requirement that 2337  
a person that advertises a low-level or high-level drinkable 2338  
cannabinoid product submit the advertisement to the 2339  
superintendent for the superintendent's approval. The 2340  
superintendent shall approve or deny an advertisement no later 2341  
than twenty-one business days after submission. 2342

(F) Establish the amount of administrative penalties to be 2343  
imposed by the superintendent under section 3779.221 of the 2344  
Revised Code and procedures for imposing such penalties. 2345

**Sec. 3779.24.** (A) No person shall manufacture a low-level 2346  
or high-level drinkable cannabinoid product for sale in this 2347  
state without registering with the superintendent of liquor 2348

control in accordance with rules adopted under section 3779.23 2349  
of the Revised Code. The superintendent shall issue a 2350  
registration under this section if the applicant submits to the 2351  
superintendent an application and is in compliance with those 2352  
rules. 2353

(B) A registration issued under this section is valid for 2354  
one year after issuance and shall be renewed in the same manner 2355  
as an initial registration. 2356

**Sec. 3779.25.** (A) (1) A manufacturer of a low-level or 2357  
high-level drinkable cannabinoid product shall test the product 2358  
in accordance with rules adopted under section 3779.23 of the 2359  
Revised Code prior to selling the product or offering the 2360  
product for sale to a distributor. 2361

(2) No manufacturer, distributor, low-level retailer, or 2362  
high-level retailer shall sell or offer to sell a low-level or 2363  
high-level drinkable cannabinoid product, as applicable, that is 2364  
not tested in accordance with this section and rules adopted 2365  
under section 3779.23 of the Revised Code or that exceeds the 2366  
maximum allowable level for a substance or organism specified in 2367  
those rules. 2368

(B) A manufacturer shall contract with a testing 2369  
laboratory to provide the testing required under this section. 2370

(C) Notwithstanding Chapter 3796. of the Revised Code and 2371  
rules adopted under it to the contrary, a low-level or high- 2372  
level drinkable cannabinoid product that is sold in this state 2373  
shall be tested in a facility licensed in accordance with 2374  
Chapter 3796. of the Revised Code and rules adopted under it or, 2375  
as approved by the superintendent of liquor control, in a 2376  
facility in another state that meets requirements that are 2377

substantially similar to applicable requirements established 2378  
under Chapter 3796. of the Revised Code and rules adopted under 2379  
it. For each test conducted, the facility shall issue a 2380  
certificate of analysis that includes the results of the test as 2381  
required in rules adopted under section 3779.23 of the Revised 2382  
Code. 2383

(D) A distributor, low-level retailer, or high-level 2384  
retailer is not liable for any violations or causes of action if 2385  
a low-level or high-level drinkable cannabinoid product 2386  
distributed or sold by the distributor or retailer is not 2387  
consistent with testing as represented. 2388

(E) No manufacturer or testing laboratory shall fail to 2389  
comply with this section. 2390

**Sec. 3779.26.** (A) In accordance with rules adopted under 2391  
section 3779.23 of the Revised Code, a manufacturer shall 2392  
include a label on each low-level or high-level drinkable 2393  
cannabinoid product container that it sells or offers for sale 2394  
in this state that includes the following information in legible 2395  
print: 2396

(1) The product name or common name on the front of the 2397  
label; 2398

(2) The brand name on the front of the label; 2399

(3) The size of the container or net count of individual 2400  
items included in the container on the front of the label; 2401

(4) The net weight or volume of the items included in the 2402  
container; 2403

(5) The number of servings per container; 2404

(6) A list of ingredients; 2405

(7) The amount of tetrahydrocannabinol, in milligrams, as 2406  
identified in the certificate of analysis as required under 2407  
division (C) of section 3779.25 of the Revised Code; 2408

(8) The number of calories per container; 2409

(9) The words "This Product is a Low-level Drinkable 2410  
Cannabinoid Product" or "This Product is a High-level Drinkable 2411  
Cannabinoid Product," as applicable; 2412

(10) A conspicuous warning statement conveying that the 2413  
product contains tetrahydrocannabinol, that the effects of 2414  
drinking a low-level or high-level drinkable cannabinoid product 2415  
are different than those from drinking an alcoholic beverage, 2416  
and that a person should use caution when consuming low-level or 2417  
high-level DCPs or mixing the consumption of low-level or high- 2418  
level DCPs with alcoholic beverages; 2419

(11) A symbol approved by the superintendent of liquor 2420  
control warning potential consumers that the product contains 2421  
tetrahydrocannabinol. The symbol may include the American 2422  
society for testing and materials intoxicating cannabis products 2423  
symbol (D8441/D8441M). 2424

(B) A manufacturer shall include the amount of 2425  
tetrahydrocannabinol, in milligrams, as identified in the 2426  
certificate of analysis as required under division (C) of 2427  
section 3779.25 of the Revised Code, on the container of a low- 2428  
level or high-level drinkable cannabinoid product. The amount of 2429  
tetrahydrocannabinol included on the container of a low-level or 2430  
high-level drinkable cannabinoid product may deviate by ten per 2431  
cent of the actual amount on the certificate of analysis. 2432

(C) No manufacturer shall fail to comply with this 2433  
section. 2434

Sec. 3779.27. (A) As used in this section, "sales area or 2435  
territory" means an exclusive geographic area or territory that 2436  
is assigned to a particular distributor and that either has one 2437  
or more political subdivisions as its boundaries or consists of 2438  
an area of land with readily identifiable geographic boundaries. 2439

(B) Each manufacturer shall assign to each of the 2440  
manufacturer's distributors a sales area or territory within 2441  
which each distributor shall be the distributor of the brand or 2442  
brands of the manufacturer, provided that, if the manufacturer 2443  
manufactures more than one brand of low-level or high-level 2444  
drinkable cannabinoid product, the manufacturer may assign sales 2445  
areas or territories to additional distributors for the 2446  
distribution and sale of the additional brand or brands, so long 2447  
as not more than one distributor distributes the same brand or 2448  
brands within the same sales area or territory. No distributor 2449  
shall distribute a specific brand of low-level or high-level 2450  
drinkable cannabinoid product in any area or territory other 2451  
than the area or territory assigned to the distributor. 2452

Sec. 3779.28. (A) No manufacturer shall aid or assist a 2453  
distributor, and no manufacturer or distributor shall aid or 2454  
assist a low-level retailer or high-level retailer, by gift or 2455  
loan of any money or property of any description or other 2456  
valuable thing, or by giving premiums or rebates. No 2457  
distributor, low-level retailer, or high-level retailer shall 2458  
accept the same. 2459

(B) No manufacturer shall have any financial interest, 2460  
directly or indirectly, by stock ownership, or through 2461  
interlocking directors in a corporation, or otherwise, in the 2462  
establishment, maintenance, or promotion in the business of any 2463  
distributor. No low-level retailer or high-level retailer shall 2464

have any interest, directly or indirectly, in the operation of, 2465  
or any ownership in, the business of any distributor or 2466  
manufacturer. 2467

(C) No manufacturer shall have any financial interest, 2468  
directly or indirectly, by stock ownership, or through 2469  
interlocking directors in a corporation, or otherwise, in the 2470  
establishment, maintenance, or promotion of the business of any 2471  
low-level retailer or high-level retailer. No distributor or 2472  
employee of a distributor shall have any financial interest, 2473  
directly or indirectly, by stock ownership, interlocking 2474  
directors in a corporation, or otherwise, in the establishment, 2475  
maintenance, or promotion of the business of any low-level 2476  
retailer or high-level retailer. No manufacturer or distributor 2477  
or any stockholder of a manufacturer or distributor shall 2478  
acquire, by ownership in fee, leasehold, mortgage, or otherwise, 2479  
directly or indirectly, any interest in the premises on which 2480  
the business of any other person engaged in the business of 2481  
selling low-level or high-level drinkable cannabinoid products 2482  
at retail is occurring. 2483

(D) No manufacturer shall sell or offer to sell to any 2484  
distributor or low-level retailer or high-level retailer, no 2485  
distributor shall sell or offer to sell to any low-level 2486  
retailer or high-level retailer, and no distributor or low-level 2487  
retailer or high-level retailer shall purchase or receive from 2488  
any manufacturer or distributor any low-level or high-level 2489  
drinkable cannabinoid product in the United States except for 2490  
cash. No right of action exists to collect any claims for credit 2491  
extended contrary to this section. 2492

(E) Divisions (B) and (C) of this section do not apply to 2493  
a person licensed under section 3779.03 of the Revised Code. 2494

<u>Sec. 3779.29. (A) As used in this section:</u>	2495
<u>(1) "Chauffeured limousine" means a vehicle registered</u>	2496
<u>under section 4503.24 of the Revised Code.</u>	2497
<u>(2) "Street," "highway," and "motor vehicle" have the same</u>	2498
<u>meanings as in section 4511.01 of the Revised Code.</u>	2499
<u>(B) A person may have in the person's possession an opened</u>	2500
<u>container of a low-level or high-level drinkable cannabinoid</u>	2501
<u>product in either of the following locations:</u>	2502
<u>(1) On the premises of a private residence;</u>	2503
<u>(2) In a chauffeured limousine that is located on any</u>	2504
<u>street, highway, or other public or private property open to the</u>	2505
<u>public for purposes of vehicular travel or parking if all the</u>	2506
<u>following apply:</u>	2507
<u>(a) The person, or the guest of the person, pays all or a</u>	2508
<u>portion of the fee imposed for the use of a chauffeured</u>	2509
<u>limousine pursuant to a prearranged contract.</u>	2510
<u>(b) The person or guest is a passenger in the limousine.</u>	2511
<u>(c) The person or guest is located in the limousine but is</u>	2512
<u>not occupying a seat in the front compartment of the limousine</u>	2513
<u>where the operator of the limousine is located.</u>	2514
<u>(C) A person may have in the person's possession an opened</u>	2515
<u>container of a low-level drinkable cannabinoid product on the</u>	2516
<u>premises of a low-level retailer, provided the low-level</u>	2517
<u>retailer sold the low-level drinkable cannabinoid product to the</u>	2518
<u>person.</u>	2519
<u>(D) Except as provided in divisions (B) and (C) of this</u>	2520
<u>section, no person shall have in the person's possession an</u>	2521



<u>opened container of a low-level or high-level drinkable</u>	2522
<u>cannabinoid product in any of the following circumstances:</u>	2523
<u>(1) In any public place;</u>	2524
<u>(2) While operating or being a passenger in or on a motor</u>	2525
<u>vehicle on any street, highway, or other public or private</u>	2526
<u>property open to the public for purposes of vehicular travel or</u>	2527
<u>parking;</u>	2528
<u>(3) While being in or on a stationary motor vehicle on any</u>	2529
<u>street, highway, or other public or private property open to the</u>	2530
<u>public for purposes of vehicular travel or parking.</u>	2531
<u><b>Sec. 3779.30.</b> (A) As used in this section:</u>	2532
<u>(1) "Adult-use marijuana" has the same meaning as in</u>	2533
<u>section 3796.01 of the Revised Code.</u>	2534
<u>(2) "Intoxicating hemp product" has the same meaning as in</u>	2535
<u>section 3779.01 of the Revised Code.</u>	2536
<u>(3) "Manufacturer" means a person that manufactures a low-</u>	2537
<u>level or high-level drinkable cannabinoid product.</u>	2538
<u>(B) Notwithstanding any provision of the Revised Code to</u>	2539
<u>the contrary, a manufacturer may possess adult-use marijuana to</u>	2540
<u>do either of the following:</u>	2541
<u>(1) Use the adult-use marijuana to manufacture a low-level</u>	2542
<u>or high-level drinkable cannabinoid product;</u>	2543
<u>(2) Use the adult-use marijuana to manufacture an</u>	2544
<u>intoxicating hemp product that is a beverage that contains more</u>	2545
<u>than ten milligrams of total tetrahydrocannabinol per serving</u>	2546
<u>for export outside this state.</u>	2547
<u><b>Sec. 3779.40.</b> (A) As used in sections 3779.40 to 3779.48</u>	2548

<u>of the Revised Code:</u>	2549
<u>(1) "Licensed dispensary" means a hemp dispensary licensed</u>	2550
<u>under section 3779.03 of the Revised Code.</u>	2551
<u>(2) "Intoxicating hemp product receipts" means the total</u>	2552
<u>amount received by a licensed dispensary, without deduction for</u>	2553
<u>the cost of goods, taxes paid, or other expenses incurred, from</u>	2554
<u>the sale or other disposition of intoxicating hemp products to</u>	2555
<u>any other person.</u>	2556
<u>(3) "Received" has the same meaning as in section 5751.01</u>	2557
<u>of the Revised Code.</u>	2558
<u>(4) "Sale" includes exchange, barter, gift, offer for</u>	2559
<u>sale, and distribution, and includes transactions in interstate</u>	2560
<u>or foreign commerce.</u>	2561
<u>(5) "Taxpayer" means any person liable for a tax imposed</u>	2562
<u>under this section.</u>	2563
<u>(6) "Gallon" means one hundred twenty-eight fluid ounces.</u>	2564
<u>(7) "Drinkable cannabinoid product" means a low-level or</u>	2565
<u>high-level drinkable cannabinoid product.</u>	2566
<u>(B) For the purpose of providing for the needs of this</u>	2567
<u>state, a tax is levied on the intoxicating hemp product receipts</u>	2568
<u>received by a licensed dispensary each month at the rate of ten</u>	2569
<u>per cent of such receipts. All revenue from the tax shall be</u>	2570
<u>credited to the general revenue fund. The tax is part of the</u>	2571
<u>price for purposes of sales and use taxes levied under Chapters</u>	2572
<u>5739. and 5741. of the Revised Code.</u>	2573
<u>(C) For the purpose of providing for the needs of this</u>	2574
<u>state, an excise tax is levied on sales by a manufacturer to a</u>	2575
<u>distributor or retailer of drinkable cannabinoid products at the</u>	2576

rate of one dollar and twenty cents per gallon of such products 2577  
sold. All revenue from the tax shall be credited to the general 2578  
revenue fund. 2579

(D) Not later than thirty days after first receiving 2580  
intoxicating hemp product receipts, a licensed dispensary shall 2581  
register with the tax commissioner by submitting all of the 2582  
following: 2583

(1) A copy of the license or licenses issued to the 2584  
registrant under section 3779.03 of the Revised Code; 2585

(2) The registrant's federal employer identification 2586  
number or social security number or equivalent, as applicable; 2587

(3) All other information that the commissioner requires 2588  
to administer and enforce the tax levied under division (B) of 2589  
this section. 2590

(E) Not later than thirty days after first selling a 2591  
drinkable cannabinoid product to a distributor or retailer, a 2592  
manufacturer shall register with the tax commissioner by 2593  
submitting all of the following: 2594

(1) The registrant's federal employer identification 2595  
number or social security number or equivalent, as applicable; 2596

(2) All other information that the commissioner requires 2597  
to administer and enforce the tax levied under division (C) of 2598  
this section. 2599

(F) If the commissioner notifies a licensed dispensary or 2600  
manufacturer required to register under this section of such 2601  
requirement and of the requirement to remit the tax due under 2602  
section 3779.41 of the Revised Code, and the licensed dispensary 2603  
or manufacturer fails to so register and remit the tax within 2604

sixty days after the notice, the commissioner may impose an 2605  
additional penalty of up to thirty-five per cent of the tax due. 2606

(G) A licensed dispensary that is registered with the tax 2607  
commissioner under division (D) of this section shall notify the 2608  
commissioner if any of the following occur with respect to a 2609  
license issued to the registrant under section 3779.03 of the 2610  
Revised Code: 2611

(1) The license expires or is revoked; 2612

(2) A change to the activities in which the registrant is 2613  
permitted to engage; 2614

(3) A change in the location or facilities in which the 2615  
registrant is permitted to engage in such activities. 2616

**Sec. 3779.41.** (A) Not later than the twenty-third day of 2617  
the month, every taxpayer shall file with the tax commissioner a 2618  
return for the preceding calendar month reporting any 2619  
information the commissioner finds necessary for the proper 2620  
administration of sections 3779.40 to 3779.48 of the Revised 2621  
Code, together with remittance of the tax due. In the case of 2622  
the tax levied under division (B) of section 3779.40 of the 2623  
Revised Code, the tax shall be calculated on the basis of the 2624  
taxpayer's intoxicating hemp product receipts received during 2625  
the preceding month. In the case of the tax levied under 2626  
division (C) of section 3779.40 of the Revised Code, the tax 2627  
shall be calculated on the basis of the gallons of drinkable 2628  
cannabinoid products sold by the taxpayer to a distributor or 2629  
retailer during the preceding month. 2630

(B) Any taxpayer that fails to file a return or pay the 2631  
full amount of the tax due within the period prescribed under 2632  
this section shall pay a penalty in an amount not exceeding the 2633

greater of fifty dollars or ten per cent of the tax required to 2634  
be paid for the month. 2635

(C) (1) If any additional tax is found to be due, the tax 2636  
commissioner may impose an additional penalty of up to fifteen 2637  
per cent of the additional tax found to be due. 2638

(2) Any delinquent payments made after a taxpayer is 2639  
notified of an audit or a tax discrepancy by the commissioner 2640  
are subject to the penalty imposed by division (C) (1) of this 2641  
section. If an assessment is issued under section 3779.44 of the 2642  
Revised Code in connection with such delinquent payments, the 2643  
payments shall be credited to the assessment. 2644

(D) The commissioner may collect any penalty or interest 2645  
imposed by this section or section 3779.40 of the Revised Code 2646  
in the same manner as the applicable tax imposed under that 2647  
section. Penalties and interest so collected shall be considered 2648  
as revenue arising from that tax. 2649

(E) The commissioner may abate all or a portion of any 2650  
penalties imposed under this section or section 3779.40 of the 2651  
Revised Code and may adopt rules governing such abatements. 2652

(F) If any tax due is not timely paid within the period 2653  
prescribed under this section, the taxpayer shall pay interest, 2654  
calculated at the rate per annum prescribed by section 5703.47 2655  
of the Revised Code, from the date the tax payment was due to 2656  
the date of payment or to the date an assessment was issued, 2657  
whichever occurs first. 2658

(G) The commissioner may impose a penalty of up to ten per 2659  
cent for any additional tax that is due from a taxpayer that 2660  
reports incorrect information. 2661

Sec. 3779.42. (A) Any taxpayer required to file returns 2662

under section 3779.41 of the Revised Code shall remit each tax 2663  
payment, and, if required by the tax commissioner, file the tax 2664  
return or the annual report, electronically. The commissioner 2665  
may require taxpayers to use the Ohio business gateway as 2666  
defined in section 718.01 of the Revised Code to file returns 2667  
and remit the taxes, or may provide another means for taxpayers 2668  
to file and remit the taxes electronically. 2669

(B) A taxpayer required to remit taxes or file returns 2670  
electronically under division (A) of this section may apply to 2671  
the commissioner, on a form prescribed by the commissioner, to 2672  
be excused from that requirement. The commissioner may excuse a 2673  
taxpayer from the requirements of this section for good cause. 2674

(C) (1) If a taxpayer required to remit tax or file a 2675  
return electronically under division (A) of this section fails 2676  
to do so, the commissioner may impose a penalty not to exceed 2677  
the following: 2678

(a) For either of the first two months the taxpayer so 2679  
fails, the greater of twenty-five dollars or five per cent of 2680  
the amount of the payment that was required to be remitted; 2681

(b) For the third and any subsequent months the taxpayer 2682  
so fails, the greater of fifty dollars or ten per cent of the 2683  
amount of the payment that was required to be remitted. 2684

(2) The penalty imposed under division (C) (1) of this 2685  
section shall be considered as revenue arising from the tax 2686  
imposed under division (B) or (C) of section 3779.40 of the 2687  
Revised Code, as applicable. A penalty may be collected by 2688  
assessment in the manner prescribed by section 3779.44 of the 2689  
Revised Code. The commissioner may abate all or a portion of 2690  
such a penalty. 2691

(D) The commissioner may adopt rules necessary to 2692  
administer this section. 2693

**Sec. 3779.43.** (A) An application for refund to the 2694  
taxpayer of amounts imposed under sections 3779.40 to 3779.48 of 2695  
the Revised Code that are overpaid, paid illegally or 2696  
erroneously, or paid on any illegal or erroneous assessment 2697  
shall be filed by the taxpayer with the tax commissioner, on a 2698  
form prescribed by the commissioner, within four years after the 2699  
date of the illegal or erroneous payment, or within any 2700  
additional period allowed under division (F) of section 3779.44 2701  
of the Revised Code. The applicant shall provide the amount of 2702  
the requested refund along with the claimed reasons for, and 2703  
documentation to support, the issuance of a refund. 2704

(B) On the filing of the refund application, the 2705  
commissioner shall determine the amount of refund to which the 2706  
applicant is entitled. If the amount is not less than that 2707  
claimed, the commissioner shall certify the amount to the 2708  
director of budget and management and treasurer of state for 2709  
payment from the tax refund fund created under section 5703.052 2710  
of the Revised Code. If the amount is less than that claimed, 2711  
the commissioner shall proceed in accordance with section 2712  
5703.70 of the Revised Code. 2713

(C) Interest on a refund applied for under this section, 2714  
computed at the rate provided for in section 5703.47 of the 2715  
Revised Code, shall be allowed from the later of the date the 2716  
amount was paid or when the payment was due. 2717

(D) Except as provided in section 3779.431 of the Revised 2718  
Code, the commissioner may, with the consent of the taxpayer, 2719  
provide for the crediting, against tax due for any month, of the 2720  
amount of any refund due to the taxpayer under this section for 2721

a preceding month.

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

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If a taxpayer entitled to a refund under section 3779.43  
of the Revised Code owes any debt to this state, the amount  
refundable may be applied in satisfaction of the debt. If the  
amount refundable is less than the amount of the debt, it may be  
applied in partial satisfaction of the debt. If the amount  
refundable is greater than the amount of the debt, the amount  
remaining after satisfaction of the debt shall be refunded. This  
section applies only to debts that have become final. For the  
purposes of this section, a debt becomes final when, under the  
applicable law, any time provided for petition for reassessment,  
request for reconsideration, or other appeal of the legality or  
validity of the amount giving rise to the debt expires without  
an appeal having been filed in the manner provided by law.

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**Sec. 3779.44.** (A) The tax commissioner may make an  
assessment, based on any information in the commissioner's  
possession, against any person that fails to file a return or  
pay tax as required under section 3779.41 of the Revised Code.  
The commissioner shall give the person assessed written notice

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of the assessment as provided in section 5703.37 of the Revised 2752  
Code. With the notice, the commissioner shall provide 2753  
instructions on the manner in which to petition for reassessment 2754  
and request a hearing with respect to the petition. 2755

(B) Unless the person assessed, within sixty days after 2756  
service of the notice of assessment, files with the 2757  
commissioner, either personally or by certified mail, a written 2758  
petition signed by the person or the person's authorized agent 2759  
having knowledge of the facts, the assessment becomes final, and 2760  
the amount of the assessment is due and payable from the person 2761  
assessed to the treasurer of state. The petition shall indicate 2762  
the objections of the person assessed, but additional objections 2763  
may be raised in writing if received by the commissioner before 2764  
the date shown on the final determination. 2765

If a petition for reassessment has been properly filed, 2766  
the commissioner shall proceed under section 5703.60 of the 2767  
Revised Code. 2768

(C) (1) After an assessment becomes final, if any portion 2769  
of the assessment, including accrued interest, remains unpaid, a 2770  
certified copy of the commissioner's entry making the assessment 2771  
final may be filed in the office of the clerk of the court of 2772  
common pleas in the county in which the person resides or has 2773  
its principal place of business in this state, or in the office 2774  
of the clerk of the court of common pleas of Franklin county. 2775

(2) Immediately upon the filing of the entry, the clerk 2776  
shall enter judgment for the state against the person assessed 2777  
in the amount shown on the entry. The judgment may be filed by 2778  
the clerk in a loose-leaf book entitled "special judgments for 2779  
the intoxicating hemp product receipts tax" or "special 2780  
judgments for the drinkable cannabinoid product tax," as 2781

applicable, and shall have the same effect as other judgments. 2782  
Execution shall issue upon the judgment at the request of the 2783  
commissioner, and all laws applicable to sales on execution 2784  
shall apply to sales made under the judgment. 2785

(3) If the assessment is not paid in its entirety within 2786  
sixty days after the day the assessment was issued, the portion 2787  
of the assessment consisting of tax due shall bear interest at 2788  
the rate per annum prescribed by section 5703.47 of the Revised 2789  
Code from the day the commissioner issues the assessment until 2790  
it is paid or until it is certified to the attorney general for 2791  
collection under section 131.02 of the Revised Code, whichever 2792  
comes first. If the unpaid portion of the assessment is 2793  
certified to the attorney general for collection, the entire 2794  
unpaid portion of the assessment shall bear interest at the rate 2795  
per annum prescribed by section 5703.47 of the Revised Code from 2796  
the date of certification until the date it is paid in its 2797  
entirety. Interest shall be paid in the same manner as the tax 2798  
imposed by division (B) or (C) of section 3779.40 of the Revised 2799  
Code, as applicable, and may be collected by the issuance of an 2800  
assessment under this section. 2801

(D) If the commissioner believes that collection of a tax 2802  
imposed by this chapter will be jeopardized unless proceedings 2803  
to collect or secure collection of the tax is instituted without 2804  
delay, the commissioner may issue a jeopardy assessment against 2805  
the person liable for the tax. Immediately upon the issuance of 2806  
the jeopardy assessment, the commissioner shall file an entry 2807  
with the clerk of the court of common pleas in the manner 2808  
prescribed by division (C) of this section. Notice of the 2809  
jeopardy assessment shall be served on the person assessed or 2810  
the person's authorized agent in the manner provided in section 2811  
5703.37 of the Revised Code within five days of the filing of 2812

the entry with the clerk. The total amount assessed is 2813  
immediately due and payable unless the person assessed files a 2814  
petition for reassessment in accordance with division (B) of 2815  
this section and provides security in a form satisfactory to the 2816  
commissioner and in an amount sufficient to satisfy the unpaid 2817  
balance of the assessment. Full or partial payment of the 2818  
assessment does not prejudice the commissioner's consideration 2819  
of the petition for reassessment. 2820

(E) The commissioner shall immediately forward to the 2821  
treasurer of state all amounts the commissioner receives under 2822  
this section, and such amounts shall be considered as revenue 2823  
arising from the tax imposed under division (B) or (C) of 2824  
section 3779.40 of the Revised Code, as applicable. 2825

(F) Except as otherwise provided in this division, no 2826  
assessment shall be made or issued against a taxpayer for a tax 2827  
imposed under this chapter more than four years after the due 2828  
date for the filing of the return for the tax period for which 2829  
the tax was reported, or more than four years after the return 2830  
for the tax period was filed, whichever is later. The time limit 2831  
may be extended if both the taxpayer and the commissioner 2832  
consent in writing to the extension or enter into an agreement 2833  
waiving or extending the time limit. Any such extension shall 2834  
extend the four-year time limit in division (A) of section 2835  
3779.43 of the Revised Code for the same period of time. Nothing 2836  
in this division bars an assessment against a taxpayer that 2837  
fails to file a return required under section 3779.41 of the 2838  
Revised Code or that files a fraudulent return. 2839

(G) If the commissioner possesses information that 2840  
indicates that the amount of tax a taxpayer is required to pay 2841  
under division (B) or (C) of section 3779.40 of the Revised Code 2842

exceeds the amount the taxpayer paid, the commissioner may audit 2843  
a sample of the taxpayer's sales over a representative period of 2844  
time to ascertain the amount of tax due, and may issue an 2845  
assessment based on the audit. The commissioner shall make a 2846  
good faith effort to reach agreement with the taxpayer in 2847  
selecting a representative sample. The commissioner may apply a 2848  
sampling method only if the commissioner has prescribed the 2849  
method by rule. 2850

(H) If the whereabouts of a person subject to this chapter 2851  
is not known to the tax commissioner, the commissioner shall 2852  
follow the procedures under section 5703.37 of the Revised Code. 2853

**Sec. 3779.45.** If any person liable for a tax imposed under 2854  
section 3779.40 of the Revised Code sells the trade or business, 2855  
disposes in any manner other than in the regular course of 2856  
business at least seventy-five per cent of assets of the trade 2857  
or business, or quits the trade or business, any tax owed by 2858  
such person shall become due and payable immediately, and the 2859  
person shall pay the tax due under this chapter, including any 2860  
applicable penalties and interest, within forty-five days after 2861  
the date of selling or quitting the trade or business. The 2862  
person's successor shall withhold a sufficient amount of the 2863  
purchase money to cover the amount due and unpaid until the 2864  
former owner produces a receipt from the tax commissioner 2865  
showing that the amounts are paid or a certificate indicating 2866  
that no tax is due. If a purchaser fails to withhold purchase 2867  
money, that person is personally liable, up to the purchase 2868  
money amount, for such amounts that are unpaid during the 2869  
operation of the business by the former owner. 2870

The commissioner may adopt rules regarding the issuance of 2871  
certificates under this section, including the waiver of the 2872

need for a certificate if certain criteria are met.

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**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 section 3779.03 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.

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

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(B) Each taxpayer shall maintain complete and accurate  
records of all sales and other dispositions of intoxicating hemp  
products or drinkable cannabinoid products, as applicable, and  
shall procure and retain all invoices, bills of lading, and

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other documents relating to the sales and other dispositions of 2903  
such products. No person shall make a false entry upon any 2904  
invoice or record upon which an entry is required by this 2905  
section, and no person shall present any false entry for the 2906  
inspection of the commissioner with the intent to evade a tax 2907  
levied under section 3779.40 of the Revised Code. 2908

(C) The records described in divisions (A) and (B) of this 2909  
section and other documents shall be open during business hours 2910  
to the inspection of the commissioner, and shall be preserved 2911  
for a period of four years, unless the commissioner, in writing, 2912  
consents to their destruction within that period, or by order 2913  
requires that they be kept for a longer period. If such records 2914  
are normally kept by the person electronically, the person shall 2915  
provide such records to the commissioner electronically at the 2916  
commissioner's request. 2917

(D) Any information acquired by the commissioner under 2918  
this chapter is confidential as provided for in section 5703.21 2919  
of the Revised Code, except that the commissioner shall make 2920  
public an electronic list of all actively registered persons 2921  
required to remit a tax under section 3779.40 of the Revised 2922  
Code, including legal names, trade names, addresses, and account 2923  
numbers. In addition, the list shall include all persons that 2924  
canceled their registrations at any time during the preceding 2925  
four calendar years, including the effective date of the 2926  
cancellation. 2927

**Sec. 3779.47.** (A) No person shall prepare for shipment, 2928  
ship, transport, deliver, prepare for distribution, distribute, 2929  
or sell intoxicating hemp products or drinkable cannabinoid 2930  
products, or otherwise engage or participate in the business of 2931  
selling intoxicating hemp products or drinkable cannabinoid 2932

products, with the intent to avoid payment of a tax levied by 2933  
section 3779.40 of the Revised Code. 2934

(B) The tax commissioner or an agent of the commissioner 2935  
may enter and inspect the facilities and records of a person 2936  
selling intoxicating hemp products or drinkable cannabinoid 2937  
products. Such entrance and inspection requires a properly 2938  
issued search warrant if conducted outside the normal business 2939  
hours of the person, but does not require a search warrant if 2940  
conducted during the normal business hours of the person. No 2941  
person shall prevent or hinder the commissioner or an agent of 2942  
the commissioner from carrying out the authority granted under 2943  
this division. 2944

(C) Whenever the commissioner discovers intoxicating hemp 2945  
products or drinkable cannabinoid products that are subject to a 2946  
tax levied by this chapter and upon which the tax has not been 2947  
or will not be paid or the commissioner has reason to believe 2948  
the tax is being avoided, the commissioner may seize and take 2949  
possession of the products, which, upon seizure, shall be 2950  
forfeited to the state. Within a reasonable time after seizure, 2951  
the commissioner may sell the products. From the proceeds of 2952  
this sale, the commissioner shall pay the costs incurred in the 2953  
seizure and sale, and any proceeds remaining after the sale 2954  
shall be considered as revenue arising from the tax. The seizure 2955  
and sale do not relieve any person from the fine or imprisonment 2956  
provided for a violation of this chapter. The commissioner shall 2957  
make the sale where it is most convenient and economical, but 2958  
may order the destruction of forfeited products if the quantity 2959  
or quality is not sufficient to warrant its sale. 2960

**Sec. 3779.48.** (A) Any person that is not a taxpayer 2961  
registered under section 3779.40 of the Revised Code is liable 2962

for any amounts, including tax, interest, and penalties, imposed 2963  
by sections 3779.40 to 3779.48 of the Revised Code in the same 2964  
manner as persons that do hold such a registration are liable, 2965  
if the person does either of the following: 2966

(1) Receives intoxicating hemp product receipts from the 2967  
retail sale of intoxicating hemp; 2968

(2) Sells drinkable cannabinoid products upon which the 2969  
tax levied by those sections has not been paid. 2970

(B) The tax commissioner may issue an assessment against a 2971  
person described in division (A) of this section for any amount 2972  
due under this chapter in the same manner provided under section 2973  
3779.44 of the Revised Code. 2974

**Sec. 3779.99.** (A) Except as provided in division (B) of 2975  
this section, whoever recklessly violates division (A) (1) of 2976  
section 3779.02 of the Revised Code is guilty of a misdemeanor 2977  
of the first degree on a first offense and a felony of the fifth 2978  
degree on a second or subsequent offense. 2979

(B) Whoever recklessly violates division (A) (1) of section 2980  
3779.02 of the Revised Code that involves the sale of an 2981  
intoxicating hemp product to a person under twenty-one years of 2982  
age is guilty of a misdemeanor of the first degree on a first 2983  
offense and a felony of the fifth degree on a second or 2984  
subsequent offense. 2985

(C) Whoever knowingly violates section 3779.09 of the 2986  
Revised Code is guilty of a minor misdemeanor. 2987

(D) (1) As used in this section, "licensing authority" 2988  
means the following: 2989

(a) For purposes of a license issued under section 3770.05 2990



of the Revised Code, the state lottery commission; 2991

(b) For purposes of sections 5743.15 and 5743.61 of the 2992  
Revised Code, the tax commissioner; 2993

(c) For purposes of Chapter 4303. of the Revised Code, the 2994  
division of liquor control. 2995

(2) A licensing authority shall adopt rules in accordance 2996  
with Chapter 119. of the Revised Code to enforce violations of 2997  
this chapter directly against a person who has been issued a 2998  
license under section 3770.05, 5743.15, or 5743.61 or has been 2999  
issued a permit under Chapter 4303. of the Revised Code, as 3000  
applicable. 3001

(E) Whoever recklessly violates division (B) (1) of section 3002  
3779.22 of the Revised Code is guilty of a misdemeanor of the 3003  
first degree on a first offense and a felony of the fifth degree 3004  
on a second or subsequent offense. 3005

(F) Whoever recklessly violates division (B) (8) of section 3006  
3779.22 of the Revised Code is guilty of a felony of the fifth 3007  
degree. 3008

(G) Whoever knowingly violates section 3779.29 of the 3009  
Revised Code is guilty of a minor misdemeanor. 3010

(H) Whoever knowingly files a fraudulent refund claim 3011  
under section 3779.43 of the Revised Code shall be fined the 3012  
greater of one thousand dollars or the amount of the fraudulent 3013  
refund requested, or imprisoned not more than sixty days, or 3014  
both. 3015

(I) Except as otherwise provided in this section, whoever 3016  
knowingly violates sections 3779.40 to 3779.48 of the Revised 3017  
Code shall be fined not more than five hundred dollars, or 3018

imprisoned not more than thirty days, or both. 3019

(J) The penalties provided in divisions (H) and (I) of 3020  
this section are in addition to any penalties imposed by the tax 3021  
commissioner under sections 3779.40 to 3779.48 of the Revised 3022  
Code. 3023

**Sec. 3796.01.** (A) As used in this chapter: 3024

(1) "Marijuana" means marihuana as defined in section 3025  
3719.01 of the Revised Code. 3026

(2) "Medical marijuana" means marijuana that is 3027  
cultivated, processed, dispensed, tested, possessed, or used for 3028  
a medical purpose in accordance with this chapter. "Medical 3029  
marijuana" does not include adult-use marijuana or homegrown 3030  
marijuana. 3031

(3) "Academic medical center" has the same meaning as in 3032  
section 4731.297 of the Revised Code. 3033

(4) "Drug database" means the database established and 3034  
maintained by the state board of pharmacy pursuant to section 3035  
4729.75 of the Revised Code. 3036

(5) "Physician" means an individual authorized under 3037  
Chapter 4731. of the Revised Code to practice medicine and 3038  
surgery or osteopathic medicine and surgery. 3039

(6) "Qualifying medical condition" means any of the 3040  
following: 3041

(a) Acquired immune deficiency syndrome; 3042

(b) Alzheimer's disease; 3043

(c) Amyotrophic lateral sclerosis; 3044

(d) Cancer; 3045

(e) Chronic traumatic encephalopathy;	3046
(f) Crohn's disease;	3047
(g) Epilepsy or another seizure disorder;	3048
(h) Fibromyalgia;	3049
(i) Glaucoma;	3050
(j) Hepatitis C;	3051
(k) Inflammatory bowel disease;	3052
(l) Multiple sclerosis;	3053
(m) Pain that is either of the following:	3054
(i) Chronic and severe;	3055
(ii) Intractable.	3056
(n) Parkinson's disease;	3057
(o) Positive status for HIV;	3058
(p) Post-traumatic stress disorder;	3059
(q) Sickle cell anemia;	3060
(r) Spinal cord disease or injury;	3061
(s) Tourette's syndrome;	3062
(t) Traumatic brain injury;	3063
(u) Ulcerative colitis;	3064
(v) Any other disease or condition added by the state	3065
medical board under section 4731.302 of the Revised Code.	3066
(7) "State university" has the same meaning as in section	3067
3345.011 of the Revised Code.	3068

(8) "Adult-use consumer" means an individual who is at 3069  
least twenty-one years of age. 3070

(9) "Adult-use marijuana" means marijuana that is 3071  
cultivated, processed, dispensed, or tested for, or possessed or 3072  
used by, an adult-use consumer, in accordance with this chapter. 3073  
"Adult-use marijuana" includes marijuana cultivated, processed, 3074  
dispensed, or tested for, or possessed or used by, an adult-use 3075  
consumer before the effective date of this amendment in 3076  
accordance with Chapter 3780. of the Revised Code, as that 3077  
chapter existed immediately prior to the effective date of this 3078  
amendment. "Adult-use marijuana" does not include medical 3079  
marijuana or homegrown marijuana. 3080

(10) "Church" has the meaning defined in section 1710.01 3081  
of the Revised Code. 3082

(11) "Public library" means a library provided for under 3083  
Chapter 3375. of the Revised Code. 3084

(12) "Public park" means a park established by the state 3085  
or a political subdivision of the state, including a county, 3086  
township, municipal corporation, or park district. 3087

(13) "Public playground" means a playground established by 3088  
the state or a political subdivision of the state, including a 3089  
county, township, municipal corporation, or park district. 3090

(14) "School" means a child care center as defined under 3091  
section 5104.01 of the Revised Code, a preschool as defined 3092  
under section 2950.034 of the Revised Code, or a public or 3093  
nonpublic primary school or secondary school. 3094

(15) "Public place" has the same meaning as in section 3095  
3794.01 of the Revised Code. 3096

(16) "Ohio investigative unit" means the investigative 3097  
unit maintained by the department of public safety under section 3098  
5502.13 of the Revised Code. 3099

(17) "Homegrown marijuana" means marijuana cultivated, 3100  
grown, processed, or possessed by an adult-use consumer in 3101  
accordance with section 3796.04 of the Revised Code. "Homegrown 3102  
marijuana" includes marijuana cultivated, grown, processed, or 3103  
possessed before the effective date of this amendment under 3104  
former section 3780.28 of the Revised Code, as that section 3105  
existed immediately prior to the effective date of this 3106  
amendment. "Homegrown marijuana" does not include medical 3107  
marijuana or adult-use marijuana. 3108

(18) "Provisional license" means a temporary license 3109  
issued to an applicant for a cultivator, processor, retail 3110  
dispensary, or laboratory license under this chapter or Chapter 3111  
3780. of the Revised Code, as that chapter existed immediately 3112  
before the effective date of this amendment, that establishes 3113  
the conditions that must be met before the provisional license 3114  
holder may engage in the activities authorized by section 3115  
3796.18, 3796.19, 3796.20, or 3796.21 of the Revised Code. 3116

(19) "Certificate of operation" means a certificate issued 3117  
to the holder of a provisional license that authorizes the 3118  
recipient to engage in the activities authorized by section 3119  
3796.18, 3796.19, 3796.20, or 3796.21 of the Revised Code. 3120

(20) (a) "Disqualifying offense" means, subject to 3121  
divisions (A) (20) (b) and (c) of this section, committing, 3122  
attempting to commit, or aiding and abetting another in 3123  
committing any of the following: 3124

(i) Any offense set forth in Chapter 2925., 3719., or 3125

4729. of the Revised Code, the violation of which constitutes a 3126  
felony or a misdemeanor of the first degree; 3127

(ii) Any theft offense set forth under division (K) of 3128  
section 2913.01 of the Revised Code, the violation of which 3129  
constitutes a felony; 3130

(iii) Any violation for which a penalty is imposed under 3131  
section 3715.99 of the Revised Code; 3132

(iv) A crime of moral turpitude as defined in section 3133  
4776.10 of the Revised Code; 3134

(v) A violation of any former law of this state, any 3135  
existing or former law of another state, any existing or former 3136  
law applicable in a military court or Indian tribal court, or 3137  
any existing or former law of any nation other than the United 3138  
States that is or was substantially equivalent to any of the 3139  
offenses listed in divisions (A) (20) (a) (i) to (iv) of this 3140  
section. 3141

(b) "Disqualifying offense" does not include a misdemeanor 3142  
offense respecting which an applicant for licensure or 3143  
employment is convicted of, or pleads guilty to, more than five 3144  
years before the date the application is submitted. 3145

(c) "Disqualifying offense" does not include any 3146  
misdemeanor offense related to marijuana possession, marijuana 3147  
trafficking, illegal cultivation of marijuana, illegal use or 3148  
possession of drug paraphernalia or marijuana drug 3149  
paraphernalia, or other misdemeanor marijuana-related offenses. 3150

(21) "Licensed cultivator" means the holder of a current, 3151  
valid license issued pursuant to this chapter or Chapter 3780. 3152  
of the Revised Code, as that chapter existed immediately before 3153  
the effective date of this amendment, to engage in the 3154

activities authorized by section 3796.18 of the Revised Code. 3155

(22) "Licensed processor" means the holder of a current, 3156  
valid license issued pursuant to this chapter or Chapter 3780. 3157  
of the Revised Code, as that chapter existed immediately before 3158  
the effective date of this amendment, to engage in the 3159  
activities authorized by section 3796.19 of the Revised Code. 3160

(23) "Licensed dispensary" means the holder of a current, 3161  
valid license issued pursuant to this chapter or Chapter 3780. 3162  
of the Revised Code, as that chapter existed immediately before 3163  
the effective date of this amendment, to engage in the 3164  
activities authorized by section 3796.20 of the Revised Code. 3165

(24) "Licensed laboratory" means the holder of a current, 3166  
valid license issued pursuant to this chapter or Chapter 3780. 3167  
of the Revised Code, as that chapter existed immediately before 3168  
the effective date of this amendment, to engage in the 3169  
activities authorized by section 3796.21 of the Revised Code. 3170

(25) "License holder" means the holder of a current, valid 3171  
license issued under this chapter or Chapter 3780. of the 3172  
Revised Code, as that chapter existed immediately before the 3173  
effective date of this amendment; 3174

(26) "Intoxicating hemp product" has the same meaning as 3175  
in section 3779.01 of the Revised Code. 3176

(27) "Physical control" means being in the operator's 3177  
position of a vehicle, streetcar, trackless trolley, watercraft, 3178  
or aircraft and having possession of the vehicle's, streetcar's, 3179  
trackless trolley's, watercraft's, or aircraft's ignition key or 3180  
other ignition device. 3181

(B) As used in the Revised Code, the "division of cannabis 3182  
control" means the division of marijuana control and the 3183

"superintendent of cannabis control" means the superintendent of 3184  
marijuana control. Whenever the division of cannabis control or 3185  
the superintendent of cannabis control is referred to or 3186  
designated in any statute, rule, contract, grant, or other 3187  
document, the reference or designation shall be deemed to refer 3188  
to the division of marijuana control or the superintendent of 3189  
marijuana control, as indicated by context. 3190

(C) Notwithstanding any conflicting provision of Chapter 3191  
3719. of the Revised Code or the rules adopted under it, for 3192  
purposes of this chapter, ~~medical~~-marijuana is a schedule II 3193  
controlled substance. 3194

**Sec. 3796.02.** There is hereby established a division of 3195  
marijuana control in the department of commerce under the 3196  
supervision and direction of the superintendent of marijuana 3197  
control as established under section 121.04 of the Revised Code. 3198  
The ~~medical~~-marijuana control program is hereby established in 3199  
the division of marijuana control. The division shall provide 3200  
for the licensure of ~~medical~~-marijuana cultivators, processors, 3201  
retail dispensaries, and laboratories that test ~~medical~~- 3202  
marijuana. The division shall also provide for the registration 3203  
of patients and their caregivers. The division shall administer 3204  
the ~~medical~~-marijuana control program. 3205

**Sec. 3796.03.** (A) The division of marijuana control shall 3206  
adopt rules establishing standards and procedures for the 3207  
~~medical~~-marijuana control program. 3208

All rules adopted under this section shall be adopted in 3209  
accordance with Chapter 119. of the Revised Code. 3210

(B) The rules shall do all of the following: 3211

(1) Establish application procedures and fees for ~~licenses~~ 3212



~~it issues under this chapter~~licensure; 3213

(2) Specify ~~both of the following~~: 3214

~~(a) The conditions that must be met to be eligible for~~ 3215  
licensure; 3216

~~(b) In accordance with section 9.79 of the Revised Code,~~ 3217  
~~the criminal offenses for which an applicant will be~~ 3218  
~~disqualified from licensure pursuant to that section.~~ 3219

(3) Establish, in accordance with section 3796.05 of the 3220  
Revised Code, the number of cultivator licenses ~~and retail~~ 3221  
~~dispensary licenses~~ that will be permitted at any one time; 3222

(4) Establish a license renewal schedule, renewal 3223  
procedures, and renewal fees; 3224

(5) Specify reasons for which a license may be suspended, 3225  
including without prior hearing, revoked, or not be renewed or 3226  
issued and the reasons for which a civil penalty may be imposed 3227  
on a license holder; 3228

(6) Establish standards under which a license suspension 3229  
may be lifted; 3230

(7) Establish procedures for registration of medical 3231  
marijuana patients and caregivers and requirements that must be 3232  
met to be eligible for registration; 3233

(8) Establish training requirements for employees of 3234  
~~retail-licensed~~ dispensaries; 3235

(9) ~~Specify if a cultivator, processor, retail dispensary,~~ 3236  
~~or laboratory that is licensed under this chapter and that~~ 3237  
~~existed at a location before a school, church, public library,~~ 3238  
~~public playground, or public park became established within five~~ 3239

~~hundred feet of the cultivator, processor, retail dispensary, or~~ 3240  
~~laboratory, may remain in operation or shall relocate or have~~ 3241  
~~its license revoked by the division;~~ 3242

~~(10)~~ Specify, by form and tetrahydrocannabinol content, a 3243  
maximum ninety-day supply of medical marijuana that may be 3244  
possessed; 3245

~~(11)~~ (10) Specify the paraphernalia or other accessories 3246  
that may be used in the administration ~~to a registered patient~~ 3247  
of medical marijuana, adult-use marijuana, and homegrown 3248  
marijuana; 3249

~~(12)~~ (11) Establish procedures for the issuance of patient 3250  
or caregiver identification cards; 3251

~~(13)~~ (12) Specify the forms of or methods of using adult- 3252  
use marijuana and medical marijuana that are attractive to 3253  
children; 3254

~~(14)~~ ~~Specify both of the following:~~ 3255

~~(a) Subject to division (B) (14) (b) of this section, the~~ 3256  
~~criminal offenses for which a person will be disqualified from~~ 3257  
~~employment with a license holder;~~ 3258

~~(b) Which of the criminal offenses specified pursuant to~~ 3259  
~~division (B) (14) (a) of this section will not disqualify a person~~ 3260  
~~from employment with a license holder if the person was~~ 3261  
~~convicted of or pleaded guilty to the offense more than five~~ 3262  
~~years before the date the employment begins.~~ 3263

~~(15)~~ (13) Establish a program to assist medical marijuana 3264  
patients who are veterans or indigent in obtaining medical 3265  
marijuana in accordance with this chapter; 3266

~~(16)~~ (14) Establish, in accordance with section 3796.05 of 3267

the Revised Code, standards and procedures for the testing of 3268  
medical marijuana and adult-use marijuana by a licensed 3269  
laboratory licensed under this chapter; 3270

(15) Establish standards and procedures for both of the 3271  
following: 3272

(a) Online and mobile ordering of adult-use and medical 3273  
marijuana by a licensed dispensary; 3274

(b) Delivery of medical marijuana by a licensed dispensary 3275  
or an agent of a licensed dispensary to a registered medical 3276  
marijuana patient or caregiver. 3277

(16) Establish standards prohibiting the use of gifts, 3278  
samples, or other free or discounted goods or services to induce 3279  
or reward a license holder for business or referrals; 3280

(17) Establish standards for non-marijuana ingredients 3281  
used in adult-use and medical marijuana products, which may take 3282  
into account industry best-practices and criteria set by the 3283  
federal food and drug administration for food ingredients, 3284  
vitamins, and supplements. The division may prohibit ingredients 3285  
that do not meet such standards. 3286

(C) In addition to the rules described in division (B) of 3287  
this section, the division may adopt any other rules it 3288  
considers necessary for the program's administration and the 3289  
implementation and enforcement of this chapter. 3290

(D) When adopting rules under this section, the division 3291  
shall consider standards and procedures that have been found to 3292  
be best practices relative to the use and regulation of medical 3293  
marijuana, adult-use marijuana, and homegrown marijuana. 3294

Sec. 3796.04. (A) Notwithstanding any conflicting 3295

provision of the Revised Code, an adult-use consumer may do all 3296  
of the following: 3297

(1) Cultivate, grow, and possess homegrown marijuana 3298  
plants at the adult-use consumer's primary residence, if all of 3299  
the following apply: 3300

(a) Not more than six homegrown marijuana plants are 3301  
cultivated or grown by each adult-use consumer; 3302

(b) Not more than twelve homegrown marijuana plants are 3303  
cultivated or grown at a single residence; 3304

(c) Cultivation or growing of homegrown marijuana takes 3305  
place only within a secured closet, room, greenhouse, or other 3306  
enclosed area in or on the grounds of the residence that 3307  
prevents access by individuals under twenty-one years of age, 3308  
and which is not visible by normal unaided vision from a public 3309  
space; 3310

(d) Cultivation or growing of homegrown marijuana does not 3311  
take place at a residence that is any of the following: 3312

(i) A type A family child care home or type B family child 3313  
care home, as those terms are defined in section 5104.01 of the 3314  
Revised Code; 3315

(ii) A halfway house, community transitional housing 3316  
facility, community residential center, or other similar 3317  
facility licensed by the division of parole and community 3318  
services under section 2967.14 of the Revised Code; 3319

(iii) A residential premises occupied pursuant to a rental 3320  
agreement that prohibits the activities otherwise authorized by 3321  
this section. 3322

(2) Process homegrown marijuana by manual or mechanical 3323

means. 3324

(3) Store homegrown marijuana and adult-use marijuana at 3325  
the adult-use consumer's primary residence. 3326

(4) Use homegrown marijuana grown, cultivated, and 3327  
processed at the adult-use consumer's primary residence; 3328

(5) Possess any paraphernalia or accessories that may be 3329  
used in the administration of adult-use marijuana or homegrown 3330  
marijuana. 3331

(B) This section does not authorize any person to: 3332

(1) Cultivate, grow, or process homegrown marijuana except 3333  
at the person's primary residence; 3334

(2) Use, cultivate, process, transfer, or transport adult- 3335  
use marijuana or homegrown marijuana before reaching twenty-one 3336  
years of age; 3337

(3) Process homegrown by hydrocarbon-based extraction; 3338

(4) Sell, or profit from, homegrown marijuana; 3339

(5) Cultivate, grow, or possess homegrown marijuana on 3340  
behalf of another person. 3341

(C) (1) No person shall knowingly cultivate, grow, or 3342  
possess homegrown marijuana in a manner that violates division 3343  
(A) of this section: 3344

(2) No person shall knowingly consume adult-use marijuana 3345  
or homegrown marijuana in a public place; 3346

(3) No person operating a public place shall knowingly 3347  
permit the consumption of adult-use marijuana or homegrown 3348  
marijuana in that public place. 3349

(D) Subject to division (B) of this section and divisions 3350  
(B) and (C) of section 3796.221 of the Revised Code, an adult- 3351  
use consumer shall not be subject to arrest or criminal 3352  
prosecution for cultivating, growing, possessing, processing, 3353  
storing, or using homegrown marijuana, or possessing 3354  
paraphernalia or accessories that may be used in the 3355  
administration of adult-use or homegrown marijuana, in 3356  
accordance with division (A) of this section. 3357

(E) This section does not authorize an adult-use consumer 3358  
to operate a vehicle, streetcar, trackless trolley, watercraft, 3359  
or aircraft while under the influence of marijuana. 3360

**Sec. 3796.05.** (A) When establishing the number of 3361  
cultivator licenses that will be permitted at any one time, the 3362  
division of marijuana control shall consider ~~both~~ all of the 3363  
following: 3364

(1) The population of this state; 3365

(2) The number of patients seeking to use medical 3366  
marijuana; 3367

(3) The number of adult-use consumers seeking to use 3368  
adult-use marijuana. 3369

~~(B) When establishing the number of retail dispensary~~ 3370  
~~licenses that will~~ (B) (1) Not more than four hundred licensed 3371  
dispensaries shall be permitted to operate in this state at any 3372  
one time, the division shall consider all of the following: 3373

~~(1) The population of this state;~~ 3374

~~(2) The number of patients seeking to use medical~~ 3375  
~~marijuana;~~ 3376

~~(3) The geographic distribution of dispensary sites in an~~ 3377

~~effort to ensure patient access to medical marijuana.~~ 3378

(2) (a) The division may revoke a dispensary license for 3379  
failure to secure a certificate of operation within eighteen 3380  
months after issuance of a provisional license. 3381

(b) The holder of a provisional license may apply to the 3382  
division for not more than two six-month extensions of the 3383  
deadline prescribed by division (B) (2) (a) of this section. The 3384  
division shall approve the extension if the provisional license 3385  
holder demonstrates that the provisional license holder has made 3386  
a good-faith effort to become operational. 3387

(3) When issuing retail dispensary licenses, the division 3388  
of marijuana control shall ensure that the geographic 3389  
distribution of dispensary sites does not result in the 3390  
oversaturation of any geographic area. 3391

(4) The division shall not, on or after the effective date 3392  
of this amendment, issue a retail dispensary license for, or 3393  
approve the relocation of a licensed retail dispensary to, a 3394  
location or facility: 3395

(a) That is within one mile of another licensed 3396  
dispensary; 3397

(b) For which a permit has been issued under Chapter 4303. 3398  
of the Revised Code to sell beer and intoxicating liquor, as 3399  
those terms are defined in section 4301.01 of the Revised Code. 3400

(C) No person shall own or operate more than eight 3401  
licensed dispensaries, more than one licensed cultivator, or 3402  
more than one licensed processor license at any time. 3403

(D) When establishing standards and procedures for the 3404  
testing of medical marijuana and adult-use marijuana, the 3405

division shall do all of the following: 3406

(1) Specify when testing must be conducted; 3407

(2) Determine the minimum amount of medical marijuana or 3408  
adult-use marijuana that must be tested; 3409

(3) Specify the manner in which testing is to be conducted 3410  
in an effort to ensure uniformity of medical marijuana products 3411  
~~processed for and dispensed to patients~~ and adult-use marijuana 3412  
products; 3413

(4) Specify the manner in which test results are provided. 3414

**Sec. 3796.06.** (A) Only the following forms of medical 3415  
marijuana may be dispensed under this chapter: 3416

(1) Oils; 3417

(2) Tinctures; 3418

(3) Plant material; 3419

(4) Edibles; 3420

(5) Patches; 3421

(6) Any other form approved by the division of marijuana 3422  
control under section 3796.061 of the Revised Code. 3423

(B) Only the following forms of adult-use marijuana may be 3424  
dispensed under this chapter: 3425

(1) Any form in which medical marijuana may be dispensed; 3426

(2) Extracts; 3427

(3) Drops; 3428

(4) Lozenges; 3429



<u>(5) Smoking or combustible products;</u>	3430
<u>(6) Vaporization products;</u>	3431
<u>(7) Beverages;</u>	3432
<u>(8) Pills;</u>	3433
<u>(9) Capsules;</u>	3434
<u>(10) Suppositories;</u>	3435
<u>(11) Oral pouches;</u>	3436
<u>(12) Oral strips;</u>	3437
<u>(13) Oral and topical sprays;</u>	3438
<u>(14) Salves;</u>	3439
<u>(15) Lotions or similar cosmetic products;</u>	3440
<u>(16) Inhalers;</u>	3441
<u>(17) Seeds;</u>	3442
<u>(18) Live plants;</u>	3443
<u>(19) Clones;</u>	3444
<u>(20) Pre-rolled products.</u>	3445
<u>(C) With respect to the methods of using medical</u>	3446
<u>marijuana, adult-use marijuana, homegrown marijuana, and</u>	3447
<u>intoxicating hemp products, all of the following apply:</u>	3448
(1) The smoking or combustion of medical marijuana is	3449
prohibited.	3450
(2) <del>The</del> <u>No person shall knowingly consume adult-use</u>	3451
<u>marijuana, homegrown marijuana, or intoxicating hemp products by</u>	3452
<u>smoking, combustion, or vaporization or knowingly consume</u>	3453

medical marijuana by vaporization of ~~medical marijuana is~~ 3454  
~~permitted~~ in any place other than privately owned real property 3455  
that is used primarily for residential or agricultural purposes, 3456  
including any dwellings, facilities, improvements, and 3457  
appurtenances on such real property. 3458

(3) No person shall knowingly smoke, combust, or vaporize 3459  
marijuana or intoxicating hemp products in any of the following: 3460

(a) A type A family child care home or type B family child 3461  
care home, as those terms are defined in section 5104.01 of the 3462  
Revised Code; 3463

(b) A halfway house, community transitional housing 3464  
facility, community residential center, or other similar 3465  
facility licensed by the division of parole and community 3466  
services under section 2967.14 of the Revised Code; 3467

(c) A residential premises occupied pursuant to a rental 3468  
agreement that prohibits the smoking, combustion, or 3469  
vaporization of marijuana or intoxicating hemp products; 3470

(d) A public place or place of employment, as those terms 3471  
are defined in section 3794.01 of the Revised Code. 3472

~~(3)~~ (4) The division may approve additional methods of 3473  
using medical marijuana, other than smoking or combustion, under 3474  
section 3796.061 of the Revised Code. 3475

~~(C)~~ (D) (1) Any form or method of using adult-use marijuana 3476  
or medical marijuana that is considered attractive to children, 3477  
as specified in rules adopted by the division, is prohibited. 3478

(2) Adult-use marijuana and medical marijuana shall not be 3479  
dispensed or sold in a form or shape that bears the likeness or 3480  
contains the characteristics of a realistic or fictional human, 3481

animal, or fruit, including artistic, caricature, or cartoon 3482  
renderings. 3483

~~(D) With respect to tetrahydrocannabinol content, all of~~ 3484  
~~the following apply:—~~ 3485

~~(1) Plant material shall have a~~ (E) (1) Except as otherwise 3486  
provided in division (E) (3) of this section, the 3487  
tetrahydrocannabinol content of medical marijuana dispensed or 3488  
sold to patients or caregivers shall not more than thirty-five 3489  
exceed: 3490

(a) Thirty-five per cent for plant material; 3491

(b) Seventy per cent for extracts. 3492

~~(2) Extracts shall have a~~ Except as otherwise provided in 3493  
division (E) (3) of this section, the tetrahydrocannabinol 3494  
content of adult-use marijuana dispensed or sold to adult-use 3495  
consumers shall not more than seventy exceed: 3496

(a) Thirty-five per cent for plant material; 3497

(b) Seventy per cent for extracts. 3498

(3) The division may adopt rules, in accordance with 3499  
Chapter 119. of the Revised Code, that do either or both of the 3500  
following: 3501

(a) Increase the tetrahydrocannabinol content limits for 3502  
extracts prescribed in divisions (E) (1) and (2) of this section; 3503

(b) Establish tetrahydrocannabinol content limits for 3504  
adult-use and medical marijuana dispensed or sold under this 3505  
chapter by content per serving or per package. 3506

(F) No person shall knowingly give, sell, or distribute 3507  
adult-use marijuana or homegrown marijuana to a person under 3508

twenty-one years of age. 3509

(G) No person under the age of twenty one shall knowingly 3510  
purchase, use, or possess adult-use marijuana or homegrown 3511  
marijuana. 3512

(H) An adult-use consumer, medical marijuana patient, or 3513  
medical marijuana caregiver shall store edible adult-use and 3514  
medical marijuana products in the original packaging at all 3515  
times when the products are not actively in use. 3516

**Sec. 3796.062.** (A) No person shall knowingly transport 3517  
marijuana other than adult-use marijuana, medical marijuana, or 3518  
homegrown marijuana in a motor vehicle. 3519

(B) No person shall knowingly transport medical marijuana 3520  
or adult-use marijuana in a motor vehicle unless one of the 3521  
following applies: 3522

(1) The adult-use marijuana or medical marijuana is in the 3523  
original, unopened packaging in which it was dispensed or sold; 3524

(2) If previously opened, the adult-use marijuana or 3525  
medical marijuana is stored in the trunk of the motor vehicle 3526  
or, if the motor vehicle does not have a trunk, behind the last 3527  
upright seat of the motor vehicle or in an area not normally 3528  
occupied by the driver or passengers and not easily accessible 3529  
by the driver. 3530

(C) No person shall knowingly transport homegrown 3531  
marijuana in a motor vehicle unless the homegrown marijuana is 3532  
stored in the trunk of the motor vehicle or, if the motor 3533  
vehicle does not have a trunk, behind the last upright seat of 3534  
the motor vehicle or in an area not normally occupied by the 3535  
driver or passengers and not easily accessible by the driver. 3536

(D) No person shall knowingly transport marijuana 3537  
paraphernalia in a motor vehicle unless one of the following 3538  
applies: 3539

(1) The marijuana paraphernalia is in the original, 3540  
unopened packaging in which it was dispensed or sold; 3541

(2) If previously opened, the marijuana paraphernalia is 3542  
stored in the trunk of the motor vehicle or, if the motor 3543  
vehicle does not have a trunk, behind the last upright seat of 3544  
the motor vehicle or in an area not normally occupied by the 3545  
driver or passengers and not easily accessible by the driver. 3546

**Sec. 3796.07.** The ~~department of commerce~~ division of 3547  
marijuana control shall establish and maintain an electronic 3548  
database to monitor adult-use and medical marijuana from its 3549  
seed source through its cultivation, processing, testing, and 3550  
dispensing. The ~~department~~ division may contract with a separate 3551  
entity to establish and maintain all or any part of the 3552  
electronic database on behalf of the department. 3553

The electronic database shall allow for information 3554  
regarding adult-use and medical marijuana to be updated 3555  
instantaneously. Any cultivator, processor, retail dispensary, 3556  
or laboratory licensed under this chapter A license holder shall 3557  
submit to the ~~department~~ division any information the ~~department~~ 3558  
division determines is necessary for maintaining the electronic 3559  
database. 3560

Information reported or collected under this section, 3561  
including all data contained in the electronic database, is 3562  
confidential and is not a public record for the purposes of 3563  
section 149.43 of the Revised Code. The ~~department~~ division and 3564  
any entity under contract with the ~~department~~ division shall not 3565

make public any information reported to or collected by the 3566  
~~department division~~ under this ~~division section~~ that identifies 3567  
or would tend to identify any specific adult-use consumer or 3568  
medical marijuana patient. Information or data that does not 3569  
identify a specific adult-use consumer or medical marijuana 3570  
patient may be released in summary, statistical, or aggregate 3571  
form. 3572

**Sec. 3796.09.** (A) An entity that seeks to cultivate ~~or,~~ 3573  
~~process medical marijuana,~~ or to conduct laboratory testing of 3574  
medical marijuana and adult-use marijuana shall file an 3575  
application for licensure with the ~~department division~~ of 3576  
~~commerce~~ marijuana control. The entity shall file an application 3577  
for each location from which it seeks to operate. Each 3578  
application shall be submitted in accordance with rules adopted 3579  
under section 3796.03 of the Revised Code. 3580

(B) The division shall evaluate and prioritize 3581  
applications for licensure under this section according to the 3582  
applicant's eligibility, suitability, and ability to operate. 3583

(C) The ~~department division~~ shall not issue a license to 3584  
an applicant ~~if unless~~ all of the following ~~conditions~~ 3585  
eligibility requirements are met: 3586

(1) The report of the criminal records check conducted 3587  
pursuant to section 3796.12 of the Revised Code with respect to 3588  
the application demonstrates that the person subject to the 3589  
criminal records check requirement has not been convicted of or 3590  
pleaded guilty to ~~any of the a~~ disqualifying offenses specified 3591  
~~in rules adopted under section 9.79 and division (B) (2) (b) of~~ 3592  
~~section 3796.03 of the Revised Code~~ offense. 3593

(2) ~~The~~ If the application is for a cultivator or 3594

processor license, the applicant demonstrates that it does not 3595  
none of its current or prospective owners, officers, board 3596  
members, administrators, employees, agents, or affiliates who 3597  
may significantly influence or control the applicant's 3598  
activities have an ownership or investment interest in or 3599  
compensation arrangement with ~~any~~ either of the following: 3600

(a) A licensed laboratory ~~licensed under this chapter;~~ 3601

(b) An applicant for a license to conduct laboratory 3602  
testing. 3603

(3) ~~The~~ If the application is for a cultivator or 3604  
processor license, the applicant demonstrates that it does not 3605  
none of its current or prospective owners, officers, board 3606  
members, administrators, employees, agents, or affiliates who 3607  
may significantly influence or control the applicant's 3608  
activities share any corporate officers or employees with ~~any~~ 3609  
either of the following: 3610

(a) A licensed laboratory ~~licensed under this chapter;~~ 3611

(b) An applicant for a license to conduct laboratory 3612  
testing. 3613

(4) The applicant demonstrates that it will not be located 3614  
within five hundred feet of a school, church, public library, 3615  
public playground, or public park. 3616

(5) The information provided to the ~~department~~ division 3617  
pursuant to section 3796.11 of the Revised Code demonstrates 3618  
that the applicant is in compliance with the applicable tax laws 3619  
of this state. 3620

(6) The applicant demonstrates sufficient liquid capital 3621  
and ability to meet financial responsibility requirements; 3622

(7) The applicant demonstrates that the municipal 3623  
corporation or township in which it will be located has not 3624  
passed a moratorium or taken any other action that would 3625  
prohibit the applicant from operating there; 3626

(8) The application does not contain false, misleading, or 3627  
deceptive information and does not omit material information; 3628

(9) The applicant pays any fee required by the division; 3629

(10) The applicant meets all other licensure eligibility 3630  
conditions established in rules adopted under section 3796.03 of 3631  
the Revised Code. 3632

~~(C)~~ (D) If the number of eligible applicants exceed the 3633  
number of available licenses, the division shall use an 3634  
impartial and evidence-based process to rank the eligible 3635  
applicants. The ranking process shall take into account all of 3636  
the following: 3637

(1) The applicant's business plan; 3638

(2) The applicant's operations plan; 3639

(3) The applicant's security plan; 3640

(4) The applicant's financial plan; 3641

(5) The applicant's principal place of business; 3642

(6) The proposed location of the cultivation, processing, 3643  
or laboratory facility; 3644

(7) The applicant's plan for generating job and economic 3645  
development in this state; 3646

(8) The applicant's environmental plan; 3647

(9) Employment practices, including any plans to inform, 3648



hire, or educate residents of the state, veterans, disabled 3649  
persons, women, or minorities; 3650

(10) The criminal records of all persons subject to the 3651  
criminal records check requirement; 3652

(11) The civil and administrative history of the applicant 3653  
and persons associated with the applicant; 3654

(12) Any other eligibility, suitability, or operations- 3655  
based determination specified in this chapter or rules adopted 3656  
by the division thereunder. 3657

(E) (1) If the division uses a lottery system to issue 3658  
licenses under this section, the applicants shall be grouped 3659  
into the following distinct categories: 3660

(a) Highly exceeds; 3661

(b) Exceeds; 3662

(c) Meets; 3663

(d) Does not meet. 3664

(2) The division shall group the applicants such that the 3665  
number of applicants in each of the highly exceeds, exceeds, and 3666  
meets categories is roughly equal, unless doing so is not 3667  
possible while conforming to an impartial and evidence-based 3668  
process. Applicants that do not meet the eligibility 3669  
requirements prescribed by division (C) of this section shall be 3670  
placed in the does not meet category. 3671

(3) In conducting the lottery, the division shall give 3672  
applicants in the exceeds category double odds of being selected 3673  
as compared to applicants in the meets category. The division 3674  
shall give applicants in the highly exceeds category double the 3675

odds of being selected as compared to applicants in the exceeds 3676  
category. An applicant grouped in the does not meet category is 3677  
ineligible for licensure. 3678

(F) The ~~department~~ division shall issue not less than 3679  
fifteen per cent of cultivator, processor, or laboratory 3680  
licenses to entities that are owned and controlled by United 3681  
States citizens who are residents of this state and are members 3682  
of one of the following economically disadvantaged groups: 3683  
Blacks or African Americans, American Indians, Hispanics or 3684  
Latinos, and Asians. If no applications or an insufficient 3685  
number of applications are submitted by such entities that meet 3686  
the conditions set forth in division ~~(B)~~ (C) of this section, the 3687  
licenses shall be issued according to usual procedures. 3688

As used in this division, "owned and controlled" means 3689  
that at least fifty-one per cent of the business, including 3690  
corporate stock if a corporation, is owned by persons who belong 3691  
to one or more of the groups set forth in this division, and 3692  
that those owners have control over the management and day-to- 3693  
day operations of the business and an interest in the capital, 3694  
assets, and profits and losses of the business proportionate to 3695  
their percentage of ownership. 3696

~~(D)~~ (G) A license expires according to the renewal 3697  
schedule established in rules adopted under section 3796.03 of 3698  
the Revised Code and may be renewed in accordance with the 3699  
procedures established in those rules. Applications for renewal 3700  
are not subject to the evaluation, prioritization, ranking, and 3701  
lottery provisions in divisions (B), (D), and (E) of this 3702  
section. The division shall not deny an application for renewal 3703  
based solely on the location of the applicant's existing 3704  
facility in proximity to other license holders. 3705

(H) A provisional license issued under this section is not transferable. 3706  
3707

(I) No person shall knowingly engage in any of the activities described in section 3796.18, 3796.19, or 3796.21 of the Revised Code without the proper license issued under this section or Chapter 3780. of the Revised Code, as that chapter existed immediately prior to the effective date of this amendment. 3708  
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**Sec. 3796.10.** (A) An entity that seeks to dispense at retail medical marijuana and adult-use marijuana shall file an application for licensure with the division of marijuana control. The entity shall file an application for each location from which it seeks to operate. Each application shall be submitted in accordance with rules adopted under section 3796.03 of the Revised Code. 3714  
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(B) The division shall evaluate and prioritize applications for licensure under this section according to the applicant's eligibility, suitability, and ability to operate. 3721  
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3723

(C) The division shall not issue a license to an applicant if ~~unless~~ all of the following conditions are met: 3724  
3725

(1) The report of the criminal records check conducted pursuant to section 3796.12 of the Revised Code with respect to the application demonstrates that the person subject to the criminal records check requirement has not been convicted of or pleaded guilty to ~~any of the a disqualifying offenses specified in rules adopted under section 9.79 and division (B) (2) (b) of section 3796.03 of the Revised Code~~ offense. 3726  
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(2) The applicant demonstrates that ~~it does not~~ none of its current or prospective owners, officers, board members, 3733  
3734

administrators, employees, agents, or affiliates who may 3735  
significantly influence or control the applicant's activities 3736  
have an ownership or investment interest in or compensation 3737  
arrangement with ~~any~~ either of the following: 3738

(a) A licensed laboratory ~~licensed under this chapter;~~ 3739

(b) An applicant for a license to conduct laboratory 3740  
testing. 3741

(3) The applicant demonstrates that ~~it does not~~ none of 3742  
its current or prospective owners, officers, board members, 3743  
administrators, employees, agents, or affiliates who may 3744  
significantly influence or control the applicant's activities 3745  
share any corporate officers or employees with ~~any~~ either of the 3746  
following: 3747

(a) A licensed laboratory ~~licensed under this chapter;~~ 3748

(b) An applicant for a license to conduct laboratory 3749  
testing. 3750

(4) The applicant demonstrates that it will not be located 3751  
within five hundred feet of a school, church, public library, 3752  
public playground, or public park. 3753

(5) The applicant demonstrates that the proposed location 3754  
or facility is not either of the following: 3755

(a) Located within one mile of another licensed 3756  
dispensary; 3757

(b) Issued a permit under Chapter 4303. of the Revised 3758  
Code to sell beer and intoxicating liquor, as those terms are 3759  
defined in section 4301.01 of the Revised Code. 3760

(6) The information provided to the division pursuant to 3761

section 3796.11 of the Revised Code demonstrates that the 3762  
applicant is in compliance with the applicable tax laws of this 3763  
state. 3764

~~(6)~~ (7) The applicant demonstrates sufficient liquid 3765  
capital and ability to meet financial responsibility 3766  
requirements; 3767

(8) The applicant demonstrates that the municipal 3768  
corporation or township in which it will be located has not 3769  
passed a moratorium or taken any other action that would 3770  
prohibit the applicant from operating there; 3771

(9) The application does not contain false, misleading, or 3772  
deceptive information and does not omit material information; 3773

(10) The applicant pays any fee required by the division; 3774

(11) The applicant meets all other licensure eligibility 3775  
conditions established in rules adopted under section 3796.03 of 3776  
the Revised Code. 3777

~~(C)~~ (D) If the number of eligible applicants exceed the 3778  
number of available licenses, the division shall use an 3779  
impartial and evidence-based process to rank the eligible 3780  
applicants. The ranking process shall take into account all of 3781  
the following: 3782

(1) The applicant's business plan; 3783

(2) The applicant's operations plan; 3784

(3) The applicant's security plan; 3785

(4) The applicant's financial plan; 3786

(5) The applicant's principal place of business; 3787

(6) The proposed location of the cultivation, processing, 3788

<u>or laboratory facility;</u>	3789
<u>(7) The applicant's plan for generating job and economic</u>	3790
<u>development in this state;</u>	3791
<u>(8) The applicant's environmental plan;</u>	3792
<u>(9) Employment practices, including any plans to inform,</u>	3793
<u>hire, or educate residents of the state, veterans, disabled</u>	3794
<u>persons, women, or minorities;</u>	3795
<u>(10) The criminal records of all persons subject to the</u>	3796
<u>criminal records check requirement;</u>	3797
<u>(11) The civil and administrative history of the applicant</u>	3798
<u>and persons associated with the applicant;</u>	3799
<u>(12) Any other eligibility, suitability, or operations-</u>	3800
<u>based determination specified in this chapter or rules adopted</u>	3801
<u>by the division thereunder.</u>	3802
<u>(E) (1) If the division uses a lottery system to issue</u>	3803
<u>licenses under this section, the applicants shall be grouped</u>	3804
<u>into the following distinct categories:</u>	3805
<u>(a) Highly exceeds;</u>	3806
<u>(b) Exceeds;</u>	3807
<u>(c) Meets;</u>	3808
<u>(d) Does not meet.</u>	3809
<u>(2) The division shall group the applicants such that the</u>	3810
<u>number of applicants in each of the highly exceeds, exceeds, and</u>	3811
<u>meets categories is roughly equal, unless doing so is not</u>	3812
<u>possible while conforming to an impartial and evidence-based</u>	3813
<u>process. Applicants that do not meet the eligibility</u>	3814
<u>requirements prescribed by division (C) of this section shall be</u>	3815

placed in the does not meet category. 3816

(3) In conducting the lottery, the division shall give 3817  
applicants in the exceeds category double the odds of being 3818  
selected as compared to applicants in the meets category. The 3819  
division shall give applicants in the highly exceeds category 3820  
double the odds of being selected as compared to applicants in 3821  
the exceeds category. An applicant grouped in the does not meet 3822  
category is ineligible for licensure. 3823

(F) The division shall issue not less than fifteen per 3824  
cent of retail dispensary licenses to entities that are owned 3825  
and controlled by United States citizens who are residents of 3826  
this state and are members of one of the following economically 3827  
disadvantaged groups: Blacks or African Americans, American 3828  
Indians, Hispanics or Latinos, and Asians. If no applications or 3829  
an insufficient number of applications are submitted by such 3830  
entities that meet the conditions set forth in division ~~(D)~~(C) 3831  
of this section, the licenses shall be issued according to usual 3832  
procedures. 3833

As used in this division, "owned and controlled" means 3834  
that at least fifty-one per cent of the business, including 3835  
corporate stock if a corporation, is owned by persons who belong 3836  
to one or more of the groups set forth in this division, and 3837  
that those owners have control over the management and day-to- 3838  
day operations of the business and an interest in the capital, 3839  
assets, and profits and losses of the business proportionate to 3840  
their percentage of ownership. 3841

~~(D)~~(G) A license expires according to the renewal 3842  
schedule established in rules adopted under section 3796.03 of 3843  
the Revised Code and may be renewed in accordance with the 3844  
procedures established in those rules. Applications for renewal 3845

are not subject to the evaluation, prioritization, ranking, and 3846  
lottery provisions in divisions (B), (D), and (E) of this 3847  
section. The division shall not deny an application for renewal 3848  
based solely on the location of the applicant's existing 3849  
dispensary facility in proximity to other license holders. 3850

(H) A provisional license issued under this section is not 3851  
transferable. 3852

(I) No person shall knowingly engage in any of the 3853  
activities described in section 3796.20 of the Revised Code 3854  
without a dispensary license issued under this section or 3855  
Chapter 3780. of the Revised Code, as that chapter existed 3856  
immediately prior to the effective date of this amendment. 3857

**Sec. 3796.12.** (A) As used in this section, "criminal 3858  
records check" has the same meaning as in section 109.572 of the 3859  
Revised Code. 3860

(B) (1) As part of the application process for a license 3861  
issued under this chapter, the division of marijuana control 3862  
shall require each of the following to complete a criminal 3863  
records check: 3864

(a) An administrator or other person responsible for the 3865  
daily operation of the entity seeking the license; 3866

(b) An owner or prospective owner, officer or prospective 3867  
officer, or board member or prospective board member of the 3868  
entity seeking the license. 3869

(2) If a person subject to the criminal records check 3870  
requirement does not present proof of having been a resident of 3871  
this state for the five-year period immediately prior to the 3872  
date the criminal records check is requested or provide evidence 3873  
that within that five-year period the superintendent of the 3874



bureau of criminal identification and investigation has 3875  
requested information about the person from the federal bureau 3876  
of investigation in a criminal records check, the division shall 3877  
request that the person obtain through the superintendent a 3878  
criminal records request from the federal bureau of 3879  
investigation as part of the criminal records check of the 3880  
person. Even if a person presents proof of having been a 3881  
resident of this state for the five-year period, the division 3882  
may request that the person obtain information through the 3883  
superintendent from the federal bureau of investigation in the 3884  
criminal records check. 3885

(C) The division shall provide the following to each 3886  
person who is subject to the criminal records check requirement: 3887

(1) Information about accessing, completing, and 3888  
forwarding to the superintendent of the bureau of criminal 3889  
identification and investigation the form prescribed pursuant to 3890  
division (C)(1) of section 109.572 of the Revised Code and the 3891  
standard impression sheet to obtain fingerprint impressions 3892  
prescribed pursuant to division (C)(2) of that section; 3893

(2) Written notification that the person is to instruct 3894  
the superintendent to submit the completed report of the 3895  
criminal records check directly to the division. 3896

(D) Each person who is subject to the criminal records 3897  
check requirement shall pay to the bureau of criminal 3898  
identification and investigation the fee prescribed pursuant to 3899  
division (C)(3) of section 109.572 of the Revised Code for the 3900  
criminal records check conducted of the person. 3901

(E) The report of any criminal records check conducted by 3902  
the bureau of criminal identification and investigation in 3903

accordance with section 109.572 of the Revised Code and pursuant 3904  
to a request made under this section is not a public record for 3905  
the purposes of section 149.43 of the Revised Code and shall not 3906  
be made available to any person other than the following: 3907

(1) The person who is the subject of the criminal records 3908  
check or the person's representative; 3909

(2) The members and staff of the division; 3910

(3) A court, hearing officer, or other necessary 3911  
individual involved in a case dealing with either of the 3912  
following: 3913

(a) A license denial resulting from the criminal records 3914  
check; 3915

(b) A civil or criminal action regarding the ~~medical~~ 3916  
marijuana control program or any violation of this chapter. 3917

(F) The division shall deny a license if, after receiving 3918  
the information and notification required by this section, a 3919  
person subject to the criminal records check requirement fails 3920  
to do either of the following: 3921

(1) Access, complete, or forward to the superintendent of 3922  
the bureau of criminal identification and investigation the form 3923  
prescribed pursuant to division (C) (1) of section 109.572 of the 3924  
Revised Code or the standard impression sheet prescribed 3925  
pursuant to division (C) (2) of that section; 3926

(2) Instruct the superintendent to submit the completed 3927  
report of the criminal records check directly to the division. 3928

**Sec. 3796.13.** (A) Each person seeking employment with an- 3929  
~~entity licensed under this chapter~~ a license holder shall comply 3930  
with sections 4776.01 to 4776.04 of the Revised Code. Except as 3931

provided in division (B) of this section, such ~~an entity a~~ 3932  
license holder shall not employ the person unless the person has 3933  
submitted a criminal records check under those sections. ~~The~~ 3934  
and the report of the resulting criminal records check shall 3935  
~~demonstrate~~ demonstrates that the person has not been convicted 3936  
of or pleaded guilty to any of the disqualifying offenses— 3937  
~~specified in rules adopted under division (B) (14) (a) of section~~ 3938  
~~3796.03 of the Revised Code if the person is seeking employment~~ 3939  
~~with an entity licensed by the division of marijuana control~~ 3940  
~~under this chapter.~~ 3941

~~(B) An entity is not prohibited by division (A) of this~~ 3942  
~~section from employing a person if the disqualifying offense the~~ 3943  
~~person was convicted of or pleaded guilty to is one of the~~ 3944  
~~offenses specified in rules adopted under division (B) (14) (b) of~~ 3945  
~~section 3796.03 of the Revised Code and the person was convicted~~ 3946  
~~of or pleaded guilty to the offense more than five years before~~ 3947  
~~the date the employment begins.~~ (B) (1) Notwithstanding division 3948  
(A) of this section, the division of marijuana control shall 3949  
establish standards for provisional employment of individuals 3950  
who have exigent circumstances. 3951

(2) Such standards must include, at minimum, a requirement 3952  
that the individual seeking provisional employment submit 3953  
evidence of compliance with sections 4776.01 to 4776.04 of the 3954  
Revised Code. 3955

(3) A provisional employment authorization made under 3956  
division (B) of this division is valid for not longer than three 3957  
months, but may be renewed at the discretion of the division of 3958  
marijuana control for an additional three months. 3959

(4) The division of marijuana control may use all 3960  
available resources in establishing standards for instant 3961

background checks.

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

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(2) Refuse to issue a license;

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

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

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

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Code. 3991

(B) ~~The~~ Subject to division (E) of this section, the 3992  
division and the Ohio investigative unit may inspect all of the 3993  
following for any reason specified in rules adopted under 3994  
section 3796.03 of the Revised Code without prior notice to the 3995  
applicant or license holder: 3996

(1) The premises of a license holder or an applicant for 3997  
licensure ~~or holder of a current, valid cultivator, processor,~~ 3998  
~~retail dispensary, or laboratory license issued under this~~ 3999  
chapter; 4000

(2) All records maintained pursuant to this chapter by a 4001  
license holder ~~of a current license~~. 4002

(C) Whenever it appears to the division, from its files, 4003  
upon complaint, or otherwise, or to the Ohio investigative unit, 4004  
from an inspection or investigation authorized by this section, 4005  
that any person or entity has engaged in, is engaged in, or is 4006  
about to engage in any practice declared to be illegal or 4007  
prohibited by this chapter or the rules adopted under this 4008  
chapter, or when the division believes it to be in the best 4009  
interest of the public, adult-use consumers, or medical 4010  
marijuana patients, the division may do any of the following: 4011

(1) Investigate the person or entity as authorized 4012  
pursuant to this chapter or the rules adopted under this 4013  
chapter; 4014

(2) Issue subpoenas to any person or entity for the 4015  
purpose of compelling either of the following: 4016

(a) The attendance and testimony of witnesses; 4017

(b) The production of books, accounts, papers, records, or 4018

documents.

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

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

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(1) The person inspected or investigated is a license  
holder and either or both of the following apply:

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(a) The division of marijuana control requests the unit to  
inspect or investigate.

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(b) The inspection or investigation involves alleged  
criminal activity.

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

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(F) Nothing in this section prohibits the Ohio  
investigative unit from investigating criminal activity related  
to this chapter outside the premises of a license holder's  
cultivation, processing, dispensing, or laboratory facilities.  
The authority of the Ohio investigative unit is concurrent to  
the jurisdiction of any law enforcement officer to enforce this  
chapter.

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**Sec. 3796.15.** (A) The division of marijuana control and 4047  
the Ohio investigative unit shall enforce this chapter, or cause 4048  
it to be enforced. ~~If Subject to division (E) of section 3796.14~~ 4049  
of the Revised Code, if the division or the unit has information 4050  
that this chapter or any rule adopted under this chapter has 4051  
been violated, it shall investigate the matter and take any 4052  
action as it considers appropriate. 4053

~~(B) Nothing in this chapter shall be construed to require~~ 4054  
~~the division to enforce minor violations if the division~~ 4055  
~~determines that the public interest is adequately served by a~~ 4056  
~~notice or warning to the alleged offender.~~ 4057

~~(C)~~ If the division suspends, revokes, or refuses to renew 4058  
any license or registration issued under this chapter or Chapter 4059  
3780. of the Revised Code, as that chapter existed immediately 4060  
before the effective date of this amendment, and determines that 4061  
there is clear and convincing evidence of a danger of immediate 4062  
and serious harm to any person, the division may place under 4063  
seal all medical marijuana, adult-use marijuana, and homegrown 4064  
marijuana owned by or in the possession, custody, or control of 4065  
the affected license holder or registrant. Except as provided in 4066  
this division, the division of marijuana control shall not 4067  
dispose of the medical marijuana, adult-use marijuana, or 4068  
homegrown marijuana sealed under this division until the license 4069  
holder or registrant exhausts all of the holder's or 4070  
registrant's appeal rights under Chapter 119. of the Revised 4071  
Code. The court involved in such an appeal may order the 4072  
division, during the pendency of the appeal, to sell medical 4073  
marijuana or adult-use marijuana that is perishable. The 4074  
division shall deposit the proceeds of the sale with the court. 4075

**Sec. 3796.17.** The division of marijuana control shall 4076

establish a toll-free telephone line to respond to inquiries 4077  
from adult-use consumers, medical marijuana patients, 4078  
caregivers, and health professionals regarding adverse reactions 4079  
to ~~medical~~-marijuana and to provide information about available 4080  
services and assistance. The division may contract with a 4081  
separate entity to establish and maintain the telephone line on 4082  
behalf of the division. 4083

**Sec. 3796.18.** ~~(A)~~ (A) (1) Notwithstanding any conflicting 4084  
provision of the Revised Code and except as provided in division 4085  
(B) of this section, a licensed cultivator, including the holder 4086  
of a current, valid cultivator license issued under this chapter 4087  
before the effective date of this amendment, may do either all 4088  
of the following: 4089

~~(1)~~ (a) Cultivate medical marijuana and adult-use 4090  
marijuana; 4091

~~(2)~~ (b) Deliver, transfer, or sell medical marijuana and 4092  
adult-use marijuana to one or more licensed processors other 4093  
license holders; 4094

(c) Purchase or otherwise obtain medical marijuana and 4095  
adult-use marijuana from other license holders; 4096

(d) Acquire seeds, clones, plants, and other genetic 4097  
material. 4098

(2) A licensed cultivator engaging in the activities 4099  
authorized by this chapter shall do so respecting both medical 4100  
marijuana and adult-use marijuana. 4101

(B) A licensed cultivator ~~license holder~~ shall not 4102  
cultivate medical marijuana or adult-use marijuana for personal, 4103  
family, or household use or on any public land, including a 4104  
state park as defined in section 154.01 of the Revised Code. 4105



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

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

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

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

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

**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:

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

~~(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 4135  
of the Revised Code; 4136

~~(3) (c) Deliver, transfer, or sell processed medical 4137~~  
marijuana and adult-use marijuana to ~~one or more licensed retail 4138~~  
~~dispensaries~~ other license holders. 4139

(2) A licensed processor engaging in the activities 4140  
authorized by this chapter shall do so respecting both medical 4141  
marijuana and adult-use marijuana. 4142

~~(B) When processing medical marijuana, a A licensed 4143~~  
processor shall do ~~both~~ all of the following before delivering 4144  
or selling medical marijuana or adult-use marijuana to a 4145  
licensed dispensary: 4146

(1) Package the medical marijuana or adult-use marijuana 4147  
in accordance with child-resistant effectiveness standards 4148  
described in 16 C.F.R. 1700.15(b) on September 8, 2016; 4149

(2) Label the ~~medical marijuana~~ packaging with the 4150  
product's tetrahydrocannabinol and cannabidiol content; 4151

(3) Comply with any packaging or labeling requirements 4152  
established in rules adopted by the division of marijuana 4153  
control under ~~section~~ sections 3796.03 and 3796.32 of the 4154  
Revised Code. 4155

**Sec. 3796.20.** ~~(A)~~ (A) (1) Notwithstanding any conflicting 4156  
provision of the Revised Code, a licensed dispensary, including 4157  
the holder of a current, valid retail dispensary license issued 4158  
under this chapter, ~~or previously issued by the state board of 4159~~  
~~pharmacy,~~ before the effective date of this amendment, may do 4160  
~~both~~ any of the following: 4161

~~(1) Obtain~~ (a) Purchase or otherwise obtain medical 4162

marijuana and adult-use marijuana from ~~one or more~~ 4163  
~~processors~~ other license holders; 4164

~~(2)~~ (b) Dispense or sell medical marijuana in accordance 4165  
with division (B) of this section; 4166

(c) Dispense or sell adult-use marijuana in accordance 4167  
with division (C) of this section; 4168

(d) Sell paraphernalia that may be used in the 4169  
administration of adult-use marijuana or medical marijuana as 4170  
specified in rules adopted under section 3796.03 of the Revised 4171  
Code; 4172

(e) Provide delivery of medical marijuana in accordance 4173  
with the rules adopted under section 3796.03 of the Revised 4174  
Code; 4175

(f) Deliver, transfer, or sell medical marijuana and 4176  
adult-use marijuana to other license holders. 4177

(2) A licensed dispensary engaged in the activities 4178  
authorized by this chapter shall do so respecting both medical 4179  
marijuana and adult-use marijuana. 4180

(B) When dispensing or selling medical marijuana, a 4181  
licensed ~~retail~~-dispensary shall do all of the following: 4182

(1) Dispense or sell only upon a showing of a current, 4183  
valid, government-issued identification card and in accordance 4184  
with a written recommendation issued by a physician holding a 4185  
certificate to recommend issued by the state medical board under 4186  
section 4731.30 of the Revised Code; 4187

(2) Report to the drug database the information required 4188  
by section 4729.771 of the Revised Code; 4189

(3) Label the package containing medical marijuana with 4190  
the following information: 4191

(a) The name and address of the licensed processor and 4192  
retail dispensary; 4193

(b) The name of the patient and caregiver, if any; 4194

(c) The name of the physician who recommended treatment 4195  
with medical marijuana; 4196

(d) The directions for use, if any, as recommended by the 4197  
physician; 4198

(e) The date on which the medical marijuana was dispensed; 4199

(f) The quantity, strength, kind, or form of medical 4200  
marijuana contained in the package. 4201

(4) Maintain an adequate supply of medical marijuana 4202  
products to meet typical patient demand for those products. 4203

(C) When dispensing or selling adult-use marijuana to 4204  
consumers, all of the following apply: 4205

(1) A licensed dispensary shall dispense or sell adult-use 4206  
marijuana only to adult-use consumers who present a current, 4207  
valid, government-issued identification card demonstrating proof 4208  
that the adult-use consumer is twenty-one years of age or older. 4209

(2) No licensed dispensary shall knowingly dispense or 4210  
sell more than the amount of adult-use marijuana that may be 4211  
legally possessed by an adult-use consumer under section 4212  
3796.221 of the Revised Code to the same adult-use consumer in 4213  
the same day. 4214

(3) A licensed dispensary shall ensure that the label of 4215  
the package containing adult-use marijuana contains all of the 4216

following information, in accordance with rules adopted by the 4217  
division of marijuana control: 4218

(a) The name and address of the licensed processor and 4219  
retail dispensary; 4220

(b) A statement that the use of adult-use marijuana by 4221  
individuals under twenty-one years of age is both harmful and 4222  
illegal; 4223

(c) The quantity, strength, kind, or form of adult-use 4224  
marijuana contained in the package. 4225

~~When operating a licensed retail dispensary, both of the~~ 4226  
~~following apply:~~ 4227

~~(1)~~ (D) (1) A licensed dispensary shall use only employees 4228  
who have met the training requirements established in rules 4229  
adopted under section 3796.03 of the Revised Code. 4230

(2) A licensed dispensary shall not make public any 4231  
information it collects that identifies or would tend to 4232  
identify any specific medical marijuana patient or adult-use 4233  
consumer. 4234

(3) A licensed dispensary shall prominently display both 4235  
of the following: 4236

(a) A statement that the use of adult-use or homegrown 4237  
marijuana by individuals under twenty-one years of age is both 4238  
harmful and illegal; 4239

(b) Information about the addictive qualities of marijuana 4240  
and the potential negative health consequences associated with 4241  
its use. 4242

**Sec. 3796.21.** (A) Notwithstanding any conflicting 4243

provision of the Revised Code, a licensed laboratory, including 4244  
the holder of a current, valid laboratory license issued under 4245  
this chapter ~~may~~ before the effective date of this amendment, 4246  
shall do both of the following: 4247

(1) Obtain medical marijuana and adult-use marijuana from 4248  
one or more licensed cultivators, licensed processors, and 4249  
~~retail-licensed dispensaries licensed under this chapter;~~ 4250

(2) Conduct ~~medical marijuana~~ testing in the manner 4251  
specified in rules adopted under section 3796.03 of the Revised 4252  
Code. 4253

(B) When testing medical marijuana or adult-use marijuana, 4254  
a licensed laboratory shall do both of the following: 4255

(1) Test ~~the marijuana~~ for potency, homogeneity, and 4256  
contamination; 4257

(2) Prepare a report of the test results. 4258

**Sec. 3796.22.** (A) Notwithstanding any conflicting 4259  
provision of the Revised Code, a patient registered under this 4260  
chapter who obtains medical marijuana from a ~~retail-licensed~~ 4261  
dispensary ~~licensed under~~ in accordance with this chapter may do 4262  
~~both~~ all of the following: 4263

(1) Use medical marijuana; 4264

(2) Possess medical marijuana, subject to division (B) of 4265  
this section; 4266

(3) Possess any paraphernalia or accessories that may be 4267  
used in the administration of medical marijuana, as specified in 4268  
rules adopted under section 3796.03 of the Revised Code. 4269

(B) The amount of medical marijuana possessed by a 4270

registered patient shall not exceed a ninety-day supply, as 4271  
specified in rules adopted under section 3796.03 of the Revised 4272  
Code. 4273

(C) A registered patient shall not be subject to arrest or 4274  
criminal prosecution for doing ~~any~~either of the following in 4275  
accordance with this chapter: 4276

(1) Obtaining, using, or possessing medical marijuana; 4277

(2) Possessing any paraphernalia or accessories that may 4278  
be used in the administration of medical marijuana, as specified 4279  
in rules adopted under section 3796.03 of the Revised Code. 4280

(D) This section does not authorize a registered patient 4281  
to operate a vehicle, streetcar, trackless trolley, watercraft, 4282  
or aircraft while under the influence of ~~medical~~-marijuana. 4283

**Sec. 3796.221.** (A) Notwithstanding any conflicting 4284  
provision of the Revised Code, an adult-use consumer who obtains 4285  
adult-use marijuana from a licensed dispensary may do all of the 4286  
following: 4287

(1) Use adult-use marijuana; 4288

(2) Possess adult-use marijuana, subject to division (B) 4289  
of this section; 4290

(3) Possess any paraphernalia or accessories that may be 4291  
used in the administration of adult-use marijuana as specified 4292  
in rules adopted under section 3796.03 of the Revised Code; 4293

(4) Transfer adult-use and homegrown marijuana to another 4294  
adult-use consumer if all of the following apply: 4295

(a) The transfer is without remuneration. 4296

(b) The amount transferred to the same adult-use consumer 4297

in the same day does not exceed either of the following: 4298

(i) Two and one-half ounces of plant material, excluding 4299  
any seeds, live plants, or clones being cultivated, grown, or 4300  
possessed in accordance with section 3796.04 of the Revised 4301  
Code; 4302

(ii) Fifteen grams of extract. 4303

(c) The transfer occurs at privately owned real property 4304  
that is used primarily for residential or agricultural purposes, 4305  
including any dwellings, facilities, improvements, and 4306  
appurtenances on such real property. 4307

(B) No person shall knowingly possess more than the 4308  
following cumulative amounts of homegrown marijuana and adult- 4309  
use marijuana: 4310

(1) Two and one-half ounces of plant material, excluding 4311  
any seeds, live plants, or clones being cultivated, grown, or 4312  
possessed in accordance with section 3796.04 of the Revised 4313  
Code; 4314

(2) Fifteen grams of extract. 4315

(C) Except as expressly authorized under division (A) (4) 4316  
of this section, no person other than a license holder shall 4317  
knowingly give, sell, or transfer adult-use or homegrown 4318  
marijuana to any other person, with or without remuneration. 4319

(D) Subject to divisions (B) and (C) of this section, an 4320  
adult-use consumer is not subject to arrest or criminal 4321  
prosecution for engaging in any of the activities described in 4322  
division (A) of this section. 4323

(E) This section does not authorize an adult-use consumer 4324  
to operate a vehicle, streetcar, trackless trolley, watercraft, 4325



or aircraft while under the influence of marijuana. 4326

**Sec. 3796.23.** (A) Notwithstanding any conflicting 4327  
provision of the Revised Code, a caregiver registered under this 4328  
chapter who obtains medical marijuana from a ~~retail-licensed~~ 4329  
~~dispensary licensed under this chapter~~ may do ~~both~~ any of the 4330  
following: 4331

(1) Possess medical marijuana on behalf of a registered 4332  
patient under the caregiver's care, subject to division (B) of 4333  
this section; 4334

(2) Assist a registered patient under the caregiver's care 4335  
in the use or administration of medical marijuana; 4336

(3) Possess any paraphernalia or accessories specified in 4337  
rules adopted under section 3796.03 of the Revised Code. 4338

(B) The amount of medical marijuana possessed by a 4339  
registered caregiver on behalf of a registered patient shall not 4340  
exceed a ninety-day supply, as specified in rules adopted under 4341  
section 3796.03 of the Revised Code. If a caregiver provides 4342  
care to more than one registered patient, the caregiver shall 4343  
maintain separate inventories of medical marijuana for each 4344  
patient. 4345

(C) A registered caregiver shall not be subject to arrest 4346  
or criminal prosecution for doing any of following in accordance 4347  
with this chapter: 4348

(1) Obtaining or possessing medical marijuana on behalf of 4349  
a registered patient; 4350

(2) Assisting a registered patient in the use or 4351  
administration of medical marijuana; 4352

(3) Possessing any paraphernalia or accessories specified 4353

in rules adopted under section 3796.03 of the Revised Code. 4354

(D) This section does not permit a registered caregiver to 4355  
personally use medical marijuana, unless the caregiver is also a 4356  
registered patient. 4357

**Sec. 3796.24.** (A) The holder of a license, as defined in 4358  
section 4776.01 of the Revised Code, is not subject to 4359  
professional disciplinary action solely for engaging in 4360  
professional or occupational activities related to medical 4361  
marijuana. 4362

(B) Unless there is clear and convincing evidence that a 4363  
child is unsafe, the use, possession, or administration of 4364  
medical marijuana in accordance with this chapter shall not be 4365  
the sole or primary basis for any of the following: 4366

(1) An adjudication under section 2151.28 of the Revised 4367  
Code determining that a child is an abused, neglected, or 4368  
dependent child; 4369

(2) An allocation of parental rights and responsibilities 4370  
under section 3109.04 of the Revised Code; 4371

(3) A parenting time order under section 3109.051 or 4372  
3109.12 of the Revised Code. 4373

(C) Notwithstanding any conflicting provision of the 4374  
Revised Code, the use or possession of medical marijuana in 4375  
accordance with this chapter shall not be used as a reason for 4376  
disqualifying a patient from medical care or from including a 4377  
patient on a transplant waiting list. 4378

(D) Notwithstanding any conflicting provision of the 4379  
Revised Code, the use, possession, administration, cultivation, 4380  
processing, testing, or dispensing of medical marijuana in 4381

accordance with this chapter shall not be used as the sole or 4382  
primary reason for taking action under any criminal or civil 4383  
statute in the forfeiture or seizure of any property or asset. 4384

(E) Notwithstanding any conflicting provision of the 4385  
Revised Code, ~~a person's status as a registered patient or~~ 4386  
~~caregiver engaging in activity authorized by this chapter~~ is not 4387  
a sufficient basis for conducting a field sobriety test on the 4388  
person or for suspending the person's driver's license. To 4389  
conduct any field sobriety test, a law enforcement officer must 4390  
have an independent, factual basis giving reasonable suspicion 4391  
that the person is operating a vehicle under the influence of 4392  
marijuana or with a prohibited concentration of marijuana in the 4393  
person's whole blood, blood serum, plasma, breath, or urine. 4394

(F) Notwithstanding any conflicting provision of the 4395  
Revised Code, a person's status as a registered patient or 4396  
caregiver shall not be used as the sole or primary basis for 4397  
rejecting the person as a tenant unless the rejection is 4398  
required by federal law. This division does not prohibit a 4399  
landlord from prohibiting either of the following, as long as 4400  
such prohibition is included in the applicable lease agreement: 4401

(1) Consumption of marijuana in a residential premises or 4402  
common areas by smoking, combustion, or vaporization; 4403

(2) Cultivation or growth of homegrown marijuana. 4404

(G) Except for unemployment compensation benefits under 4405  
Chapter 4141. of the Revised Code, including as prescribed under 4406  
division (B) of section 3796.28 of the Revised Code, the use or 4407  
possession of medical marijuana, adult-use marijuana, or 4408  
homegrown marijuana in accordance with this chapter shall not be 4409  
used as a reason for disqualifying an individual from a public 4410

benefit program administered by any state or local authority, or 4411  
for otherwise denying an individual a public benefit 4412  
administered by the state or any local government. 4413

(H) This chapter does not do any of the following: 4414

(1) Require a physician to recommend that a patient use 4415  
medical marijuana to treat a qualifying medical condition; 4416

(2) Permit the use, possession, or administration of 4417  
medical marijuana, adult-use marijuana, or homegrown marijuana 4418  
other than as authorized by this chapter; 4419

(3) Permit the use, possession, or administration of 4420  
medical marijuana, adult-use marijuana, or homegrown marijuana 4421  
on federal land located in this state; 4422

(4) Require any public place to accommodate a registered 4423  
patient's use of medical marijuana or an adult-use consumer's 4424  
use of adult-use marijuana or homegrown marijuana; 4425

(5) Prohibit any public place from accommodating a 4426  
registered patient's use of medical marijuana, except that no 4427  
public place shall accommodate consumption of medical marijuana 4428  
by smoking, combustion, or vaporization; 4429

(6) Restrict research related to marijuana conducted at a 4430  
state university, academic medical center, or private research 4431  
and development organization as part of a research protocol 4432  
approved by an institutional review board or equivalent entity. 4433

(I) It is the public policy of this state that contracts 4434  
related to license holders are enforceable. 4435

**Sec. 3796.27.** (A) As used in this section: 4436

(1) "Financial institution" means any of the following: 4437

(a) Any bank, trust company, savings and loan association, 4438  
savings bank, or credit union or any affiliate, agent, or 4439  
employee of a bank, trust company, savings and loan association, 4440  
savings bank, or credit union; 4441

(b) Any money transmitter licensed under sections 1315.01 4442  
to 1315.18 of the Revised Code or any affiliate, agent, or 4443  
employee of such a licensee. 4444

(2) "Financial services" means services that a financial 4445  
institution is authorized to provide under Title XI, sections 4446  
1315.01 to 1315.18, or Chapter 1733. of the Revised Code, as 4447  
applicable. 4448

(B) A financial institution that provides financial 4449  
services to any ~~cultivator, processor, retail dispensary, or~~ 4450  
~~laboratory licensed under this chapter~~ license holder shall be 4451  
exempt from any criminal law of this state an element of which 4452  
may be proven by substantiating that a person provides financial 4453  
services to a person who possesses, delivers, or manufactures 4454  
marijuana or marijuana derived products, including section 4455  
2925.05 of the Revised Code and sections 2923.01 and 2923.03 of 4456  
the Revised Code as those sections apply to violations of 4457  
Chapter 2925. of the Revised Code, if the ~~cultivator, processor,~~ 4458  
~~retail dispensary, or laboratory~~ license holder is in compliance 4459  
with this chapter and the applicable tax laws of this state. 4460

(C) (1) Notwithstanding section 149.43 of the Revised Code 4461  
or any other public records law to the contrary, upon the 4462  
request of a financial institution, the division of marijuana 4463  
control shall provide to the financial institution all of the 4464  
following information: 4465

(a) Whether a person with whom the financial institution 4466

is seeking to do business is a ~~cultivator, processor, retail-~~ 4467  
~~dispensary, or laboratory licensed under this chapter~~license 4468  
holder; 4469

(b) The name of any other business or individual 4470  
affiliated with the person; 4471

(c) An unredacted copy of the application for a license 4472  
under this chapter or under Chapter 3780. of the Revised Code, 4473  
as that chapter existed immediately before the effective date of 4474  
this amendment, and any supporting documentation, that was 4475  
submitted by the person; 4476

(d) If applicable, information relating to sales and 4477  
volume of product sold by the person; 4478

(e) Whether the person is in compliance with this chapter; 4479

(f) Any past or pending violation by the person of this 4480  
chapter or Chapter 3780. of the Revised Code, as that chapter 4481  
existed immediately before the effective date of this amendment, 4482  
and any penalty imposed on the person for such a violation. 4483

(2) The division may charge a financial institution a 4484  
reasonable fee to cover the administrative cost of providing the 4485  
information. 4486

(D) Information received by a financial institution under 4487  
division (C) of this section is confidential. Except as 4488  
otherwise permitted by other state law or federal law, a 4489  
financial institution shall not make the information available 4490  
to any person other than the customer to whom the information 4491  
applies and any trustee, conservator, guardian, personal 4492  
representative, or agent of that customer. 4493

**Sec. 3796.28.** (A) Nothing in this chapter does any of the 4494

following: 4495

(1) Requires an employer to permit or accommodate an 4496  
employee's use, possession, or distribution of ~~medical~~ 4497  
marijuana; 4498

(2) Prohibits an employer from refusing to hire, 4499  
discharging, disciplining, or otherwise taking an adverse 4500  
employment action against a person with respect to hire, tenure, 4501  
terms, conditions, or privileges of employment because of that 4502  
person's use, possession, or distribution of ~~medical~~-marijuana; 4503

(3) Prohibits an employer from establishing and enforcing 4504  
a drug testing policy, drug-free workplace policy, or zero- 4505  
tolerance drug policy; 4506

(4) Interferes with any federal restrictions on 4507  
employment, including the regulations adopted by the United 4508  
States department of transportation in Title 49 of the Code of 4509  
Federal Regulations, as amended; 4510

(5) Permits a person to commence a cause of action against 4511  
an employer for refusing to hire, discharging, disciplining, 4512  
discriminating, retaliating, or otherwise taking an adverse 4513  
employment action against a person with respect to hire, tenure, 4514  
terms, conditions, or privileges of employment related to 4515  
~~medical~~-marijuana; 4516

(6) Affects the authority of the administrator of workers' 4517  
compensation to grant rebates or discounts on premium rates to 4518  
employers that participate in a drug-free workplace program 4519  
established in accordance with rules adopted by the 4520  
administrator under Chapter 4123. of the Revised Code. 4521

(B) A person who is discharged from employment because of 4522  
that person's use of ~~medical~~-marijuana shall be considered to 4523

have been discharged for just cause for purposes of division (D) 4524  
of section 4141.29 of the Revised Code and shall be ineligible 4525  
to serve a waiting period or to be paid benefits for the 4526  
duration of the individual's unemployment as described in 4527  
division (D) (2) of that section if the person's use of ~~medical~~ 4528  
marijuana was in violation of an employer's drug-free workplace 4529  
policy, zero-tolerance policy, or other formal program or policy 4530  
regulating the use of ~~medical~~ marijuana. 4531

(C) It is not a violation of division (A), (D), or (E) of 4532  
section 4112.02 of the Revised Code if an employer discharges, 4533  
refuses to hire, or otherwise discriminates against a person 4534  
because of that person's use of ~~medical~~ marijuana if the 4535  
person's use of ~~medical~~ marijuana is in violation of the 4536  
employer's drug-free workplace policy, zero-tolerance policy, or 4537  
other formal program or policy regulating the use of ~~medical~~ 4538  
marijuana. 4539

**Sec. 3796.29.** ~~The~~ (A) Except as otherwise provided in 4540  
division (B) of this section, the legislative authority of a 4541  
municipal corporation ~~may adopt an ordinance, or a board of~~ 4542  
township trustees may adopt an ordinance or a resolution, to 4543  
prohibit, or limit the number of, licensed cultivators, licensed 4544  
processors, or ~~retail-licensed dispensaries licensed under this~~ 4545  
~~chapter~~ within the municipal corporation or within the 4546  
unincorporated territory of the township, respectively. 4547

~~This section does not authorize the~~ (B) The legislative 4548  
authority of a municipal corporation or a board of township 4549  
trustees ~~to~~ shall not adopt or enforce an ordinance or a 4550  
resolution ~~limiting~~ that does any of the following: 4551

(1) Prohibits or limits the operations of a license holder 4552  
that received a provisional license or certificate of operation 4553



before the effective date of this amendment, except that a 4554  
municipal corporation or township may enforce such an ordinance 4555  
or such a resolution if it was adopted before the effective date 4556  
of this amendment; 4557

(2) Prohibits or limits any activity authorized under this 4558  
chapter, except as expressly permitted under division (A) of 4559  
this section; 4560

(3) Prohibits or limits research related to marijuana 4561  
conducted at a state university, academic medical center, or 4562  
private research and development organization as part of a 4563  
research protocol approved by an institutional review board or 4564  
equivalent entity. 4565

**Sec. 3796.30.** (A) Except as provided in ~~division~~ 4566  
~~(B)~~ divisions (C) and (D) of this section, no ~~medical marijuana~~ 4567  
licensed cultivator, licensed processor, retail-licensed 4568  
dispensary, or licensed laboratory ~~that tests medical marijuana~~ 4569  
shall be located within five hundred feet of the boundaries of a 4570  
parcel of real estate having situated on it a school, church, 4571  
public library, public playground, or public park. 4572

(B) ~~If the~~ a request for relocation of a facility of a 4573  
licensed cultivator, licensed processor, retail-licensed 4574  
dispensary, or licensed laboratory ~~licensed under this chapter~~ 4575  
~~results would result in the cultivator, processor, retail-~~ 4576  
~~dispensary, or laboratory facility~~ being located within five 4577  
hundred feet of the boundaries of a parcel of real estate having 4578  
situated on it a school, church, public library, public 4579  
playground, or public park, the division of marijuana control 4580  
shall ~~revoke the license it previously issued to the cultivator,~~ 4581  
~~processor, retail dispensary, or laboratory~~ deny the request for 4582  
relocation. 4583

~~(B)~~ (C) This section does not require relocation or closure 4584  
of a facility used by a licensed cultivator, licensed processor, 4585  
licensed dispensary, or licensed laboratory, if that facility 4586  
has a certificate of operation at the time a school, church, 4587  
public library, public playground, or public park relocates, or 4588  
is established, on a parcel of real estate, the boundaries of 4589  
which are within five hundred feet of that operational facility. 4590

(D) This section does not apply to research related to 4591  
marijuana conducted at a state university, academic medical 4592  
center, or private research and development organization as part 4593  
of a research protocol approved by an institutional review board 4594  
or equivalent entity. 4595

~~(C) As used in this section and sections 3796.03 and~~ 4596  
~~3796.12 of the Revised Code:—~~ 4597

~~"Church" has the meaning defined in section 1710.01 of the~~ 4598  
~~Revised Code.—~~ 4599

~~"Public library" means a library provided for under~~ 4600  
~~Chapter 3375. of the Revised Code.—~~ 4601

~~"Public park" means a park established by the state or a~~ 4602  
~~political subdivision of the state including a county, township,~~ 4603  
~~municipal corporation, or park district.—~~ 4604

~~"Public playground" means a playground established by the~~ 4605  
~~state or a political subdivision of the state including a~~ 4606  
~~county, township, municipal corporation, or park district.—~~ 4607

~~"School" means a child care center as defined under~~ 4608  
~~section 5104.01 of the Revised Code, a preschool as defined~~ 4609  
~~under section 2950.034 of the Revised Code, or a public or~~ 4610  
~~nonpublic primary school or secondary school.—~~ 4611

**Sec. 3796.31.** Except as otherwise authorized in the 4612  
Revised Code, no political subdivision shall ~~levy~~ do either of 4613  
the following: 4614

(A) Levy any tax or fee on ~~cultivators, processors, or~~ 4615  
~~dispensaries~~ license holders that is based on ~~those~~ the license 4616  
holder's businesses' gross receipts or that is the same as or 4617  
similar to any tax or fee imposed by the state; 4618

(B) Levy any tax, fee, or charge on license holders or 4619  
license holders' property that is not generally charged on other 4620  
businesses. 4621

**Sec. 3796.32.** (A) The division of marijuana control may 4622  
adopt rules regulating the advertisement of adult-use marijuana 4623  
and medical marijuana to prevent advertisements that are false, 4624  
misleading, targeted to minors, attractive to minors, promote 4625  
excessive use, promote illegal activity, are obscene or 4626  
indecent, contain depictions of marijuana use, or promote 4627  
marijuana as an intoxicant. 4628

(B) Any rules the division adopts regulating the 4629  
advertisement of adult-use marijuana shall be at least as 4630  
stringent as the most stringent federal or state laws or rules 4631  
governing the advertisement of tobacco or alcohol. 4632

(C) The division may, at any time, conduct an audit of an 4633  
applicant's or license holder's published advertisements to 4634  
ensure that the applicant or license holder complies with this 4635  
chapter and associated rules. 4636

(D) Adult-use marijuana or medical marijuana shall not be 4637  
packaged, advertised, or otherwise marketed using any graphic, 4638  
picture, or drawing that bears any resemblance to a cartoon 4639  
character, or any fictional character or popular culture figure 4640

whose target audience is children or youth.

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(E) No person shall place or maintain, or caused to be  
placed or maintained, an advertisement that asserts or suggests  
that adult-use marijuana has any health or therapeutic benefits.

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(F) (1) Subject to division (F) (2) of this section, no  
person shall place or maintain, or cause to be placed or  
maintained, an advertisement for medical or adult-use marijuana  
within five hundred feet of the boundaries of a parcel of real  
estate having situated on it a school, church, public library,  
public playground, or public park.

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(2) Division (F) (1) of this section does not apply to  
signage on the facility of a license holder.

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(G) (1) No person shall advertise medical or adult-use  
marijuana using names, logos, signs, or materials that have not  
been submitted to, and approved by, the division in accordance  
with rules adopted under this section.

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(2) The division shall either approve or deny such names,  
logos, signs, or materials within twenty-one business days after  
receiving the submission.

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(3) If the division does not deny a submission within  
twenty-one business days, the submitted names, logos, signs, or  
materials shall be considered approved.

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

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Sec. 3796.33. (A) As used in this section, "equivalent 4669  
license" means: 4670

(1) In the case of an adult-use cultivator, a cultivator 4671  
license of the same level issued under section 3796.09 of the 4672  
Revised Code to engage in the activities authorized by section 4673  
3796.18 of the Revised Code; 4674

(2) In the case of an adult-use processor, a processor 4675  
license issued under section 3796.09 of the Revised Code to 4676  
engage in the activities authorized by section 3796.19 of the 4677  
Revised Code; 4678

(3) In the case of an adult-use dispensary, a retail 4679  
dispensary license issued under section 3796.10 of the Revised 4680  
Code to engage in the activities authorized by section 3796.20 4681  
of the Revised Code; 4682

(4) In the case of an adult-use testing laboratory, a 4683  
laboratory license issued under section 3796.09 of the Revised 4684  
Code to engage in the activities authorized by section 3796.21 4685  
of the Revised Code. 4686

(B) A license issued under Chapter 3780. of the Revised 4687  
Code, as that chapter existed immediately before the effective 4688  
date of this section, shall be treated, for all purposes, as the 4689  
equivalent license under this chapter. 4690

(C) The holder of a license described in division (B) of 4691  
this section is subject to all procedures, requirements, and 4692  
penalties that apply to the holder of the equivalent license 4693  
under this chapter. 4694

(D) If a license described in division (B) of this section 4695  
is held by the same person and used at the same location as an 4696  
equivalent license under this chapter, the division of marijuana 4697

control shall merge the licenses and treat them as the same 4698  
license for all purposes, including expiration and renewal. 4699

**Sec. ~~3780.37~~ 3796.34.** (A) As used in this section, 4700  
"nonprofit corporation" has the same meaning as in section 4701  
1702.01 of the Revised Code. 4702

(B) The division of cannabis control shall contract with a 4703  
statewide nonprofit corporation for the development and 4704  
implementation of cannabis and related drug misuse prevention, 4705  
education, and public awareness initiatives driven by data, 4706  
evaluation, and research. The contract must include a provision 4707  
specifying a percentage of the total funding for the 4708  
initiatives, not less than ten per cent, to be raised by the 4709  
statewide nonprofit corporation through private contributions. 4710

(C) The initiatives may include all of the following: 4711

(1) Providing evidence-based information on the potential 4712  
health effects of cannabis and related drug use among minors; 4713

(2) Disseminating educational resources regarding the 4714  
risks associated with cannabis and related drug use during 4715  
pregnancy; 4716

(3) Conducting campaigns to inform the public about the 4717  
dangers and legal consequences of driving under the influence of 4718  
cannabis and related drugs; 4719

(4) Collaborating with employers and industry groups to 4720  
develop and distribute evidence-based resources to improve the 4721  
health of Ohio's workforce and promote workplace safety and 4722  
recovery initiatives focused on cannabis and related drug 4723  
misuse. 4724

(D) The division shall oversee and evaluate the 4725

effectiveness of the initiatives undertaken pursuant to this 4726  
section and shall ensure that those initiatives align with the 4727  
public health and safety objectives of this state. 4728

(E) The division shall annually compile a report detailing 4729  
activities, use of funds, and measurable outcomes resulting from 4730  
the initiatives undertaken pursuant to this section. The 4731  
division shall submit the report to the general assembly in 4732  
accordance with section 101.68 of the Revised Code. 4733

Sec. 3796.40. (A) Terms used in this section have the same 4734  
meanings as in section 5739.01 of the Revised Code. 4735

(B) For the purpose of funding the needs of the state and 4736  
local governments that host adult-use marijuana dispensaries, an 4737  
excise tax is levied on the retail sale of adult-use marijuana. 4738  
The rate of the tax shall equal ten per cent of the price of 4739  
adult-use marijuana and is in addition to taxes levied under 4740  
Chapters 5739. and 5741. of the Revised Code. 4741

(C) The tax shall be paid by the consumer to the vendor at 4742  
the time of the sale, and the vendor shall report and remit the 4743  
tax to the state in the same manner and at the same time the 4744  
vendor reports and remits the tax levied under Chapter 5739. of 4745  
the Revised Code. The return required by this division shall be 4746  
filed on a form prescribed by the tax commissioner, which shall 4747  
be separate from the return required to be filed under section 4748  
5739.12 of the Revised Code. The tax levied under this section 4749  
shall be collected consistent with Chapters 5703. and 5739. of 4750  
the Revised Code. 4751

(D) For the same purpose as the tax levied under division 4752  
(B) of this section, a tax is levied on a vendor that sells any 4753  
marijuana other than adult-use marijuana or medical marijuana to 4754

a consumer. That tax equals ten per cent of the price of such 4755  
marijuana, and the consumer and vendor are liable for any 4756  
amounts, including tax, interest, and penalties, imposed under 4757  
this section and chapter in the same manner as vendors subject 4758  
to the tax imposed under division (B) of this section. 4759

(E) All amounts collected from a tax levied under this 4760  
section shall be deposited into the marijuana receipts fund, 4761  
which is created in the state treasury. Investment earnings of 4762  
the marijuana receipts fund shall be credited to that fund. 4763

From the marijuana receipts fund, the director of budget 4764  
and management shall transfer as needed to the tax refund fund 4765  
amounts equal to the refunds attributable to the tax levied 4766  
under this section and certified by the tax commissioner. 4767

(F) After making any transfers required under division (E) 4768  
of this section, the director of budget and management shall 4769  
transfer amounts remaining in the marijuana receipts fund as 4770  
follows: 4771

(1) Sixty-four per cent to the general revenue fund; 4772

(2) Thirty-six per cent to the host community cannabis 4773  
fund, which is created in the state treasury, for the benefit of 4774  
municipal corporations or townships that have at least one 4775  
licensed dispensary. Distributions to such municipal 4776  
corporations and townships shall be based on the portion of the 4777  
tax levied under division (B) of this section attributable to 4778  
each municipal corporation or township. Municipal corporations 4779  
and townships receiving funds under this division may use such 4780  
funds for any lawful purpose. 4781

Distributions under this division shall be made by the end 4782  
of each month based on tax collections from the preceding month. 4783



The tax commissioner shall make data available to the director 4784  
of the office of budget and management for this purpose and the 4785  
director of budget and management shall provide for payment of 4786  
those amounts to municipal corporations and townships as 4787  
required. 4788

(G) The tax commissioner may prescribe all forms and adopt 4789  
all rules necessary to administer the tax authorized under this 4790  
section. 4791

**Sec. 3796.99.** (A) (1) Whoever violates division (C) (2) of 4792  
section 3796.06 of the Revised Code as an operator of the 4793  
vehicle, streetcar, trackless trolley, watercraft, or aircraft 4794  
is subject to section 1547.11, 4511.19, 4511.194, or 4561.15 of 4795  
the Revised Code, as applicable. 4796

(2) Whoever violates division (C) (2) of section 3796.06 of 4797  
the Revised Code as a passenger of a vehicle, streetcar, 4798  
trackless trolley, watercraft, or aircraft when the operator is 4799  
operating or has physical control of the vehicle, streetcar, 4800  
trackless trolley, watercraft, or aircraft is guilty of a 4801  
misdemeanor of the third degree. 4802

(B) Except as otherwise provided in division (A) of this 4803  
section, whoever violates division (C) (2) or (3) of section 4804  
3796.06 of the Revised Code is guilty of a minor misdemeanor. 4805

(C) (1) (a) Except as provided in division (C) (1) (b) of this 4806  
section, whoever violates division (F) of section 3796.06 of the 4807  
Revised Code is guilty of a misdemeanor of the first degree. 4808

(b) An offender who has previously been convicted of, or 4809  
pleaded guilty to, a violation of division (F) of section 4810  
3796.06 of the Revised Code, is guilty of a felony of the fifth 4811  
degree. 4812

(2) The division of marijuana control shall immediately 4813  
revoke the license of any license holder under this chapter who 4814  
is found guilty of, or who pleads guilty or no contest to, 4815  
violating division (F) of section 3796.06 of the Revised Code. 4816

(D) Whoever violates division (B) of section 3796.221 of 4817  
the Revised Code is guilty of possession of marijuana under 4818  
section 2925.11 of the Revised Code. 4819

(E) Whoever violates division (C) of section 3796.04 of 4820  
the Revised Code is guilty of illegal cultivation of marijuana 4821  
under section 2925.04 of the Revised Code. 4822

(F) Whoever violates division (I) of section 3796.09, 4823  
division (I) of section 3796.10, division (C) (2) of section 4824  
3796.20, or division (C) of section 3796.221 of the Revised Code 4825  
is guilty of trafficking in marijuana under section 2925.03 of 4826  
the Revised Code. 4827

(G) (1) Except as otherwise provided in divisions (G) (2) to 4828  
(4) of this section, whoever violates division (G) of section 4829  
3796.06 of the Revised Code by knowingly showing or giving false 4830  
information concerning the individual's name, age, or other 4831  
identification for the purpose of purchasing or otherwise 4832  
obtaining adult-use marijuana from an adult-use dispensary 4833  
licensed under this chapter is guilty of a misdemeanor of the 4834  
first degree. 4835

(2) Except as otherwise provided in divisions (G) (3) and 4836  
(4) of this section, whoever violates division (G) of section 4837  
3796.06 of the Revised Code by knowingly presenting to an adult- 4838  
use dispensary licensed under this chapter a false, fictitious, 4839  
or altered identification card, a false or fictitious driver's 4840  
license purportedly issued by any state, or a driver's license 4841

issued by any state that has been altered, is guilty of a 4842  
misdemeanor of the first degree and, notwithstanding division 4843  
(A) (2) of section 2929.28 of the Revised Code, shall be fined 4844  
not less than two hundred fifty dollars and not more than one 4845  
thousand dollars. 4846

(3) (a) Except as otherwise provided in division (G) (4) of 4847  
this section, an offender who has previously been convicted of 4848  
or pleaded guilty to a violation of division (G) of section 4849  
3796.06 of the Revised Code by knowingly presenting to an adult- 4850  
use dispensary licensed under this chapter a false, fictitious, 4851  
or altered identification card, a false or fictitious driver's 4852  
license purportedly issued by any state, or a driver's license 4853  
issued by any state that has been altered, is guilty of a 4854  
misdemeanor of the first degree and, notwithstanding division 4855  
(A) (2) of section 2929.28 of the Revised Code, shall be fined 4856  
not less than five hundred dollars nor more than one thousand 4857  
dollars. 4858

(b) (i) The court also may impose a class seven suspension 4859  
of the offender's driver's or commercial driver's license or 4860  
permit, or nonresident operating privilege, from the range 4861  
specified in division (A) (7) of section 4510.02 of the Revised 4862  
Code. 4863

(ii) The court, in lieu of suspending the offender's 4864  
temporary instruction permit, probationary driver's license, or 4865  
driver's license, instead may order the offender to perform a 4866  
determinate number of hours of community service, with the court 4867  
determining the actual number of hours and the nature of the 4868  
community service the offender shall perform. 4869

(4) (a) An offender who has previously been convicted of or 4870  
pleaded guilty to two or more violations of division (G) of 4871

section 3796.06 of the Revised Code by knowingly presenting to 4872  
an adult-use dispensary licensed under this chapter a false, 4873  
fictitious, or altered identification card, a false or 4874  
fictitious driver's license purportedly issued by any state, or 4875  
a driver's license issued by any state that has been altered, is 4876  
guilty of a misdemeanor of the first degree and, notwithstanding 4877  
division (A) (2) of section 2929.28 of the Revised Code, shall be 4878  
fined not less than five hundred dollars nor more than one 4879  
thousand dollars. 4880

(b) (i) The court also may impose a class six suspension of 4881  
the offender's driver's or commercial driver's license or permit 4882  
or nonresident operating privilege from the range specified in 4883  
division (A) (6) of section 4510.02 of the Revised Code, and the 4884  
court may order that the suspension or denial remain in effect 4885  
until the offender attains the age of twenty-one years. 4886

(ii) The court, in lieu of suspending the offender's 4887  
temporary instruction permit, probationary driver's license, or 4888  
driver's license, instead may order the offender to perform a 4889  
determinate number of hours of community service, with the court 4890  
determining the actual number of hours and the nature of the 4891  
community service the offender shall perform. 4892

(5) The financial sanctions required by divisions (G) (2) 4893  
to (4) of this section are in lieu of the financial sanctions 4894  
described in division (A) (2) of section 2929.28 of the Revised 4895  
Code but are in addition to any other sanctions or penalties 4896  
that may apply to the offender, including other financial 4897  
sanctions under that section or a jail term under section 4898  
2929.24 of the Revised Code. 4899

(H) (1) Except as otherwise provided in division (H) (2) of 4900  
this section, whoever violates division (G) of section 3796.06 4901

of the Revised Code by knowingly soliciting another person to 4902  
purchase adult-use marijuana from an adult-use dispensary 4903  
licensed under this chapter is guilty of a misdemeanor of the 4904  
fourth degree. 4905

(2) An offender who has previously been convicted of or 4906  
pleaded guilty to a violation of division (G) of section 3796.06 4907  
of the Revised Code by knowingly soliciting another individual 4908  
to purchase adult-use marijuana from an adult-use dispensary 4909  
licensed under this chapter is guilty of a misdemeanor of the 4910  
second degree. 4911

(I) Whoever violates division (A), (B), or (C) of section 4912  
3796.062 of the Revised Code is guilty of a minor misdemeanor. 4913

(J) Whoever violates division (D) of section 3796.062 of 4914  
the Revised Code is guilty of illegal use or possession of 4915  
marijuana drug paraphernalia under section 2925.141 of the 4916  
Revised Code. 4917

**Sec. 4506.01.** As used in this chapter: 4918

(A) "Alcohol concentration" means the concentration of 4919  
alcohol in a person's blood, breath, or urine. When expressed as 4920  
a percentage, it means grams of alcohol per the following: 4921

(1) One hundred milliliters of whole blood, blood serum, 4922  
or blood plasma; 4923

(2) Two hundred ten liters of breath; 4924

(3) One hundred milliliters of urine. 4925

(B) "Commercial driver's license" means a license issued 4926  
in accordance with this chapter that authorizes an individual to 4927  
drive a commercial motor vehicle. 4928

(C) "Commercial driver's license information system" means 4929  
the information system established pursuant to the requirements 4930  
of the "Commercial Motor Vehicle Safety Act of 1986," 100 Stat. 4931  
3207-171, 49 U.S.C.A. App. 2701. 4932

(D) Except when used in section 4506.25 of the Revised 4933  
Code, "commercial motor vehicle" means any motor vehicle 4934  
designed or used to transport persons or property that meets any 4935  
of the following qualifications: 4936

(1) Any combination of vehicles with a gross vehicle 4937  
weight or combined gross vehicle weight rating of twenty-six 4938  
thousand one pounds or more, provided the gross vehicle weight 4939  
or gross vehicle weight rating of the vehicle or vehicles being 4940  
towed is in excess of ten thousand pounds; 4941

(2) Any single vehicle with a gross vehicle weight or 4942  
gross vehicle weight rating of twenty-six thousand one pounds or 4943  
more; 4944

(3) Any single vehicle or combination of vehicles that is 4945  
not a class A or class B vehicle, but is designed to transport 4946  
sixteen or more passengers including the driver; 4947

(4) Any school bus with a gross vehicle weight or gross 4948  
vehicle weight rating of less than twenty-six thousand one 4949  
pounds that is designed to transport fewer than sixteen 4950  
passengers including the driver; 4951

(5) Is transporting hazardous materials for which 4952  
placarding is required under subpart F of 49 C.F.R. part 172, as 4953  
amended; 4954

(6) Any single vehicle or combination of vehicles that is 4955  
designed to be operated and to travel on a public street or 4956  
highway and is considered by the federal motor carrier safety 4957

administration to be a commercial motor vehicle, including, but 4958  
not limited to, a motorized crane, a vehicle whose function is 4959  
to pump cement, a rig for drilling wells, and a portable crane. 4960

(E) "Controlled substance" means all of the following: 4961

(1) Any substance classified as a controlled substance 4962  
under the "Controlled Substances Act," 80 Stat. 1242 (1970), 21 4963  
U.S.C.A. 802(6), as amended; 4964

(2) Any substance included in schedules I through V of 21 4965  
C.F.R. part 1308, as amended; 4966

(3) Any drug of abuse. 4967

(F) "Conviction" means an unvacated adjudication of guilt 4968  
or a determination that a person has violated or failed to 4969  
comply with the law in a court of original jurisdiction or an 4970  
authorized administrative tribunal, an unvacated forfeiture of 4971  
bail or collateral deposited to secure the person's appearance 4972  
in court, a plea of guilty or nolo contendere accepted by the 4973  
court, the payment of a fine or court cost, or violation of a 4974  
condition of release without bail, regardless of whether or not 4975  
the penalty is rebated, suspended, or probated. 4976

(G) "Disqualification" means any of the following: 4977

(1) The suspension, revocation, or cancellation of a 4978  
person's privileges to operate a commercial motor vehicle; 4979

(2) Any withdrawal of a person's privileges to operate a 4980  
commercial motor vehicle as the result of a violation of state 4981  
or local law relating to motor vehicle traffic control other 4982  
than parking, vehicle weight, or vehicle defect violations; 4983

(3) A determination by the federal motor carrier safety 4984  
administration that a person is not qualified to operate a 4985

commercial motor vehicle under 49 C.F.R. 391. 4986

(H) "Domiciled" means having a true, fixed, principal, and 4987  
permanent residence to which an individual intends to return. 4988

(I) "Downgrade" means any of the following, as applicable: 4989

(1) A change in the commercial driver's license, or 4990  
commercial driver's license temporary instruction permit, 4991  
holder's self-certified status as described in division (A) (1) 4992  
of section 4506.10 of the Revised Code; 4993

(2) A change to a lesser class of vehicle; 4994

(3) Removal of commercial driver's license privileges from 4995  
the individual's driver's license; 4996

(4) A change in the commercial driver's license, or 4997  
commercial driver's license temporary instruction permit, 4998  
holder's privileges as described in division (F) (1) of section 4999  
4506.13 of the Revised Code. 5000

(J) "Drive" means to drive, operate, or be in physical 5001  
control of a motor vehicle. 5002

(K) "Driver" means any person who drives, operates, or is 5003  
in physical control of a commercial motor vehicle or is required 5004  
to have a commercial driver's license. 5005

(L) "Driver's license" means a license issued by the 5006  
bureau of motor vehicles that authorizes an individual to drive. 5007

(M) "Drug of abuse" means any controlled substance, 5008  
dangerous drug as defined in section 4729.01 of the Revised 5009  
Code, harmful intoxicant as defined in section 2925.01 of the 5010  
Revised Code, intoxicating hemp product as defined in section 5011  
3779.01 of the Revised Code, drinkable cannabinoid product as 5012



defined in section 3779.21 of the Revised Code, or over-the- 5013  
counter medication that, when taken in quantities exceeding the 5014  
recommended dosage, can result in impairment of judgment or 5015  
reflexes. 5016

(N) "Electronic device" includes a cellular telephone, a 5017  
personal digital assistant, a pager, a computer, and any other 5018  
device used to input, write, send, receive, or read text. 5019

(O) "Eligible unit of local government" means a village, 5020  
township, or county that has a population of not more than three 5021  
thousand persons according to the most recent federal census. 5022

(P) "Employer" means any person, including the federal 5023  
government, any state, and a political subdivision of any state, 5024  
that owns or leases a commercial motor vehicle or assigns a 5025  
person to drive such a motor vehicle. 5026

(Q) "Endorsement" means an authorization on a person's 5027  
commercial driver's license that is required to permit the 5028  
person to operate a specified type of commercial motor vehicle. 5029

(R) "Farm truck" means a truck controlled and operated by 5030  
a farmer for use in the transportation to or from a farm, for a 5031  
distance of not more than one hundred fifty miles, of products 5032  
of the farm, including livestock and its products, poultry and 5033  
its products, floricultural and horticultural products, and in 5034  
the transportation to the farm, from a distance of not more than 5035  
one hundred fifty miles, of supplies for the farm, including 5036  
tile, fence, and every other thing or commodity used in 5037  
agricultural, floricultural, horticultural, livestock, and 5038  
poultry production, and livestock, poultry, and other animals 5039  
and things used for breeding, feeding, or other purposes 5040  
connected with the operation of the farm, when the truck is 5041

operated in accordance with this division and is not used in the 5042  
operations of a motor carrier, as defined in section 4923.01 of 5043  
the Revised Code. 5044

(S) "Fatality" means the death of a person as the result 5045  
of a motor vehicle accident occurring not more than three 5046  
hundred sixty-five days prior to the date of death. 5047

(T) "Felony" means any offense under federal or state law 5048  
that is punishable by death or specifically classified as a 5049  
felony under the law of this state, regardless of the penalty 5050  
that may be imposed. 5051

(U) "Foreign jurisdiction" means any jurisdiction other 5052  
than a state. 5053

(V) "Gross vehicle weight rating" means the value 5054  
specified by the manufacturer as the maximum loaded weight of a 5055  
single or a combination vehicle. The gross vehicle weight rating 5056  
of a combination vehicle is the gross vehicle weight rating of 5057  
the power unit plus the gross vehicle weight rating of each 5058  
towed unit. 5059

(W) "Hazardous materials" means any material that has been 5060  
designated as hazardous under 49 U.S.C. 5103 and is required to 5061  
be placarded under subpart F of 49 C.F.R. part 172 or any 5062  
quantity of a material listed as a select agent or toxin in 42 5063  
C.F.R. part 73, as amended. 5064

(X) "Imminent hazard" means the existence of a condition 5065  
that presents a substantial likelihood that death, serious 5066  
illness, severe personal injury, or a substantial endangerment 5067  
to health, property, or the environment may occur before the 5068  
reasonably foreseeable completion date of a formal proceeding 5069  
begun to lessen the risk of that death, illness, injury, or 5070

endangerment. 5071

(Y) "Medical variance" means one of the following received 5072  
by a driver from the federal motor carrier safety administration 5073  
that allows the driver to be issued a medical certificate: 5074

(1) An exemption letter permitting operation of a 5075  
commercial motor vehicle under 49 C.F.R. 381, subpart C or 49 5076  
C.F.R. 391.64; 5077

(2) A skill performance evaluation certificate permitting 5078  
operation of a commercial motor vehicle pursuant to 49 C.F.R. 5079  
391.49. 5080

(Z) "Mobile telephone" means a mobile communication device 5081  
that falls under or uses any commercial mobile radio service as 5082  
defined in 47 C.F.R. 20, except that mobile telephone does not 5083  
include two-way or citizens band radio services. 5084

(AA) "Motor vehicle" means a vehicle, machine, tractor, 5085  
trailer, or semitrailer propelled or drawn by mechanical power 5086  
used on highways, except that such term does not include a 5087  
vehicle, machine, tractor, trailer, or semitrailer operated 5088  
exclusively on a rail. 5089

(BB) "Out-of-service order" means a declaration by an 5090  
authorized enforcement officer of a federal, state, local, 5091  
Canadian, or Mexican jurisdiction declaring that a driver, 5092  
commercial motor vehicle, or commercial motor carrier operation 5093  
is out of service as defined in 49 C.F.R. 390.5. 5094

(CC) "Peace officer" has the same meaning as in section 5095  
2935.01 of the Revised Code. 5096

(DD) "Portable tank" means a liquid or gaseous packaging 5097  
designed primarily to be loaded onto or temporarily attached to 5098

a vehicle and equipped with skids, mountings, or accessories to 5099  
facilitate handling of the tank by mechanical means. 5100

(EE) "Public safety vehicle" has the same meaning as in 5101  
divisions (E) (1) and (3) of section 4511.01 of the Revised Code. 5102

(FF) "Recreational vehicle" includes every vehicle that is 5103  
defined as a recreational vehicle in section 4501.01 of the 5104  
Revised Code and is used exclusively for purposes other than 5105  
engaging in business for profit. 5106

(GG) "Residence" means any person's residence determined 5107  
in accordance with standards prescribed in rules adopted by the 5108  
registrar. 5109

(HH) "School bus" has the same meaning as in section 5110  
4511.01 of the Revised Code. 5111

(II) "Serious traffic violation" means any of the 5112  
following: 5113

(1) A conviction arising from a single charge of operating 5114  
a commercial motor vehicle in violation of any provision of 5115  
section 4506.03 of the Revised Code; 5116

(2) (a) Except as provided in division (II) (2) (b) of this 5117  
section, a violation while operating a commercial motor vehicle 5118  
of a law of this state, or any municipal ordinance or county or 5119  
township resolution, or any other substantially similar law of 5120  
another state or political subdivision of another state 5121  
prohibiting either of the following: 5122

(i) Texting while driving; 5123

(ii) Using a handheld mobile telephone. 5124

(b) It is not a serious traffic violation if the person 5125

was texting or using a handheld mobile telephone to contact law 5126  
enforcement or other emergency services. 5127

(3) A conviction arising from the operation of any motor 5128  
vehicle that involves any of the following: 5129

(a) A single charge of any speed in excess of the posted 5130  
speed limit by fifteen miles per hour or more; 5131

(b) Violation of section 4511.20 or 4511.201 of the 5132  
Revised Code or any similar ordinance or resolution, or of any 5133  
similar law of another state or political subdivision of another 5134  
state; 5135

(c) Violation of a law of this state or an ordinance or 5136  
resolution relating to traffic control, other than a parking 5137  
violation, or of any similar law of another state or political 5138  
subdivision of another state, that results in a fatal accident; 5139

(d) Violation of section 4506.03 of the Revised Code or a 5140  
substantially similar municipal ordinance or county or township 5141  
resolution, or of any similar law of another state or political 5142  
subdivision of another state, that involves the operation of a 5143  
commercial motor vehicle without a valid commercial driver's 5144  
license with the proper class or endorsement for the specific 5145  
vehicle group being operated or for the passengers or type of 5146  
cargo being transported; 5147

(e) Violation of section 4506.03 of the Revised Code or a 5148  
substantially similar municipal ordinance or county or township 5149  
resolution, or of any similar law of another state or political 5150  
subdivision of another state, that involves the operation of a 5151  
commercial motor vehicle without a valid commercial driver's 5152  
license being in the person's possession; 5153

(f) Violation of section 4511.33 or 4511.34 of the Revised 5154

Code, or any municipal ordinance or county or township 5155  
resolution substantially similar to either of those sections, or 5156  
any substantially similar law of another state or political 5157  
subdivision of another state; 5158

(g) Violation of any other law of this state, any law of 5159  
another state, or any ordinance or resolution of a political 5160  
subdivision of this state or another state that meets both of 5161  
the following requirements: 5162

(i) It relates to traffic control, other than a parking 5163  
violation; 5164

(ii) It is determined to be a serious traffic violation by 5165  
the United States secretary of transportation and is designated 5166  
by the director as such by rule. 5167

(JJ) "State" means a state of the United States and 5168  
includes the District of Columbia. 5169

(KK) "Tank vehicle" means any commercial motor vehicle 5170  
that is designed to transport any liquid or gaseous materials 5171  
within a tank or tanks that are either permanently or 5172  
temporarily attached to the vehicle or its chassis and have an 5173  
individual rated capacity of more than one hundred nineteen 5174  
gallons and an aggregate rated capacity of one thousand gallons 5175  
or more. "Tank vehicle" does not include a commercial motor 5176  
vehicle transporting an empty storage container tank that is not 5177  
designed for transportation, has a rated capacity of one 5178  
thousand gallons or more, and is temporarily attached to a 5179  
flatbed trailer. 5180

(LL) "Tester" means a person or entity acting pursuant to 5181  
a valid agreement entered into pursuant to division (B) of 5182  
section 4506.09 of the Revised Code. 5183

(MM) "Texting" means manually entering alphanumeric text 5184  
into, or reading text from, an electronic device. Texting 5185  
includes short message service, e-mail, instant messaging, a 5186  
command or request to access a world wide web page, pressing 5187  
more than a single button to initiate or terminate a voice 5188  
communication using a mobile telephone, or engaging in any other 5189  
form of electronic text retrieval or entry, for present or 5190  
future communication. Texting does not include the following: 5191

(1) Using voice commands to initiate, receive, or 5192  
terminate a voice communication using a mobile telephone; 5193

(2) Inputting, selecting, or reading information on a 5194  
global positioning system or navigation system; 5195

(3) Pressing a single button to initiate or terminate a 5196  
voice communication using a mobile telephone; or 5197

(4) Using, for a purpose that is not otherwise prohibited 5198  
by law, a device capable of performing multiple functions, such 5199  
as a fleet management system, a dispatching device, a mobile 5200  
telephone, a citizens band radio, or a music player. 5201

(NN) "Texting while driving" means texting while operating 5202  
a commercial motor vehicle, with the motor running, including 5203  
while temporarily stationary because of traffic, a traffic 5204  
control device, or other momentary delays. Texting while driving 5205  
does not include operating a commercial motor vehicle with or 5206  
without the motor running when the driver has moved the vehicle 5207  
to the side of, or off, a highway and is stopped in a location 5208  
where the vehicle can safely remain stationary. 5209

(OO) "United States" means the fifty states and the 5210  
District of Columbia. 5211

(PP) "Upgrade" means a change in the class of vehicles, 5212

endorsements, or self-certified status as described in division 5213  
(A) (1) of section 4506.10 of the Revised Code, that expands the 5214  
ability of a current commercial driver's license holder to 5215  
operate commercial motor vehicles under this chapter. 5216

(QQ) "Use of a handheld mobile telephone" means: 5217

(1) Using at least one hand to hold a mobile telephone to 5218  
conduct a voice communication; 5219

(2) Dialing or answering a mobile telephone by pressing 5220  
more than a single button; or 5221

(3) Reaching for a mobile telephone in a manner that 5222  
requires a driver to maneuver so that the driver is no longer in 5223  
a seated driving position, or restrained by a seat belt that is 5224  
installed in accordance with 49 C.F.R. 393.93 and adjusted in 5225  
accordance with the vehicle manufacturer's instructions. 5226

(RR) "Vehicle" has the same meaning as in section 4511.01 5227  
of the Revised Code. 5228

**Sec. 4735.18.** (A) Subject to section 4735.32 of the 5229  
Revised Code, the superintendent of real estate, upon the 5230  
superintendent's own motion, may investigate the conduct of any 5231  
licensee. Subject to division (E) of this section and section 5232  
4735.32 of the Revised Code, the Ohio real estate commission 5233  
shall impose disciplinary sanctions upon any licensee who, 5234  
whether or not acting in the licensee's capacity as a real 5235  
estate broker or salesperson, or in handling the licensee's own 5236  
property, is found to have been convicted of a felony or a crime 5237  
of moral turpitude, and may impose disciplinary sanctions upon 5238  
any licensee who, in the licensee's capacity as a real estate 5239  
broker or salesperson, or in handling the licensee's own 5240  
property, is found guilty of: 5241



(1) Knowingly making any misrepresentation;	5242
(2) Making any false promises with intent to influence,	5243
persuade, or induce;	5244
(3) A continued course of misrepresentation or the making	5245
of false promises through agents, salespersons, advertising, or	5246
otherwise;	5247
(4) Acting for more than one party in a transaction except	5248
as permitted by and in compliance with section 4735.71 of the	5249
Revised Code;	5250
(5) Failure within a reasonable time to account for or to	5251
remit any money coming into the licensee's possession which	5252
belongs to others;	5253
(6) Dishonest or illegal dealing, gross negligence,	5254
incompetency, or misconduct;	5255
(7) (a) By final adjudication by a court, a violation of	5256
any municipal or federal civil rights law relevant to the	5257
protection of purchasers or sellers of real estate or, by final	5258
adjudication by a court, any unlawful discriminatory practice	5259
pertaining to the purchase or sale of real estate prohibited by	5260
Chapter 4112. of the Revised Code, provided that such violation	5261
arose out of a situation wherein parties were engaged in bona	5262
fide efforts to purchase, sell, or lease real estate, in the	5263
licensee's practice as a licensed real estate broker or	5264
salesperson;	5265
(b) A second or subsequent violation of any unlawful	5266
discriminatory practice pertaining to the purchase or sale of	5267
real estate prohibited by Chapter 4112. of the Revised Code or	5268
any second or subsequent violation of municipal or federal civil	5269
rights laws relevant to purchasing or selling real estate	5270

whether or not there has been a final adjudication by a court, 5271  
provided that such violation arose out of a situation wherein 5272  
parties were engaged in bona fide efforts to purchase, sell, or 5273  
lease real estate. For any second offense under this division, 5274  
the commission shall suspend for a minimum of two months or 5275  
revoke the license of the broker or salesperson. For any 5276  
subsequent offense, the commission shall revoke the license of 5277  
the broker or salesperson. 5278

(8) Procuring a license under this chapter, for the 5279  
licensee or any salesperson by fraud, misrepresentation, or 5280  
deceit; 5281

(9) Having violated or failed to comply with any provision 5282  
of sections 4735.51 to 4735.74 of the Revised Code or having 5283  
willfully disregarded or violated any other provisions of this 5284  
chapter; 5285

(10) As a real estate broker, having demanded, without 5286  
reasonable cause, other than from a broker licensed under this 5287  
chapter, a commission to which the licensee is not entitled, or, 5288  
as a real estate salesperson, having demanded, without 5289  
reasonable cause, a commission to which the licensee is not 5290  
entitled; 5291

(11) Except as permitted under section 4735.20 of the 5292  
Revised Code, having paid commissions or fees to, or divided 5293  
commissions or fees with, anyone not licensed as a real estate 5294  
broker or salesperson under this chapter or anyone not operating 5295  
as an out-of-state commercial real estate broker or salesperson 5296  
under section 4735.022 of the Revised Code; 5297

(12) Having falsely represented membership in any real 5298  
estate professional association of which the licensee is not a 5299

member; 5300

(13) Having accepted, given, or charged any undisclosed 5301  
commission, rebate, or direct profit on expenditures made for a 5302  
principal; 5303

(14) Having offered anything of value other than the 5304  
consideration recited in the sales contract as an inducement to 5305  
a person to enter into a contract for the purchase or sale of 5306  
real estate or having offered real estate or the improvements on 5307  
real estate as a prize in a lottery or scheme of chance; 5308

(15) Having acted in the dual capacity of real estate 5309  
broker and undisclosed principal, or real estate salesperson and 5310  
undisclosed principal, in any transaction; 5311

(16) Having guaranteed, authorized, or permitted any 5312  
person to guarantee future profits which may result from the 5313  
resale of real property; 5314

(17) Having advertised or placed a sign on any property 5315  
offering it for sale or for rent without the consent of the 5316  
owner or the owner's authorized agent; 5317

(18) Having induced any party to a contract of sale or 5318  
lease to break such contract for the purpose of substituting in 5319  
lieu of it a new contract with another principal; 5320

(19) Having negotiated the sale, exchange, or lease of any 5321  
real property directly with a seller, purchaser, lessor, or 5322  
tenant knowing that such seller, purchaser, lessor, or tenant is 5323  
represented by another broker under a written exclusive agency 5324  
agreement, exclusive right to sell or lease listing agreement, 5325  
or exclusive purchaser agency agreement with respect to such 5326  
property except as provided for in section 4735.75 of the 5327  
Revised Code; 5328

(20) Having offered real property for sale or for lease 5329  
without the knowledge and consent of the owner or the owner's 5330  
authorized agent, or on any terms other than those authorized by 5331  
the owner or the owner's authorized agent; 5332

(21) Having published advertising, whether printed, radio, 5333  
display, or of any other nature, which was misleading or 5334  
inaccurate in any material particular, or in any way having 5335  
misrepresented any properties, terms, values, policies, or 5336  
services of the business conducted; 5337

(22) Having knowingly withheld from or inserted in any 5338  
statement of account or invoice any statement that made it 5339  
inaccurate in any material particular; 5340

(23) Having published or circulated unjustified or 5341  
unwarranted threats of legal proceedings which tended to or had 5342  
the effect of harassing competitors or intimidating their 5343  
customers; 5344

(24) Having failed to keep complete and accurate records 5345  
of all transactions for a period of three years from the date of 5346  
the transaction, such records to include copies of listing 5347  
forms, earnest money receipts, offers to purchase and 5348  
acceptances of them, records of receipts and disbursements of 5349  
all funds received by the licensee as broker and incident to the 5350  
licensee's transactions as such, and records required pursuant 5351  
to divisions (C) (4) and (5) of section 4735.20 of the Revised 5352  
Code, and any other instruments or papers related to the 5353  
performance of any of the acts set forth in the definition of a 5354  
real estate broker; 5355

(25) Failure of a real estate broker or salesperson to 5356  
furnish all parties involved in a real estate transaction true 5357

copies of all listings and other agreements to which they are a 5358  
party, at the time each party signs them; 5359

(26) Failure to maintain at all times a special or trust 5360  
bank account in a depository of a state or federally chartered 5361  
institution located in this state. The account shall be 5362  
noninterest-bearing, separate and distinct from any personal or 5363  
other account of the broker, and, except as provided in division 5364  
(A) (27) of this section, shall be used for the deposit and 5365  
maintenance of all escrow funds, security deposits, and other 5366  
moneys received by the broker in a fiduciary capacity. The name, 5367  
account number, if any, and location of the depository wherein 5368  
such special or trust account is maintained shall be submitted 5369  
in writing to the superintendent. Checks drawn on such special 5370  
or trust bank accounts are deemed to meet the conditions imposed 5371  
by section 1349.21 of the Revised Code. Funds deposited in the 5372  
trust or special account in connection with a purchase agreement 5373  
shall be maintained in accordance with section 4735.24 of the 5374  
Revised Code. 5375

(27) Failure to maintain at all times a special or trust 5376  
bank account in a depository of a state or federally chartered 5377  
institution in this state, to be used exclusively for the 5378  
deposit and maintenance of all rents, security deposits, escrow 5379  
funds, and other moneys received by the broker in a fiduciary 5380  
capacity in the course of managing real property. This account 5381  
shall be separate and distinct from any other account maintained 5382  
by the broker. The name, account number, and location of the 5383  
depository shall be submitted in writing to the superintendent. 5384  
This account may earn interest, which shall be paid to the 5385  
property owners on a pro rata basis. 5386

Division (A) (27) of this section does not apply to brokers 5387

who are not engaged in the management of real property on behalf 5388  
of real property owners. 5389

(28) Having failed to put definite expiration dates in all 5390  
written agency agreements to which the broker is a party; 5391

(29) Having an unsatisfied final judgment or lien in any 5392  
court of record against the licensee arising out of the 5393  
licensee's conduct as a licensed broker or salesperson; 5394

(30) Failing to render promptly upon demand a full and 5395  
complete statement of the expenditures by the broker or 5396  
salesperson of funds advanced by or on behalf of a party to a 5397  
real estate transaction to the broker or salesperson for the 5398  
purpose of performing duties as a licensee under this chapter in 5399  
conjunction with the real estate transaction; 5400

(31) Failure within a reasonable time, after the receipt 5401  
of the commission by the broker, to render an accounting to and 5402  
pay a real estate salesperson the salesperson's earned share of 5403  
it; 5404

(32) Performing any service for another constituting the 5405  
practice of law, as determined by any court of law; 5406

(33) Having been adjudicated incompetent by a court, as 5407  
provided in section 5122.301 of the Revised Code. A license 5408  
revoked or suspended under this division shall be reactivated 5409  
upon proof to the commission of the removal of the disability. 5410

(34) Having authorized or permitted a person to act as an 5411  
agent in the capacity of a real estate broker, or a real estate 5412  
salesperson, who was not then licensed as a real estate broker 5413  
or real estate salesperson under this chapter or who was not 5414  
then operating as an out-of-state commercial real estate broker 5415  
or salesperson under section 4735.022 of the Revised Code; 5416

(35) Having knowingly inserted or participated in 5417  
inserting any materially inaccurate term in a document, 5418  
including naming a false consideration; 5419

(36) Having failed to inform the licensee's client of the 5420  
existence of an offer or counteroffer or having failed to 5421  
present an offer or counteroffer in a timely manner, unless 5422  
otherwise instructed by the client, provided the instruction of 5423  
the client does not conflict with any state or federal law; 5424

(37) Having failed to comply with section 4735.24 of the 5425  
Revised Code; 5426

(38) Having acted as a broker without authority, impeded 5427  
the ability of a principal broker to perform any of the duties 5428  
described in section 4735.081 of the Revised Code, or impeded 5429  
the ability a management level licensee to perform the 5430  
licensee's duties; 5431

(39) Entering into a right-to-list home sale agreement. 5432

(B) Whenever the commission, pursuant to section 4735.051 5433  
of the Revised Code, imposes disciplinary sanctions for any 5434  
violation of this section, the commission also may impose such 5435  
sanctions upon the broker with whom the salesperson is 5436  
affiliated if the commission finds that the broker had knowledge 5437  
of the salesperson's actions that violated this section. 5438

(C) The commission shall, pursuant to section 4735.051 of 5439  
the Revised Code, impose disciplinary sanctions upon any foreign 5440  
real estate dealer or salesperson who, in that capacity or in 5441  
handling the dealer's or salesperson's own property, is found 5442  
guilty of any of the acts or omissions specified or comprehended 5443  
in division (A) of this section insofar as the acts or omissions 5444  
pertain to foreign real estate. If the commission imposes such 5445

sanctions upon a foreign real estate salesperson for a violation 5446  
of this section, the commission also may suspend or revoke the 5447  
license of the foreign real estate dealer with whom the 5448  
salesperson is affiliated if the commission finds that the 5449  
dealer had knowledge of the salesperson's actions that violated 5450  
this section. 5451

(D) The commission may suspend, in whole or in part, the 5452  
imposition of the penalty of suspension of a license under this 5453  
section. 5454

(E) A person licensed under this chapter who represents a 5455  
party to a transaction or a proposed transaction involving the 5456  
sale, purchase, exchange, lease, or management of real property 5457  
that is or will be used in the cultivation, processing, 5458  
dispensing, or testing of medical marijuana or adult-use 5459  
marijuana under Chapter 3796. of the Revised Code, or who 5460  
receives, holds, or disburses funds from a real estate brokerage 5461  
trust account in connection with such a transaction, shall not 5462  
be subject to disciplinary sanctions under this chapter solely 5463  
because the licensed person engaged in activities permitted 5464  
under this chapter and related to activities under Chapter 3796. 5465  
of the Revised Code. 5466

**Sec. 4796.25.** This chapter does not apply to any of the 5467  
following: 5468

(A) Licenses issued under Chapter 3780. or 3796. of the 5469  
Revised Code; 5470

(B) Licenses issued pursuant to rules prescribed under 5471  
Section 5 of Article IV, Ohio Constitution; 5472

(C) Commercial fishing licenses issued under section 5473  
1533.342 of the Revised Code; 5474



(D) Licenses issued under Chapter 4506. of the Revised Code;	5475 5476
(E) Physician certificates to recommend treatment with medical marijuana issued under section 4731.30 of the Revised Code;	5477 5478 5479
(F) Money transmitter licenses issued under section 1315.04 of the Revised Code;	5480 5481
(G) Lottery sales agent licenses issued under section 3770.05 of the Revised Code;	5482 5483
(H) Licenses issued under Chapter 3905. of the Revised Code;	5484 5485
(I) Fantasy contest operator licenses issued under section 3774.02 of the Revised Code;	5486 5487
(J) Teledentistry permits issued under section 4715.43 of the Revised Code;	5488 5489
(K) Physician training certificates issued under section 4731.291 of the Revised Code;	5490 5491
(L) Podiatrist training certificates issued under section 4731.573 of the Revised Code;	5492 5493
(M) Licenses issued under Chapter 4740. of the Revised Code;	5494 5495
(N) Licenses issued by a political subdivision to an individual by which the individual has or claims the privilege to act as a tradesperson as defined in section 4740.01 of the Revised Code in the political subdivision's jurisdiction.	5496 5497 5498 5499
<u>Sec. 5119.171. The department of behavioral health shall</u>	5500
<u>establish and administer a statewide program to prevent youth</u>	5501

use of cannabis. The program shall do the following: 5502

(A) Use a harm reduction approach; 5503

(B) Include practices aimed at the prevention or reduction 5504  
of substance use, substance abuse, substance dependence, and 5505  
substance use disorders; 5506

(C) Use other evidence-based approaches selected by the 5507  
department. 5508

**Sec. 5502.01.** (A) The department of public safety shall 5509  
administer and enforce the laws relating to the registration, 5510  
licensing, sale, and operation of motor vehicles and the laws 5511  
pertaining to the licensing of drivers of motor vehicles. 5512

The department shall compile, analyze, and publish 5513  
statistics relative to motor vehicle accidents and the causes of 5514  
them, prepare and conduct educational programs for the purpose 5515  
of promoting safety in the operation of motor vehicles on the 5516  
highways, and conduct research and studies for the purpose of 5517  
promoting safety on the highways of this state. 5518

(B) The department shall administer the laws and rules 5519  
relative to trauma and emergency medical services specified in 5520  
Chapter 4765. of the Revised Code and any laws and rules 5521  
relative to medical transportation services specified in Chapter 5522  
4766. of the Revised Code. 5523

(C) The department shall administer and enforce the laws 5524  
contained in Chapters 4301. and 4303. of the Revised Code and 5525  
enforce the rules and orders of the liquor control commission 5526  
pertaining to retail liquor permit holders. 5527

(D) The department shall administer the laws governing the 5528  
state emergency management agency and shall enforce all 5529

additional duties and responsibilities as prescribed in the 5530  
Revised Code related to emergency management services. 5531

(E) The department shall conduct investigations pursuant 5532  
to Chapter 5101. of the Revised Code in support of the duty of 5533  
the department of job and family services to administer the 5534  
supplemental nutrition assistance program throughout this state. 5535  
The department of public safety shall conduct investigations 5536  
necessary to protect the state's property rights and interests 5537  
in the supplemental nutrition assistance program. 5538

(F) The department of public safety shall enforce 5539  
compliance with orders and rules of the public utilities 5540  
commission and applicable laws in accordance with Chapters 5541  
4905., 4921., and 4923. of the Revised Code regarding commercial 5542  
motor vehicle transportation safety, economic, and hazardous 5543  
materials requirements. 5544

(G) Notwithstanding Chapter 4117. of the Revised Code, the 5545  
department of public safety may establish requirements for its 5546  
enforcement personnel, including its enforcement agents 5547  
described in section 5502.14 of the Revised Code, that include 5548  
standards of conduct, work rules and procedures, and criteria 5549  
for eligibility as law enforcement personnel. 5550

(H) The department shall administer, maintain, and operate 5551  
the Ohio criminal justice network. The Ohio criminal justice 5552  
network shall be a computer network that supports state and 5553  
local criminal justice activities. The network shall be an 5554  
electronic repository for various data, which may include arrest 5555  
warrants, notices of persons wanted by law enforcement agencies, 5556  
criminal records, prison inmate records, stolen vehicle records, 5557  
vehicle operator's licenses, and vehicle registrations and 5558  
titles. 5559

(I) The department shall coordinate all homeland security 5560  
activities of all state agencies and shall be a liaison between 5561  
state agencies and local entities for those activities and 5562  
related purposes. 5563

(J) The department shall administer and enforce the laws 5564  
relative to private investigators and security service providers 5565  
specified in Chapter 4749. of the Revised Code. 5566

(K) The department shall administer criminal justice 5567  
services in accordance with sections 5502.61 to 5502.66 of the 5568  
Revised Code. 5569

(L) The department shall administer the Ohio school safety 5570  
and crisis center and the Ohio mobile training team in 5571  
accordance with sections 5502.70 to 5502.703 of the Revised 5572  
Code. 5573

(M) The department shall coordinate security measures and 5574  
operations, and may direct the department of administrative 5575  
services to implement any security measures and operations the 5576  
department of public safety requires, at the Vern Riffe Center 5577  
and the James A. Rhodes state office tower. 5578

Notwithstanding section 125.28 of the Revised Code, the 5579  
director of public safety may recover the costs of directing 5580  
security measures and operations under this division by either 5581  
issuing intrastate transfer voucher billings to the department 5582  
of administrative services, which the department shall process 5583  
to pay for the costs, or, upon the request of the director of 5584  
administrative services, the director of budget and management 5585  
may transfer cash in the requested amount from the building 5586  
management fund created under section 125.28 of the Revised 5587  
Code. Payments received or cash transfers made under this 5588

division for the costs of directing security measures and 5589  
operations shall be deposited into the state treasury to the 5590  
credit of the security, investigations, and policing fund 5591  
created under section 4501.11 of the Revised Code. 5592

(N) The department shall assist the division of marijuana 5593  
control in enforcing Chapter 3796. of the Revised Code, as 5594  
provided in that chapter. 5595

(O) The department of public safety shall assist the 5596  
department of commerce in enforcing Chapter 3779. of the Revised 5597  
Code as provided in that chapter. 5598

**Sec. 5502.13.** The department of public safety shall 5599  
maintain an investigative unit in order to conduct 5600  
investigations and other enforcement activity authorized by 5601  
Chapters 3796., 4301., 4303., 5101., 5107., and 5108. and 5602  
sections 2903.12, 2903.13, 2903.14, 2907.09, 2913.46, 2917.11, 5603  
2921.13, 2921.31, 2921.32, 2921.33, 2923.12, 2923.121, 2925.11, 5604  
2925.13, 2927.02, 3779.03, and 4507.30 of the Revised Code. The 5605  
director of public safety shall appoint the employees of the 5606  
unit who are necessary, designate the activities to be performed 5607  
by those employees, and prescribe their titles and duties. 5608

**Sec. 5502.14.** (A) As used in this section, "felony" has 5609  
the same meaning as in section 109.511 of the Revised Code. 5610

(B) (1) Any person who is employed by the department of 5611  
public safety and designated by the director of public safety to 5612  
enforce Title XLIII of the Revised Code, and the rules adopted 5613  
under it, Chapter 3779. of the Revised Code and the rules 5614  
adopted under that chapter, Chapter 3796. of the Revised Code 5615  
and the rules adopted under that chapter, and the laws and rules 5616  
regulating the use of supplemental nutrition assistance program 5617

benefits shall be known as an enforcement agent. The employment 5618  
by the department of public safety and the designation by the 5619  
director of public safety of a person as an enforcement agent 5620  
shall be subject to division (D) of this section. An enforcement 5621  
agent has the authority vested in peace officers pursuant to 5622  
section 2935.03 of the Revised Code to keep the peace, to 5623  
enforce all of the following: 5624

(a) All applicable laws and rules on any retail liquor 5625  
permit premises, or on any other premises of public or private 5626  
property, where a violation of Title XLIII of the Revised Code 5627  
or any rule adopted under it is occurring, ~~and to enforce all;~~ 5628

(b) All applicable laws and rules on persons and premises 5629  
licensed under Chapter 3796. of the Revised Code and on any 5630  
other public or private property where a violation of Chapter 5631  
3796. or any rule adopted under that chapter is occurring; 5632

(c) All laws and rules governing the use of supplemental 5633  
nutrition assistance program benefits, women, infants, and 5634  
children's coupons, electronically transferred benefits, or any 5635  
other access device that is used alone or in conjunction with 5636  
another access device to obtain payments, allotments, benefits, 5637  
money, goods, or other things of value, or that can be used to 5638  
initiate a transfer of funds, pursuant to the supplemental 5639  
nutrition assistance program established under the Food and 5640  
Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) or any 5641  
supplemental food program administered by any department of this 5642  
state pursuant to the "Child Nutrition Act of 1966," 80 Stat. 5643  
885, 42 U.S.C.A. 1786. Enforcement agents, in enforcing 5644  
compliance with the laws and rules described in this division, 5645  
may keep the peace and make arrests for violations of those laws 5646  
and rules. 5647

(2) In addition to the authority conferred by division (B) 5648  
(1) of this section, an enforcement agent also may execute 5649  
search warrants and seize and take into custody any contraband, 5650  
as defined in section 2901.01 of the Revised Code, or any 5651  
property that is otherwise necessary for evidentiary purposes 5652  
related to any violations of the laws or rules described in 5653  
division (B)(1) of this section. An enforcement agent may enter 5654  
public or private premises where activity alleged to violate the 5655  
laws or rules described in division (B)(1) of this section is 5656  
occurring. 5657

(3) Enforcement agents who are on, immediately adjacent 5658  
to, or across from retail liquor permit premises or premises 5659  
licensed under Chapter 3796. of the Revised Code and who are 5660  
performing investigative duties relating to ~~that~~ those premises, 5661  
enforcement agents who are on premises that are not liquor 5662  
permit premises or premises licensed under Chapter 3796. of the 5663  
Revised Code but on which a violation of Title XLIII or Chapter 5664  
3796. of the Revised Code or any rule adopted under ~~it~~ that 5665  
title or chapter allegedly is occurring, and enforcement agents 5666  
who view a suspected violation of Title XLIII or Chapter 3796. 5667  
of the Revised Code, of a rule adopted under ~~it~~ that title or 5668  
chapter, or of another law or rule described in division (B)(1) 5669  
of this section have the authority to enforce the laws and rules 5670  
described in division (B)(1) of this section, authority to 5671  
enforce any section in Title XXIX of the Revised Code or any 5672  
other section of the Revised Code listed in section 5502.13 of 5673  
the Revised Code if they witness a violation of the section 5674  
under any of the circumstances described in this division, and 5675  
authority to make arrests for violations of the laws and rules 5676  
described in division (B)(1) of this section and violations of 5677  
any of those sections. 5678

(4) The jurisdiction of an enforcement agent under 5679  
division (B) of this section shall be concurrent with that of 5680  
the peace officers of the county, township, or municipal 5681  
corporation in which the violation occurs. 5682

(C) Enforcement agents of the department of public safety 5683  
who are engaged in the enforcement of the laws and rules 5684  
described in division (B) (1) of this section may carry concealed 5685  
weapons when conducting undercover investigations pursuant to 5686  
their authority as law enforcement officers and while acting 5687  
within the scope of their authority pursuant to this chapter. 5688

(D) (1) The department of public safety shall not employ, 5689  
and the director of public safety shall not designate, a person 5690  
as an enforcement agent on a permanent basis, on a temporary 5691  
basis, for a probationary term, or on other than a permanent 5692  
basis if the person previously has been convicted of or has 5693  
pleaded guilty to a felony. 5694

(2) (a) The department of public safety shall terminate the 5695  
employment of a person who is designated as an enforcement agent 5696  
and who does either of the following: 5697

(i) Pleads guilty to a felony; 5698

(ii) Pleads guilty to a misdemeanor pursuant to a 5699  
negotiated plea agreement as provided in division (D) of section 5700  
2929.43 of the Revised Code in which the enforcement agent 5701  
agrees to surrender the certificate awarded to that agent under 5702  
section 109.77 of the Revised Code. 5703

(b) The department shall suspend the employment of a 5704  
person who is designated as an enforcement agent if the person 5705  
is convicted, after trial, of a felony. If the enforcement agent 5706  
files an appeal from that conviction and the conviction is 5707



upheld by the highest court to which the appeal is taken or if 5708  
no timely appeal is filed, the department shall terminate the 5709  
employment of that agent. If the enforcement agent files an 5710  
appeal that results in that agent's acquittal of the felony or 5711  
conviction of a misdemeanor, or in the dismissal of the felony 5712  
charge against the agent, the department shall reinstate the 5713  
agent. An enforcement agent who is reinstated under division (D) 5714  
(2) (b) of this section shall not receive any back pay unless the 5715  
conviction of that agent of the felony was reversed on appeal, 5716  
or the felony charge was dismissed, because the court found 5717  
insufficient evidence to convict the agent of the felony. 5718

(3) Division (D) of this section does not apply regarding 5719  
an offense that was committed prior to January 1, 1997. 5720

(4) The suspension or termination of the employment of a 5721  
person designated as an enforcement agent under division (D) (2) 5722  
of this section shall be in accordance with Chapter 119. of the 5723  
Revised Code. 5724

**Sec. 5703.052.** (A) There is hereby created in the state 5725  
treasury the tax refund fund, from which refunds shall be paid 5726  
for amounts illegally or erroneously assessed or collected, or 5727  
for any other reason overpaid, with respect to taxes levied by 5728  
Chapter 3779., 3796., 4301., 4305., 5726., 5728., 5729., 5731., 5729  
5733., 5735., 5736., 5739., 5741., 5743., 5747., 5748., 5749., 5730  
5751., or 5753. and sections 3737.71, 3905.35, 3905.36, 4303.33, 5731  
5707.03, 5725.18, 5727.28, 5727.38, 5727.81, and 5727.811 of the 5732  
Revised Code. Refunds for fees levied under sections 3734.90 to 5733  
3734.9014 of the Revised Code, wireless 9-1-1 charges imposed 5734  
under section 128.40 of the Revised Code, next generation 9-1-1 5735  
access fees imposed under sections 128.41 and 128.42 of the 5736  
Revised Code, or any penalties assessed with respect to such 5737

fees or charges, that are illegally or erroneously assessed or 5738  
collected, or for any other reason overpaid, also shall be paid 5739  
from the fund. Refunds for amounts illegally or erroneously 5740  
assessed or collected by the tax commissioner, or for any other 5741  
reason overpaid, that are due under section 1509.50 of the 5742  
Revised Code shall be paid from the fund. Refunds for amounts 5743  
illegally or erroneously assessed or collected by the 5744  
commissioner, or for any other reason overpaid to the 5745  
commissioner, under sections 718.80 to 718.95 of the Revised 5746  
Code shall be paid from the fund. However, refunds for amounts 5747  
illegally or erroneously assessed or collected by the 5748  
commissioner, or for any other reason overpaid to the 5749  
commissioner, with respect to taxes levied under section 5750  
5739.101 of the Revised Code shall not be paid from the tax 5751  
refund fund, but shall be paid as provided in section 5739.104 5752  
of the Revised Code. 5753

(B) (1) Upon certification by the tax commissioner to the 5754  
treasurer of state of a tax refund, a wireless 9-1-1 charge 5755  
refund, a next generation 9-1-1 access fee refund, or another 5756  
amount refunded, or by the superintendent of insurance of a 5757  
domestic or foreign insurance tax refund, the treasurer of state 5758  
shall place the amount certified to the credit of the fund. The 5759  
certified amount transferred shall be derived from the receipts 5760  
of the same tax, fee, wireless 9-1-1 charge, next generation 9- 5761  
1-1 access fee, or other amount from which the refund arose. 5762

(2) When a refund is for a tax, fee, wireless 9-1-1 5763  
charge, next generation 9-1-1 access fee, or other amount that 5764  
is not levied by the state or that was illegally or erroneously 5765  
distributed to a taxing jurisdiction, the tax commissioner shall 5766  
recover the amount of that refund from the next distribution of 5767  
that tax, fee, wireless 9-1-1 charge, next generation 9-1-1 5768

access fee, or other amount that otherwise would be made to the 5769  
taxing jurisdiction. If the amount to be recovered would exceed 5770  
twenty-five per cent of the next distribution of that tax, fee, 5771  
wireless 9-1-1 charge, next generation 9-1-1 access fee, or 5772  
other amount, the commissioner may spread the recovery over more 5773  
than one future distribution, taking into account the amount to 5774  
be recovered and the amount of the anticipated future 5775  
distributions. In no event may the commissioner spread the 5776  
recovery over a period to exceed seventy-two months. 5777

**Sec. 5703.053.** As used in this section, "postal service" 5778  
means the United States postal service. 5779

An application to the tax commissioner for a tax refund 5780  
under section 3779.43, 4307.05, 4307.07, 718.91, 5726.30, 5781  
5727.28, 5727.91, 5728.061, 5735.122, 5735.13, 5735.14, 5782  
5735.141, 5735.142, 5736.08, 5739.07, 5741.10, 5743.05, 5743.53, 5783  
5745.11, 5749.08, or 5751.08 of the Revised Code or division (B) 5784  
of section 5703.05 of the Revised Code, or a fee refunded under 5785  
section 3734.905 of the Revised Code, that is received after the 5786  
last day for filing under such section shall be considered to 5787  
have been filed in a timely manner if: 5788

(A) The application is delivered by the postal service and 5789  
the earliest postal service postmark on the cover in which the 5790  
application is enclosed is not later than the last day for 5791  
filing the application; 5792

(B) The application is delivered by the postal service, 5793  
the only postmark on the cover in which the application is 5794  
enclosed was affixed by a private postal meter, the date of that 5795  
postmark is not later than the last day for filing the 5796  
application, and the application is received within seven days 5797  
of such last day; or 5798

(C) The application is delivered by the postal service, no 5799  
postmark date was affixed to the cover in which the application 5800  
is enclosed or the date of the postmark so affixed is not 5801  
legible, and the application is received within seven days of 5802  
the last day for making the application. 5803

**Sec. 5703.19.** (A) To carry out the purposes of the laws 5804  
that the tax commissioner is required to administer, the 5805  
commissioner or any person employed by the commissioner for that 5806  
purpose, upon demand, may inspect books, accounts, records, and 5807  
memoranda of any person or public utility subject to those laws, 5808  
and may examine under oath any officer, agent, or employee of 5809  
that person or public utility. If such books, accounts, records, 5810  
or memoranda are kept electronically or available in an 5811  
electronic format, the person or public utility shall provide 5812  
such records to the commissioner electronically or in an 5813  
electronic format at the commissioner's request. Any person 5814  
other than the commissioner who makes a demand pursuant to this 5815  
section shall produce the person's authority to make the 5816  
inspection. 5817

(B) If a person or public utility receives at least ten 5818  
days' written notice of a demand made under division (A) of this 5819  
section and refuses to comply with that demand, a penalty of 5820  
five hundred dollars shall be imposed upon the person or public 5821  
utility for each day the person or public utility refuses to 5822  
comply with the demand. Penalties imposed under this division 5823  
may be assessed and collected in the same manner as assessments 5824  
made under Chapter 3769., 4305., 5727., 5728., 5733., 5735., 5825  
5736., 5739., 5743., 5745., 5747., 5749., 5751., or 5753., ~~or~~ 5826  
~~sections~~ section 718.90, or 3779.44, or sections 3734.90 to 5827  
3734.9014, of the Revised Code. 5828

**Sec. 5703.263.** (A) (1) "Tax return preparer" means any 5829  
person other than an accountant or an attorney that operates a 5830  
business that prepares, or directly or indirectly employs 5831  
another person to prepare, for a taxpayer a tax return or 5832  
application for refund in exchange for compensation or 5833  
remuneration from the taxpayer or the taxpayer's related member. 5834  
The preparation of a substantial portion of a tax return or 5835  
application for refund shall be considered to be the same as the 5836  
preparation of the return or application for refund. "Tax return 5837  
preparer" does not include an individual who performs only one 5838  
or more of the following activities: 5839

(a) Furnishes typing, reproducing, or other mechanical 5840  
assistance; 5841

(b) Prepares an application for refund or a return on 5842  
behalf of an employer by whom the individual is regularly and 5843  
continuously employed, or on behalf of an officer or employee of 5844  
that employer; 5845

(c) Prepares as a fiduciary an application for refund or a 5846  
return; 5847

(d) Prepares an application for refund or a return for a 5848  
taxpayer in response to a notice of deficiency issued to the 5849  
taxpayer or the taxpayer's related member, or in response to a 5850  
waiver of restriction after the commencement of an audit of the 5851  
taxpayer or the taxpayer's related member. 5852

(2) "Related member" has the same meaning as in section 5853  
5733.042 of the Revised Code. 5854

(3) "Accountant" means any of the following: 5855

(a) An individual who holds both a CPA certificate and an 5856  
Ohio permit or Ohio registration issued by the accountancy board 5857

under section 4701.10 of the Revised Code; 5858

(b) An individual who holds a foreign certificate; 5859

(c) An individual who is employed by a public accounting 5860  
firm with respect to any return prepared under the supervision 5861  
of an individual described in division (A) (3) (a) or (b) of this 5862  
section, regardless of whether the public accounting firm is 5863  
required to register with the accountancy board under section 5864  
4701.04 of the Revised Code. 5865

(4) "CPA certificate" and "foreign certificate" have the 5866  
same meanings as in section 4701.01 of the Revised Code. 5867

(5) "Attorney" means an individual who has been admitted 5868  
to the bar by order of the supreme court in compliance with its 5869  
prescribed and published rules, is permitted to practice as an 5870  
attorney and counselor at law in this state under Chapter 4705. 5871  
of the Revised Code, and is not currently suspended or removed 5872  
from such practice under that chapter. 5873

(6) A tax return preparer engages in "prohibited conduct" 5874  
if the preparer does any of the following: 5875

(a) Prepares any return or application for refund that 5876  
includes an understatement of a taxpayer's tax liability due to 5877  
an unreasonable position or due to willful or reckless conduct. 5878  
For the purposes of this division, "unreasonable position" and 5879  
"willful or reckless conduct" have the meanings as used in 5880  
section 6694 of the Internal Revenue Code. 5881

(b) When required under any provision of Title LVII of the 5882  
Revised Code, the preparer fails to do any of the following: 5883

(i) Provide copies of a return or application for refund; 5884

(ii) Provide the preparer's signature or federal preparer 5885

tax identification number on a return or application for refund; 5886

(iii) Retain copies of the preparer's records; 5887

(iv) Provide any information or documents requested by the 5888  
tax commissioner; 5889

(v) Act diligently in determining a taxpayer's eligibility 5890  
for tax credits, deductions, or exemptions. 5891

(c) Negotiates a check or other negotiable instrument 5892  
issued to a taxpayer by the department of taxation without the 5893  
permission of the taxpayer; 5894

(d) Engages in any conduct subject to criminal penalties 5895  
under Title LVII of the Revised Code; 5896

(e) Misrepresents the preparer's eligibility to file 5897  
returns or applications for refund on behalf of taxpayers, or 5898  
otherwise misrepresents the preparer's experience or education; 5899

(f) Guarantees the payment of any tax refund or the 5900  
allowance of any tax credit, deduction, or exemption; 5901

(g) Engages in any other fraudulent or deceptive conduct 5902  
that substantially interferes with the proper administration of 5903  
any provision of Title LVII of the Revised Code. 5904

(7) "State" means a state of the United States, the 5905  
District of Columbia, the commonwealth of Puerto Rico, or any 5906  
territory or possession of the United States. 5907

(B) When a tax return preparer engages in prohibited 5908  
conduct, the commissioner, may do either or both of the 5909  
following: 5910

(1) If the commissioner has previously warned the tax 5911  
return preparer in writing of the consequences of continuing to 5912

engage in prohibited conduct, impose a penalty not exceeding one 5913  
hundred dollars per instance of prohibited conduct; 5914

(2) Regardless of whether the commissioner has previously 5915  
warned the tax return preparer, request that the attorney 5916  
general apply to a court of competent jurisdiction for an 5917  
injunction to restrain the preparer from further engaging in the 5918  
prohibited conduct. The court may take either of the following 5919  
actions: 5920

(a) If the court finds that injunctive relief is 5921  
appropriate to prevent the recurrence of the prohibited conduct, 5922  
the court shall issue an injunction against the preparer 5923  
enjoining the preparer from engaging in such conduct. 5924

(b) If the court finds that the preparer has continually 5925  
or repeatedly engaged in prohibited conduct, and that enjoining 5926  
the preparer solely from engaging in such conduct would not be 5927  
sufficient to prevent the preparer's interference with the 5928  
proper administration of any provision of Title LVII of the 5929  
Revised Code, the court may issue an injunction against the 5930  
preparer enjoining the preparer from acting as a tax return 5931  
preparer in this state. 5932

If a tax return preparer has been enjoined from preparing 5933  
tax returns or applications for refunds by a federal court or by 5934  
another state court in the five years preceding the date on 5935  
which an injunction is requested under this section, that prior 5936  
injunction shall be sufficient to establish a prima facie case 5937  
for the issuance of an injunction under division (B) (2) of this 5938  
section. 5939

(C) The commissioner may require a tax return preparer to 5940  
include the preparer's name and federal preparer tax 5941



identification number when filing any return or application for 5942  
refund. If a tax return preparer fails to include this 5943  
information when required to do so by the commissioner, or if 5944  
the information provided is false, inaccurate, or incomplete, 5945  
the commissioner may impose a penalty of fifty dollars for each 5946  
such failure, provided that the maximum penalty imposed on a 5947  
preparer under this division in a calendar year shall not exceed 5948  
twenty-five thousand dollars. 5949

(D) The penalties imposed under divisions (B) (1) and (C) 5950  
of this section may be assessed and collected in the same manner 5951  
as assessments made under Chapter 3769., 4305., 5727., 5728., 5952  
5733., 5735., 5736., 5739., 5743., 5745., 5747., 5749., 5751., 5953  
or 5753., section 718.90 or 3779.44, or sections 3734.90 to 5954  
3734.9014 of the Revised Code. The commissioner may abate all or 5955  
a portion of any penalty imposed under this section upon the 5956  
showing of good cause by the tax return preparer. 5957

**Sec. 5703.50.** As used in sections 5703.50 to 5703.53 of 5958  
the Revised Code: 5959

(A) "Tax" includes only those taxes imposed on tangible 5960  
personal property listed in accordance with Chapter 5711. of the 5961  
Revised Code, taxes imposed under Chapters 3779., 5733., 5736., 5962  
5739., 5741., 5747., and 5751. of the Revised Code, and the tax 5963  
administered under sections 718.80 to 718.95 of the Revised 5964  
Code. 5965

(B) "Taxpayer" means a person subject to or potentially 5966  
subject to a tax including an employer required to deduct and 5967  
withhold any amount under section 5747.06 of the Revised Code. 5968

(C) "Audit" means the examination of a taxpayer or the 5969  
inspection of the books, records, memoranda, or accounts of a 5970

taxpayer for the purpose of determining liability for a tax. 5971

(D) "Assessment" means a notice of underpayment or 5972  
nonpayment of a tax issued pursuant to section 718.90, 3779.44, 5973  
5711.26, 5711.32, 5733.11, 5736.09, 5739.13, 5741.11, 5741.13, 5974  
5747.13, or 5751.09 of the Revised Code. 5975

(E) "County auditor" means the auditor of the county in 5976  
which the tangible personal property subject to a tax is 5977  
located. 5978

**Sec. 5703.70.** (A) On the filing of an application for 5979  
refund under section 718.91, 3734.905, 3779.43, 4307.05, 5980  
4307.07, 5726.30, 5727.28, 5727.91, 5728.061, 5733.12, 5735.122, 5981  
5735.13, 5735.14, 5735.141, 5735.142, 5735.18, 5736.08, 5739.07, 5982  
5739.104, 5741.10, 5743.05, 5743.53, 5747.11, 5749.08, 5751.08, 5983  
or 5753.06 of the Revised Code, or an application for 5984  
compensation under section 5739.061 of the Revised Code, if the 5985  
tax commissioner determines that the amount of the refund or 5986  
compensation to which the applicant is entitled is less than the 5987  
amount claimed in the application, the commissioner shall give 5988  
the applicant written notice electronically or by ordinary mail 5989  
of the amount. If sent by ordinary mail, the notice shall be 5990  
sent to the address shown on the application unless the 5991  
applicant notifies the commissioner of a different address. If 5992  
sent electronically, the notice shall be sent to the person or 5993  
the person's authorized representative through secure electronic 5994  
means associated with the person's or representative's last 5995  
known electronic mail address, but only with the person's 5996  
consent. The applicant shall have sixty days from the date the 5997  
commissioner electronically sends or mails the notice to provide 5998  
additional information to the commissioner or request a hearing, 5999  
or both. 6000

(B) If the applicant neither requests a hearing nor 6001  
provides additional information to the tax commissioner within 6002  
the time prescribed by division (A) of this section, the 6003  
commissioner shall take no further action, and the refund or 6004  
compensation amount denied becomes final. 6005

(C) (1) If the applicant requests a hearing within the time 6006  
prescribed by division (A) of this section, the tax commissioner 6007  
shall assign a time and place for the hearing and notify the 6008  
applicant of such time and place, but the commissioner may 6009  
continue the hearing from time to time, as necessary. After the 6010  
hearing, the commissioner may make such adjustments to the 6011  
refund or compensation as the commissioner finds proper, and 6012  
shall issue a final determination thereon. 6013

(2) If the applicant does not request a hearing, but 6014  
provides additional information, within the time prescribed by 6015  
division (A) of this section, the commissioner shall review the 6016  
information, make such adjustments to the refund or compensation 6017  
as the commissioner finds proper, and issue a final 6018  
determination thereon. The commissioner may review such 6019  
information and make such adjustments as many times as the 6020  
commissioner finds proper before the issuance of a final 6021  
determination. 6022

(3) If the applicant requests a hearing and provides 6023  
additional information within the time prescribed by division 6024  
(A) of this section, the commissioner may review the information 6025  
and make such adjustments to the refund or compensation as the 6026  
commissioner finds proper. The commissioner may review such 6027  
information and make such adjustments as many times as the 6028  
commissioner finds proper before the issuance of a final 6029  
determination. 6030

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.

(2) "Tax or fee" means a tax or fee administered by the tax commissioner.

(3) "Credit account balance" means the amount that a taxpayer remits to the state in excess of the amount required to

be remitted, after accounting for factors applicable to the 6060  
taxpayer such as accelerated payments, estimated payments, tax 6061  
credits, and tax credit balances that may be carried forward. 6062

(4) "Tax debt" means an unpaid tax or fee or any unpaid 6063  
penalty, interest, or additional charge on such a tax or fee due 6064  
the state. 6065

(B) As soon as practicable, but not later than sixty days 6066  
before the expiration of the period of time during which a 6067  
taxpayer may file a refund application for a tax or fee, the tax 6068  
commissioner shall review the taxpayer's accounts for the tax or 6069  
fee and notify the taxpayer of any credit account balance for 6070  
which the commissioner is required to issue a refund if the 6071  
taxpayer were to file a refund application for that balance, 6072  
regardless of whether the taxpayer files a refund application or 6073  
amended return with respect to that tax or fee. The notice shall 6074  
be made using contact information for the taxpayer on file with 6075  
the commissioner. 6076

(C) Notwithstanding sections 128.47, 718.91, 3734.905, 6077  
3779.43, 4307.05, 5726.30, 5727.28, 5727.42, 5727.91, 5728.061, 6078  
5735.122, 5736.08, 5739.07, 5739.104, 5741.10, 5743.05, 5743.53, 6079  
5747.11, 5749.08, 5751.08, 5753.06, and any other section of the 6080  
Revised Code governing refunds, the commissioner may apply the 6081  
amount of any credit account balance for which the commissioner 6082  
is required to issue a refund if the taxpayer were to file a 6083  
refund application for that balance as a credit against the 6084  
taxpayer's liability for the tax or fee in the taxpayer's next 6085  
reporting period for that tax or fee or issue a refund of that 6086  
credit account balance to the taxpayer, subject to division (D) 6087  
of this section. 6088

(D) Before issuing a refund to a taxpayer under division 6089

(C) of this section, the tax commissioner shall withhold from 6090  
that refund the amount of any of the taxpayer's tax debt 6091  
certified to the attorney general under section 131.02 of the 6092  
Revised Code and the amount of the taxpayer's liability, if any, 6093  
for a tax debt. The commissioner shall apply any amount withheld 6094  
first in satisfaction of the amount of the taxpayer's certified 6095  
tax debt and then in satisfaction of the taxpayer's liability. 6096  
If the credit account balance originates from the tax 6097  
administered under sections 718.80 to 718.95 of the Revised 6098  
Code, it may be applied only against the taxpayer's certified 6099  
tax debt or tax liability due under those sections. 6100

(E) The tax commissioner may adopt rules to administer 6101  
this section. 6102

**Sec. 5713.30.** As used in sections 5713.31 to 5713.37 and 6103  
5715.01 of the Revised Code: 6104

(A) "Land devoted exclusively to agricultural use" means: 6105

(1) Tracts, lots, or parcels of land totaling not less 6106  
than ten acres to which, during the three calendar years prior 6107  
to the year in which application is filed under section 5713.31 6108  
of the Revised Code, and through the last day of May of such 6109  
year, one or more of the following apply: 6110

(a) The tracts, lots, or parcels of land were devoted 6111  
exclusively to commercial animal or poultry husbandry, 6112  
aquaculture, algaculture meaning the farming of algae, 6113  
apiculture, the cultivation of hemp by a person issued a hemp 6114  
cultivation license under section 928.02 of the Revised Code, 6115  
the production for a commercial purpose of timber, field crops, 6116  
tobacco, fruits, vegetables, nursery stock, ornamental trees, 6117  
sod, or flowers, or the growth of timber for a noncommercial 6118

purpose, if the land on which the timber is grown is contiguous 6119  
to or part of a parcel of land under common ownership that is 6120  
otherwise devoted exclusively to agricultural use. 6121

(b) The tracts, lots, or parcels of land were devoted 6122  
exclusively to biodiesel production, biomass energy production, 6123  
electric or heat energy production, or biologically derived 6124  
methane gas production if the land on which the production 6125  
facility is located is contiguous to or part of a parcel of land 6126  
under common ownership or leasehold that is otherwise devoted 6127  
exclusively to agricultural use, provided that (i) at least 6128  
fifty per cent of the feedstock used in the production is 6129  
agricultural feedstock, (ii) at least twenty per cent of the 6130  
agricultural feedstock used in the production is derived from 6131  
parcels of land under common ownership or leasehold, and (iii) 6132  
none of the feedstock used in the production consists of human 6133  
waste. As used in this division, "agricultural feedstock" means 6134  
manure and food waste, and "human waste" includes sludge as 6135  
defined in section 6111.01 of the Revised Code. 6136

(c) The tracts, lots, or parcels of land are eligible 6137  
conservation land. 6138

(2) Tracts, lots, or parcels of land totaling less than 6139  
ten acres that, during the three calendar years prior to the 6140  
year in which application is filed under section 5713.31 of the 6141  
Revised Code and through the last day of May of such year, were 6142  
devoted exclusively to commercial animal or poultry husbandry, 6143  
aquaculture, algaculture meaning the farming of algae, 6144  
apiculture, the cultivation of hemp by a person issued a hemp 6145  
cultivation license under section 928.02 of the Revised Code, 6146  
the production for a commercial purpose of field crops, tobacco, 6147  
fruits, vegetables, timber, nursery stock, ornamental trees, 6148

sod, or flowers where such activities produced an average yearly 6149  
gross income of at least twenty-five hundred dollars during such 6150  
three-year period or where there is evidence of an anticipated 6151  
gross income of such amount from such activities during the tax 6152  
year in which application is made, or were eligible conservation 6153  
land; 6154

(3) Tracts, lots, or parcels of land, or portions thereof 6155  
that, during the previous three consecutive calendar years have 6156  
been designated as land devoted exclusively to agricultural use, 6157  
but such land has been lying idle or fallow for up to one year 6158  
and no action has occurred to such land that is either 6159  
inconsistent with the return of it to agricultural production or 6160  
converts the land devoted exclusively to agricultural use as 6161  
defined in this section. Such land shall remain designated as 6162  
land devoted exclusively to agricultural use provided that 6163  
beyond one year, but less than three years, the landowner proves 6164  
good cause as determined by the board of revision. 6165

(4) Tracts, lots, or parcels of land, or portions thereof 6166  
that, during the previous three consecutive calendar years have 6167  
been designated as land devoted exclusively to agricultural use, 6168  
but such land has been lying idle or fallow because of dredged 6169  
material being stored or deposited on such land pursuant to a 6170  
contract between the land's owner and the department of natural 6171  
resources or the United States army corps of engineers and no 6172  
action has occurred to the land that is either inconsistent with 6173  
the return of it to agricultural production or converts the land 6174  
devoted exclusively to agricultural use. Such land shall remain 6175  
designated as land devoted exclusively to agricultural use until 6176  
the last year in which dredged material is stored or deposited 6177  
on the land pursuant to such a contract, but not to exceed five 6178  
years. 6179



"Land devoted exclusively to agricultural use" includes 6180  
tracts, lots, or parcels of land or portions thereof that are 6181  
used for conservation practices, provided that the tracts, lots, 6182  
or parcels of land or portions thereof comprise twenty-five per 6183  
cent or less of the total of the tracts, lots, or parcels of 6184  
land that satisfy the criteria established in division (A) (1), 6185  
(2), (3), or (4) of this section together with the tracts, lots, 6186  
or parcels of land or portions thereof that are used for 6187  
conservation practices. 6188

Notwithstanding any other provision of law to the 6189  
contrary, the existence of agritourism on a tract, lot, or 6190  
parcel of land that otherwise meets the definition of "land 6191  
devoted exclusively to agricultural use" as defined in this 6192  
division does not disqualify that tract, lot, or parcel from 6193  
valuation under sections 5713.30 to 5713.37 and 5715.01 of the 6194  
Revised Code. 6195

A tract, lot, or parcel of land taxed under sections 6196  
5713.22 to 5713.26 of the Revised Code is not land devoted 6197  
exclusively to agricultural use. 6198

A tract, lot, parcel, or portion thereof on which medical 6199  
marijuana or adult-use marijuana, as those terms are defined by 6200  
section 3796.01 of the Revised Code, is cultivated or processed 6201  
is not land devoted exclusively to agricultural use. 6202

(B) "Conversion of land devoted exclusively to 6203  
agricultural use" means any of the following: 6204

(1) The failure of the owner of land devoted exclusively 6205  
to agricultural use during the next preceding calendar year to 6206  
file a renewal application under section 5713.31 of the Revised 6207  
Code without good cause as determined by the board of revision; 6208

(2) The failure of the new owner of such land to file an 6209  
initial application under that section without good cause as 6210  
determined by the board of revision; 6211

(3) The failure of such land or portion thereof to qualify 6212  
as land devoted exclusively to agricultural use for the current 6213  
calendar year as requested by an application filed under such 6214  
section; 6215

(4) The failure of the owner of the land described in 6216  
division (A)(3) or (4) of this section to act on such land in a 6217  
manner that is consistent with the return of the land to 6218  
agricultural production after three years. 6219

The construction or installation of an energy facility, as 6220  
defined in section 5727.01 of the Revised Code, on a portion of 6221  
a tract, lot, or parcel of land devoted exclusively to 6222  
agricultural use shall not cause the remaining portion of the 6223  
tract, lot, or parcel to be regarded as a conversion of land 6224  
devoted exclusively to agricultural use if the remaining portion 6225  
of the tract, lot, or parcel continues to be devoted exclusively 6226  
to agricultural use. 6227

(C) "Tax savings" means the difference between the dollar 6228  
amount of real property taxes levied in any year on land valued 6229  
and assessed in accordance with its current agricultural use 6230  
value and the dollar amount of real property taxes that would 6231  
have been levied upon such land if it had been valued and 6232  
assessed for such year in accordance with Section 2 of Article 6233  
XII, Ohio Constitution. 6234

(D) "Owner" includes, but is not limited to, any person 6235  
owning a fee simple, fee tail, or life estate or a buyer on a 6236  
land installment contract. 6237

(E) "Conservation practices" are practices used to abate 6238  
soil erosion as required in the management of the farming 6239  
operation, and include, but are not limited to, the 6240  
installation, construction, development, planting, or use of 6241  
grass waterways, terraces, diversions, filter strips, field 6242  
borders, windbreaks, riparian buffers, wetlands, ponds, and 6243  
cover crops for that purpose. 6244

(F) "Wetlands" has the same meaning as in section 6111.02 6245  
of the Revised Code. 6246

(G) "Biodiesel" means a mono-alkyl ester combustible 6247  
liquid fuel that is derived from vegetable oils or animal fats 6248  
or any combination of those reagents and that meets the American 6249  
society for testing and materials specification D6751-03a for 6250  
biodiesel fuel (B100) blend stock distillate fuels. 6251

(H) "Biologically derived methane gas" means gas from the 6252  
anaerobic digestion of organic materials, including animal waste 6253  
and agricultural crops and residues. 6254

(I) "Biomass energy" means energy that is produced from 6255  
organic material derived from plants or animals and available on 6256  
a renewable basis, including, but not limited to, agricultural 6257  
crops, tree crops, crop by-products, and residues. 6258

(J) "Electric or heat energy" means electric or heat 6259  
energy generated from manure, cornstalks, soybean waste, or 6260  
other agricultural feedstocks. 6261

(K) "Dredged material" means material that is excavated or 6262  
dredged from waters of this state. "Dredged material" does not 6263  
include material resulting from normal farming, silviculture, 6264  
and ranching activities, such as plowing, cultivating, seeding, 6265  
and harvesting, for production of food, fiber, and forest 6266

products. 6267

(L) "Agritourism" has the same meaning as in section 6268  
901.80 of the Revised Code. 6269

(M) "Eligible conservation land" means either of the 6270  
following: 6271

(1) A tract, lot, or parcel devoted to and qualified for 6272  
payments or other compensation under a land retirement or 6273  
conservation program under an agreement with an agency of the 6274  
federal government; 6275

(2) A tract, lot, or parcel that meets at least one of the 6276  
conditions described in divisions (M) (2) (a) to (c) of this 6277  
section and the condition described in division (M) (2) (d) of 6278  
this section. 6279

(a) The land is subject to an agricultural water project 6280  
or nature water project that receives funding from the H2Ohio 6281  
fund created in section 126.60 of the Revised Code. 6282

(b) The land was subject to such a project during the 6283  
immediately preceding calendar year. 6284

(c) The land is or was subject to such a project for the 6285  
current or one of the two immediately preceding tax years and, 6286  
for the current tax year, is subject to either a conservation 6287  
easement held by the state or an agency of the state or a 6288  
conservation easement held by any other person if such easement 6289  
is a condition of a nature water project that is funded through 6290  
the H2Ohio fund. 6291

(d) For the tax year that includes or immediately precedes 6292  
the year in which the land became subject to the project 6293  
described in division (M) (2) (a), (b), or (c) of this section, as 6294

applicable, the land qualified as land devoted exclusively to 6295  
agricultural use pursuant to other criteria in divisions (A) (1) 6296  
to (4) of this section. 6297

As used in division (M) (2) of this section, "conservation 6298  
easement" has the same meaning as in section 5301.67 of the 6299  
Revised Code. 6300

**Sec. 5743.45.** (A) As used in this section, "felony" has 6301  
the same meaning as in section 109.511 of the Revised Code. 6302

(B) For purposes of enforcing this chapter and Chapters 6303  
3779., 5728., 5735., 5739., 5741., and 5747. of the Revised Code 6304  
and subject to division (C) of this section, the tax 6305  
commissioner, by journal entry, may delegate any investigation 6306  
powers of the commissioner to an employee of the department of 6307  
taxation who has been certified by the Ohio peace officer 6308  
training commission and who is engaged in the enforcement of 6309  
those chapters. A separate journal entry shall be entered for 6310  
each employee to whom that power is delegated. Each journal 6311  
entry shall be a matter of public record and shall be maintained 6312  
in an administrative portion of the journal as provided for in 6313  
division (L) of section 5703.05 of the Revised Code. When that 6314  
journal entry is completed, the employee to whom it pertains, 6315  
while engaged within the scope of the employee's duties in 6316  
enforcing the provisions of this chapter or Chapter 3779., 6317  
5728., 5735., 5739., 5741., or 5747. of the Revised Code, has 6318  
the power of a police officer to carry concealed weapons, make 6319  
arrests, and obtain warrants for violations of any provision in 6320  
those chapters. The commissioner, at any time, may suspend or 6321  
revoke the commissioner's delegation by journal entry. No 6322  
employee of the department shall divulge any information 6323  
acquired as a result of an investigation pursuant to this 6324

chapter or Chapter 3779., 5728., 5735., 5739., 5741., or 5747. 6325  
of the Revised Code, except as may be required by the 6326  
commissioner or a court. 6327

(C) (1) The tax commissioner shall not delegate any 6328  
investigation powers to an employee of the department of 6329  
taxation pursuant to division (B) of this section on a permanent 6330  
basis, on a temporary basis, for a probationary term, or on 6331  
other than a permanent basis if the employee previously has been 6332  
convicted of or has pleaded guilty to a felony. 6333

(2) (a) The tax commissioner shall revoke the delegation of 6334  
investigation powers to an employee to whom the delegation was 6335  
made pursuant to division (B) of this section if that employee 6336  
does either of the following: 6337

(i) Pleads guilty to a felony; 6338

(ii) Pleads guilty to a misdemeanor pursuant to a 6339  
negotiated plea agreement as provided in division (D) of section 6340  
2929.43 of the Revised Code in which the employee agrees to 6341  
surrender the certificate awarded to that employee under section 6342  
109.77 of the Revised Code. 6343

(b) The tax commissioner shall suspend the delegation of 6344  
investigation powers to an employee to whom the delegation was 6345  
made pursuant to division (B) of this section if that employee 6346  
is convicted, after trial, of a felony. If the employee files an 6347  
appeal from that conviction and the conviction is upheld by the 6348  
highest court to which the appeal is taken or if the employee 6349  
does not file a timely appeal, the commissioner shall revoke the 6350  
delegation of investigation powers to that employee. If the 6351  
employee files an appeal that results in that employee's 6352  
acquittal of the felony or conviction of a misdemeanor, or in 6353

the dismissal of the felony charge against that employee, the 6354  
commissioner shall reinstate the delegation of investigation 6355  
powers to that employee. The suspension, revocation, and 6356  
reinstatement of the delegation of investigation powers to an 6357  
employee under division (C) (2) of this section shall be made by 6358  
journal entry pursuant to division (B) of this section. An 6359  
employee to whom the delegation of investigation powers is 6360  
reinstated under division (C) (2) (b) of this section shall not 6361  
receive any back pay for the exercise of those investigation 6362  
powers unless that employee's conviction of the felony was 6363  
reversed on appeal, or the felony charge was dismissed, because 6364  
the court found insufficient evidence to convict the employee of 6365  
the felony. 6366

(3) Division (C) of this section does not apply regarding 6367  
an offense that was committed prior to January 1, 1997. 6368

(4) The suspension or revocation of the delegation of 6369  
investigation powers to an employee under division (C) (2) of 6370  
this section shall be in accordance with Chapter 119. of the 6371  
Revised Code. 6372

**Section 2.** That existing sections 9.79, 109.572, 131.02, 6373  
519.21, 715.013, 928.01, 928.03, 3376.07, 3780.37, 3796.01, 6374  
3796.02, 3796.03, 3796.05, 3796.06, 3796.07, 3796.09, 3796.10, 6375  
3796.12, 3796.13, 3796.14, 3796.15, 3796.17, 3796.18, 3796.19, 6376  
3796.20, 3796.21, 3796.22, 3796.23, 3796.24, 3796.27, 3796.28, 6377  
3796.29, 3796.30, 3796.31, 4506.01, 4735.18, 4796.25, 5502.01, 6378  
5502.13, 5502.14, 5703.052, 5703.053, 5703.19, 5703.263, 6379  
5703.50, 5703.70, 5703.77, 5713.30, and 5743.45 of the Revised 6380  
Code are hereby repealed. 6381

**Section 3.** That sections 3780.01, 3780.02, 3780.03, 6382  
3780.04, 3780.05, 3780.06, 3780.07, 3780.08, 3780.09, 3780.10, 6383

3780.11, 3780.12, 3780.13, 3780.14, 3780.15, 3780.16, 3780.17, 6384  
3780.20, 3780.21, 3780.22, 3780.24, 3780.25, 3780.26, 3780.27, 6385  
3780.28, 3780.29, 3780.30, 3780.31, 3780.32, 3780.33, 3780.34, 6386  
3780.35, 3780.36, 3780.90, 3780.99, and 3796.021 of the Revised 6387  
Code are hereby repealed. 6388

**Section 4.** The tax levied under division (B) of section 6389  
3779.40 of the Revised Code applies to intoxicating hemp 6390  
receipts received on and after July 1, 2026. The tax levied 6391  
under division (C) of section 3779.40 of the Revised Code 6392  
applies to sales of drinkable cannabinoid products occurring on 6393  
and after July 1, 2026. 6394

**Section 5.** (A) All rules adopted by the Division of 6395  
Cannabis Control or the Tax Commissioner pursuant to Chapter 6396  
3780. of the Revised Code, as that chapter existed immediately 6397  
before the effective date of this section, and that are not in 6398  
conflict with the requirements of this act, continue in effect 6399  
until repealed or amended by the Division of Marijuana Control 6400  
or the Tax Commissioner, respectively. At the request of the 6401  
Division of Cannabis Control or the Tax Commissioner, the 6402  
Director of the Legislative Service Commission shall renumber 6403  
rules adopted under Chapter 3780. of the Revised Code to reflect 6404  
the transfer of authority to Chapter 3796. of the Revised Code, 6405  
as amended by this act. 6406

(B) Any rules that are pending before the Common Sense 6407  
Initiative or the Joint Committee on Agency Rule Review on the 6408  
effective date of this section that were proposed by the 6409  
Division of Cannabis Control under Chapter 3780. of the Revised 6410  
Code, as that chapter existed immediately before the effective 6411  
date of this section, shall be treated as having been proposed 6412  
by the Division of Marijuana Control under Chapter 3796. of the 6413



Revised Code. 6414

(C) Notwithstanding any provision of section 121.95 of the 6415  
Revised Code to the contrary, a regulatory restriction contained 6416  
in a rule adopted by the Division of Marijuana Control in 6417  
accordance with Chapter 3796. of the Revised Code, as amended by 6418  
this act, during the period beginning on the effective date of 6419  
this section and ending twelve months after that date is not 6420  
subject to sections 121.95 to 121.953 of the Revised Code. 6421

**Section 6.** If any provision of a section of this act or 6422  
the application thereof to any person or circumstance is held 6423  
invalid, the invalidity does not affect other provisions or 6424  
applications of the section or related sections that can be 6425  
given effect without the invalid provision or application, and 6426  
to this end the provisions are severable. 6427

**Section 7.** Section 519.21 of the Revised Code is presented 6428  
in this act as a composite of the section as amended by both 6429  
H.B. 523 and S.B. 75 of the 131st General Assembly. The General 6430  
Assembly, applying the principle stated in division (B) of 6431  
section 1.52 of the Revised Code that amendments are to be 6432  
harmonized if reasonably capable of simultaneous operation, 6433  
finds that the composite is the resulting version of the section 6434  
in effect prior to the effective date of the section as 6435  
presented in this act. 6436

**Section 8.** All items in this act are hereby appropriated 6437  
as designated out of any moneys in the state treasury to the 6438  
credit of the designated fund. For all operating appropriations 6439  
made in this act, those in the first column are for fiscal year 6440  
2026 and those in the second column are for fiscal year 2027. 6441  
The operating appropriations made in this act are in addition to 6442  
any other operating appropriations made for these fiscal years. 6443

**Section 9.**

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A	RDF STATE REVENUE DISTRIBUTIONS			
B	Revenue Distribution Fund Group			
C	7106 110659 Host Community Cannabis		\$47,500,000	\$49,000,000
	Payments			
D	Revenue Distribution Fund Group Total		\$47,500,000	\$49,000,000
E	TOTAL ALL BUDGET FUND GROUPS		\$47,500,000	\$49,000,000

HOST COMMUNITY CANNABIS PAYMENTS

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The foregoing appropriation item 110659, Host Community Cannabis Payments, shall be used by the Director of Budget and Management for payments to municipal corporations and townships as required under section 3796.40 of the Revised Code. If it is determined that additional appropriations are necessary for this purpose, such amounts are hereby appropriated.

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**Section 10.** Within the limits set forth in this act, the Director of Budget and Management shall establish accounts indicating the source and amount of funds for each appropriation made in this act, and shall determine the manner in which appropriation accounts shall be maintained. Expenditures from operating appropriations contained in this act shall be accounted for as though made in, and are subject to all applicable provisions of, H.B. 96 of the 136th General Assembly.

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