

**I\_136\_1413-16**

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

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

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

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

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

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

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

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

(b) A criminal charge that does not result in a	108
conviction, judicial finding of guilt, or plea of guilty;	109
(c) A nonspecific qualification such as "moral turpitude"	110
or lack of "moral character";	111
(d) A disqualifying offense included in the list	112
established under division (B) of this section, if consideration	113
of that offense occurs after the time periods permitted in	114
division (D) of this section.	115
(2) If the individual was convicted of, found guilty	116
pursuant to a judicial finding of guilt of, or pleaded guilty to	117
a disqualifying offense included in the list established under	118
division (B) of this section for the license for which the	119
individual applied, the licensing authority may take the	120
conviction, judicial finding of guilt, or plea of guilty into	121
consideration in accordance with division (D) of this section.	122
(D) (1) A licensing authority that may, under division (C)	123
(2) of this section, consider a conviction of, judicial finding	124
of guilt of, or plea of guilty to an offense in determining	125
whether to refuse to issue an initial license to an individual	126
shall consider all of the following factors and shall use a	127
preponderance of the evidence standard in evaluating those	128
factors to determine whether the conviction, judicial finding of	129
guilt, or plea of guilty disqualifies the individual from	130
receiving the license:	131
(a) The nature and seriousness of the offense for which	132
the individual was convicted, found guilty pursuant to a	133
judicial finding of guilt, or pleaded guilty;	134
(b) The passage of time since the individual committed the	135
offense;	136

(c) The relationship of the offense to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the occupation;	137 138 139
(d) Any evidence of mitigating rehabilitation or treatment undertaken by the individual, including whether the individual has been issued a certificate of qualification for employment under section 2953.25 of the Revised Code or a certificate of achievement and employability under section 2961.22 of the Revised Code;	140 141 142 143 144 145
(e) Whether the denial of a license is reasonably necessary to ensure public safety.	146 147
(2) A licensing authority may take a disqualifying offense included in the list established under division (B) of this section into account only during the following time periods:	148 149 150
(a) For a conviction of, judicial finding of guilt of, or plea of guilty to a disqualifying offense that does not involve a breach of fiduciary duty and that is not an offense of violence or a sexually oriented offense, whichever of the following is later, provided the individual was not convicted of, found guilty pursuant to a judicial finding of guilt of, and did not enter a plea of guilty to any other offense during the applicable period:	151 152 153 154 155 156 157 158
(i) Five years from the date of conviction, judicial finding of guilt, or plea of guilty;	159 160
(ii) Five years from the date of the release from incarceration;	161 162
(iii) The time period specified in division (D) (3) of this section.	163 164

(b) For a conviction of, judicial finding of guilt of, or  
plea of guilty to a disqualifying offense that involves a breach  
of fiduciary duty and that is not an offense of violence or a  
sexually oriented offense, whichever of the following is later,  
provided the individual was not convicted of, found guilty  
pursuant to a judicial finding of guilt of, and did not enter a  
plea of guilty to any other offense during the applicable  
period: 165  
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(i) Ten years from the date of conviction, judicial  
finding of guilt, or plea of guilty; 173  
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(ii) Ten years from the date of the release from  
incarceration; 175  
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(iii) The time period specified in division (D) (4) of this  
section. 177  
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(c) For a conviction of, judicial finding of guilt of, or  
plea of guilty to a disqualifying offense that is an offense of  
violence or a sexually oriented offense, any time. 179  
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(3) If an individual is subject to a community control  
sanction, parole, or post-release control sanction based on a  
conviction of, judicial finding of guilt of, or plea of guilty  
to a disqualifying offense included in the list established  
under division (B) of this section that is not an offense of  
violence or a sexually oriented offense, a licensing authority  
may take the offense into account during the following time  
periods: 182  
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(a) If the community control sanction, parole, or post-  
release control sanction was for a term of less than five years,  
the period of the community control sanction, parole, or post-  
release control sanction plus the number of years after the date 190  
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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;	223 224 225 226
(2) The individual's right to a hearing regarding the licensing authority's decision under section 119.06 of the Revised Code;	227 228 229
(3) The earliest date the individual may reapply for a license;	230 231
(4) Notice that evidence of rehabilitation may be considered on reapplication.	232 233
(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.	234 235 236 237 238 239 240
(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.	241 242 243 244 245 246
(H) Each licensing authority shall adopt any rules that it determines are necessary to implement divisions (B) to (F) of this section.	247 248 249
(I) Divisions (B) to (K) of this section do not apply to any of the following:	250 251

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

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

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

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

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

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

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 the Revised Code when the underlying offense that is the object of the conspiracy, attempt, or complicity is one of the offenses listed in divisions (A) (3) (a) to (c) of this section;	429 430 431 432
(e) A violation of an existing or former municipal ordinance or law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in divisions (A) (3) (a) to (d) of this section.	433 434 435 436
(4) On receipt of a request pursuant to section 2151.86, 2151.904, or 5103.053 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:	437 438 439 440 441 442 443 444 445 446 447
(a) A violation of section 959.13, 2151.421, 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.32, 2903.34, 2905.01, 2905.02, 2905.05, 2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2923.17, 2923.21, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 2925.23, 2925.24,	448 449 450 451 452 453 454 455 456 457 458

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

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

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

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

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

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

federal government pursuant to the national crime prevention and  
privacy compact set forth in section 109.571 of the Revised  
Code. 827  
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(4) The superintendent shall include in the results of the  
criminal records check a list or description of the offenses  
listed or described in the relevant provision of division (A) of  
this section. The superintendent shall exclude from the results  
any information the dissemination of which is prohibited by  
federal law. 830  
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(5) The superintendent shall send the results of the  
criminal records check to the person to whom it is to be sent  
not later than the following number of days after the date the  
superintendent receives the request for the criminal records  
check, the completed form prescribed under division (C)(1) of  
this section, and the set of fingerprint impressions obtained in  
the manner described in division (C)(2) of this section: 836  
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(a) If the superintendent is required by division (A) of  
this section (other than division (A)(3) of this section) to  
conduct the criminal records check, thirty; 843  
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(b) If the superintendent is required by division (A)(3)  
of this section to conduct the criminal records check, sixty. 846  
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(C)(1) The superintendent shall prescribe a form to obtain  
the information necessary to conduct a criminal records check  
from any person for whom a criminal records check is to be  
conducted under this section. The form that the superintendent  
prescribes pursuant to this division may be in a tangible  
format, in an electronic format, or in both tangible and  
electronic formats. 848  
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(2) The superintendent shall prescribe standard impression 855

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

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

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

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

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

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

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

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

under division (E) (1) of that section.	916
(G) As used in this section:	917
(1) "Criminal records check" means any criminal records check conducted by the superintendent of the bureau of criminal identification and investigation in accordance with division (B) of this section.	918 919 920 921
(2) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.	922 923
(3) "OVI or OVUAC violation" means a violation of section 4511.19 of the Revised Code or a violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to section 4511.19 of the Revised Code.	924 925 926 927 928
(4) "Registered private provider" means a nonpublic school or entity registered with the department of education and workforce under section 3310.41 of the Revised Code to participate in the autism scholarship program or section 3310.58 of the Revised Code to participate in the Jon Peterson special needs scholarship program.	929 930 931 932 933 934
<b>Sec. 131.02.</b> (A) Except as otherwise provided in section 4123.37, section 5703.061, and division (K) of section 4123.511 of the Revised Code, whenever any amount is payable to the state, the officer, employee, or agent responsible for administering the law under which the amount is payable shall immediately proceed to collect the amount or cause the amount to be collected and shall pay the amount into the state treasury or into the appropriate custodial fund in the manner set forth pursuant to section 113.08 of the Revised Code. Except as otherwise provided in this division, if the amount is not paid	935 936 937 938 939 940 941 942 943 944

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 <u>3779.</u> , <u>3796.</u> , <u>5733.</u> , <u>5739.</u> , <u>5741.</u> , <u>5747.</u> ,	996
or <u>5751.</u> 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 applicable, that a penalty or interest is due; 1001  
1002

(d) An explanation of how and when interest will be added to the amount assessed; 1003  
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(e) That the attorney general and tax commissioner, acting together, have the authority, but are not required, to compromise the claim and accept payment over a reasonable time, if such actions are in the best interest of the state. 1005  
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(C) The attorney general shall collect the claim or secure a judgment and issue an execution for its collection. 1009  
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(D) Each claim shall bear interest, from the day on which the claim became due, at the rate per annum required by section 5703.47 of the Revised Code. 1011  
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(E) The attorney general and the chief officer of the agency reporting a claim, acting together, may do any of the following if such action is in the best interests of the state: 1014  
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(1) Compromise the claim; 1017

(2) Extend for a reasonable period the time for payment of the claim by agreeing to accept monthly or other periodic payments. The agreement may require security for payment of the claim. 1018  
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(3) Add fees to recover the cost of processing checks or other draft instruments returned for insufficient funds and the cost of providing electronic payment options. 1022  
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(F) (1) Except as provided in division (F) (2) of this section, if the attorney general finds, after investigation, that any claim due and owing to the state is uncollectible, the attorney general, with the consent of the chief officer of the 1025  
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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. 1058  
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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. 1061  
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(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. 1075  
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(5) The attorney general may adopt rules to aid in the  
implementation of this section. 1081  
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**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 1083  
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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 <del>medical</del> 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
<del>(D)</del> (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
<b>Sec. 715.013.</b> (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., <u>3779., 3796.,</u> 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 telephone company, as defined in section 5727.01 of the Revised Code.	1207 1208 1209
<b>Sec. 928.01.</b> As used in this chapter:	1210
(A) "Cannabidiol" means the cannabidiol compound, containing a delta-9 tetrahydrocannabinol concentration of not more than three-tenths per cent, derived from hemp.	1211 1212 1213
(B) "Cultivate" or "cultivating" means to plant, water, grow, fertilize, till, or harvest a plant or crop. "Cultivating" includes possessing or storing a plant or crop on a premises where the plant or crop was cultivated until transported to the first point of sale.	1214 1215 1216 1217 1218
(C) "Hemp" means the plant Cannabis sativa L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths per cent on a dry weight basis.	1219 1220 1221 1222 1223 1224
(D) "Hemp cultivation license" means a license to cultivate hemp issued under section 928.02 of the Revised Code.	1225 1226
(E) "Hemp processing license" means a license to process hemp issued under section 928.02 of the Revised Code.	1227 1228
(F) "Hemp product" means any product, containing a delta-9 tetrahydrocannabinol concentration of not more than three-tenths per cent, that is made with hemp. "Hemp product" includes cosmetics, personal care products, dietary supplements or food intended for animal or human consumption, <del>— cloth, cordage, fiber,</del>	1229 1230 1231 1232 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

<u>tetrahydrocannabinol-o acetate, tetrahydrocannabiphorol,</u>	1263
<u>tetrahydrocannabivarin, hexahydrocannabinol, delta-6-cis or</u>	1264
<u>trans tetrahydrocannabinol, delta-3,4-cis or trans</u>	1265
<u>tetrahydrocannabinol, 9-hexahydrocannabinol, and delta-9-</u>	1266
<u>tetrahydrocannabinol acetate. Since nomenclature of these</u>	1267
<u>substances is not internationally standardized, compounds of</u>	1268
<u>these structures, regardless of designation of atomic positions,</u>	1269
<u>are included.</u>	1270
 <u>"Tetrahydrocannabinol" does not include the following:</u>	1271
<u>(1) Tetrahydrocannabinols approved by the United States</u>	1272
<u>food and drug administration for marketing as a medication or</u>	1273
<u>recognized by the United States food and drug administration as</u>	1274
<u>generally recognized as safe.</u>	1275
<u>(2) Cannabichromene (CBC);</u>	1276
<u>(3) Cannabicyclol (CBL);</u>	1277
<u>(4) Cannabidiol (CBD),</u>	1278
<u>(5) Cannabidivarol (CBDV);</u>	1279
<u>(6) Cannabielsoin (CBE);</u>	1280
<u>(7) Cannabigerol (CBG);</u>	1281
<u>(8) Cannabigerovarin (CBGV);</u>	1282
<u>(9) Cannabinol (CBN);</u>	1283
<u>(10) Cannabivarin (CBV).</u>	1284
 <u>(M) "University" means an institution of higher education</u>	1285
<u>as defined in section 3345.12 of the Revised Code and a private</u>	1286
<u>nonprofit institution with a certificate of authorization issued</u>	1287
<u>pursuant to Chapter 1713. of the Revised Code.</u>	1288

<u>(L) (N)</u>	"USDA" means the United States department of agriculture.	1289 1290
<u>(O)</u>	"Adult-use marijuana" and "medical marijuana" have the same meanings as in section 3796.01 of the Revised Code.	1291 1292
<u>(P)</u>	"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.	1293 1294 1295 1296 1297 1298 1299 1300 1301
<u>(Q)</u>	"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.	1302 1303 1304 1305 1306 1307 1308
<u>(R)</u>	"Processed hemp flower" means the flower of a hemp plant that has been dried or cured.	1309 1310
<b>Sec. 928.03.</b>	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	1311 1312 1313 1314 1315 1316 1317

cultivation under division (A) (1) of section 928.02 of the 1318  
Revised Code. The rules shall include all of the following: 1319

(A) The form of an application for a hemp cultivation 1320  
license and hemp processing license and the information required 1321  
to be included in each license application; 1322

(B) The amount of an initial application fee that an 1323  
applicant shall submit along with an application for a hemp 1324  
cultivation license or a hemp processing license, and the amount 1325  
of an annual license fee that a licensee shall submit for a hemp 1326  
cultivation license or a hemp processing license. In adopting 1327  
rules under division (B) of this section, the director shall 1328  
ensure both of the following: 1329

(1) That the amount of the application fee and annual 1330  
license fee does not exceed an amount sufficient to cover the 1331  
costs incurred by the department of agriculture to administer 1332  
and enforce this chapter; 1333

(2) That there is one uniform application fee and one 1334  
uniform annual license fee that applies to all applicants for a 1335  
hemp cultivation license. 1336

(C) Requirements and procedures concerning background 1337  
investigations of each applicant for a hemp cultivation license 1338  
and each applicant for a hemp processing license. The director 1339  
shall include both of the following in the rules adopted under 1340  
this division: 1341

(1) A requirement that each applicant comply with sections 1342  
4776.01 to 4776.04 of the Revised Code; 1343

(2) Provisions that prohibit the director from issuing a 1344  
hemp cultivation license or hemp processing license to an 1345  
applicant that has not complied with those sections. 1346

(D) Requirements regarding the experience, equipment, facilities, or land necessary to obtain a hemp cultivation license;	1347 1348 1349
(E) Requirements and procedures regarding standards of financial responsibility for each applicant for a hemp processing license.	1350 1351 1352
(F) Procedures and requirements for the issuance, renewal, denial, suspension, and revocation of a hemp cultivation license and hemp processing license, including providing for a hearing under Chapter 119. of the Revised Code with regard to such a denial, suspension, or revocation;	1353 1354 1355 1356 1357
(G) Grounds for the denial, suspension, and revocation of a hemp cultivation license and of a hemp processing license, including a requirement that the director revoke a hemp cultivation license or hemp processing license, for a period of ten years, of any person who pleads guilty to or is convicted of a felony relating to a controlled substance;	1358 1359 1360 1361 1362 1363
(H) A requirement that the director shall not issue a hemp cultivation license or hemp processing license to any person who has pleaded guilty to or been convicted of a felony relating to a controlled substance in the ten years immediately prior to the submission of the application for a license;	1364 1365 1366 1367 1368
(I) A requirement that any person that materially falsifies information in an application for a hemp cultivation license or hemp processing license is ineligible to receive either license;	1369 1370 1371 1372
(J) A practice for maintaining relevant information regarding land on which hemp is cultivated by hemp cultivation licensees, including a legal description of the land, in	1373 1374 1375

accordance with applicable federal law;	1376
(K) Requirements prohibiting a hemp cultivation licensee and a hemp processing licensee from cultivating or processing marihuana;	1377 1378 1379
(L) A procedure for testing, using post-decarboxylation or other similarly reliable methods, delta-9 tetrahydrocannabinol concentration levels of plants and products for purposes of determining compliance with this chapter and rules adopted under it;	1380 1381 1382 1383 1384
(M) Requirements and procedures for the issuance, administration, and enforcement of corrective action plans issued under this chapter;	1385 1386 1387
(N) A procedure for conducting annual inspections of, at a minimum, a random sample of hemp cultivation license holders to verify that plants are not being cultivated in violation of this chapter or rules adopted under it;	1388 1389 1390 1391
(O) A procedure for conducting annual inspections of, at a minimum, a random sample of hemp processing license holders to verify that such license holders are not operating in violation of this chapter or rules adopted under it;	1392 1393 1394 1395
(P) A procedure for complying with enforcement procedures required under federal law;	1396 1397
(Q) A procedure for the effective disposal of all of the following:	1398 1399
(1) Plants, whether growing or not, cultivated in violation of this chapter or rules adopted under it;	1400 1401
(2) Products derived from plants cultivated in violation of this chapter or rules adopted under it;	1402 1403

(3) Products produced in violation of this chapter or rules adopted under it.	1404 1405
(R) Requirements and procedures governing the production, storage, and disposal of hemp byproducts.	1406 1407
For the purposes of this chapter and notwithstanding any provision of law to the contrary, "hemp product" includes a byproduct, produced as a result of processing hemp, that contains a delta-9 tetrahydrocannabinol concentration of more than three-tenths per cent, provided that the byproduct is produced, stored, and disposed of in accordance with rules adopted under division (R) of this section.	1408 1409 1410 1411 1412 1413 1414
(S) Procedures for sharing information regarding hemp cultivation license holders with the secretary of the USDA;	1415 1416
(T) A setback distance requirement that specifies the distance that a hemp cultivation license holder shall locate hemp plants from a location where medical marijuana <u>or adult-use</u> <u>marijuana</u> is being cultivated. The requirement does not apply to a hemp cultivation license holder with regard to a <u>medical</u> marijuana cultivator that locates medical marijuana <u>or adult-use</u> <u>marijuana</u> within the established setback distance requirement after the hemp cultivation license holder begins operation.	1417 1418 1419 1420 1421 1422 1423 1424
(U) Annual reporting requirements and procedures for hemp cultivation license holders and hemp processing license holders;	1425 1426
(V) Recordkeeping and documentation maintenance requirements and procedures for hemp cultivation license holders and hemp processing license holders;	1427 1428 1429
(W) Fees for the laboratory testing of plants and products;	1430 1431

(X) Standards for the testing <u>and</u> , labeling, <u>and</u> packaging of hemp and hemp products;	1432 1433
(Y) Requirements prohibiting the processing of hemp in a building used as a personal residence or on land that is zoned for residential use;	1434 1435 1436
(Z) Production standards and manufacturing practices for processing hemp;	1437 1438
(AA) Procedures and requirements for the transportation and storage of both hemp and hemp products;	1439 1440
(BB) Any other requirements or procedures necessary to administer and enforce this chapter.	1441 1442
<b><u>Sec. 928.08. The department of agriculture, in consultation and in cooperation with the Ohio investigative unit in the department of public safety, shall enforce this chapter.</u></b>	1443 1444 1445
<b><u>Sec. 2953.321. (A) As used in this section:</u></b>	1446
(1) "Expunge" means to destroy, delete, and erase a record as appropriate for the record's physical or electronic form or characteristic so that the record is permanently irretrievable.	1447 1448 1449
(2) "Official records" and "prosecutor" have the same meanings as in section 2953.31 of the Revised Code.	1450 1451
(B) If a person, prior to the effective date of this section, was convicted of or has pleaded guilty to a violation of division (C)(3) or (7) of section 2925.11 of the Revised Code and the conduct that was the basis of the violation involved possession of not more than fifteen grams of hashish and not more than two and one-half ounces of marihuana other than hashish, the person may file an application under this section requesting an expungement of the record of conviction.	1452 1453 1454 1455 1456 1457 1458 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 <u>or adult-use</u> 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
<u>Sec. 3779.01. As used in sections 3779.01 to 3779.10 and</u>	1564
<u>3779.40 to 3779.48 of the Revised Code:</u>	1565
(A) <u>"At retail"</u> means for use or consumption by the	1566
<u>ultimate consumer and not for resale.</u>	1567
(B) <u>"Delta-9 tetrahydrocannabinol," "hemp product," and</u>	1568
<u>"tetrahydrocannabinol"</u> have the same meanings as in section	1569
<u>928.01 of the Revised Code.</u>	1570
(C) (1) <u>"Disqualifying offense"</u> 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
<u>following:</u>	1574
(a) <u>Any offense set forth in Chapter 2925., 3719., or</u>	1575
<u>4729. of the Revised Code, the violation of which constitutes a</u>	1576

<u>felony or a misdemeanor of the first degree;</u>	1577
<u>(b) Any theft offense set forth under division (K) of</u>	1578
<u>section 2913.01 of the Revised Code, the violation of which</u>	1579
<u>constitutes a felony;</u>	1580
<u>(c) Any violation for which a penalty is imposed under</u>	1581
<u>section 3715.99 of the Revised Code;</u>	1582
<u>(d) A crime of moral turpitude as defined in section</u>	1583
<u>4776.10 of the Revised Code;</u>	1584
<u>(e) A violation of any former law of this state, any</u>	1585
<u>existing or former law of another state, any existing or former</u>	1586
<u>law applicable in a military court or Indian tribal court, or</u>	1587
<u>any existing or former law of any nation other than the United</u>	1588
<u>States that is or was substantially equivalent to any of the</u>	1589
<u>offenses listed in divisions (C)(1)(a) to (d) of this section.</u>	1590
<u>(2) "Disqualifying offense" does not include a misdemeanor</u>	1591
<u>offense respecting which an applicant for licensure or</u>	1592
<u>employment is convicted of, or pleads guilty to, more than five</u>	1593
<u>years before the date the application is submitted.</u>	1594
<u>(3) "Disqualifying offense" does not include any</u>	1595
<u>misdemeanor offense related to marijuana possession, marijuana</u>	1596
<u>trafficking, illegal cultivation of marijuana, illegal use or</u>	1597
<u>possession of drug paraphernalia or marijuana drug</u>	1598
<u>paraphernalia, or other misdemeanor marijuana-related offenses.</u>	1599
<u>(D) "Identification card" means a driver's or commercial</u>	1600
<u>driver's license, an identification card issued under sections</u>	1601
<u>4507.50 to 4507.52 of the Revised Code or an equivalent</u>	1602
<u>identification card issued by another state, a military</u>	1603
<u>identification card issued by the United States department of</u>	1604
<u>defense, or a United States or foreign passport that displays a</u>	1605

<u>picture of the individual for whom the license, card, or</u>	1606
<u>passport is issued and shows that the person buying is then at</u>	1607
<u>least twenty-one years of age.</u>	1608
<u>(E) "Intoxicating hemp product" means a hemp product</u>	1609
<u>containing more than five-tenths of a milligram of delta-9</u>	1610
<u>tetrahydrocannabinol per serving, two milligrams of delta-9</u>	1611
<u>tetrahydrocannabinol per package, or five-tenths of a milligram</u>	1612
<u>of total non-delta-9 tetrahydrocannabinol per package.</u>	1613
<u>"Intoxicating hemp product" does not include either of the</u>	1614
<u>following:</u>	1615
<u>(1) A hemp product that cannot be ingested, inhaled,</u>	1616
<u>snorted, sniffed, or used sublingually;</u>	1617
<u>(2) A low-level or high-level drinkable cannabinoid</u>	1618
<u>product as defined in section 3779.21 of the Revised Code.</u>	1619
<u>(F) "Ohio investigative unit" means the investigative unit</u>	1620
<u>maintained by the department of public safety under section</u>	1621
<u>5502.13 of the Revised Code.</u>	1622
<u>(G) "Sell" means the exchange, barter, gift, offer for</u>	1623
<u>sale, and sale of an intoxicating hemp product.</u>	1624
<u>(H) "Total non-delta-9 tetrahydrocannabinol" means the</u>	1625
<u>sum, after the application of any necessary conversion factor,</u>	1626
<u>of the percentage by weight of tetrahydrocannabinol, other than</u>	1627
<u>delta-9 tetrahydrocannabinol, and the percentage by weight of</u>	1628
<u>tetrahydrocannabinolic acid.</u>	1629
<u><b>Sec. 3779.02. (A) (1) No person shall sell an intoxicating</b></u>	1630
<u><b>hemp product at retail in this state.</b></u>	1631
<u>(2) Subject to section 3779.08 of the Revised Code,</u>	1632
<u>division (A) (1) of this section does not apply to the sale of an</u>	1633

<u>intoxicating hemp product at retail in this state by a person to</u>	1634
<u>which both of the following apply:</u>	1635
<u>(a) The person is a hemp dispensary licensed under section</u>	1636
<u>3779.03 of the Revised Code.</u>	1637
<u>(b) The person sells the intoxicating hemp product to an</u>	1638
<u>individual who is twenty-one years of age or older as verified</u>	1639
<u>by examining the individual's identification card.</u>	1640
<u>(3) Notwithstanding any other provision of law to the</u>	1641
<u>contrary, a person who violates division (A) (1) of this section</u>	1642
<u>shall not be prosecuted under any other criminal statute that</u>	1643
<u>otherwise would apply to the person because the person engaged</u>	1644
<u>in the activities prohibited in division (A) (1) of this section.</u>	1645
<u>(B) No person that is a licensed hemp dispensary shall do</u>	1646
<u>any of the following:</u>	1647
<u>(1) Subject to division (D) of section 3779.08 of the</u>	1648
<u>Revised Code, sell an intoxicating hemp product that has not</u>	1649
<u>been tested in compliance with rules adopted under Chapter 3796.</u>	1650
<u>of the Revised Code that otherwise apply to adult-use marijuana;</u>	1651
<u>(2) Sell an intoxicating hemp product that does not comply</u>	1652
<u>with the standards and procedures for packaging and labeling set</u>	1653
<u>forth in rules adopted under Chapter 3796. of the Revised Code</u>	1654
<u>that otherwise apply to adult-use marijuana;</u>	1655
<u>(3) Violate any applicable rules adopted under section</u>	1656
<u>3779.08 of the Revised Code, including rules establishing</u>	1657
<u>advertising requirements governing intoxicating hemp products.</u>	1658
<u>(C) (1) No person shall sell at retail in this state a hemp</u>	1659
<u>product and market it as adult-use marijuana or as medical</u>	1660
<u>marijuana as defined in section 3796.01 of the Revised Code.</u>	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

<u>been approved by the United State department of agriculture.</u>	1690
<u>(F) No person shall sell an intoxicating hemp product that is adulterated with any of the following:</u>	1691
<u>(1) A drug, as defined in section 4729.01 of the Revised Code;</u>	1693
<u>(2) Contaminants, as defined in rules adopted under section 3779.08 of the Revised Code;</u>	1695
<u>(3) Other substances that enhance the effects of the tetrahydrocannabinol included in the product as specified in rules adopted under section 3779.08 of the Revised Code.</u>	1697
<u>(G) No person who is the ultimate consumer of an edible intoxicating hemp product shall fail to store the product in the original packaging at all times when the product is not actively in use.</u>	1700
<u><b>Sec. 3779.021.</b> A person shall not be prosecuted or penalized under section 3779.02 of the Revised Code until the date that is two hundred and ten days after the effective date of this section if both of the following apply:</u>	1704
<u>(A) The person is selling an intoxicating hemp product on the effective date this section.</u>	1708
<u>(B) The facility at which the person is selling the intoxicating hemp product does not allow individuals under the age of twenty-one to enter the facility.</u>	1710
<u><b>Sec. 3779.022.</b> Notwithstanding any provision to the contrary in sections 3779.01 to 3779.10 of the Revised Code, an individual who obtains an intoxicating hemp product from a hemp dispensary licensed under section 3779.03 of the Revised Code may transfer the intoxicating hemp product to another individual</u>	1713

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

<u>prohibit the applicant from operating there.</u>	1775
<u>(9) The application does not contain false, misleading, or deceptive information and does not omit material information.</u>	1776
<u>(10) The applicant pays the applicable fees established under section 3779.032 of the Revised Code.</u>	1778
<u>(11) The applicant meets all other licensure eligibility conditions established in rules adopted under section 3779.08 of the Revised Code.</u>	1780
<u>(D) If the number of eligible applicants exceeds the number of available licenses, the division shall use an impartial and evidence-based process to rank the eligible applicants. The ranking process shall take into account all of the following:</u>	1783
<u>(1) The applicant's business plan;</u>	1788
<u>(2) The applicant's operations plan;</u>	1789
<u>(3) The applicant's security plan;</u>	1790
<u>(4) The applicant's financial plan;</u>	1791
<u>(5) The applicant's principal place of business;</u>	1792
<u>(6) The applicant's environmental plan;</u>	1793
<u>(7) Employment practices;</u>	1794
<u>(8) The criminal records of all persons subject to the criminal records check requirement;</u>	1795
<u>(9) The civil and administrative history of the applicant and persons associated with the applicant;</u>	1797
<u>(10) Any other eligibility, suitability, or operations based determination specified in sections 3779.01 to 3779.10 of</u>	1799
	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, ranking, and lottery provisions in divisions (B), (D), and (E) of this section. 1829  
1830  
1831

(G) The division shall issue a license under this section to an entity that sold or offered for sale intoxicating hemp products on or before June 30, 2025, if both of the following apply: 1832  
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(1) The entity's receipts from hemp product and intoxicating hemp product sales exceeded eighty per cent of its total gross receipts for either of the following: 1836  
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1838

(a) Calendar year 2024; 1839  
  
(b) The twelve months immediately prior to the effective date of this section. 1840  
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(2) The entity complies with all other requirements for licensure established under this section and rules adopted under section 3779.08 of the Revised Code. 1842  
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**Sec. 3779.031.** (A) Except as provided in division (B) of this section, not more than four hundred hemp dispensaries shall be licensed to operate in this state at any one time. 1845  
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(B) Notwithstanding division (A) of this section, more than four hundred hemp dispensaries may be licensed to operate in this state at any one time if more than four hundred entities are licensed as a result of division (G) of section 3779.03 of the Revised Code. In that case, the division shall not issue any additional licenses until the number of valid licenses that results from division (G) of section 3779.03 of the Revised Code is less than four hundred. At such time when the number of licenses resulting from division (G) of section 3779.03 of the Revised Code is less than four hundred, division (A) of this 1848  
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<u>section applies.</u>		1858
<u>Sec. 3779.032. (A) As used in this section, "grandfathered entity" means an entity that is described in division (G) of section 3779.03 of the Revised Code.</u>		1859 1860 1861
<u>(B) The division of cannabis control shall charge the following hemp dispensary fees:</u>		1862 1863
		1864
		1865
	1	2
A	<u>Application fee</u>	<u>\$5,000</u>
B	<u>Initial first-year license fee for an applicant that is a grandfathered entity</u>	<u>\$10,000</u>
C	<u>Initial second-year license fee for an applicant that is a grandfathered entity</u>	<u>\$15,000</u>
D	<u>Initial two-year license fee for an applicant that is not a grandfathered entity</u>	<u>\$75,000</u>
E	<u>Two-year renewal license fee for a hemp dispensary that is a grandfathered entity</u>	<u>\$35,000</u>
F	<u>Two-year renewal license fee for a hemp dispensary that is not a grandfathered entity</u>	<u>\$75,000</u>

	1866
<u><b>Sec. 3779.04. (A) (1) Notwithstanding section 149.43 of the Revised Code or any other public records law to the contrary or any law relating to the confidentiality of tax return information, upon the request of the division of cannabis control, the department of taxation shall provide to the division all of the following information:</b></u>	1867 1868 1869 1870 1871 1872
<u>(a) Whether an applicant for licensure under section 3779.03 of the Revised Code is in compliance with the applicable tax laws of this state;</u>	1873 1874 1875
<u>(b) Any past or pending violation by the applicant of those tax laws, and any penalty imposed on the applicant for such a violation.</u>	1876 1877 1878
<u>(2) The division shall request the information only as it pertains to an application for licensure that the division, as applicable, is reviewing.</u>	1879 1880 1881
<u>(3) The department of taxation may charge the division a reasonable fee to cover the administrative cost of providing the information.</u>	1882 1883 1884
<u>(B) Information received under this section is confidential. Except as otherwise permitted by other state law or federal law, the division shall not make the information available to any person other than the applicant for licensure to whom the information applies.</u>	1885 1886 1887 1888 1889
<u><b>Sec. 3779.05. (A) As used in this section, "criminal records check" has the same meaning as in section 109.572 of the Revised Code.</b></u>	1890 1891 1892
<u>(B) (1) As part of the application process for a license</u>	1893

<u>issued under section 3779.03 of the Revised Code, the division</u>	1894
<u>of cannabis control shall require each of the following to</u>	1895
<u>complete a criminal records check:</u>	1896
<u>    (a) An administrator or other person responsible for the</u>	1897
<u>    daily operation of the entity seeking the license;</u>	1898
<u>    (b) An owner or prospective owner, officer or prospective</u>	1899
<u>    officer, or board member or prospective board member of the</u>	1900
<u>    entity seeking the license.</u>	1901
<u>    (2) If a person subject to the criminal records check</u>	1902
<u>    requirement does not present proof of having been a resident of</u>	1903
<u>    this state for the five-year period immediately prior to the</u>	1904
<u>    date the criminal records check is requested or provide evidence</u>	1905
<u>    that within that five-year period the superintendent of the</u>	1906
<u>    bureau of criminal identification and investigation has</u>	1907
<u>    requested information about the person from the federal bureau</u>	1908
<u>    of investigation in a criminal records check, the division shall</u>	1909
<u>    request that the person obtain through the superintendent a</u>	1910
<u>    criminal records request from the federal bureau of</u>	1911
<u>    investigation as part of the criminal records check of the</u>	1912
<u>    person. Even if a person presents proof of having been a</u>	1913
<u>    resident of this state for the five-year period, the division</u>	1914
<u>    may request that the person obtain information through the</u>	1915
<u>    superintendent from the federal bureau of investigation in the</u>	1916
<u>    criminal records check.</u>	1917
<u>    (C) The division shall provide both of the following to</u>	1918
<u>    each person who is subject to the criminal records check</u>	1919
<u>    requirement:</u>	1920
<u>        (1) Information about accessing, completing, and</u>	1921
<u>        forwarding to the superintendent of the bureau of criminal</u>	1922

<u>identification and investigation the form prescribed pursuant to</u>	1923
<u>division (C) (1) of section 109.572 of the Revised Code and the</u>	1924
<u>standard impression sheet to obtain fingerprint impressions</u>	1925
<u>prescribed pursuant to division (C) (2) of that section;</u>	1926
<u>(2) Written notification that the person is to instruct</u>	1927
<u>the superintendent to submit the completed report of the</u>	1928
<u>criminal records check directly to the division.</u>	1929
<u>(D) Each person who is subject to the criminal records</u>	1930
<u>check requirement shall pay to the bureau of criminal</u>	1931
<u>identification and investigation the fee prescribed pursuant to</u>	1932
<u>division (C) (3) of section 109.572 of the Revised Code for the</u>	1933
<u>criminal records check conducted of the person.</u>	1934
<u>(E) The report of any criminal records check conducted by</u>	1935
<u>the bureau of criminal identification and investigation in</u>	1936
<u>accordance with section 109.572 of the Revised Code and pursuant</u>	1937
<u>to a request made under this section is not a public record for</u>	1938
<u>the purposes of section 149.43 of the Revised Code and shall not</u>	1939
<u>be made available to any person other than the following:</u>	1940
<u>(1) The person who is the subject of the criminal records</u>	1941
<u>check or the person's representative;</u>	1942
<u>(2) The members and staff of the division;</u>	1943
<u>(3) A court, hearing officer, or other necessary</u>	1944
<u>individual involved in a case dealing with either of the</u>	1945
<u>following:</u>	1946
<u>(a) A license denial resulting from the criminal records</u>	1947
<u>check;</u>	1948
<u>(b) An administrative or criminal action regarding any</u>	1949
<u>violation of sections 3779.01 to 3779.10 of the Revised Code or</u>	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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<u><b>Sec. 3779.07.</b></u>	<u>(A) The superintendent of cannabis control</u>	1980
	<u>may impose an administrative penalty or take other enforcement</u>	1981
	<u>actions against a person who violates division (A) (1), (B), (C)</u>	1982
	<u>(1), (C) (2), or (C) (3) of section 3779.02 of the Revised Code or</u>	1983
	<u>any rules adopted under section 3779.08 of the Revised Code.</u>	1984
	<u>Administrative penalties shall be set forth in rules adopted</u>	1985
	<u>under section 3779.08 of the Revised Code.</u>	1986
	 <u>(B) The superintendent shall afford a person an</u>	1987
	<u>opportunity for an adjudication hearing under Chapter 119. of</u>	1988
	<u>the Revised Code to challenge the superintendent's determination</u>	1989
	<u>to impose an administrative penalty or taking other enforcement</u>	1990
	<u>action under this section, the superintendent's imposition of an</u>	1991
	<u>administrative penalty under this section, or both. The</u>	1992
	<u>superintendent's determination, the imposition of the</u>	1993
	<u>administrative penalty, and taking other enforcement action may</u>	1994
	<u>be appealed in accordance with section 119.12 of the Revised</u>	1995
	<u>Code.</u>	1996
	 <u><b>Sec. 3779.08.</b></u>	1997
	<u>(A) Not later than one hundred eighty days</u>	1998
	<u>after the effective date of this section, the superintendent of</u>	1999
	<u>cannabis control shall adopt rules in accordance with Chapter</u>	2000
	<u>119. of the Revised Code that do all of the following:</u>	
	 <u>(1) Establish application procedures for licenses issued</u>	2001
	<u>under section 3779.03 of the Revised Code;</u>	2002
	 <u>(2) Specify conditions that must be met to be eligible for</u>	2003
	<u>issuance of a license under section 3779.03 of the Revised Code;</u>	2004
	 <u>(3) Establish renewal procedures for licenses issued under</u>	2005
	<u>section 3779.03 of the Revised Code;</u>	2006
	 <u>(4) Specify reasons for which a license may be suspended,</u>	2007
	<u>including without prior hearing, be revoked, or not be renewed</u>	2008

or issued and the reasons for which an administrative penalty 2009  
may be imposed on a license holder; 2010

(5) Establish standards under which a license suspension 2011  
may be lifted; 2012

(6) Establish the amount of administrative penalties to be 2013  
imposed by the superintendent under section 3779.07 of the 2014  
Revised Code and procedures for imposing such penalties; 2015

(7) Establish a list of contaminants that are prohibited 2016  
for inclusion in an intoxicating hemp product for purposes of 2017  
division (F) of section 3779.02 of the Revised Code; 2018

(8) Establish a list of substances that enhance the 2019  
effects of the tetrahydrocannabinol that are prohibited for 2020  
inclusion in an intoxicating hemp product for purposes of 2021  
division (F) of section 3779.02 of the Revised Code; 2022

(9) Establish requirements for the advertisement of 2023  
intoxicating hemp products consistent with advertisement 2024  
requirements for adult-use marijuana and medical marijuana 2025  
established under section 3796.32 of the Revised Code. The rules 2026  
shall include a requirement that a person that advertises an 2027  
intoxicating hemp product submit the advertisement to the 2028  
superintendent for the superintendent's approval. The 2029  
superintendent shall approve or deny an advertisement not later 2030  
than twenty-one business days after submission. 2031

(B) Subject to division (C) of this section, to ensure the 2032  
integrity of intoxicating hemp product sales at retail and 2033  
operations in this state, the superintendent has jurisdiction 2034  
over all persons participating in the distribution and sale of 2035  
intoxicating hemp products in this state and, in consultation 2036  
and cooperation with the department of agriculture, the 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:**

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

<u>research protocol approved by an institutional review board or equivalent entity.</u>	2124
	2125
<u>Sec. 3779.11. A hemp dispensary licensed under section 3779.03 of the Revised Code shall prominently display both of the following:</u>	2126
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	2128
<u>(A) A statement that the use of intoxicating hemp products by individuals under twenty-one years of age is both harmful and illegal;</u>	2129
	2130
	2131
<u>(B) Information about the addictive qualities of intoxicating hemp products and the potential negative health consequences associated with their use.</u>	2132
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	2134
<u>Sec. 3779.21. As used in sections 3779.21 to 3779.29 and 3779.40 to 3779.48 of the Revised Code, except as provided in section 3779.40 of the Revised Code:</u>	2135
	2136
	2137
<u>(A) "At retail" and "identification card" have the same meanings as in section 3779.01 of the Revised Code.</u>	2138
	2139
<u>(B) "Distributor" means a class B permit holder under Chapter 4303. of the Revised Code, or the holder of an equivalent permit or other authorization issued by another state, that sells, offers for sale, arranges for sale, or delivers a low-level or high-level drinkable cannabinoid product to a low-level or high-level retailer located in this state. "Distributor" does not include either of the following:</u>	2140
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<u>(1) A manufacturer;</u>	2147
<u>(2) A person that is a common carrier and that is used to complete delivery of a low-level or high-level drinkable cannabinoid product to a retailer.</u>	2148
	2149
	2150
<u>(C) "Delta-9 tetrahydrocannabinol," "hemp," "hemp</u>	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 from hemp.</u>	2179 2180
<u>(3) The product is prepackaged and intended to be consumed via ingestion.</u>	2181 2182
<u>(4) The product does not include a drug as defined in section 4729.01 of the Revised Code.</u>	2183 2184
<u>(5) The product does not contain more than three-tenths per cent of any tetrahydrocannabinol.</u>	2185 2186
<u>(6) The product does not contain more than five milligrams of total tetrahydrocannabinol per serving.</u>	2187 2188
<u>(7) The product container does not contain more than one serving.</u>	2189 2190
<u>"Low-level drinkable cannabinoid product" is not an intoxicating hemp product.</u>	2191 2192
<u>(G) "Low-level retailer" means an A-1-A or class D permit holder under Chapter 4303. of the Revised Code.</u>	2193 2194
<u>(H) "Manufacturer" means a person, whether located in this state or outside of this state, that manufactures a low-level or high-level drinkable cannabinoid product for sale in this state.</u>	2195 2196 2197
<u>(I) "Sale" and "sell" include exchange, barter, gift, offer for sale, sale, distribution and delivery of any kind, and the transfer of title or possession of a low-level or high-level drinkable cannabinoid product either by constructive or actual delivery by any means or devices.</u>	2198 2199 2200 2201 2202
<u>(J) "Serving" means twelve fluid ounces.</u>	2203
<u><b>Sec. 3779.22. (A) (1) A low-level retailer may sell at retail low-level drinkable cannabinoid products for consumption</b></u>	2204 2205

<u>on the premises where sold.</u>	2206
<u>(2) A high-level retailer may sell at retail low-level or high-level drinkable cannabinoid products for consumption off the premises where sold.</u>	2207
	2208
	2209
<u>(B) No person shall do any of the following:</u>	2210
<u>(1) Sell at retail a low-level or high-level drinkable cannabinoid product unless authorized to do so under division (A) of this section;</u>	2211
	2212
	2213
<u>(2) If the person is a manufacturer, sell a low-level or high-level drinkable cannabinoid product unless the manufacturer is registered under section 3779.24 of the Revised Code;</u>	2214
	2215
	2216
<u>(3) If the person is a manufacturer, sell a low-level drinkable cannabinoid product to any person other than a low-level retailer, high-level retailer, or distributor;</u>	2217
	2218
	2219
<u>(4) If the person is a manufacturer, sell a high-level drinkable cannabinoid product to any person other than a high-level retailer or distributor;</u>	2220
	2221
	2222
<u>(5) Sell for distribution a low-level or high-level drinkable cannabinoid product unless the person is a distributor;</u>	2223
	2224
	2225
<u>(6) If the person is a distributor, sell a low-level drinkable cannabinoid product in this state to any person other than a low-level or high-level retailer;</u>	2226
	2227
	2228
<u>(7) If the person is a distributor, sell a high-level drinkable cannabinoid product in this state to any person other than a high-level retailer;</u>	2229
	2230
	2231
<u>(8) Sell at retail a low-level or high-level drinkable</u>	2232

<u>cannabinoid product to an individual who is under twenty-one years of age;</u>	2233
	2234
<u>(9) Fail to verify that an individual who attempts to purchase or purchases a low-level or high-level drinkable cannabinoid product at retail is at least twenty-one years of age by examining the individual's identification card;</u>	2235
	2236
	2237
	2238
<u>(10) Sell a low-level or high-level drinkable cannabinoid product that contains alcohol;</u>	2239
	2240
<u>(11) If the person is a high-level retailer, fail to store a low-level or high-level drinkable cannabinoid product for sale at retail in a display case that is solely used for the sale of drinkable cannabinoid products and that clearly states that the product is a low-level or high-level drinkable cannabinoid product;</u>	2241
	2242
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<u>(12) If the person is a manufacturer or distributor, do either of the following:</u>	2247
	2248
<u>(a) Pay to a low-level retailer any payment, credit, or any other consideration to induce the retailer to advertise or display a low-level drinkable cannabinoid product in a certain manner in the retailer's permitted premises;</u>	2249
	2250
	2251
	2252
<u>(b) Pay to a high-level retailer any payment, credit, or any other consideration to induce the retailer to advertise or display a low-level or high-level drinkable cannabinoid product in a certain manner in the retailer's permitted premises.</u>	2253
	2254
	2255
	2256
<u>(13) If the person is a low-level or high-level retailer, accept any payment, credit, or any other consideration to advertise or display a low-level or high-level drinkable cannabinoid product, as applicable, in a certain manner at the retailer's permitted premises;</u>	2257
	2258
	2259
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<u>(14) If the person is not a low-level retailer, allow an individual who purchases a drinkable cannabinoid product from the retailer to consume the drinkable cannabinoid product on the retailer's premises;</u>	2262 2263 2264 2265
<u>(15) If the person is a low-level or high-level retailer, sell a low-level or high-level drinkable cannabinoid product, as applicable, at a price less than the price paid by the retailer to purchase the product from a distributor;</u>	2266 2267 2268 2269
<u>(16) If the person is a low-level or high-level retailer and the person is purchasing a low-level or high-level drinkable cannabinoid product directly, as applicable, from a manufacturer for subsequent retail sale, sell a low-level or high-level drinkable cannabinoid product, as applicable, at a price less than the price paid by the retailer to purchase the product from the manufacturer;</u>	2270 2271 2272 2273 2274 2275 2276
<u>(17) If the person is a distributor, charge a different price to a low-level or high-level retailer for low-level or high-level drinkable cannabinoid products, as applicable, based upon the quantity of drinkable cannabinoid products sold to the retailer;</u>	2277 2278 2279 2280 2281
<u>(18) Violate any rule adopted under section 3779.23 of the Revised Code.</u>	2282 2283
<u>(C) (1) Prior to the effective date of the rules adopted under section 3779.23 of the Revised Code, a low-level retailer may sell low-level drinkable cannabinoid products and a high-level retailer may sell low-level or high-level drinkable cannabinoid products, a distributor may distribute such products, and a manufacturer may manufacture such products, provided both of the following apply:</u>	2284 2285 2286 2287 2288 2289 2290

<u>(a) The low-level or high-level drinkable cannabinoid products, as applicable, are in compliance with the labeling requirements specified in section 3779.26 of the Revised Code;</u>	2291
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<u>(b) Such sales, distribution, and manufacturing are otherwise in compliance with applicable statutory provisions of sections 3779.21 to 3779.30 of the Revised Code.</u>	2294
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<u>(2) On and after the effective date of those rules, sales, distribution, and manufacturing of such products shall be in full compliance with those rules and with applicable statutory provisions of sections 3779.21 to 3779.30 of the Revised Code.</u>	2297
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<u><b>Sec. 3779.221.</b> The superintendent of liquor control may impose an administrative penalty or take other enforcement actions against a person who violates division (B) of section 3779.22 of the Revised Code or any rules adopted under section 3779.23 of the Revised Code. Administrative penalties shall be set forth in rules adopted under section 3779.23 of the Revised Code.</u>	2301
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<u>(B) The superintendent shall afford a person an opportunity for an adjudication hearing under Chapter 119. of the Revised Code to challenge the superintendent's determination to impose an administrative penalty or taking other enforcement action under this section, the superintendent's imposition of an administrative penalty under this section, or both. The superintendent's determination, the imposition of the administrative penalty, and taking other enforcement action may be appealed in accordance with section 119.12 of the Revised Code.</u>	2308
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<u><b>Sec. 3779.23.</b> Not later than six months after the effective date of this section, the superintendent of liquor</u>	2318
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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

<u>(7) The amount of tetrahydrocannabinol, in milligrams, as identified in the certificate of analysis as required under division (C) of section 3779.25 of the Revised Code;</u>	2406 2407 2408
<u>(8) The number of calories per container;</u>	2409
<u>(9) The words "This Product is a Low-level Drinkable Cannabinoid Product" or "This Product is a High-level Drinkable Cannabinoid Product," as applicable;</u>	2410 2411 2412
<u>(10) A conspicuous warning statement conveying that the product contains tetrahydrocannabinol, that the effects of drinking a low-level or high-level drinkable cannabinoid product are different than those from drinking an alcoholic beverage, and that a person should use caution when consuming low-level or high-level DCPs or mixing the consumption of low-level or high-level DCPs with alcoholic beverages;</u>	2413 2414 2415 2416 2417 2418 2419
<u>(11) A symbol approved by the superintendent of liquor control warning potential consumers that the product contains tetrahydrocannabinol. The symbol may include the American society for testing and materials intoxicating cannabis products symbol (D8441/D8441M) .</u>	2420 2421 2422 2423 2424
<u>(B) A manufacturer shall include the amount of tetrahydrocannabinol, in milligrams, as identified in the certificate of analysis as required under division (C) of section 3779.25 of the Revised Code, on the container of a low-level or high-level drinkable cannabinoid product. The amount of tetrahydrocannabinol included on the container of a low-level or high-level drinkable cannabinoid product may deviate by ten per cent of the actual amount on the certificate of analysis.</u>	2425 2426 2427 2428 2429 2430 2431 2432
<u>(C) No manufacturer shall fail to comply with this section.</u>	2433 2434

**Sec. 3779.27.** (A) As used in this section, "sales area or territory" means an exclusive geographic area or territory that is assigned to a particular distributor and that either has one or more political subdivisions as its boundaries or consists of an area of land with readily identifiable geographic boundaries. 2435  
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(B) Each manufacturer shall assign to each of the manufacturer's distributors a sales area or territory within which each distributor shall be the distributor of the brand or brands of the manufacturer, provided that, if the manufacturer manufactures more than one brand of low-level or high-level drinkable cannabinoid product, the manufacturer may assign sales areas or territories to additional distributors for the distribution and sale of the additional brand or brands, so long as not more than one distributor distributes the same brand or brands within the same sales area or territory. No distributor shall distribute a specific brand of low-level or high-level drinkable cannabinoid product in any area or territory other than the area or territory assigned to the distributor. 2440  
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**Sec. 3779.28.** (A) No manufacturer shall aid or assist a distributor, and no manufacturer or distributor shall aid or assist a low-level retailer or high-level retailer, by gift or loan of any money or property of any description or other valuable thing, or by giving premiums or rebates. No distributor, low-level retailer, or high-level retailer shall accept the same. 2453  
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(B) No manufacturer shall have any financial interest, directly or indirectly, by stock ownership, or through interlocking directors in a corporation, or otherwise, in the establishment, maintenance, or promotion in the business of any distributor. No low-level retailer or high-level retailer shall 2460  
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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><b>Sec. 3779.29.</b></u>	<u>(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 cannabinoid product in any of the following circumstances:</u>	2522
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(1) <u>In any public place;</u>	2524
(2) <u>While operating or being a passenger in or on a motor vehicle on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking;</u>	2525
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(3) <u>While being in or on a stationary motor vehicle on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking.</u>	2529
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<b><u>Sec. 3779.30.</u></b> (A) <u>As used in this section:</u>	2532
(1) <u>"Adult-use marijuana"</u> has the same meaning as in <u>section 3796.01 of the Revised Code.</u>	2533
	2534
(2) <u>"Intoxicating hemp product"</u> has the same meaning as in <u>section 3779.01 of the Revised Code.</u>	2535
	2536
(3) <u>"Manufacturer"</u> means a person that manufactures a low-level or high-level drinkable cannabinoid product.	2537
	2538
(B) <u>Notwithstanding any provision of the Revised Code to the contrary, a manufacturer may possess adult-use marijuana to do either of the following:</u>	2539
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(1) <u>Use the adult-use marijuana to manufacture a low-level or high-level drinkable cannabinoid product;</u>	2542
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(2) <u>Use the adult-use marijuana to manufacture an intoxicating hemp product that is a beverage that contains more than ten milligrams of total tetrahydrocannabinol per serving for export outside this state.</u>	2544
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<b><u>Sec. 3779.40.</u></b> (A) <u>As used in sections 3779.40 to 3779.48</u>	2548

of the Revised Code: 2549

(1) "Licensed dispensary" means a hemp dispensary licensed 2550  
under section 3779.03 of the Revised Code. 2551

(2) "Intoxicating hemp product receipts" means the total 2552  
amount received by a licensed dispensary, without deduction for 2553  
the cost of goods, taxes paid, or other expenses incurred, from 2554  
the sale or other disposition of intoxicating hemp products to 2555  
any other person. 2556

(3) "Received" has the same meaning as in section 5751.01 2557  
of the Revised Code. 2558

(4) "Sale" includes exchange, barter, gift, offer for 2559  
sale, and distribution, and includes transactions in interstate 2560  
or foreign commerce. 2561

(5) "Taxpayer" means any person liable for a tax imposed 2562  
under this section. 2563

(6) "Gallon" means one hundred twenty-eight fluid ounces. 2564

(7) "Drinkable cannabinoid product" means a low-level or 2565  
high-level drinkable cannabinoid product. 2566

(B) For the purpose of providing for the needs of this 2567  
state, a tax is levied on the intoxicating hemp product receipts 2568  
received by a licensed dispensary each month at the rate of ten 2569  
per cent of such receipts. All revenue from the tax shall be 2570  
credited to the general revenue fund. The tax is part of the 2571  
price for purposes of sales and use taxes levied under Chapters 2572  
5739. and 5741. of the Revised Code. 2573

(C) For the purpose of providing for the needs of this 2574  
state, an excise tax is levied on sales by a manufacturer to a 2575  
distributor or retailer of drinkable cannabinoid products at the 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

<u>under section 3779.41 of the Revised Code shall remit each tax payment, and, if required by the tax commissioner, file the tax return or the annual report, electronically. The commissioner may require taxpayers to use the Ohio business gateway as defined in section 718.01 of the Revised Code to file returns and remit the taxes, or may provide another means for taxpayers to file and remit the taxes electronically.</u>	2663 2664 2665 2666 2667 2668 2669
<u>(B) A taxpayer required to remit taxes or file returns electronically under division (A) of this section may apply to the commissioner, on a form prescribed by the commissioner, to be excused from that requirement. The commissioner may excuse a taxpayer from the requirements of this section for good cause.</u>	2670 2671 2672 2673 2674
<u>(C) (1) If a taxpayer required to remit tax or file a return electronically under division (A) of this section fails to do so, the commissioner may impose a penalty not to exceed the following:</u>	2675 2676 2677 2678
<u>(a) For either of the first two months the taxpayer so fails, the greater of twenty-five dollars or five per cent of the amount of the payment that was required to be remitted;</u>	2679 2680 2681
<u>(b) For the third and any subsequent months the taxpayer so fails, the greater of fifty dollars or ten per cent of the amount of the payment that was required to be remitted.</u>	2682 2683 2684
<u>(2) The penalty imposed under division (C) (1) of this section shall be considered as revenue arising from the tax imposed under division (B) or (C) of section 3779.40 of the Revised Code, as applicable. A penalty may be collected by assessment in the manner prescribed by section 3779.44 of the Revised Code. The commissioner may abate all or a portion of such a penalty.</u>	2685 2686 2687 2688 2689 2690 2691

(D) The commissioner may adopt rules necessary to administer this section. 2692  
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Sec. 3779.43. (A) An application for refund to the taxpayer of amounts imposed under sections 3779.40 to 3779.48 of the Revised Code that are overpaid, paid illegally or erroneously, or paid on any illegal or erroneous assessment shall be filed by the taxpayer with the tax commissioner, on a form prescribed by the commissioner, within four years after the date of the illegal or erroneous payment, or within any additional period allowed under division (F) of section 3779.44 of the Revised Code. The applicant shall provide the amount of the requested refund along with the claimed reasons for, and documentation to support, the issuance of a refund. 2694  
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(B) On the filing of the refund application, the commissioner shall determine the amount of refund to which the applicant is entitled. If the amount is not less than that claimed, the commissioner shall certify the amount to the director of budget and management and treasurer of state for payment from the tax refund fund created under section 5703.052 of the Revised Code. If the amount is less than that claimed, the commissioner shall proceed in accordance with section 5703.70 of the Revised Code. 2705  
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(C) Interest on a refund applied for under this section, computed at the rate provided for in section 5703.47 of the Revised Code, shall be allowed from the later of the date the amount was paid or when the payment was due. 2714  
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(D) Except as provided in section 3779.431 of the Revised Code, the commissioner may, with the consent of the taxpayer, provide for the crediting, against tax due for any month, of the amount of any refund due to the taxpayer under this section for 2718  
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a preceding month. 2722

**Sec. 3779.431.** As used in this section, "debt to this 2723  
state" means unpaid taxes due the state, unpaid workers' 2724  
compensation premiums due under section 4123.35 of the Revised 2725  
Code, unpaid unemployment compensation contributions due under 2726  
section 4141.25 of the Revised Code, unpaid unemployment 2727  
compensation payment in lieu of contribution under section 2728  
4141.241 of the Revised Code, unpaid fees payable to the state 2729  
or to the clerk of courts pursuant to section 4505.06 of the 2730  
Revised Code, incorrect payments for medicaid services under the 2731  
medicaid program, or any unpaid charge, penalty, or interest 2732  
arising from any of the foregoing. 2733

If a taxpayer entitled to a refund under section 3779.43 2734  
of the Revised Code owes any debt to this state, the amount 2735  
refundable may be applied in satisfaction of the debt. If the 2736  
amount refundable is less than the amount of the debt, it may be 2737  
applied in partial satisfaction of the debt. If the amount 2738  
refundable is greater than the amount of the debt, the amount 2739  
remaining after satisfaction of the debt shall be refunded. This 2740  
section applies only to debts that have become final. For the 2741  
purposes of this section, a debt becomes final when, under the 2742  
applicable law, any time provided for petition for reassessment, 2743  
request for reconsideration, or other appeal of the legality or 2744  
validity of the amount giving rise to the debt expires without 2745  
an appeal having been filed in the manner provided by law. 2746

**Sec. 3779.44.** (A) The tax commissioner may make an 2747  
assessment, based on any information in the commissioner's 2748  
possession, against any person that fails to file a return or 2749  
pay tax as required under section 3779.41 of the Revised Code. 2750  
The commissioner shall give the person assessed written notice 2751

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 2874  
under division (B) of section 3779.40 of the Revised Code fails 2875  
to report or pay the tax as required under section 3779.41 of 2876  
the Revised Code, or fails to pay any penalty imposed under 2877  
sections 3779.40 to 3779.48 of the Revised Code within ninety 2878  
days after the time prescribed for payment of the penalty, the 2879  
attorney general, on the request of the tax commissioner, shall 2880  
commence an action in quo warranto in the court of appeals of 2881  
the county in which the person resides or has its principal 2882  
place of business to forfeit and annul the person's licenses 2883  
issued under section 3779.03 of the Revised Code. If the court 2884  
finds that the person is in default for the amount claimed, it 2885  
shall render judgment revoking the person's registration and 2886  
shall otherwise proceed as provided in Chapter 2733. of the 2887  
Revised Code. 2888

Sec. 3779.46. (A) The tax commissioner may prescribe 2889  
requirements for the keeping of records and other pertinent 2890  
documents, the filing of copies of federal income tax returns 2891  
and determinations, and computations reconciling federal income 2892  
tax returns with the returns required by section 3779.41 of the 2893  
Revised Code. The commissioner may require any person, by rule 2894  
or notice served on that person, to keep those records that the 2895  
commissioner considers necessary to show whether, and the extent 2896  
to which, a person is subject to a tax levied under section 2897  
3779.40 of the Revised Code. 2898

(B) Each taxpayer shall maintain complete and accurate 2899  
records of all sales and other dispositions of intoxicating hemp 2900  
products or drinkable cannabinoid products, as applicable, and 2901  
shall procure and retain all invoices, bills of lading, and 2902

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  
section 3779.40 of the Revised Code.

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

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

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

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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

<u>of the Revised Code, the state lottery commission;</u>	2991
<u>(b) For purposes of sections 5743.15 and 5743.61 of the</u>	2992
<u>Revised Code, the tax commissioner;</u>	2993
<u>(c) For purposes of Chapter 4303. of the Revised Code, the</u>	2994
<u>division of liquor control.</u>	2995
<u>(2) A licensing authority shall adopt rules in accordance</u>	2996
<u>with Chapter 119. of the Revised Code to enforce violations of</u>	2997
<u>this chapter directly against a person who has been issued a</u>	2998
<u>license under section 3770.05, 5743.15, or 5743.61 or has been</u>	2999
<u>issued a permit under Chapter 4303. of the Revised Code, as</u>	3000
<u>applicable.</u>	3001
<u>(E) Whoever recklessly violates division (B) (1) of section</u>	3002
<u>3779.22 of the Revised Code is guilty of a misdemeanor of the</u>	3003
<u>first degree on a first offense and a felony of the fifth degree</u>	3004
<u>on a second or subsequent offense.</u>	3005
<u>(F) Whoever recklessly violates division (B) (8) of section</u>	3006
<u>3779.22 of the Revised Code is guilty of a felony of the fifth</u>	3007
<u>degree.</u>	3008
<u>(G) Whoever knowingly violates section 3779.29 of the</u>	3009
<u>Revised Code is guilty of a minor misdemeanor.</u>	3010
<u>(H) Whoever knowingly files a fraudulent refund claim</u>	3011
<u>under section 3779.43 of the Revised Code shall be fined the</u>	3012
<u>greater of one thousand dollars or the amount of the fraudulent</u>	3013
<u>refund requested, or imprisoned not more than sixty days, or</u>	3014
<u>both.</u>	3015
<u>(I) Except as otherwise provided in this section, whoever</u>	3016
<u>knowingly violates sections 3779.40 to 3779.48 of the Revised</u>	3017
<u>Code shall be fined not more than five hundred dollars, or</u>	3018

<u>imprisoned not more than thirty days, or both.</u>	3019
<u>(J) The penalties provided in divisions (H) and (I) of this section are in addition to any penalties imposed by the tax commissioner under sections 3779.40 to 3779.48 of the Revised Code.</u>	3020
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<b>Sec. 3796.01.</b> (A) As used in this chapter:	3024
(1) "Marijuana" means marihuana as defined in section 3719.01 of the Revised Code.	3025
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(2) "Medical marijuana" means marijuana that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose <u>in accordance with this chapter.</u> "Medical marijuana" does not include adult-use marijuana or homegrown marijuana.	3027
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(3) "Academic medical center" has the same meaning as in section 4731.297 of the Revised Code.	3032
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(4) "Drug database" means the database established and maintained by the state board of pharmacy pursuant to section 4729.75 of the Revised Code.	3034
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(5) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.	3037
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(6) "Qualifying medical condition" means any of the following:	3040
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(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 medical board under section 4731.302 of the Revised Code.	3065
(7) "State university" has the same meaning as in section 3345.011 of the Revised Code.	3066
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<u>(8) "Adult-use consumer"</u> means an individual who is at	3069
<u>least twenty-one years of age.</u>	3070
<u>(9) "Adult-use marijuana"</u> means marijuana that is	3071
<u>cultivated, processed, dispensed, or tested for, or possessed or</u>	3072
<u>used by, an adult-use consumer, in accordance with this chapter.</u>	3073
<u>"Adult-use marijuana"</u> includes marijuana cultivated, processed,	3074
<u>dispensed, or tested for, or possessed or used by, an adult-use</u>	3075
<u>consumer before the effective date of this amendment in</u>	3076
<u>accordance with Chapter 3780. of the Revised Code, as that</u>	3077
<u>chapter existed immediately prior to the effective date of this</u>	3078
<u>amendment. "Adult-use marijuana" does not include medical</u>	3079
<u>marijuana or homegrown marijuana.</u>	3080
<u>(10) "Church"</u> has the meaning defined in section 1710.01	3081
<u>of the Revised Code.</u>	3082
<u>(11) "Public library"</u> means a library provided for under	3083
<u>Chapter 3375. of the Revised Code.</u>	3084
<u>(12) "Public park"</u> means a park established by the state	3085
<u>or a political subdivision of the state, including a county,</u>	3086
<u>township, municipal corporation, or park district.</u>	3087
<u>(13) "Public playground"</u> means a playground established by	3088
<u>the state or a political subdivision of the state, including a</u>	3089
<u>county, township, municipal corporation, or park district.</u>	3090
<u>(14) "School"</u> means a child care center as defined under	3091
<u>section 5104.01 of the Revised Code, a preschool as defined</u>	3092
<u>under section 2950.034 of the Revised Code, or a public or</u>	3093
<u>nonpublic primary school or secondary school.</u>	3094
<u>(15) "Public place"</u> has the same meaning as in section	3095
<u>3794.01 of the Revised Code.</u>	3096

<u>(16) "Ohio investigative unit"</u> means the investigative	3097
unit maintained by the department of public safety under section	3098
5502.13 of the Revised Code.	3099
<u>(17) "Homegrown marijuana"</u> 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
<u>(18) "Provisional license"</u> 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
<u>(19) "Certificate of operation"</u> 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
<u>(20) (a) "Disqualifying offense"</u> 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
<u>(i) Any offense set forth in Chapter 2925., 3719., or</u>	3125

<u>4729. of the Revised Code, the violation of which constitutes a</u>	3126
<u>felony or a misdemeanor of the first degree;</u>	3127
<u>(ii) Any theft offense set forth under division (K) of</u>	3128
<u>section 2913.01 of the Revised Code, the violation of which</u>	3129
<u>constitutes a felony;</u>	3130
<u>(iii) Any violation for which a penalty is imposed under</u>	3131
<u>section 3715.99 of the Revised Code;</u>	3132
<u>(iv) A crime of moral turpitude as defined in section</u>	3133
<u>4776.10 of the Revised Code;</u>	3134
<u>(v) A violation of any former law of this state, any</u>	3135
<u>existing or former law of another state, any existing or former</u>	3136
<u>law applicable in a military court or Indian tribal court, or</u>	3137
<u>any existing or former law of any nation other than the United</u>	3138
<u>States that is or was substantially equivalent to any of the</u>	3139
<u>offenses listed in divisions (A) (20) (a) (i) to (iv) of this</u>	3140
<u>section.</u>	3141
<u>(b) "Disqualifying offense" does not include a misdemeanor</u>	3142
<u>offense respecting which an applicant for licensure or</u>	3143
<u>employment is convicted of, or pleads guilty to, more than five</u>	3144
<u>years before the date the application is submitted.</u>	3145
<u>(c) "Disqualifying offense" does not include any</u>	3146
<u>misdemeanor offense related to marijuana possession, marijuana</u>	3147
<u>trafficking, illegal cultivation of marijuana, illegal use or</u>	3148
<u>possession of drug paraphernalia or marijuana drug</u>	3149
<u>paraphernalia, or other misdemeanor marijuana-related offenses.</u>	3150
<u>(21) "Licensed cultivator" means the holder of a current,</u>	3151
<u>valid license issued pursuant to this chapter or Chapter 3780.</u>	3152
<u>of the Revised Code, as that chapter existed immediately before</u>	3153
<u>the effective date of this amendment, to engage in the</u>	3154

<u>activities authorized by section 3796.18 of the Revised Code.</u>	3155
<u>(22) "Licensed processor" means the holder of a current, valid license issued pursuant to this chapter or Chapter 3780. of the Revised Code, as that chapter existed immediately before the effective date of this amendment, to engage in the activities authorized by section 3796.19 of the Revised Code.</u>	3156
<u>(23) "Licensed dispensary" means the holder of a current, valid license issued pursuant to this chapter or Chapter 3780. of the Revised Code, as that chapter existed immediately before the effective date of this amendment, to engage in the activities authorized by section 3796.20 of the Revised Code.</u>	3161
<u>(24) "Licensed laboratory" means the holder of a current, valid license issued pursuant to this chapter or Chapter 3780. of the Revised Code, as that chapter existed immediately before the effective date of this amendment, to engage in the activities authorized by section 3796.21 of the Revised Code.</u>	3166
<u>(25) "License holder" means the holder of a current, valid license issued under this chapter or Chapter 3780. of the Revised Code, as that chapter existed immediately before the effective date of this amendment;</u>	3171
<u>(26) "Intoxicating hemp product" has the same meaning as in section 3779.01 of the Revised Code.</u>	3175
<u>(27) "Physical control" means being in the operator's position of a vehicle, streetcar, trackless trolley, watercraft, or aircraft and having possession of the vehicle's, streetcar's, trackless trolley's, watercraft's, or aircraft's ignition key or other ignition device.</u>	3177
<u>(B) As used in the Revised Code, the "division of cannabis control" means the division of marijuana control and the</u>	3182
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"superintendent of cannabis control" means the superintendent of marijuana control. Whenever the division of cannabis control or the superintendent of cannabis control is referred to or designated in any statute, rule, contract, grant, or other document, the reference or designation shall be deemed to refer to the division of marijuana control or the superintendent of marijuana control, as indicated by context. 3184  
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(C) Notwithstanding any conflicting provision of Chapter 3719. of the Revised Code or the rules adopted under it, for purposes of this chapter, ~~medical~~ marijuana is a schedule II controlled substance. 3191  
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**Sec. 3796.02.** There is hereby established a division of marijuana control in the department of commerce under the supervision and direction of the superintendent of marijuana control as established under section 121.04 of the Revised Code. 3195  
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The ~~medieal~~ marijuana control program is hereby established in the division of marijuana control. The division shall provide for the licensure of ~~medical~~ marijuana cultivators, processors, retail dispensaries, and laboratories that test ~~medical~~ marijuana. The division shall also provide for the registration of patients and their caregivers. The division shall administer the ~~medieal~~ marijuana control program. 3199  
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**Sec. 3796.03.** (A) The division of marijuana control shall adopt rules establishing standards and procedures for the ~~medical~~ marijuana control program. 3206  
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All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code. 3209  
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(B) The rules shall do all of the following: 3211

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

<del>it issues under this chapter licensure;</del>	3213
(2) Specify both of the following:	3214
(a) The conditions that must be met to be eligible for licensure;	3215
(b) In accordance with section 9.79 of the Revised Code, the criminal offenses for which an applicant will be disqualified from licensure pursuant to that section.	3217 3218 3219
(3) Establish, in accordance with section 3796.05 of the Revised Code, the number of cultivator licenses and retail dispensary licenses that will be permitted at any one time;	3220 3221 3222
(4) Establish a license renewal schedule, renewal procedures, and renewal fees;	3223 3224
(5) Specify reasons for which a license may be suspended, including without prior hearing, revoked, or not be renewed or issued and the reasons for which a civil penalty may be imposed on a license holder;	3225 3226 3227 3228
(6) Establish standards under which a license suspension may be lifted;	3229 3230
(7) Establish procedures for registration of <u>medical</u> <u>marijuana</u> patients and caregivers and requirements that must be met to be eligible for registration;	3231 3232 3233
(8) Establish training requirements for employees of <u>retail</u> <u>licensed</u> <u>dispensaries</u> ;	3234 3235
(9) Specify if a cultivator, processor, retail dispensary, or laboratory that is licensed under this chapter and that existed at a location before a school, church, public library, public playground, or public park became established within five	3236 3237 3238 3239

~~hundred feet of the cultivator, processor, retail dispensary, or laboratory, may remain in operation or shall relocate or have its license revoked by the division;~~ 3240  
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(10) Specify, by form and tetrahydrocannabinol content, a maximum ninety-day supply of medical marijuana that may be possessed; 3243  
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(11) Specify the paraphernalia or other accessories that may be used in the administration ~~to a registered patient~~ of medical marijuana, adult-use marijuana, and homegrown marijuana; 3246  
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(12) Establish procedures for the issuance of patient or caregiver identification cards; 3250  
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(13) Specify the forms of or methods of using adult-use marijuana and medical marijuana that are attractive to children; 3252  
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(14) Specify both of the following: 3255

(a) ~~Subject to division (B) (14) (b) of this section, the criminal offenses for which a person will be disqualified from employment with a license holder;~~ 3256  
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(b) ~~Which of the criminal offenses specified pursuant to division (B) (14) (a) of this section will not disqualify a person from employment with a license holder if the person was convicted of or pleaded guilty to the offense more than five years before the date the employment begins.~~ 3259  
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(15) Establish a program to assist medical marijuana patients who are veterans or indigent in obtaining medical marijuana in accordance with this chapter; 3264  
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(16) 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

<u>provision of the Revised Code, an adult-use consumer may do all</u>	3296
<u>of the following:</u>	3297
<u>    (1) Cultivate, grow, and possess homegrown marijuana</u>	3298
<u>    plants at the adult-use consumer's primary residence, if all of</u>	3299
<u>    the following apply:</u>	3300
<u>        (a) Not more than six homegrown marijuana plants are</u>	3301
<u>        cultivated or grown by each adult-use consumer;</u>	3302
<u>        (b) Not more than twelve homegrown marijuana plants are</u>	3303
<u>        cultivated or grown at a single residence;</u>	3304
<u>        (c) Cultivation or growing of homegrown marijuana takes</u>	3305
<u>        place only within a secured closet, room, greenhouse, or other</u>	3306
<u>        enclosed area in or on the grounds of the residence that</u>	3307
<u>        prevents access by individuals under twenty-one years of age,</u>	3308
<u>        and which is not visible by normal unaided vision from a public</u>	3309
<u>        space;</u>	3310
<u>        (d) Cultivation or growing of homegrown marijuana does not</u>	3311
<u>        take place at a residence that is any of the following:</u>	3312
<u>            (i) A type A family child care home or type B family child</u>	3313
<u>            care home, as those terms are defined in section 5104.01 of the</u>	3314
<u>            Revised Code;</u>	3315
<u>            (ii) A halfway house, community transitional housing</u>	3316
<u>            facility, community residential center, or other similar</u>	3317
<u>            facility licensed by the division of parole and community</u>	3318
<u>            services under section 2967.14 of the Revised Code;</u>	3319
<u>            (iii) A residential premises occupied pursuant to a rental</u>	3320
<u>            agreement that prohibits the activities otherwise authorized by</u>	3321
<u>            this section.</u>	3322
<u>    (2) Process homegrown marijuana by manual or mechanical</u>	3323

<u>means.</u>	3324
<u>(3) Store homegrown marijuana and adult-use marijuana at</u>	3325
<u>the adult-use consumer's primary residence.</u>	3326
<u>(4) Use homegrown marijuana grown, cultivated, and</u>	3327
<u>processed at the adult-use consumer's primary residence;</u>	3328
<u>(5) Possess any paraphernalia or accessories that may be</u>	3329
<u>used in the administration of adult-use marijuana or homegrown</u>	3330
<u>marijuana.</u>	3331
<u>(B) This section does not authorize any person to:</u>	3332
<u>(1) Cultivate, grow, or process homegrown marijuana except</u>	3333
<u>at the person's primary residence;</u>	3334
<u>(2) Use, cultivate, process, transfer, or transport adult-</u>	3335
<u>use marijuana or homegrown marijuana before reaching twenty-one</u>	3336
<u>years of age;</u>	3337
<u>(3) Process homegrown by hydrocarbon-based extraction;</u>	3338
<u>(4) Sell, or profit from, homegrown marijuana;</u>	3339
<u>(5) Cultivate, grow, or possess homegrown marijuana on</u>	3340
<u>behalf of another person.</u>	3341
<u>(C) (1) No person shall knowingly cultivate, grow, or</u>	3342
<u>possess homegrown marijuana in a manner that violates division</u>	3343
<u>(A) of this section:</u>	3344
<u>(2) No person shall knowingly consume adult-use marijuana</u>	3345
<u>or homegrown marijuana in a public place;</u>	3346
<u>(3) No person operating a public place shall knowingly</u>	3347
<u>permit the consumption of adult-use marijuana or homegrown</u>	3348
<u>marijuana in that public place.</u>	3349

<u>(D) Subject to division (B) of this section and divisions</u>	3350
<u>(B) and (C) of section 3796.221 of the Revised Code, an adult-</u>	3351
<u>use consumer shall not be subject to arrest or criminal</u>	3352
<u>prosecution for cultivating, growing, possessing, processing,</u>	3353
<u>storing, or using homegrown marijuana, or possessing</u>	3354
<u>paraphernalia or accessories that may be used in the</u>	3355
<u>administration of adult-use or homegrown marijuana, in</u>	3356
<u>accordance with division (A) of this section.</u>	3357
<u>(E) This section does not authorize an adult-use consumer</u>	3358
<u>to operate a vehicle, streetcar, trackless trolley, watercraft,</u>	3359
<u>or aircraft while under the influence of marijuana.</u>	3360
<b>Sec. 3796.05.</b> (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 <del>both</del> <u>all</u> of the	3363
following:	3364
(1) The population of this state;	3365
(2) The number of patients seeking to use medical	3366
<u>marijuana;</u>	3367
<u>(3) The number of adult-use consumers seeking to use</u>	3368
<u>adult-use marijuana.</u>	3369
<del>(B) When establishing the number of retail dispensary</del>	3370
<del>licenses that will</del> <del>(B) (1) Not more than four hundred licensed</del>	3371
<del>dispensaries shall be permitted to operate in this state at any</del>	3372
<del>one time, the division shall consider all of the following:</del>	3373
<del>(1) The population of this state;</del>	3374
<del>(2) The number of patients seeking to use medical</del>	3375
<del>marijuana;</del>	3376
<del>(3) The geographic distribution of dispensary sites in an</del>	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 <u>or</u> <u>adult-use marijuana</u> that must be tested;	3408 3409
(3) Specify the manner in which testing is to be conducted in an effort to ensure uniformity of medical marijuana products <del>processed for and dispensed to patients</del> <u>and adult-use marijuana</u> <u>products</u> ;	3410 3411 3412 3413
(4) Specify the manner in which test results are provided.	3414
<b>Sec. 3796.06.</b> (A) Only the following forms of medical marijuana may be dispensed under this chapter:	3415 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 control under section 3796.061 of the Revised Code.	3422 3423
(B) <u>Only the following forms of adult-use marijuana may be</u> <u>dispensed under this chapter:</u>	3424 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 marijuana, adult-use marijuana, homegrown marijuana, and intoxicating hemp products, all of the following apply:</u>	3446
<u>(1) The smoking or combustion of medical marijuana is prohibited.</u>	3449
<u>(2) The No person shall knowingly consume adult-use marijuana, homegrown marijuana, or intoxicating hemp products by smoking, combustion, or vaporization or knowingly consume</u>	3451
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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

<u>animal, or fruit, including artistic, caricature, or cartoon renderings.</u>	3482
	3483
<u>(D) With respect to tetrahydrocannabinol content, all of the following apply:</u>	3484
	3485
<u>(1) Plant material shall have a (E) (1) Except as otherwise provided in division (E) (3) of this section, the tetrahydrocannabinol content of medical marijuana dispensed or sold to patients or caregivers shall not more than thirty-five exceed:</u>	3486
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<u>(a) Thirty-five per cent for plant material;</u>	3491
<u>(b) Seventy per cent for extracts.</u>	3492
<u>(2) Extracts shall have a Except as otherwise provided in division (E) (3) of this section, the tetrahydrocannabinol content of adult-use marijuana dispensed or sold to adult-use consumers shall not more than seventy exceed:</u>	3493
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	3496
<u>(a) Thirty-five per cent for plant material;</u>	3497
<u>(b) Seventy per cent for extracts.</u>	3498
<u>(3) The division may adopt rules, in accordance with Chapter 119. of the Revised Code, that do either or both of the following:</u>	3499
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	3501
<u>(a) Increase the tetrahyrdrocannabinol content limits for extracts prescribed in divisions (E) (1) and (2) of this section;</u>	3502
	3503
<u>(b) Establish tetrahydrcannabinol content limits for adult-use and medical marijuana dispensed or sold under this chapter by content per serving or per package.</u>	3504
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	3506
<u>(F) No person shall knowingly give, sell, or distribute adult-use marijuana or homegrown marijuana to a person under</u>	3507
	3508

<u>twenty-one years of age.</u>	3509
<u>(G) No person under the age of twenty one shall knowingly purchase, use, or possess adult-use marijuana or homegrown marijuana.</u>	3510
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<u>(H) An adult-use consumer, medical marijuana patient, or medical marijuana caregiver shall store edible adult-use and medical marijuana products in the original packaging at all times when the products are not actively in use.</u>	3513
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<u><b>Sec. 3796.062.</b> (A) No person shall knowingly transport marijuana other than adult-use marijuana, medical marijuana, or homegrown marijuana in a motor vehicle.</u>	3517
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<u>(B) No person shall knowingly transport medical marijuana or adult-use marijuana in a motor vehicle unless one of the following applies:</u>	3520
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	3522
<u>(1) The adult-use marijuana or medical marijuana is in the original, unopened packaging in which it was dispensed or sold;</u>	3523
	3524
<u>(2) If previously opened, the adult-use marijuana or medical marijuana is stored in the trunk of the motor vehicle or, if the motor vehicle does not have a trunk, behind the last upright seat of the motor vehicle or in an area not normally occupied by the driver or passengers and not easily accessible by the driver.</u>	3525
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<u>(C) No person shall knowingly transport homegrown marijuana in a motor vehicle unless the homegrown marijuana is stored in the trunk of the motor vehicle or, if the motor vehicle does not have a trunk, behind the last upright seat of the motor vehicle or in an area not normally occupied by the driver or passengers and not easily accessible by the driver.</u>	3531
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(D) No person shall knowingly transport marijuana paraphernalia in a motor vehicle unless one of the following applies: 3537  
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(1) The marijuana paraphernalia is in the original, unopened packaging in which it was dispensed or sold; 3540  
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(2) If previously opened, the marijuana paraphernalia is stored in the trunk of the motor vehicle or, if the motor vehicle does not have a trunk, behind the last upright seat of the motor vehicle or in an area not normally occupied by the driver or passengers and not easily accessible by the driver. 3542  
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**Sec. 3796.07.** The department of commerce division of marijuana control shall establish and maintain an electronic database to monitor adult-use and medical marijuana from its seed source through its cultivation, processing, testing, and dispensing. The department division may contract with a separate entity to establish and maintain all or any part of the electronic database on behalf of the department. 3547  
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The electronic database shall allow for information regarding adult-use and medical marijuana to be updated instantaneously. Any cultivator, processor, retail dispensary, or laboratory licensed under this chapter A license holder shall submit to the department division any information the department division determines is necessary for maintaining the electronic database. 3554  
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Information reported or collected under this section, including all data contained in the electronic database, is confidential and is not a public record for the purposes of section 149.43 of the Revised Code. The department division and any entity under contract with the department division shall not 3561  
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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 cultivateor, 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

<u>(7) The applicant demonstrates that the municipal corporation or township in which it will be located has not passed a moratorium or taken any other action that would prohibit the applicant from operating there;</u>	3623 3624 3625 3626
<u>(8) The application does not contain false, misleading, or deceptive information and does not omit material information;</u>	3627 3628
<u>(9) The applicant pays any fee required by the division;</u>	3629
<u>(10) The applicant meets all other licensure eligibility conditions established in rules adopted under section 3796.03 of the Revised Code.</u>	3630 3631 3632
<u>(C)—(D) If the number of eligible applicants exceed the number of available licenses, the division shall use an impartial and evidence-based process to rank the eligible applicants. The ranking process shall take into account all of the following:</u>	3633 3634 3635 3636 3637
<u>(1) The applicant's business plan;</u>	3638
<u>(2) The applicant's operations plan;</u>	3639
<u>(3) The applicant's security plan;</u>	3640
<u>(4) The applicant's financial plan;</u>	3641
<u>(5) The applicant's principal place of business;</u>	3642
<u>(6) The proposed location of the cultivation, processing, or laboratory facility;</u>	3643 3644
<u>(7) The applicant's plan for generating job and economic development in this state;</u>	3645 3646
<u>(8) The applicant's environmental plan;</u>	3647
<u>(9) Employment practices, including any plans to inform,</u>	3648

<u>hire, or educate residents of the state, veterans, disabled persons, women, or minorities;</u>	3649
	3650
<u>(10) The criminal records of all persons subject to the criminal records check requirement;</u>	3651
	3652
<u>(11) The civil and administrative history of the applicant and persons associated with the applicant;</u>	3653
	3654
<u>(12) Any other eligibility, suitability, or operations-based determination specified in this chapter or rules adopted by the division thereunder.</u>	3655
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	3657
<u>(E) (1) If the division uses a lottery system to issue licenses under this section, the applicants shall be grouped into the following distinct categories:</u>	3658
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<u>(a) Highly exceeds;</u>	3661
<u>(b) Exceeds;</u>	3662
<u>(c) Meets;</u>	3663
<u>(d) Does not meet.</u>	3664
<u>(2) The division shall group the applicants such that the number of applicants in each of the highly exceeds, exceeds, and meets categories is roughly equal, unless doing so is not possible while conforming to an impartial and evidence-based process. Applicants that do not meet the eligibility requirements prescribed by division (C) of this section shall be placed in the does not meet category.</u>	3665
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<u>(3) In conducting the lottery, the division shall give applicants in the exceeds category double odds of being selected as compared to applicants in the meets category. The division shall give applicants in the highly exceeds category double the</u>	3672
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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

<u>(H) A provisional license issued under this section is not transferable.</u>	3706
	3707
<u>(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.</u>	3708
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<b>Sec. 3796.10.</b> (A) An entity that seeks to dispense at retail medical marijuana <u>and adult-use marijuana</u> 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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<u>(B) The division shall evaluate and prioritize applications for licensure under this section according to the applicant's eligibility, suitability, and ability to operate.</u>	3721
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	3723
<u>(C) The division shall <u>not</u> issue a license to an applicant <del>if-unless</del> all of the following conditions are met:</u>	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 <del>any of the a</del> <del>disqualifying offenses specified in rules adopted under section 9.79 and division (B) (2) (b) of section 3796.03 of the Revised Code</del> offense.	3726
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(2) The applicant demonstrates that <del>it does not</del> <u>none of</u> its current or prospective owners, officers, board members,	3733
	3734

<u>administrators, employees, agents, or affiliates who may</u>	3735
<u>significantly influence or control the applicant's activities</u>	3736
have an ownership or investment interest in or compensation	3737
arrangement with <u>any either</u> of the following:	3738
(a) A <u>licensed laboratory licensed under this chapter</u> ;	3739
(b) An applicant for a license to conduct laboratory	3740
testing.	3741
(3) The applicant demonstrates that <u>it does not none of</u>	3742
<u>its current or prospective owners, officers, board members,</u>	3743
<u>administrators, employees, agents, or affiliates who may</u>	3744
<u>significantly influence or control the applicant's activities</u>	3745
share any corporate officers or employees with <u>any either</u> of the	3746
following:	3747
(a) A <u>licensed laboratory licensed under this chapter</u> ;	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) <u>The applicant demonstrates that the proposed location</u>	3754
<u>or facility is not either of the following:</u>	3755
(a) <u>Located within one mile of another licensed</u>	3756
<u>dispensary;</u>	3757
(b) <u>Issued a permit under Chapter 4303. of the Revised</u>	3758
<u>Code to sell beer and intoxicating liquor, as those terms are</u>	3759
<u>defined in section 4301.01 of the Revised Code.</u>	3760
(6) <u>The information provided to the division pursuant to</u>	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) 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 development in this state;</u>	3790
<u>(8) The applicant's environmental plan;</u>	3792
<u>(9) Employment practices, including any plans to inform, hire, or educate residents of the state, veterans, disabled persons, women, or minorities;</u>	3793
<u>(10) The criminal records of all persons subject to the criminal records check requirement;</u>	3796
<u>(11) The civil and administrative history of the applicant and persons associated with the applicant;</u>	3798
<u>(12) Any other eligibility, suitability, or operations-based determination specified in this chapter or rules adopted by the division thereunder.</u>	3800
<u>(E) (1) If the division uses a lottery system to issue licenses under this section, the applicants shall be grouped into the following distinct categories:</u>	3803
<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 number of applicants in each of the highly exceeds, exceeds, and meets categories is roughly equal, unless doing so is not possible while conforming to an impartial and evidence-based process. Applicants that do not meet the eligibility requirements prescribed by division (C) of this section shall be</u>	3810
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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 ~~(B)~~(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 to a request made under this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the following: 3904  
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(1) The person who is the subject of the criminal records check or the person's representative; 3908  
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(2) The members and staff of the division; 3910

(3) A court, hearing officer, or other necessary individual involved in a case dealing with either of the following: 3911  
3912  
3913

(a) A license denial resulting from the criminal records check; 3914  
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(b) A civil or criminal action regarding the ~~medical~~ marijuana control program or any violation of this chapter. 3916  
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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: 3918  
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3921

(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; 3922  
3923  
3924  
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3926

(2) Instruct the superintendent to submit the completed report of the criminal records check directly to the division. 3927  
3928

**Sec. 3796.13.** (A) Each person seeking employment with ~~an~~ entity licensed under ~~this chapter~~ a license holder shall comply with sections 4776.01 to 4776.04 of the Revised Code. Except as 3929  
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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  
demonstratedemonstrates 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

<u>background checks.</u>	3962
<b>Sec. 3796.14.</b> (A) The division of marijuana control may do	3963
any of the following for any reason specified in rules adopted	3964
under section 3796.03 of the Revised Code:	3965
(1) Suspend, suspend without prior hearing, revoke, or	3966
refuse to renew a license <u>or registration</u> it issued under this	3967
chapter or <del>a license or a registration the state board of</del>	3968
pharmacy issued prior to the transfer of regulatory authority	3969
over the medical marijuana control program to the	3970
division <del>Chapter 3780.</del> of the Revised Code, as that chapter	3971
existed immediately before the effective date of this amendment;	3972
(2) Refuse to issue a license;	3973
(3) Impose on a license holder a civil penalty in an	3974
amount to be determined by the division.	3975
(4) <del>With respect to a suspension of a retail dispensary</del>	3976
license without prior hearing, the division may utilize a	3977
telephone conference call to review the allegations and take a	3978
vote. The division shall suspend a <u>dispensary</u> license without	3979
prior hearing only if it finds clear and convincing evidence	3980
that continued distribution of medical marijuana <u>and adult-use</u>	3981
marijuana by the license holder presents a danger of immediate	3982
and serious harm to others. The suspension shall remain in	3983
effect, unless lifted by the division, until the division issues	3984
its final adjudication order. If the division does not issue the	3985
order within ninety days after the adjudication hearing, the	3986
suspension shall be lifted on the ninety-first day following the	3987
hearing.	3988
The division's actions under division (A) of this section	3989
shall be taken in accordance with Chapter 119. of the Revised	3990

Code.	3991
(B) <u>The Subject to division (E) of this section, the</u>	3992
<u>division and the Ohio investigative unit may inspect all of the</u>	3993
<u>following for any reason specified in rules adopted under</u>	3994
<u>section 3796.03 of the Revised Code without prior notice to the</u>	3995
<u>applicant or license holder:</u>	3996
(1) <u>The premises of a license holder or an applicant for</u>	3997
<u>licensure or holder of a current, valid cultivator, processor,</u>	3998
<u>retail dispensary, or laboratory license issued under this</u>	3999
<u>chapter;</u>	4000
(2) <u>All records maintained pursuant to this chapter by a</u>	4001
<u>license holder of a current license.</u>	4002
(C) <u>Whenever it appears to the division, from its files,</u>	4003
<u>upon complaint, or otherwise, or to the Ohio investigative unit,</u>	4004
<u>from an inspection or investigation authorized by this section,</u>	4005
<u>that any person or entity has engaged in, is engaged in, or is</u>	4006
<u>about to engage in any practice declared to be illegal or</u>	4007
<u>prohibited by this chapter or the rules adopted under this</u>	4008
<u>chapter, or when the division believes it to be in the best</u>	4009
<u>interest of the public, adult-use consumers, or medical</u>	4010
<u>marijuana patients, the division may do any of the following:</u>	4011
(1) <u>Investigate the person or entity as authorized</u>	4012
<u>pursuant to this chapter or the rules adopted under this</u>	4013
<u>chapter;</u>	4014
(2) <u>Issue subpoenas to any person or entity for the</u>	4015
<u>purpose of compelling either of the following:</u>	4016
(a) <u>The attendance and testimony of witnesses;</u>	4017
(b) <u>The production of books, accounts, papers, records, or</u>	4018

documents. 4019

(D) If a person or entity fails to comply with any order 4020  
of the division or the unit or a subpoena issued by the division 4021  
or the unit pursuant to this section, a judge of the court of 4022  
common pleas of the county in which the person resides or the 4023  
entity may be served, on application of the division or the 4024  
unit, shall compel obedience by attachment proceedings as for 4025  
contempt, as in the case of disobedience with respect to the 4026  
requirements of a subpoena issued from such court or a refusal 4027  
to testify in such court. 4028

(E) The Ohio investigative unit shall not inspect or 4029  
investigate the premises of any person under this section unless 4030  
one or both of the following apply: 4031

(1) The person inspected or investigated is a license 4032  
holder and either or both of the following apply: 4033

(a) The division of marijuana control requests the unit to 4034  
inspect or investigate. 4035

(b) The inspection or investigation involves alleged 4036  
criminal activity. 4037

(2) The unit is invited by local law enforcement having 4038  
jurisdiction over the person inspected or investigated. 4039

(F) Nothing in this section prohibits the Ohio 4040  
investigative unit from investigating criminal activity related 4041  
to this chapter outside the premises of a license holder's 4042  
cultivation, processing, dispensing, or laboratory facilities. 4043  
The authority of the Ohio investigative unit is concurrent to 4044  
the jurisdiction of any law enforcement officer to enforce this 4045  
chapter. 4046

**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 4106  
label all medical marijuana and adult-use marijuana products in 4107  
accordance with this chapter and any rules adopted thereunder 4108  
before delivering or selling the products to a licensed 4109  
processor or licensed dispensary. 4110

(D) The division of marijuana control shall issue the 4111  
following types of cultivation licenses: 4112

(1) A level I cultivator license that authorizes the 4113  
license holder to operate a cultivation area specified by the 4114  
division, not to exceed one hundred thousand square feet; 4115

(2) A level II cultivator license that authorizes the 4116  
license holder to operate a cultivation area specified by the 4117  
division, not to exceed fifteen thousand square feet. 4118

(E) A licensed cultivator may request and receive one or 4119  
more expansions to the cultivator's cultivation area, subject to 4120  
the approval of the division, so long as the resulting total 4121  
cultivation area, including all expansions, does not exceed the 4122  
applicable maximum cultivation area prescribed by division (D) 4123  
of this section. 4124

**Sec. 3796.19.** (A) (1) Notwithstanding any conflicting 4125  
provision of the Revised Code, a licensed processor, including 4126  
the holder of a current, valid processor license issued under 4127  
this chapter before the effective date of this amendment, may do 4128  
any all of the following: 4129

(1) Obtain (a) Purchase or otherwise obtain medical 4130  
marijuana and adult-use marijuana from one or more licensed 4131  
cultivators other license holders; 4132

(2) (b) Subject to division (B) of this section, process 4133  
medical marijuana obtained from one or more licensed cultivators 4134

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

<u>marijuana and adult-use marijuana from one or more</u>	4163
<u>processors</u> <u>other license holders;</u>	4164
<u>(2) (b) Dispense or sell medical marijuana in accordance</u>	4165
<u>with division (B) of this section;</u>	4166
<u>(c) Dispense or sell adult-use marijuana in accordance</u>	4167
<u>with division (C) of this section;</u>	4168
<u>(d) Sell paraphernalia that may be used in the</u>	4169
<u>administration of adult-use marijuana or medical marijuana as</u>	4170
<u>specified in rules adopted under section 3796.03 of the Revised</u>	4171
<u>Code;</u>	4172
<u>(e) Provide delivery of medical marijuana in accordance</u>	4173
<u>with the rules adopted under section 3796.03 of the Revised</u>	4174
<u>Code;</u>	4175
<u>(f) Deliver, transfer, or sell medical marijuana and</u>	4176
<u>adult-use marijuana to other license holders.</u>	4177
<u>(2) A licensed dispensary engaged in the activities</u>	4178
<u>authorized by this chapter shall do so respecting both medical</u>	4179
<u>marijuana and adult-use marijuana.</u>	4180
<u>(B) When dispensing or selling medical marijuana, a</u>	4181
<u>licensed retail dispensary shall do all of the following:</u>	4182
<u>(1) Dispense or sell only upon a showing of a current,</u>	4183
<u>valid, government-issued identification card and in accordance</u>	4184
<u>with a written recommendation issued by a physician holding a</u>	4185
<u>certificate to recommend issued by the state medical board under</u>	4186
<u>section 4731.30 of the Revised Code;</u>	4187
<u>(2) Report to the drug database the information required</u>	4188
<u>by section 4729.771 of the Revised Code;</u>	4189

(3) Label the package containing medical marijuana with the following information:	4190 4191
(a) The name and address of the licensed processor and retail dispensary;	4192 4193
(b) The name of the patient and caregiver, if any;	4194
(c) The name of the physician who recommended treatment with medical marijuana;	4195 4196
(d) The directions for use, if any, as recommended by the physician;	4197 4198
(e) The date on which the medical marijuana was dispensed;	4199
(f) The quantity, strength, kind, or form of medical marijuana contained in the package.	4200 4201
(4) <u>Maintain an adequate supply of medical marijuana</u> <u>products to meet typical patient demand for those products.</u>	4202 4203
(C) <u>When dispensing or selling adult-use marijuana to</u> <u>consumers, all of the following apply:</u>	4204 4205
(1) <u>A licensed dispensary shall dispense or sell adult-use</u> <u>marijuana only to adult-use consumers who present a current,</u> <u>valid, government-issued identification card demonstrating proof</u> <u>that the adult-use consumer is twenty-one years of age or older.</u>	4206 4207 4208 4209
(2) <u>No licensed dispensary shall knowingly dispense or</u> <u>sell more than the amount of adult-use marijuana that may be</u> <u>legally possessed by an adult-use consumer under section</u> <u>3796.221 of the Revised Code to the same adult-use consumer in</u> <u>the same day.</u>	4210 4211 4212 4213 4214
(3) <u>A licensed dispensary shall ensure that the label of</u> <u>the package containing adult-use marijuana contains all of the</u>	4215 4216

<u>following information, in accordance with rules adopted by the</u>	4217
<u>division of marijuana control:</u>	4218
<u>(a) The name and address of the licensed processor and</u>	4219
<u>retail dispensary;</u>	4220
<u>(b) A statement that the use of adult-use marijuana by</u>	4221
<u>individuals under twenty-one years of age is both harmful and</u>	4222
<u>illegal;</u>	4223
<u>(c) The quantity, strength, kind, or form of adult-use</u>	4224
<u>marijuana contained in the package.</u>	4225
<del>When operating a licensed retail dispensary, both of the</del>	4226
<del>following apply:</del>	4227
<del>(1) (D) (1) A licensed dispensary shall use only employees</del>	4228
<del>who have met the training requirements established in rules</del>	4229
<del>adopted under section 3796.03 of the Revised Code.</del>	4230
<u>(2) A licensed dispensary shall not make public any</u>	4231
<u>information it collects that identifies or would tend to</u>	4232
<u>identify any specific medical marijuana patient or adult-use</u>	4233
<u>consumer.</u>	4234
<u>(3) A licensed dispensary shall prominently display both</u>	4235
<u>of the following:</u>	4236
<u>(a) A statement that the use of adult-use or homegrown</u>	4237
<u>marijuana by individuals under twenty-one years of age is both</u>	4238
<u>harmful and illegal;</u>	4239
<u>(b) Information about the addictive qualities of marijuana</u>	4240
<u>and the potential negative health consequences associated with</u>	4241
<u>its use.</u>	4242
<b>Sec. 3796.21. (A) Notwithstanding any conflicting</b>	4243

provision of the Revised Code, <u>a licensed laboratory, including</u>	4244
the holder of a current, valid laboratory license issued under	4245
this chapter <u>may before the effective date of this amendment,</u>	4246
<u>shall do both of the following:</u>	4247
(1) Obtain medical marijuana <u>and adult-use marijuana</u> from	4248
one or more <u>licensed</u> cultivators, <u>licensed</u> processors, and	4249
<u>retail</u> <u>licensed</u> dispensaries <u>licensed under this chapter;</u>	4250
(2) Conduct <u>medical</u> <u>marijuana</u> testing in the manner	4251
specified in rules adopted under section 3796.03 of the Revised	4252
Code.	4253
(B) When testing medical marijuana <u>or adult-use marijuana</u> ,	4254
a licensed laboratory shall do both of the following:	4255
(1) Test <u>the</u> <u>marijuana</u> for potency, homogeneity, and	4256
contamination;	4257
(2) Prepare a report of the test results.	4258
<b>Sec. 3796.22.</b> (A) Notwithstanding any conflicting	4259
provision of the Revised Code, a patient registered under this	4260
chapter who obtains medical marijuana from a <u>retail</u> <u>licensed</u>	4261
dispensary <u>licensed under</u> <u>in accordance with</u> this chapter may do	4262
<u>both</u> <u>all</u> 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 <u>that may be</u>	4267
<u>used in the administration of medical marijuana, as specified in</u>	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  
specified in rules adopted under section 3796.03 of the Revised  
Code. 4271  
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(C) A registered patient shall not be subject to arrest or  
criminal prosecution for doing anyeither of the following in  
accordance with this chapter: 4274  
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(1) Obtaining, using, or possessing medical marijuana; 4277  
  
(2) Possessing any paraphernalia or accessories that may  
be used in the administration of medical marijuana, as specified  
in rules adopted under section 3796.03 of the Revised Code. 4278  
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(D) This section does not authorize a registered patient  
to operate a vehicle, streetcar, trackless trolley, watercraft,  
or aircraft while under the influence of medical marijuana. 4281  
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**Sec. 3796.221.** (A) Notwithstanding any conflicting  
provision of the Revised Code, an adult-use consumer who obtains  
adult-use marijuana from a licensed dispensary may do all of the  
following: 4284  
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(1) Use adult-use marijuana; 4288  
  
(2) Possess adult-use marijuana, subject to division (B)  
of this section; 4289  
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(3) Possess any paraphernalia or accessories that may be  
used in the administration of adult-use marijuana as specified  
in rules adopted under section 3796.03 of the Revised Code; 4291  
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(4) Transfer adult-use and homegrown marijuana to another  
adult-use consumer if all of the following apply: 4294  
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(a) The transfer is without remuneration. 4296

(b) The amount transferred to the same adult-use consumer 4297

<u>in the same day does not exceed either of the following:</u>	4298
<u>(i) Two and one-half ounces of plant material, excluding any seeds, live plants, or clones being cultivated, grown, or possessed in accordance with section 3796.04 of the Revised Code;</u>	4299
<u>(ii) Fifteen grams of extract.</u>	4300
<u>(c) The transfer occurs at privately owned real property that is used primarily for residential or agricultural purposes, including any dwellings, facilities, improvements, and appurtenances on such real property.</u>	4301
<u>(B) No person shall knowingly possess more than the following cumulative amounts of homegrown marijuana and adult-use marijuana:</u>	4302
<u>(1) Two and one-half ounces of plant material, excluding any seeds, live plants, or clones being cultivated, grown, or possessed in accordance with section 3796.04 of the Revised Code;</u>	4303
<u>(2) Fifteen grams of extract.</u>	4304
<u>(C) Except as expressly authorized under division (A) (4) of this section, no person other than a license holder shall knowingly give, sell, or transfer adult-use or homegrown marijuana to any other person, with or without remuneration.</u>	4305
<u>(D) Subject to divisions (B) and (C) of this section, an adult-use consumer is not subject to arrest or criminal prosecution for engaging in any of the activities described in division (A) of this section.</u>	4306
<u>(E) This section does not authorize an adult-use consumer to operate a vehicle, streetcar, trackless trolley, watercraft,</u>	4307
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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 personally use medical marijuana, unless the caregiver is also a registered patient.	4355
(D) This section does not permit a registered caregiver to personally use medical marijuana, unless the caregiver is also a registered patient.	4356
(D) This section does not permit a registered caregiver to personally use medical marijuana, unless the caregiver is also a registered patient.	4357
<b>Sec. 3796.24.</b> (A) The holder of a license, as defined in section 4776.01 of the Revised Code, is not subject to professional disciplinary action solely for engaging in professional or occupational activities related to medical marijuana.	4358
(A) The holder of a license, as defined in section 4776.01 of the Revised Code, is not subject to professional disciplinary action solely for engaging in professional or occupational activities related to medical marijuana.	4359
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(B) Unless there is clear and convincing evidence that a child is unsafe, the use, possession, or administration of medical marijuana in accordance with this chapter shall not be the sole or primary basis for any of the following:	4363
(1) An adjudication under section 2151.28 of the Revised Code determining that a child is an abused, neglected, or dependent child;	4364
(1) An adjudication under section 2151.28 of the Revised Code determining that a child is an abused, neglected, or dependent child;	4365
(1) An adjudication under section 2151.28 of the Revised Code determining that a child is an abused, neglected, or dependent child;	4366
(2) An allocation of parental rights and responsibilities under section 3109.04 of the Revised Code;	4367
(2) An allocation of parental rights and responsibilities under section 3109.04 of the Revised Code;	4368
(2) An allocation of parental rights and responsibilities under section 3109.04 of the Revised Code;	4369
(3) A parenting time order under section 3109.051 or 3109.12 of the Revised Code.	4370
(3) A parenting time order under section 3109.051 or 3109.12 of the Revised Code.	4371
(3) A parenting time order under section 3109.051 or 3109.12 of the Revised Code.	4372
(3) A parenting time order under section 3109.051 or 3109.12 of the Revised Code.	4373
(C) Notwithstanding any conflicting provision of the Revised Code, the use or possession of medical marijuana in accordance with this chapter shall not be used as a reason for disqualifying a patient from medical care or from including a patient on a transplant waiting list.	4374
(C) Notwithstanding any conflicting provision of the Revised Code, the use or possession of medical marijuana in accordance with this chapter shall not be used as a reason for disqualifying a patient from medical care or from including a patient on a transplant waiting list.	4375
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(C) Notwithstanding any conflicting provision of the Revised Code, the use or possession of medical marijuana in accordance with this chapter shall not be used as a reason for disqualifying a patient from medical care or from including a patient on a transplant waiting list.	4378
(D) Notwithstanding any conflicting provision of the Revised Code, the use, possession, administration, cultivation, processing, testing, or dispensing of medical marijuana in	4379
(D) Notwithstanding any conflicting provision of the Revised Code, the use, possession, administration, cultivation, processing, testing, or dispensing of medical marijuana in	4380
(D) Notwithstanding any conflicting provision of the Revised Code, the use, possession, administration, cultivation, processing, testing, or dispensing of medical marijuana in	4381

accordance with this chapter shall not be used as the sole or  
primary reason for taking action under any criminal or civil  
statute in the forfeiture or seizure of any property or asset. 4382  
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(E) Notwithstanding any conflicting provision of the  
Revised Code, ~~a person's status as a registered patient or~~ 4385  
~~caregiver engaging in activity authorized by this chapter~~ is not 4386  
a sufficient basis for conducting a field sobriety test on the 4387  
person or for suspending the person's driver's license. To 4388  
conduct any field sobriety test, a law enforcement officer must 4389  
have an independent, factual basis giving reasonable suspicion 4390  
that the person is operating a vehicle under the influence of 4391  
marijuana or with a prohibited concentration of marijuana in the 4392  
person's whole blood, blood serum, plasma, breath, or urine. 4393  
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(F) Notwithstanding any conflicting provision of the  
Revised Code, a person's status as a registered patient or 4395  
caregiver shall not be used as the sole or primary basis for 4396  
rejecting the person as a tenant unless the rejection is 4397  
required by federal law. This division does not prohibit a 4398  
landlord from prohibiting either of the following, as long as 4399  
such prohibition is included in the applicable lease agreement: 4400  
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(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, savings bank, or credit union or any affiliate, agent, or employee of a bank, trust company, savings and loan association, savings bank, or credit union;	4438 4439 4440 4441
(b) Any money transmitter licensed under sections 1315.01 to 1315.18 of the Revised Code or any affiliate, agent, or employee of such a licensee.	4442 4443 4444
(2) "Financial services" means services that a financial institution is authorized to provide under Title XI, sections 1315.01 to 1315.18, or Chapter 1733. of the Revised Code, as applicable.	4445 4446 4447 4448
(B) A financial institution that provides financial services to any <del>cultivator, processor, retail dispensary, or</del> <del>laboratory licensed under this chapter</del> <u>license holder</u> shall be exempt from any criminal law of this state an element of which may be proven by substantiating that a person provides financial services to a person who possesses, delivers, or manufactures marijuana or marijuana derived products, including section 2925.05 of the Revised Code and sections 2923.01 and 2923.03 of the Revised Code as those sections apply to violations of Chapter 2925. of the Revised Code, if the <del>cultivator, processor,</del> <del>retail dispensary, or laboratory</del> <u>license holder</u> is in compliance with this chapter and the applicable tax laws of this state.	4449 4450 4451 4452 4453 4454 4455 4456 4457 4458 4459 4460
(C) (1) Notwithstanding section 149.43 of the Revised Code or any other public records law to the contrary, upon the request of a financial institution, the division of marijuana control shall provide to the financial institution all of the following information:	4461 4462 4463 4464 4465
(a) Whether a person with whom the financial institution	4466

is seeking to do business is a <del>cultivator, processor, retail</del>	4467
<del>dispensary, or laboratory licensed under this chapter</del> <u>license</u>	4468
<u>holder;</u>	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 <u>or under Chapter 3780. of the Revised Code,</u>	4473
<u>as that chapter existed immediately before the effective date of</u>	4474
<u>this amendment,</u> 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
<u>chapter or Chapter 3780. of the Revised Code, as that chapter</u>	4481
<u>existed immediately before the effective date of this amendment,</u>	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
<b>Sec. 3796.28. (A) Nothing in this chapter does any of the</b>	4494

following:	4495
(1) Requires an employer to permit or accommodate an employee's use, possession, or distribution of medical marijuana;	4496
(2) Prohibits an employer from refusing to hire, discharging, disciplining, or otherwise taking an adverse employment action against a person with respect to hire, tenure, terms, conditions, or privileges of employment because of that person's use, possession, or distribution of medical marijuana;	4499
(3) Prohibits an employer from establishing and enforcing a drug testing policy, drug-free workplace policy, or zero-tolerance drug policy;	4504
(4) Interferes with any federal restrictions on employment, including the regulations adopted by the United States department of transportation in Title 49 of the Code of Federal Regulations, as amended;	4507
(5) Permits a person to commence a cause of action against an employer for refusing to hire, discharging, disciplining, discriminating, retaliating, or otherwise taking an adverse employment action against a person with respect to hire, tenure, terms, conditions, or privileges of employment related to medical marijuana;	4511
(6) Affects the authority of the administrator of workers' compensation to grant rebates or discounts on premium rates to employers that participate in a drug-free workplace program established in accordance with rules adopted by the administrator under Chapter 4123. of the Revised Code.	4517
(B) A person who is discharged from employment because of that person's use of medical marijuana shall be considered to	4522
	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

<u>(B)(C) This section does not require relocation or closure of a facility used by a licensed cultivator, licensed processor, licensed dispensary, or licensed laboratory, if that facility has a certificate of operation at the time a school, church, public library, public playground, or public park relocates, or is established, on a parcel of real estate, the boundaries of which are within five hundred feet of that operational facility.</u>	4584
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<u>(D) This section does not apply to research related to marijuana conducted at a state university, academic medical center, or private research and development organization as part of a research protocol approved by an institutional review board or equivalent entity.</u>	4591
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<u>(C) As used in this section and sections 3796.03 and 3796.12 of the Revised Code:</u>	4596
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<u>"Church" has the meaning defined in section 1710.01 of the Revised Code.</u>	4598
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<u>"Public library" means a library provided for under Chapter 3375. of the Revised Code.</u>	4600
	4601
<u>"Public park" means a park established by the state or a political subdivision of the state including a county, township, municipal corporation, or park district.</u>	4602
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	4604
<u>"Public playground" means a playground established by the state or a political subdivision of the state including a county, township, municipal corporation, or park district.</u>	4605
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<u>"School" means a child care center as defined under section 5104.01 of the Revised Code, a preschool as defined under section 2950.034 of the Revised Code, or a public or nonpublic primary school or secondary school.</u>	4608
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<b>Sec. 3796.31.</b> Except as otherwise authorized in the Revised Code, no political subdivision shall <del>levy do either of</del> the following:	4612
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(A) Levy any tax or fee on <del>cultivators, processors, or</del> <del>dispensaries</del> license holders that is based on <del>those</del> the license holder's businesses' gross receipts or that is the same as or similar to any tax or fee imposed by the state;	4615
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(B) Levy any tax, fee, or charge on license holders or license holders' property that is not generally charged on other businesses.	4619
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<b>Sec. 3796.32.</b> (A) The division of marijuana control may adopt rules regulating the advertisement of adult-use marijuana and medical marijuana to prevent advertisements that are false, misleading, targeted to minors, attractive to minors, promote excessive use, promote illegal activity, are obscene or indecent, contain depictions of marijuana use, or promote marijuana as an intoxicant.	4622
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(B) Any rules the division adopts regulating the advertisement of adult-use marijuana shall be at least as stringent as the most stringent federal or state laws or rules governing the advertisement of tobacco or alcohol.	4629
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(C) The division may, at any time, conduct an audit of an applicant's or license holder's published advertisements to ensure that the applicant or license holder complies with this chapter and associated rules.	4633
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(D) Adult-use marijuana or medical marijuana shall not be packaged, advertised, or otherwise marketed using any graphic, picture, or drawing that bears any resemblance to a cartoon character, or any fictional character or popular culture figure	4637
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<u>whose target audience is children or youth.</u>	4641
<u>(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.</u>	4642 4643 4644
<u>(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.</u>	4645 4646 4647 4648 4649 4650
<u>(2) Division (F) (1) of this section does not apply to signage on the facility of a license holder.</u>	4651 4652
<u>(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.</u>	4653 4654 4655 4656
<u>(2) The division shall either approve or deny such names, logos, signs, or materials within twenty-one business days after receiving the submission.</u>	4657 4658 4659
<u>(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.</u>	4660 4661 4662
<u>(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.</u>	4663 4664 4665 4666 4667 4668

<u>Sec. 3796.33. (A) As used in this section, "equivalent license" means:</u>	4669
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<u>(1) In the case of an adult-use cultivator, a cultivator license of the same level issued under section 3796.09 of the Revised Code to engage in the activities authorized by section 3796.18 of the Revised Code;</u>	4671
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<u>(2) In the case of an adult-use processor, a processor license issued under section 3796.09 of the Revised Code to engage in the activities authorized by section 3796.19 of the Revised Code;</u>	4675
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<u>(3) In the case of an adult-use dispensary, a retail dispensary license issued under section 3796.10 of the Revised Code to engage in the activities authorized by section 3796.20 of the Revised Code;</u>	4679
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<u>(4) In the case of an adult-use testing laboratory, a laboratory license issued under section 3796.09 of the Revised Code to engage in the activities authorized by section 3796.21 of the Revised Code.</u>	4683
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<u>(B) A license issued under Chapter 3780. of the Revised Code, as that chapter existed immediately before the effective date of this section, shall be treated, for all purposes, as the equivalent license under this chapter.</u>	4687
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<u>(C) The holder of a license described in division (B) of this section is subject to all procedures, requirements, and penalties that apply to the holder of the equivalent license under this chapter.</u>	4691
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<u>(D) If a license described in division (B) of this section is held by the same person and used at the same location as an equivalent license under this chapter, the division of marijuana</u>	4695
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<u>control shall merge the licenses and treat them as the same</u>	4698
<u>license for all purposes, including expiration and renewal.</u>	4699
 <b>Sec. 3780.37 3796.34.</b> (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 of the office of budget and management for this purpose and the director of budget and management shall provide for payment of those amounts to municipal corporations and townships as required. 4784  
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(G) The tax commissioner may prescribe all forms and adopt all rules necessary to administer the tax authorized under this section. 4789  
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**Sec. 3796.99.** (A) (1) Whoever violates division (C) (2) of section 3796.06 of the Revised Code as an operator of the vehicle, streetcar, trackless trolley, watercraft, or aircraft is subject to section 1547.11, 4511.19, 4511.194, or 4561.15 of the Revised Code, as applicable. 4792  
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(2) Whoever violates division (C) (2) of section 3796.06 of the Revised Code as a passenger of a vehicle, streetcar, trackless trolley, watercraft, or aircraft when the operator is operating or has physical control of the vehicle, streetcar, trackless trolley, watercraft, or aircraft is guilty of a misdemeanor of the third degree. 4797  
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(B) Except as otherwise provided in division (A) of this section, whoever violates division (C) (2) or (3) of section 3796.06 of the Revised Code is guilty of a minor misdemeanor. 4803  
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(C) (1) (a) Except as provided in division (C) (1) (b) of this section, whoever violates division (F) of section 3796.06 of the Revised Code is guilty of a misdemeanor of the first degree. 4806  
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(b) An offender who has previously been convicted of, or pleaded guilty to, a violation of division (F) of section 3796.06 of the Revised Code, is guilty of a felony of the fifth degree. 4809  
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<u>(2) The division of marijuana control shall immediately revoke the license of any license holder under this chapter who is found guilty of, or who pleads guilty or no contest to, violating division (F) of section 3796.06 of the Revised Code.</u>	4813 4814 4815 4816
<u>(D) Whoever violates division (B) of section 3796.221 of the Revised Code is guilty of possession of marijuana under section 2925.11 of the Revised Code.</u>	4817 4818 4819
<u>(E) Whoever violates division (C) of section 3796.04 of the Revised Code is guilty of illegal cultivation of marijuana under section 2925.04 of the Revised Code.</u>	4820 4821 4822
<u>(F) Whoever violates division (I) of section 3796.09, division (I) of section 3796.10, division (C) (2) of section 3796.20, or division (C) of section 3796.221 of the Revised Code is guilty of trafficking in marijuana under section 2925.03 of the Revised Code.</u>	4823 4824 4825 4826 4827
<u>(G) (1) Except as otherwise provided in divisions (G) (2) to (4) of this section, whoever violates division (G) of section 3796.06 of the Revised Code by knowingly showing or giving false information concerning the individual's name, age, or other identification for the purpose of purchasing or otherwise obtaining adult-use marijuana from an adult-use dispensary licensed under this chapter is guilty of a misdemeanor of the first degree.</u>	4828 4829 4830 4831 4832 4833 4834 4835
<u>(2) Except as otherwise provided in divisions (G) (3) and (4) of this section, whoever violates division (G) of section 3796.06 of the Revised Code by knowingly presenting to an adult-use dispensary licensed under this chapter a false, fictitious, or altered identification card, a false or fictitious driver's license purportedly issued by any state, or a driver's license</u>	4836 4837 4838 4839 4840 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  
pledged 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 not limited to, a motorized crane, a vehicle whose function is to pump cement, a rig for drilling wells, and a portable crane.	4958 4959 4960
(E) "Controlled substance" means all of the following:	4961
(1) Any substance classified as a controlled substance under the "Controlled Substances Act," 80 Stat. 1242 (1970), 21 U.S.C.A. 802(6), as amended;	4962 4963 4964
(2) Any substance included in schedules I through V of 21 C.F.R. part 1308, as amended;	4965 4966
(3) Any drug of abuse.	4967
(F) "Conviction" means an unvacated adjudication of guilt or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated.	4968 4969 4970 4971 4972 4973 4974 4975 4976
(G) "Disqualification" means any of the following:	4977
(1) The suspension, revocation, or cancellation of a person's privileges to operate a commercial motor vehicle;	4978 4979
(2) Any withdrawal of a person's privileges to operate a commercial motor vehicle as the result of a violation of state or local law relating to motor vehicle traffic control other than parking, vehicle weight, or vehicle defect violations;	4980 4981 4982 4983
(3) A determination by the federal motor carrier safety administration that a person is not qualified to operate a	4984 4985

commercial motor vehicle under 49 C.F.R. 391.	4986
(H) "Domiciled" means having a true, fixed, principal, and permanent residence to which an individual intends to return.	4987
(I) "Downgrade" means any of the following, as applicable:	4989
(1) A change in the commercial driver's license, or commercial driver's license temporary instruction permit, holder's self-certified status as described in division (A) (1) of section 4506.10 of the Revised Code;	4990
(2) A change to a lesser class of vehicle;	4994
(3) Removal of commercial driver's license privileges from the individual's driver's license;	4995
(4) A change in the commercial driver's license, or commercial driver's license temporary instruction permit, holder's privileges as described in division (F) (1) of section 4506.13 of the Revised Code.	4997
(J) "Drive" means to drive, operate, or be in physical control of a motor vehicle.	5001
(K) "Driver" means any person who drives, operates, or is in physical control of a commercial motor vehicle or is required to have a commercial driver's license.	5003
(L) "Driver's license" means a license issued by the bureau of motor vehicles that authorizes an individual to drive.	5006
(M) "Drug of abuse" means any controlled substance, dangerous drug as defined in section 4729.01 of the Revised Code, harmful intoxicant as defined in section 2925.01 of the Revised Code, <u>intoxicating hemp product as defined in section 3779.01 of the Revised Code, drinkable cannabinoid product as</u>	5008
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defined in section 3779.21 of the Revised Code, or over-the-counter medication that, when taken in quantities exceeding the recommended dosage, can result in impairment of judgment or reflexes. 5013  
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(N) "Electronic device" includes a cellular telephone, a personal digital assistant, a pager, a computer, and any other device used to input, write, send, receive, or read text. 5017  
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(O) "Eligible unit of local government" means a village, township, or county that has a population of not more than three thousand persons according to the most recent federal census. 5020  
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(P) "Employer" means any person, including the federal government, any state, and a political subdivision of any state, that owns or leases a commercial motor vehicle or assigns a person to drive such a motor vehicle. 5023  
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(Q) "Endorsement" means an authorization on a person's commercial driver's license that is required to permit the person to operate a specified type of commercial motor vehicle. 5027  
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(R) "Farm truck" means a truck controlled and operated by a farmer for use in the transportation to or from a farm, for a distance of not more than one hundred fifty miles, of products of the farm, including livestock and its products, poultry and its products, floricultural and horticultural products, and in the transportation to the farm, from a distance of not more than one hundred fifty miles, of supplies for the farm, including tile, fence, and every other thing or commodity used in agricultural, floricultural, horticultural, livestock, and poultry production, and livestock, poultry, and other animals and things used for breeding, feeding, or other purposes connected with the operation of the farm, when the truck is 5030  
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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 by a driver from the federal motor carrier safety administration that allows the driver to be issued a medical certificate:	5072
(1) An exemption letter permitting operation of a commercial motor vehicle under 49 C.F.R. 381, subpart C or 49 C.F.R. 391.64;	5075
(2) A skill performance evaluation certificate permitting operation of a commercial motor vehicle pursuant to 49 C.F.R. 391.49.	5078
(Z) "Mobile telephone" means a mobile communication device that falls under or uses any commercial mobile radio service as defined in 47 C.F.R. 20, except that mobile telephone does not include two-way or citizens band radio services.	5081
(AA) "Motor vehicle" means a vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power used on highways, except that such term does not include a vehicle, machine, tractor, trailer, or semitrailer operated exclusively on a rail.	5085
(BB) "Out-of-service order" means a declaration by an authorized enforcement officer of a federal, state, local, Canadian, or Mexican jurisdiction declaring that a driver, commercial motor vehicle, or commercial motor carrier operation is out of service as defined in 49 C.F.R. 390.5.	5090
(CC) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.	5095
(DD) "Portable tank" means a liquid or gaseous packaging designed primarily to be loaded onto or temporarily attached to	5097

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  
resolution substantially similar to either of those sections, or  
any substantially similar law of another state or political  
subdivision of another state; 5155  
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(g) Violation of any other law of this state, any law of  
another state, or any ordinance or resolution of a political  
subdivision of this state or another state that meets both of  
the following requirements: 5159  
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(i) It relates to traffic control, other than a parking  
violation; 5163  
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(ii) It is determined to be a serious traffic violation by  
the United States secretary of transportation and is designated  
by the director as such by rule. 5165  
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(JJ) "State" means a state of the United States and  
includes the District of Columbia. 5168  
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(KK) "Tank vehicle" means any commercial motor vehicle  
that is designed to transport any liquid or gaseous materials  
within a tank or tanks that are either permanently or  
temporarily attached to the vehicle or its chassis and have an  
individual rated capacity of more than one hundred nineteen  
gallons and an aggregate rated capacity of one thousand gallons  
or more. "Tank vehicle" does not include a commercial motor  
vehicle transporting an empty storage container tank that is not  
designed for transportation, has a rated capacity of one  
thousand gallons or more, and is temporarily attached to a  
flatbed trailer. 5170  
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(LL) "Tester" means a person or entity acting pursuant to  
a valid agreement entered into pursuant to division (B) of  
section 4506.09 of the Revised Code. 5181  
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(MM) "Texting" means manually entering alphanumeric text into, or reading text from, an electronic device. Texting includes short message service, e-mail, instant messaging, a command or request to access a world wide web page, pressing more than a single button to initiate or terminate a voice communication using a mobile telephone, or engaging in any other form of electronic text retrieval or entry, for present or future communication. Texting does not include the following:	5184 5185 5186 5187 5188 5189 5190 5191
(1) Using voice commands to initiate, receive, or terminate a voice communication using a mobile telephone;	5192 5193
(2) Inputting, selecting, or reading information on a global positioning system or navigation system;	5194 5195
(3) Pressing a single button to initiate or terminate a voice communication using a mobile telephone; or	5196 5197
(4) Using, for a purpose that is not otherwise prohibited by law, a device capable of performing multiple functions, such as a fleet management system, a dispatching device, a mobile telephone, a citizens band radio, or a music player.	5198 5199 5200 5201
(NN) "Texting while driving" means texting while operating a commercial motor vehicle, with the motor running, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays. Texting while driving does not include operating a commercial motor vehicle with or without the motor running when the driver has moved the vehicle to the side of, or off, a highway and is stopped in a location where the vehicle can safely remain stationary.	5202 5203 5204 5205 5206 5207 5208 5209
(OO) "United States" means the fifty states and the District of Columbia.	5210 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, persuade, or induce;	5243
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(3) A continued course of misrepresentation or the making of false promises through agents, salespersons, advertising, or otherwise;	5245
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(4) Acting for more than one party in a transaction except as permitted by and in compliance with section 4735.71 of the Revised Code;	5248
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(5) Failure within a reasonable time to account for or to remit any money coming into the licensee's possession which belongs to others;	5251
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(6) Dishonest or illegal dealing, gross negligence, incompetency, or misconduct;	5254
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(7) (a) By final adjudication by a court, a violation of any municipal or federal civil rights law relevant to the protection of purchasers or sellers of real estate or, by final adjudication by a court, any unlawful discriminatory practice pertaining to the purchase or sale of real estate prohibited by Chapter 4112. of the Revised Code, provided that such violation arose out of a situation wherein parties were engaged in bona fide efforts to purchase, sell, or lease real estate, in the licensee's practice as a licensed real estate broker or salesperson;	5256
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(b) A second or subsequent violation of any unlawful discriminatory practice pertaining to the purchase or sale of real estate prohibited by Chapter 4112. of the Revised Code or any second or subsequent violation of municipal or federal civil rights laws relevant to purchasing or selling real estate	5266
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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 commission, rebate, or direct profit on expenditures made for a principal;	5301 5302 5303
(14) Having offered anything of value other than the consideration recited in the sales contract as an inducement to a person to enter into a contract for the purchase or sale of real estate or having offered real estate or the improvements on real estate as a prize in a lottery or scheme of chance;	5304 5305 5306 5307 5308
(15) Having acted in the dual capacity of real estate broker and undisclosed principal, or real estate salesperson and undisclosed principal, in any transaction;	5309 5310 5311
(16) Having guaranteed, authorized, or permitted any person to guarantee future profits which may result from the resale of real property;	5312 5313 5314
(17) Having advertised or placed a sign on any property offering it for sale or for rent without the consent of the owner or the owner's authorized agent;	5315 5316 5317
(18) Having induced any party to a contract of sale or lease to break such contract for the purpose of substituting in lieu of it a new contract with another principal;	5318 5319 5320
(19) Having negotiated the sale, exchange, or lease of any real property directly with a seller, purchaser, lessor, or tenant knowing that such seller, purchaser, lessor, or tenant is represented by another broker under a written exclusive agency agreement, exclusive right to sell or lease listing agreement, or exclusive purchaser agency agreement with respect to such property except as provided for in section 4735.75 of the Revised Code;	5321 5322 5323 5324 5325 5326 5327 5328

(20) Having offered real property for sale or for lease without the knowledge and consent of the owner or the owner's authorized agent, or on any terms other than those authorized by the owner or the owner's authorized agent;	5329
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(21) Having published advertising, whether printed, radio, display, or of any other nature, which was misleading or inaccurate in any material particular, or in any way having misrepresented any properties, terms, values, policies, or services of the business conducted;	5333
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(22) Having knowingly withheld from or inserted in any statement of account or invoice any statement that made it inaccurate in any material particular;	5338
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(23) Having published or circulated unjustified or unwarranted threats of legal proceedings which tended to or had the effect of harassing competitors or intimidating their customers;	5341
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(24) Having failed to keep complete and accurate records of all transactions for a period of three years from the date of the transaction, such records to include copies of listing forms, earnest money receipts, offers to purchase and acceptances of them, records of receipts and disbursements of all funds received by the licensee as broker and incident to the licensee's transactions as such, and records required pursuant to divisions (C)(4) and (5) of section 4735.20 of the Revised Code, and any other instruments or papers related to the performance of any of the acts set forth in the definition of a real estate broker;	5345
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(25) Failure of a real estate broker or salesperson to furnish all parties involved in a real estate transaction true	5356
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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

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who are not engaged in the management of real property on behalf of real property owners.	5388 5389
(28) Having failed to put definite expiration dates in all written agency agreements to which the broker is a party;	5390 5391
(29) Having an unsatisfied final judgment or lien in any court of record against the licensee arising out of the licensee's conduct as a licensed broker or salesperson;	5392 5393 5394
(30) Failing to render promptly upon demand a full and complete statement of the expenditures by the broker or salesperson of funds advanced by or on behalf of a party to a real estate transaction to the broker or salesperson for the purpose of performing duties as a licensee under this chapter in conjunction with the real estate transaction;	5395 5396 5397 5398 5399 5400
(31) Failure within a reasonable time, after the receipt of the commission by the broker, to render an accounting to and pay a real estate salesperson the salesperson's earned share of it;	5401 5402 5403 5404
(32) Performing any service for another constituting the practice of law, as determined by any court of law;	5405 5406
(33) Having been adjudicated incompetent by a court, as provided in section 5122.301 of the Revised Code. A license revoked or suspended under this division shall be reactivated upon proof to the commission of the removal of the disability.	5407 5408 5409 5410
(34) Having authorized or permitted a person to act as an agent in the capacity of a real estate broker, or a real estate salesperson, who was not then licensed as a real estate broker or real estate salesperson under this chapter or who was not then operating as an out-of-state commercial real estate broker or salesperson under section 4735.022 of the Revised Code;	5411 5412 5413 5414 5415 5416

(35) Having knowingly inserted or participated in inserting any materially inaccurate term in a document, including naming a false consideration;	5417 5418 5419
(36) Having failed to inform the licensee's client of the existence of an offer or counteroffer or having failed to present an offer or counteroffer in a timely manner, unless otherwise instructed by the client, provided the instruction of the client does not conflict with any state or federal law;	5420 5421 5422 5423 5424
(37) Having failed to comply with section 4735.24 of the Revised Code;	5425 5426
(38) Having acted as a broker without authority, impeded the ability of a principal broker to perform any of the duties described in section 4735.081 of the Revised Code, or impeded the ability a management level licensee to perform the licensee's duties;	5427 5428 5429 5430 5431
(39) Entering into a right-to-list home sale agreement.	5432
(B) Whenever the commission, pursuant to section 4735.051 of the Revised Code, imposes disciplinary sanctions for any violation of this section, the commission also may impose such sanctions upon the broker with whom the salesperson is affiliated if the commission finds that the broker had knowledge of the salesperson's actions that violated this section.	5433 5434 5435 5436 5437 5438
(C) The commission shall, pursuant to section 4735.051 of the Revised Code, impose disciplinary sanctions upon any foreign real estate dealer or salesperson who, in that capacity or in handling the dealer's or salesperson's own property, is found guilty of any of the acts or omissions specified or comprehended in division (A) of this section insofar as the acts or omissions pertain to foreign real estate. If the commission imposes such	5439 5440 5441 5442 5443 5444 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 establish and administer a statewide program to prevent youth</u>	5500 5501

<u>use of cannabis. The program shall do the following:</u>	5502
<u>(A) Use a harm reduction approach;</u>	5503
<u>(B) Include practices aimed at the prevention or reduction of substance use, substance abuse, substance dependence, and substance use disorders;</u>	5504 5505 5506
<u>(C) Use other evidence-based approaches selected by the department.</u>	5507 5508
<b>Sec. 5502.01.</b> (A) The department of public safety shall administer and enforce the laws relating to the registration, licensing, sale, and operation of motor vehicles and the laws pertaining to the licensing of drivers of motor vehicles.	5509 5510 5511 5512
The department shall compile, analyze, and publish statistics relative to motor vehicle accidents and the causes of them, prepare and conduct educational programs for the purpose of promoting safety in the operation of motor vehicles on the highways, and conduct research and studies for the purpose of promoting safety on the highways of this state.	5513 5514 5515 5516 5517 5518
(B) The department shall administer the laws and rules relative to trauma and emergency medical services specified in Chapter 4765. of the Revised Code and any laws and rules relative to medical transportation services specified in Chapter 4766. of the Revised Code.	5519 5520 5521 5522 5523
(C) The department shall administer and enforce the laws contained in Chapters 4301. and 4303. of the Revised Code and enforce the rules and orders of the liquor control commission pertaining to retail liquor permit holders.	5524 5525 5526 5527
(D) The department shall administer the laws governing the state emergency management agency and shall enforce all	5528 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 activities of all state agencies and shall be a liaison between state agencies and local entities for those activities and related purposes.	5560
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(J) The department shall administer and enforce the laws relative to private investigators and security service providers specified in Chapter 4749. of the Revised Code.	5564
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(K) The department shall administer criminal justice services in accordance with sections 5502.61 to 5502.66 of the Revised Code.	5567
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(L) The department shall administer the Ohio school safety and crisis center and the Ohio mobile training team in accordance with sections 5502.70 to 5502.703 of the Revised Code.	5570
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(M) The department shall coordinate security measures and operations, and may direct the department of administrative services to implement any security measures and operations the department of public safety requires, at the Vern Riffe Center and the James A. Rhodes state office tower.	5574
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Notwithstanding section 125.28 of the Revised Code, the director of public safety may recover the costs of directing security measures and operations under this division by either issuing intrastate transfer voucher billings to the department of administrative services, which the department shall process to pay for the costs, or, upon the request of the director of administrative services, the director of budget and management may transfer cash in the requested amount from the building management fund created under section 125.28 of the Revised Code. Payments received or cash transfers made under this	5579
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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 thatthose 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 itthat 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 itthat 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 division (B) of this section shall be concurrent with that of the peace officers of the county, township, or municipal corporation in which the violation occurs. 5679  
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(C) Enforcement agents of the department of public safety who are engaged in the enforcement of the laws and rules described in division (B) (1) of this section may carry concealed weapons when conducting undercover investigations pursuant to their authority as law enforcement officers and while acting within the scope of their authority pursuant to this chapter. 5683  
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(D) (1) The department of public safety shall not employ, and the director of public safety shall not designate, a person as an enforcement agent on a permanent basis, on a temporary basis, for a probationary term, or on other than a permanent basis if the person previously has been convicted of or has pleaded guilty to a felony. 5689  
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(2) (a) The department of public safety shall terminate the employment of a person who is designated as an enforcement agent and who does either of the following: 5695  
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(i) Pleads guilty to a felony; 5698  
  
(ii) Pleads guilty to a misdemeanor pursuant to a negotiated plea agreement as provided in division (D) of section 2929.43 of the Revised Code in which the enforcement agent agrees to surrender the certificate awarded to that agent under section 109.77 of the Revised Code. 5699  
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(b) The department shall suspend the employment of a person who is designated as an enforcement agent if the person is convicted, after trial, of a felony. If the enforcement agent files an appeal from that conviction and the conviction is 5704  
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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 postmark date was affixed to the cover in which the application is enclosed or the date of the postmark so affixed is not legible, and the application is received within seven days of the last day for making the application. 5799  
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**Sec. 5703.19.** (A) To carry out the purposes of the laws that the tax commissioner is required to administer, the commissioner or any person employed by the commissioner for that purpose, upon demand, may inspect books, accounts, records, and memoranda of any person or public utility subject to those laws, and may examine under oath any officer, agent, or employee of that person or public utility. If such books, accounts, records, or memoranda are kept electronically or available in an electronic format, the person or public utility shall provide such records to the commissioner electronically or in an electronic format at the commissioner's request. Any person other than the commissioner who makes a demand pursuant to this section shall produce the person's authority to make the inspection. 5804  
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(B) If a person or public utility receives at least ten days' written notice of a demand made under division (A) of this section and refuses to comply with that demand, a penalty of five hundred dollars shall be imposed upon the person or public utility for each day the person or public utility refuses to comply with the demand. Penalties imposed under this division may be assessed and collected in the same manner as assessments made under Chapter 3769., 4305., 5727., 5728., 5733., 5735., 5736., 5739., 5743., 5745., 5747., 5749., 5751., or 5753., or ~~sections~~—section 718.90, ~~or 3779.44~~, or sections 3734.90 to 3734.9014, of the Revised Code. 5818  
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<b>Sec. 5703.263.</b> (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 firm with respect to any return prepared under the supervision of an individual described in division (A)(3)(a) or (b) of this section, regardless of whether the public accounting firm is required to register with the accountancy board under section 4701.04 of the Revised Code.	5860 5861 5862 5863 5864 5865
(4) "CPA certificate" and "foreign certificate" have the same meanings as in section 4701.01 of the Revised Code.	5866 5867
(5) "Attorney" means an individual who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules, is permitted to practice as an attorney and counselor at law in this state under Chapter 4705. of the Revised Code, and is not currently suspended or removed from such practice under that chapter.	5868 5869 5870 5871 5872 5873
(6) A tax return preparer engages in "prohibited conduct" if the preparer does any of the following:	5874 5875
(a) Prepares any return or application for refund that includes an understatement of a taxpayer's tax liability due to an unreasonable position or due to willful or reckless conduct. For the purposes of this division, "unreasonable position" and "willful or reckless conduct" have the meanings as used in section 6694 of the Internal Revenue Code.	5876 5877 5878 5879 5880 5881
(b) When required under any provision of Title LVII of the Revised Code, the preparer fails to do any of the following:	5882 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 tax commissioner;	5888 5889
(v) Act diligently in determining a taxpayer's eligibility for tax credits, deductions, or exemptions.	5890 5891
(c) Negotiates a check or other negotiable instrument issued to a taxpayer by the department of taxation without the permission of the taxpayer;	5892 5893 5894
(d) Engages in any conduct subject to criminal penalties under Title LVII of the Revised Code;	5895 5896
(e) Misrepresents the preparer's eligibility to file returns or applications for refund on behalf of taxpayers, or otherwise misrepresents the preparer's experience or education;	5897 5898 5899
(f) Guarantees the payment of any tax refund or the allowance of any tax credit, deduction, or exemption;	5900 5901
(g) Engages in any other fraudulent or deceptive conduct that substantially interferes with the proper administration of any provision of Title LVII of the Revised Code.	5902 5903 5904
(7) "State" means a state of the United States, the District of Columbia, the commonwealth of Puerto Rico, or any territory or possession of the United States.	5905 5906 5907
(B) When a tax return preparer engages in prohibited conduct, the commissioner, may do either or both of the following:	5908 5909 5910
(1) If the commissioner has previously warned the tax return preparer in writing of the consequences of continuing to	5911 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, <u>3779.44</u> ,	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
<b>Sec. 5703.70.</b> (A) On the filing of an application for	5979
refund under section 718.91, <u>3734.905</u> , <u>3779.43</u> , 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 provides additional information to the tax commissioner within the time prescribed by division (A) of this section, the commissioner shall take no further action, and the refund or compensation amount denied becomes final. 6001  
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(C) (1) If the applicant requests a hearing within the time prescribed by division (A) of this section, the tax 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 such adjustments to the refund or compensation as the commissioner finds proper, and shall issue a final determination thereon. 6006  
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(2) If the applicant does not request a hearing, but provides additional information, within the time prescribed by division (A) of this section, the commissioner shall review the information, make such adjustments to the refund or compensation as the commissioner finds proper, and issue a final determination thereon. The commissioner may review such information and make such adjustments as many times as the commissioner finds proper before the issuance of a final determination. 6014  
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(3) If the applicant requests a hearing and provides additional information within the time prescribed by division (A) of this section, the commissioner may review the information and make such adjustments to the refund or compensation as the commissioner finds proper. The commissioner may review such information and make such adjustments as many times as the commissioner finds proper before the issuance of a final determination. 6023  
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The commissioner shall assign a time and place for the 6031  
hearing and notify the applicant of such time and place, but the 6032  
commissioner may continue the hearing from time to time, as 6033  
necessary. After the hearing, the commissioner may make any 6034  
additional adjustments to the refund or compensation as the 6035  
commissioner finds proper and shall issue a final determination 6036  
thereon. 6037

(4) The commissioner shall serve a copy of the final 6038  
determination made under division (C)(1), (2), or (3) of this 6039  
section on the applicant in the manner provided in section 6040  
5703.37 of the Revised Code, and the decision is final, subject 6041  
to appeal under section 5717.02 of the Revised Code. 6042

(D) The tax commissioner shall certify to the director of 6043  
budget and management and treasurer of state for payment from 6044  
the tax refund fund created by section 5703.052 of the Revised 6045  
Code, the amount of the refund to be refunded under division (B) 6046  
or (C) of this section. The commissioner also shall certify to 6047  
the director and treasurer of state for payment from the general 6048  
revenue fund the amount of compensation to be paid under 6049  
division (B) or (C) of this section. 6050

**Sec. 5703.77.** (A) As used in this section: 6051

(1) "Taxpayer" means a person subject to or previously 6052  
subject to a tax or fee, a person that remits a tax or fee, or a 6053  
person required to or previously required to withhold or collect 6054  
and remit a tax or fee on behalf of another person. 6055

(2) "Tax or fee" means a tax or fee administered by the 6056  
tax commissioner. 6057

(3) "Credit account balance" means the amount that a 6058  
taxpayer remits to the state in excess of the amount required to 6059

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  
tracts, lots, or parcels of land or portions thereof that are  
used for conservation practices, provided that the tracts, lots,  
or parcels of land or portions thereof comprise twenty-five per  
cent or less of the total of the tracts, lots, or parcels of  
land that satisfy the criteria established in division (A) (1),  
(2), (3), or (4) of this section together with the tracts, lots,  
or parcels of land or portions thereof that are used for  
conservation practices.

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

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

A tract, lot, parcel, or portion thereof on which medical  
marijuana or adult-use marijuana, as those terms are defined by  
section 3796.01 of the Revised Code, is cultivated or processed  
is not land devoted exclusively to agricultural use.

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

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

(2) The failure of the new owner of such land to file an initial application under that section without good cause as determined by the board of revision; 6209  
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(3) The failure of such land or portion thereof to qualify as land devoted exclusively to agricultural use for the current calendar year as requested by an application filed under such section; 6212  
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(4) The failure of the owner of the land described in division (A) (3) or (4) of this section to act on such land in a manner that is consistent with the return of the land to agricultural production after three years. 6216  
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The construction or installation of an energy facility, as defined in section 5727.01 of the Revised Code, on a portion of a tract, lot, or parcel of land devoted exclusively to agricultural use shall not cause the remaining portion of the tract, lot, or parcel to be regarded as a conversion of land devoted exclusively to agricultural use if the remaining portion of the tract, lot, or parcel continues to be devoted exclusively to agricultural use. 6220  
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(C) "Tax savings" means the difference between the dollar amount of real property taxes levied in any year on land valued and assessed in accordance with its current agricultural use value and the dollar amount of real property taxes that would have been levied upon such land if it had been valued and assessed for such year in accordance with Section 2 of Article XII, Ohio Constitution. 6228  
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(D) "Owner" includes, but is not limited to, any person owning a fee simple, fee tail, or life estate or a buyer on a land installment contract. 6235  
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(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 901.80 of the Revised Code.	6268 6269
(M) "Eligible conservation land" means either of the following:	6270 6271
(1) A tract, lot, or parcel devoted to and qualified for payments or other compensation under a land retirement or conservation program under an agreement with an agency of the federal government;	6272 6273 6274 6275
(2) A tract, lot, or parcel that meets at least one of the conditions described in divisions (M) (2) (a) to (c) of this section and the condition described in division (M) (2) (d) of this section.	6276 6277 6278 6279
(a) The land is subject to an agricultural water project or nature water project that receives funding from the H2Ohio fund created in section 126.60 of the Revised Code.	6280 6281 6282
(b) The land was subject to such a project during the immediately preceding calendar year.	6283 6284
(c) The land is or was subject to such a project for the current or one of the two immediately preceding tax years and, for the current tax year, is subject to either a conservation easement held by the state or an agency of the state or a conservation easement held by any other person if such easement is a condition of a nature water project that is funded through the H2Ohio fund.	6285 6286 6287 6288 6289 6290 6291
(d) For the tax year that includes or immediately precedes the year in which the land became subject to the project described in division (M) (2) (a), (b), or (c) of this section, as	6292 6293 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, 3780.20, 3780.21, 3780.22, 3780.24, 3780.25, 3780.26, 3780.27, 3780.28, 3780.29, 3780.30, 3780.31, 3780.32, 3780.33, 3780.34, 3780.35, 3780.36, 3780.90, 3780.99, and 3796.021 of the Revised Code are hereby repealed.	6384 6385 6386 6387 6388
<b>Section 4.</b> The tax levied under division (B) of section 3779.40 of the Revised Code applies to intoxicating hemp receipts received on and after July 1, 2026. The tax levied under division (C) of section 3779.40 of the Revised Code applies to sales of drinkable cannabinoid products occurring on and after July 1, 2026.	6389 6390 6391 6392 6393 6394
<b>Section 5.</b> (A) All rules adopted by the Division of Cannabis Control or the Tax Commissioner pursuant to Chapter 3780. of the Revised Code, as that chapter existed immediately before the effective date of this section, and that are not in conflict with the requirements of this act, continue in effect until repealed or amended by the Division of Marijuana Control or the Tax Commissioner, respectively. At the request of the Division of Cannabis Control or the Tax Commissioner, the Director of the Legislative Service Commission shall renumber rules adopted under Chapter 3780. of the Revised Code to reflect the transfer of authority to Chapter 3796. of the Revised Code, as amended by this act.	6395 6396 6397 6398 6399 6400 6401 6402 6403 6404 6405 6406
(B) Any rules that are pending before the Common Sense Initiative or the Joint Committee on Agency Rule Review on the effective date of this section that were proposed by the Division of Cannabis Control under Chapter 3780. of the Revised Code, as that chapter existed immediately before the effective date of this section, shall be treated as having been proposed by the Division of Marijuana Control under Chapter 3796. of the	6407 6408 6409 6410 6411 6412 6413

Revised Code.	6414
(C) Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted by the Division of Marijuana Control in accordance with Chapter 3796. of the Revised Code, as amended by this act, during the period beginning on the effective date of this section and ending twelve months after that date is not subject to sections 121.95 to 121.953 of the Revised Code.	6415 6416 6417 6418 6419 6420 6421
<b>Section 6.</b> If any provision of a section of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the section or related sections that can be given effect without the invalid provision or application, and to this end the provisions are severable.	6422 6423 6424 6425 6426 6427
<b>Section 7.</b> Section 519.21 of the Revised Code is presented in this act as a composite of the section as amended by both H.B. 523 and S.B. 75 of the 131st General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.	6428 6429 6430 6431 6432 6433 6434 6435 6436
<b>Section 8.</b> All items in this act are hereby appropriated as designated out of any moneys in the state treasury to the credit of the designated fund. For all operating appropriations made in this act, those in the first column are for fiscal year 2026 and those in the second column are for fiscal year 2027. The operating appropriations made in this act are in addition to any other operating appropriations made for these fiscal years.	6437 6438 6439 6440 6441 6442 6443

**Section 9.** 6444  
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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 6446

The foregoing appropriation item 110659, Host Community 6447  
Cannabis Payments, shall be used by the Director of Budget and 6448  
Management for payments to municipal corporations and townships 6449  
as required under section 3796.40 of the Revised Code. If it is 6450  
determined that additional appropriations are necessary for this 6451  
purpose, such amounts are hereby appropriated. 6452

**Section 10.** Within the limits set forth in this act, the 6453  
Director of Budget and Management shall establish accounts 6454  
indicating the source and amount of funds for each appropriation 6455  
made in this act, and shall determine the manner in which 6456  
appropriation accounts shall be maintained. Expenditures from 6457  
operating appropriations contained in this act shall be 6458  
accounted for as though made in, and are subject to all 6459  
applicable provisions of, H.B. 96 of the 136th General Assembly. 6460