

**As Passed by the Senate**

**136th General Assembly**

**Regular Session**

**2025-2026**

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

**Senator Huffman**

**Cosponsors: Senators Brenner, Cirino, Reineke, Reynolds, Schaffer, Wilson**

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To amend sections 9.79, 121.04, 121.08, 519.21, 1  
715.013, 928.03, 3376.07, 3780.01, 3780.10, 2  
3780.22, 3780.23, 3780.31, 3796.01, 3796.02, 3  
3796.03, 3796.032, 3796.05, 3796.06, 3796.061, 4  
3796.07, 3796.09, 3796.10, 3796.11, 3796.12, 5  
3796.13, 3796.14, 3796.15, 3796.16, 3796.17, 6  
3796.18, 3796.19, 3796.20, 3796.21, 3796.22, 7  
3796.24, 3796.27, 3796.28, 3796.29, 3796.30, 8  
4729.80, 4735.18, 4743.09, 4776.01, 4796.25, 9  
5502.01, 5502.13, 5502.14, and 5713.30; to enact 10  
sections 2953.321, 3796.04, 3796.062, 3796.221, 11  
3796.32, and 3796.99; and to repeal sections 12  
3780.02, 3780.03, 3780.04, 3780.05, 3780.06, 13  
3780.07, 3780.08, 3780.09, 3780.11, 3780.12, 14  
3780.13, 3780.14, 3780.15, 3780.16, 3780.17, 15  
3780.18, 3780.19, 3780.20, 3780.21, 3780.25, 16  
3780.26, 3780.27, 3780.28, 3780.29, 3780.30, 17  
3780.32, 3780.33, 3780.34, 3780.35, 3780.36, 18  
3780.90, 3780.99, and 3796.021 of the Revised 19  
Code to consolidate the administration of the 20  
marijuana control program and to revise the 21  
medical and adult-use marijuana laws. 22

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

**Section 1.** That sections 9.79, 121.04, 121.08, 519.21, 23  
715.013, 928.03, 3376.07, 3780.01, 3780.10, 3780.22, 3780.23, 24  
3780.31, 3796.01, 3796.02, 3796.03, 3796.032, 3796.05, 3796.06, 25  
3796.061, 3796.07, 3796.09, 3796.10, 3796.11, 3796.12, 3796.13, 26  
3796.14, 3796.15, 3796.16, 3796.17, 3796.18, 3796.19, 3796.20, 27  
3796.21, 3796.22, 3796.24, 3796.27, 3796.28, 3796.29, 3796.30, 28  
4729.80, 4735.18, 4743.09, 4776.01, 4796.25, 5502.01, 5502.13, 29  
5502.14, and 5713.30 be amended and sections 2953.321, 3796.04, 30  
3796.062, 3796.221, 3796.32, and 3796.99 of the Revised Code be 31  
enacted to read as follows: 32

**Sec. 9.79.** (A) As used in this section: 33

(1) "License" means an authorization evidenced by a 34  
license, certificate, registration, permit, card, or other 35  
authority that is issued or conferred by a licensing authority 36  
to an individual by which the individual has or claims the 37  
privilege to engage in a profession, occupation, or occupational 38  
activity over which the licensing authority has jurisdiction. 39  
"License" does not include a registration under section 101.72, 40  
101.92, or 121.62 of the Revised Code. 41

(2) "Licensing authority" means a state agency that issues 42  
licenses under Title XLVII or any other provision of the Revised 43  
Code to practice an occupation or profession. 44

(3) "Offense of violence" has the same meaning as in 45  
section 2901.01 of the Revised Code. 46

(4) "Sexually oriented offense" has the same meaning as in 47  
section 2950.01 of the Revised Code. 48

(5) "State agency" has the same meaning as in section 1.60 49  
of the Revised Code. 50

(6) "Community control sanction" has the same meaning as 51

in section 2929.01 of the Revised Code. 52

(7) "Post-release control sanction" has the same meaning 53  
as in section 2967.01 of the Revised Code. 54

(8) "Fiduciary duty" means a duty to act for someone 55  
else's benefit, while subordinating one's personal interest to 56  
that of the other person. 57

(B) (1) Notwithstanding any provision of the Revised Code 58  
to the contrary, subject to division (L) of this section, for 59  
each type of license issued or conferred by a licensing 60  
authority, the licensing authority shall establish within one 61  
hundred eighty days after April 12, 2021, a list of specific 62  
criminal offenses for which a conviction, judicial finding of 63  
guilt, or plea of guilty may disqualify an individual from 64  
obtaining an initial license. The licensing authority shall make 65  
the list available to the public on the licensing authority's 66  
web site pursuant to division (C) of section 9.78 of the Revised 67  
Code. The licensing authority, in adopting the list, shall do 68  
both of the following: 69

(a) Identify each disqualifying offense by name or by the 70  
Revised Code section number that creates the offense; 71

(b) Include in the list only criminal offenses that are 72  
directly related to the duties and responsibilities of the 73  
licensed occupation. 74

(2) The licensing authority may include in the list 75  
established under division (B) (1) of this section an existing or 76  
former municipal ordinance or law of this or any other state or 77  
the United States that is substantially equivalent to any 78  
section or offense included in the list adopted under division 79  
(B) (1) of this section. 80

(C) (1) Except as provided in division (C) (2) or (D) of 81  
this section and subject to division (L) of this section, a 82  
licensing authority shall not refuse to issue an initial license 83  
to an individual based on any of the following: 84

(a) Solely or in part on a conviction of, judicial finding 85  
of guilt of, or plea of guilty to an offense; 86

(b) A criminal charge that does not result in a 87  
conviction, judicial finding of guilt, or plea of guilty; 88

(c) A nonspecific qualification such as "moral turpitude" 89  
or lack of "moral character"; 90

(d) A disqualifying offense included in the list 91  
established under division (B) of this section, if consideration 92  
of that offense occurs after the time periods permitted in 93  
division (D) of this section. 94

(2) If the individual was convicted of, found guilty 95  
pursuant to a judicial finding of guilt of, or pleaded guilty to 96  
a disqualifying offense included in the list established under 97  
division (B) of this section for the license for which the 98  
individual applied, the licensing authority may take the 99  
conviction, judicial finding of guilt, or plea of guilty into 100  
consideration in accordance with division (D) of this section. 101

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

receiving the license:	110
(a) The nature and seriousness of the offense for which	111
the individual was convicted, found guilty pursuant to a	112
judicial finding of guilt, or pleaded guilty;	113
(b) The passage of time since the individual committed the	114
offense;	115
(c) The relationship of the offense to the ability,	116
capacity, and fitness required to perform the duties and	117
discharge the responsibilities of the occupation;	118
(d) Any evidence of mitigating rehabilitation or treatment	119
undertaken by the individual, including whether the individual	120
has been issued a certificate of qualification for employment	121
under section 2953.25 of the Revised Code or a certificate of	122
achievement and employability under section 2961.22 of the	123
Revised Code;	124
(e) Whether the denial of a license is reasonably	125
necessary to ensure public safety.	126
(2) A licensing authority may take a disqualifying offense	127
included in the list established under division (B) of this	128
section into account only during the following time periods:	129
(a) For a conviction of, judicial finding of guilt of, or	130
plea of guilty to a disqualifying offense that does not involve	131
a breach of fiduciary duty and that is not an offense of	132
violence or a sexually oriented offense, whichever of the	133
following is later, provided the individual was not convicted	134
of, found guilty pursuant to a judicial finding of guilt of, and	135
did not enter a plea of guilty to any other offense during the	136
applicable period:	137

(i) Five years from the date of conviction, judicial finding of guilt, or plea of guilty;	138 139
(ii) Five years from the date of the release from incarceration;	140 141
(iii) The time period specified in division (D) (3) of this section.	142 143
(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:	144 145 146 147 148 149 150 151
(i) Ten years from the date of conviction, judicial finding of guilt, or plea of guilty;	152 153
(ii) Ten years from the date of the release from incarceration;	154 155
(iii) The time period specified in division (D) (4) of this section.	156 157
(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.	158 159 160
(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	161 162 163 164 165

violence or a sexually oriented offense, a licensing authority 166  
may take the offense into account during the following time 167  
periods: 168

(a) If the community control sanction, parole, or post- 169  
release control sanction was for a term of less than five years, 170  
the period of the community control sanction, parole, or post- 171  
release control sanction plus the number of years after the date 172  
of final discharge of the community control sanction, parole, or 173  
post-release control sanction necessary to equal five years; 174

(b) If the community control sanction, parole, or post- 175  
release control sanction was for a term of five years or more, 176  
the period of the community control sanction, parole, or post- 177  
release control sanction. 178

(4) If an individual is subject to a community control 179  
sanction, parole, or post-release control sanction based on a 180  
conviction of, judicial finding of guilt of, or plea of guilty 181  
to a disqualifying offense included in the list established 182  
under division (B) of this section that involved a breach of 183  
fiduciary duty and that is not an offense of violence or a 184  
sexually oriented offense, a licensing authority may take the 185  
offense into account during the following time periods: 186

(a) If the community control sanction, parole, or post- 187  
release control sanction was for a term of less than ten years, 188  
for the period of the community control sanction, parole, or 189  
post-release control sanction plus the number of years after the 190  
date of final discharge of the community control sanction, 191  
parole, or post-release control sanction necessary to equal ten 192  
years; 193

(b) If the community control sanction, parole, or post- 194

release control sanction was for a term of ten years or more, 195  
the period of the community control sanction, parole, or post- 196  
release control sanction. 197

(E) If a licensing authority refuses to issue an initial 198  
license to an individual pursuant to division (D) of this 199  
section, the licensing authority shall notify the individual in 200  
writing of all of the following: 201

(1) The grounds and reasons for the refusal, including an 202  
explanation of the licensing authority's application of the 203  
factors under division (D) of this section to the evidence the 204  
licensing authority used to reach the decision; 205

(2) The individual's right to a hearing regarding the 206  
licensing authority's decision under section 119.06 of the 207  
Revised Code; 208

(3) The earliest date the individual may reapply for a 209  
license; 210

(4) Notice that evidence of rehabilitation may be 211  
considered on reapplication. 212

(F) In an administrative hearing or civil action reviewing 213  
a licensing authority's refusal under divisions (B) to (K) of 214  
this section to issue an initial license to an individual, the 215  
licensing authority has the burden of proof on the question of 216  
whether the individual's conviction of, judicial finding of 217  
guilt of, or plea of guilty to an offense directly relates to 218  
the licensed occupation. 219

(G) A licensing authority that is authorized by law to 220  
limit or otherwise place restrictions on a license may do so to 221  
comply with the terms and conditions of a community control 222  
sanction, post-release control sanction, or an intervention plan 223



established in accordance with section 2951.041 of the Revised Code.	224 225
(H) Each licensing authority shall adopt any rules that it determines are necessary to implement divisions (B) to (F) of this section.	226 227 228
(I) Divisions (B) to (K) of this section do not apply to any of the following:	229 230
(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;	231 232 233 234
(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;	235 236 237 238
(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;	239 240 241
(4) Certifications of a provider to provide community-based long-term care services under section 173.391 of the Revised Code;	242 243 244
(5) Certificates of authority to a health insuring corporation issued under section 1751.05 of the Revised Code;	245 246
(6) Licenses to operate a home or residential care facility issued under section 3721.07 of the Revised Code;	247 248
(7) Certificates of authority to make contracts of indemnity issued under section 3931.10 of the Revised Code;	249 250

(8) Supported living certificates issued under section 5123.161 of the Revised Code;	251 252
(9) Certificates to administer medications and perform health-related activities under section 5123.45 of the Revised Code;	253 254 255
<u>(10) Licenses issued by the division of cannabis control under Chapters 3780. and 3796. of the Revised Code.</u>	256 257
(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:	258 259 260 261
(1) Past disciplinary action taken by the licensing authority against the individual;	262 263
(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.	264 265 266 267
(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.	268 269 270 271 272 273 274
(L) (1) Notwithstanding any provision of the Revised Code to the contrary, subject to division (G) of this section, during the period commencing on <del>the effective date of this amendment</del> <u>April 4, 2023</u> , and ending on <del>the date that is two years after the effective date of this amendment</del> <u>April 4, 2025</u> , no licensing	275 276 277 278 279

authority shall refuse to issue a license to a person, limit or 280  
otherwise place restrictions on a person's license, or suspend 281  
or revoke a person's license under any provision of the Revised 282  
Code that takes effect on or after the effective date of this 283  
amendment and prior to the date that is two years after the 284  
effective date of this amendment and that requires or authorizes 285  
such a refusal, limitation, restriction, suspension, or 286  
revocation as a result of the person's conviction of, judicial 287  
finding of guilt of, or plea of guilty to an offense. 288

(2) Divisions (B) to (F), and (H) to (K), of this section 289  
do not apply with respect to any provision of the Revised Code 290  
that takes effect on or after the effective date of this 291  
amendment and prior to the date that is two years after the 292  
effective date of this amendment and that requires or authorizes 293  
a licensing authority to refuse to issue a license to a person, 294  
to limit or otherwise place restrictions on a person's license, 295  
or to suspend or revoke a person's license as a result of the 296  
person's conviction of, judicial finding of guilt of, or plea of 297  
guilty to an offense. 298

**Sec. 121.04.** Offices are created within the several 299  
departments as follows: 300

In the department of commerce: 301

- Commissioner of securities; 302
- Superintendent of real estate and professional 303  
licensing; 304
- Superintendent of financial institutions; 305
- State fire marshal; 306
- Superintendent of industrial compliance; 307

Superintendent of liquor control;	308
Superintendent of unclaimed funds;	309
Superintendent of <del>marijuana</del> <u>cannabis</u> control.	310
In the department of administrative services:	311
Equal employment opportunity coordinator.	312
In the department of agriculture:	313
Chiefs of divisions as follows:	314
Administration;	315
Animal health;	316
Livestock environmental permitting;	317
Soil and water conservation;	318
Dairy;	319
Food safety;	320
Plant health;	321
Markets;	322
Meat inspection;	323
Consumer protection laboratory;	324
Amusement ride safety;	325
Enforcement;	326
Weights and measures.	327
In the department of natural resources:	328
Chiefs of divisions as follows:	329

Mineral resources management;	330
Oil and gas resources management;	331
Forestry;	332
Natural areas and preserves;	333
Wildlife;	334
Geological survey;	335
Parks and watercraft;	336
Water resources;	337
Engineering.	338
In the department of insurance:	339
Deputy superintendent of insurance;	340
Assistant superintendent of insurance,	341
technical;	342
Assistant superintendent of insurance,	343
administrative;	344
Assistant superintendent of insurance, research.	345
<b>Sec. 121.08.</b> (A) There is hereby created in the department	346
of commerce the position of deputy director of administration.	347
This officer shall be appointed by the director of commerce,	348
serve under the director's direction, supervision, and control,	349
perform the duties the director prescribes, and hold office	350
during the director's pleasure. The director of commerce may	351
designate an assistant director of commerce to serve as the	352
deputy director of administration. The deputy director of	353
administration shall perform the duties prescribed by the	354
director of commerce in supervising the activities of the	355

division of administration of the department of commerce. 356

(B) Except as provided in section 121.07 of the Revised 357  
Code, the department of commerce shall have all powers and 358  
perform all duties vested in the deputy director of 359  
administration, the state fire marshal, the superintendent of 360  
financial institutions, the superintendent of real estate and 361  
professional licensing, the superintendent of liquor control, 362  
the superintendent of industrial compliance, the superintendent 363  
of unclaimed funds, the superintendent of ~~marijuana~~ cannabis 364  
control, and the commissioner of securities, and shall have all 365  
powers and perform all duties vested by law in all officers, 366  
deputies, and employees of those offices. Except as provided in 367  
section 121.07 of the Revised Code, wherever powers are 368  
conferred or duties imposed upon any of those officers, the 369  
powers and duties shall be construed as vested in the department 370  
of commerce. 371

(C) (1) There is hereby created in the department of 372  
commerce a division of financial institutions, which shall have 373  
all powers and perform all duties vested by law in the 374  
superintendent of financial institutions. Wherever powers are 375  
conferred or duties imposed upon the superintendent of financial 376  
institutions, those powers and duties shall be construed as 377  
vested in the division of financial institutions. The division 378  
of financial institutions shall be administered by the 379  
superintendent of financial institutions. 380

(2) All provisions of law governing the superintendent of 381  
financial institutions shall apply to and govern the 382  
superintendent of financial institutions provided for in this 383  
section; all authority vested by law in the superintendent of 384  
financial institutions with respect to the management of the 385

division of financial institutions shall be construed as vested 386  
in the superintendent of financial institutions created by this 387  
section with respect to the division of financial institutions 388  
provided for in this section; and all rights, privileges, and 389  
emoluments conferred by law upon the superintendent of financial 390  
institutions shall be construed as conferred upon the 391  
superintendent of financial institutions as head of the division 392  
of financial institutions. The director of commerce shall not 393  
transfer from the division of financial institutions any of the 394  
functions specified in division (C) (2) of this section. 395

(D) There is hereby created in the department of commerce 396  
a division of liquor control, which shall have all powers and 397  
perform all duties vested by law in the superintendent of liquor 398  
control. Wherever powers are conferred or duties are imposed 399  
upon the superintendent of liquor control, those powers and 400  
duties shall be construed as vested in the division of liquor 401  
control. The division of liquor control shall be administered by 402  
the superintendent of liquor control. 403

(E) The director of commerce shall not be interested, 404  
directly or indirectly, in any firm or corporation which is a 405  
dealer in securities as defined in sections 1707.01 and 1707.14 406  
of the Revised Code, or in any firm or corporation licensed 407  
under sections 1321.01 to 1321.19 of the Revised Code. 408

(F) The director of commerce shall not have any official 409  
connection with a savings and loan association, a savings bank, 410  
a bank, a bank holding company, a savings and loan association 411  
holding company, a consumer finance company, or a credit union 412  
that is under the supervision of the division of financial 413  
institutions, or a subsidiary of any of the preceding entities, 414  
or be interested in the business thereof. 415

(G) There is hereby created in the state treasury the 416  
division of administration fund. The fund shall receive 417  
assessments on the operating funds of the department of commerce 418  
in accordance with procedures prescribed by the director of 419  
commerce. All operating expenses of the division of 420  
administration shall be paid from the division of administration 421  
fund. 422

(H) There is hereby created in the department of commerce 423  
a division of real estate and professional licensing, which 424  
shall be under the control and supervision of the director of 425  
commerce. The division of real estate and professional licensing 426  
shall be administered by the superintendent of real estate and 427  
professional licensing. The superintendent of real estate and 428  
professional licensing shall exercise the powers and perform the 429  
functions and duties delegated to the superintendent under 430  
Chapters 4735., 4763., 4764., 4767., and 4768. of the Revised 431  
Code. 432

(I) There is hereby created in the department of commerce 433  
a division of industrial compliance, which shall have all powers 434  
and perform all duties vested by law in the superintendent of 435  
industrial compliance. Wherever powers are conferred or duties 436  
imposed upon the superintendent of industrial compliance, those 437  
powers and duties shall be construed as vested in the division 438  
of industrial compliance. The division of industrial compliance 439  
shall be under the control and supervision of the director of 440  
commerce and be administered by the superintendent of industrial 441  
compliance. 442

(J) There is hereby created in the department of commerce 443  
a division of unclaimed funds, which shall have all powers and 444  
perform all duties delegated to or vested by law in the 445



superintendent of unclaimed funds. Wherever powers are conferred 446  
or duties imposed upon the superintendent of unclaimed funds, 447  
those powers and duties shall be construed as vested in the 448  
division of unclaimed funds. The division of unclaimed funds 449  
shall be under the control and supervision of the director of 450  
commerce and shall be administered by the superintendent of 451  
unclaimed funds. The superintendent of unclaimed funds shall 452  
exercise the powers and perform the functions and duties 453  
delegated to the superintendent by the director of commerce 454  
under section 121.07 and Chapter 169. of the Revised Code, and 455  
as may otherwise be provided by law. 456

(K) There is hereby created in the department of commerce 457  
a division of ~~marijuana-cannabis~~ control, which shall have all 458  
powers and perform all duties vested by law in the 459  
superintendent of ~~marijuana-cannabis~~ control. Wherever powers 460  
are conferred or duties are imposed upon the superintendent of 461  
~~marijuana-cannabis~~ control, those powers and duties shall be 462  
construed as vested in the division of ~~marijuana-cannabis~~ 463  
control. The division of ~~marijuana-cannabis~~ control shall be 464  
under the control and supervision of the director of commerce 465  
and be administered by the superintendent of ~~marijuana-cannabis~~ 466  
control. 467

(L) The department of commerce or a division of the 468  
department created by the Revised Code that is acting with 469  
authorization on the department's behalf may request from the 470  
bureau of criminal identification and investigation pursuant to 471  
section 109.572 of the Revised Code, or coordinate with 472  
appropriate federal, state, and local government agencies to 473  
accomplish, criminal records checks for the persons whose 474  
identities are required to be disclosed by an applicant for the 475  
issuance or transfer of a permit, license, certificate of 476

registration, or certification issued or transferred by the 477  
department or division. At or before the time of making a 478  
request for a criminal records check, the department or division 479  
may require any person whose identity is required to be 480  
disclosed by an applicant for the issuance or transfer of such a 481  
license, permit, certificate of registration, or certification 482  
to submit to the department or division valid fingerprint 483  
impressions in a format and by any media or means acceptable to 484  
the bureau of criminal identification and investigation and, 485  
when applicable, the federal bureau of investigation. The 486  
department or division may cause the bureau of criminal 487  
identification and investigation to conduct a criminal records 488  
check through the federal bureau of investigation only if the 489  
person for whom the criminal records check would be conducted 490  
resides or works outside of this state or has resided or worked 491  
outside of this state during the preceding five years, or if a 492  
criminal records check conducted by the bureau of criminal 493  
identification and investigation within this state indicates 494  
that the person may have a criminal record outside of this 495  
state. 496

In the case of a criminal records check under section 497  
109.572 of the Revised Code, the department or division shall 498  
forward to the bureau of criminal identification and 499  
investigation the requisite form, fingerprint impressions, and 500  
fee described in division (C) of that section. When requested by 501  
the department or division in accordance with this section, the 502  
bureau of criminal identification and investigation shall 503  
request from the federal bureau of investigation any information 504  
it has with respect to the person who is the subject of the 505  
requested criminal records check and shall forward the requisite 506  
fingerprint impressions and information to the federal bureau of 507

investigation for that criminal records check. After conducting 508  
a criminal records check or receiving the results of a criminal 509  
records check from the federal bureau of investigation, the 510  
bureau of criminal identification and investigation shall 511  
provide the results to the department or division. 512

The department or division may require any person about 513  
whom a criminal records check is requested to pay to the 514  
department or division the amount necessary to cover the fee 515  
charged to the department or division by the bureau of criminal 516  
identification and investigation under division (C) (3) of 517  
section 109.572 of the Revised Code, including, when applicable, 518  
any fee for a criminal records check conducted by the federal 519  
bureau of investigation. 520

(M) The director of commerce, or the director's designee, 521  
may adopt rules to enhance compliance with statutes pertaining 522  
to, and rules adopted by, divisions under the direction, 523  
supervision, and control of the department or director by 524  
offering incentive-based programs that ensure safety and 525  
soundness while promoting growth and prosperity in the state. 526

**Sec. 519.21.** (A) Except as otherwise provided in divisions 527  
(B) and (D) of this section, sections 519.02 to 519.25 of the 528  
Revised Code confer no power on any township zoning commission, 529  
board of township trustees, or board of zoning appeals to 530  
prohibit the use of any land for agricultural purposes or the 531  
construction or use of buildings or structures incident to the 532  
use for agricultural purposes of the land on which such 533  
buildings or structures are located, including buildings or 534  
structures that are used primarily for vinting and selling wine 535  
and that are located on land any part of which is used for 536  
viticulture, and no zoning certificate shall be required for any 537

such building or structure. 538

(B) A township zoning resolution, or an amendment to such 539  
resolution, may in any platted subdivision approved under 540  
section 711.05, 711.09, or 711.10 of the Revised Code, or in any 541  
area consisting of fifteen or more lots approved under section 542  
711.131 of the Revised Code that are contiguous to one another, 543  
or some of which are contiguous to one another and adjacent to 544  
one side of a dedicated public road, and the balance of which 545  
are contiguous to one another and adjacent to the opposite side 546  
of the same dedicated public road regulate: 547

(1) Agriculture on lots of one acre or less; 548

(2) Buildings or structures incident to the use of land 549  
for agricultural purposes on lots greater than one acre but not 550  
greater than five acres by: set back building lines; height; and 551  
size; 552

(3) Dairying and animal and poultry husbandry on lots 553  
greater than one acre but not greater than five acres when at 554  
least thirty-five per cent of the lots in the subdivision are 555  
developed with at least one building, structure, or improvement 556  
that is subject to real property taxation or that is subject to 557  
the tax on manufactured and mobile homes under section 4503.06 558  
of the Revised Code. After thirty-five per cent of the lots are 559  
so developed, dairying and animal and poultry husbandry shall be 560  
considered nonconforming use of land and buildings or structures 561  
pursuant to section 519.19 of the Revised Code. 562

Division (B) of this section confers no power on any 563  
township zoning commission, board of township trustees, or board 564  
of zoning appeals to regulate agriculture, buildings or 565  
structures, and dairying and animal and poultry husbandry on 566

lots greater than five acres. 567

(C) Such sections confer no power on any township zoning 568  
commission, board of township trustees, or board of zoning 569  
appeals to prohibit in a district zoned for agricultural, 570  
industrial, residential, or commercial uses, the use of any land 571  
for: 572

(1) A farm market where fifty per cent or more of the 573  
gross income received from the market is derived from produce 574  
raised on farms owned or operated by the market operator in a 575  
normal crop year. However, a board of township trustees, as 576  
provided in section 519.02 of the Revised Code, may regulate 577  
such factors pertaining to farm markets as size of the 578  
structure, size of parking areas that may be required, set back 579  
building lines, and egress or ingress, where such regulation is 580  
necessary to protect the public health and safety. 581

(2) Biodiesel production, biomass energy production, or 582  
electric or heat energy production if the land on which the 583  
production facility is located qualifies as land devoted 584  
exclusively to agricultural use under sections 5713.30 to 585  
5713.37 of the Revised Code for real property tax purposes. As 586  
used in division (C) (2) of this section, "biodiesel," "biomass 587  
energy," and "electric or heat energy" have the same meanings as 588  
in section 5713.30 of the Revised Code. 589

(3) Biologically derived methane gas production if the 590  
land on which the production facility is located qualifies as 591  
land devoted exclusively to agricultural use under sections 592  
5713.30 to 5713.37 of the Revised Code for real property tax 593  
purposes and if the facility that produces the biologically 594  
derived methane gas does not produce more than seventeen million 595  
sixty thousand seven hundred ten British thermal units, five 596

megawatts, or both. 597

(4) Agritourism. However, a board of township trustees, as 598  
provided in section 519.02 of the Revised Code, may regulate 599  
such factors pertaining to agritourism, except farm markets as 600  
described in division (C) (1) of this section, as size of a 601  
structure used primarily for agritourism, size of parking areas 602  
that may be required, setback building lines for structures used 603  
primarily for agritourism, and egress or ingress where such 604  
regulation is necessary to protect public health and safety. 605

Nothing in division (C) (4) of this section confers power 606  
on a township zoning commission, board of township trustees, or 607  
board of zoning appeals to require any parking area to be 608  
improved in any manner, including requirements governing 609  
drainage, parking area base, parking area paving, or any other 610  
improvement. 611

Nothing in division (C) (4) of this section confers power 612  
on a township zoning commission, board of township trustees, or 613  
board of zoning appeals to prohibit the use of any land or the 614  
construction or use of buildings or structures that are used 615  
primarily for vinting and selling wine that are located on land 616  
any part of which is used for viticulture as provided in 617  
division (A) of this section. 618

(D) Nothing in this section prohibits a township zoning 619  
commission, board of township trustees, or board of zoning 620  
appeals from regulating the location of ~~medical~~-marijuana 621  
cultivators, processors, or retail dispensaries or from 622  
prohibiting such cultivators, processors, or dispensaries from 623  
being located in the unincorporated territory of the township. 624

~~(D) (1)~~-(E) (1) As used in division (C) (3) of this section, 625

"biologically derived methane gas" has the same meaning as in 626  
section 5713.30 of the Revised Code. 627

(2) As used in division (C)(4) of this section, 628  
"agritourism" has the same meaning as in section 901.80 of the 629  
Revised Code. 630

**Sec. 715.013.** (A) Except as otherwise expressly authorized 631  
by the Revised Code, no municipal corporation shall levy a tax 632  
that is the same as or similar to a tax levied under Chapter 633  
322., 3734., 3769., 3780., 4123., 4141., 4301., 4303., 4305., 634  
4307., 4309., 5707., 5725., 5726., 5727., 5728., 5729., 5731., 635  
5735., 5736., 5737., 5739., 5741., 5743., 5747., 5749., or 5751. 636  
of the Revised Code. 637

(B) No municipal corporation may impose any tax, fee, 638  
assessment, or other charge on auxiliary containers, on the 639  
sale, use, or consumption of such containers, or on the basis of 640  
receipts received from the sale of such containers. As used in 641  
this division, "auxiliary container" has the same meaning as in 642  
section 3767.32 of the Revised Code. 643

(C) This section does not prohibit a municipal corporation 644  
from levying an income tax or withholding tax in accordance with 645  
Chapter 718. of the Revised Code, or a tax on any of the 646  
following: 647

(1) Amounts received for admission to any place; 648

(2) The income of an electric company or combined company, 649  
as defined in section 5727.01 of the Revised Code; 650

(3) On and after January 1, 2004, the income of a 651  
telephone company, as defined in section 5727.01 of the Revised 652  
Code. 653

**Sec. 928.03.** The director of agriculture, in consultation 654  
with the governor and attorney general, shall adopt rules in 655  
accordance with Chapter 119. of the Revised Code establishing 656  
standards and procedures for the regulation of hemp cultivation 657  
and processing. The rules shall include all of the following: 658

(A) The form of an application for a hemp cultivation 659  
license and hemp processing license and the information required 660  
to be included in each license application; 661

(B) The amount of an initial application fee that an 662  
applicant shall submit along with an application for a hemp 663  
cultivation license or a hemp processing license, and the amount 664  
of an annual license fee that a licensee shall submit for a hemp 665  
cultivation license or a hemp processing license. In adopting 666  
rules under division (B) of this section, the director shall 667  
ensure both of the following: 668

(1) That the amount of the application fee and annual 669  
license fee does not exceed an amount sufficient to cover the 670  
costs incurred by the department of agriculture to administer 671  
and enforce this chapter; 672

(2) That there is one uniform application fee and one 673  
uniform annual license fee that applies to all applicants for a 674  
hemp cultivation license. 675

(C) Requirements and procedures concerning background 676  
investigations of each applicant for a hemp cultivation license 677  
and each applicant for a hemp processing license. The director 678  
shall include both of the following in the rules adopted under 679  
this division: 680

(1) A requirement that each applicant comply with sections 681  
4776.01 to 4776.04 of the Revised Code; 682



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

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

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

(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;

(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;

(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;

(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;

(J) A practice for maintaining relevant information	712
regarding land on which hemp is cultivated by hemp cultivation	713
licensees, including a legal description of the land, in	714
accordance with applicable federal law;	715
(K) Requirements prohibiting a hemp cultivation licensee	716
and a hemp processing licensee from cultivating or processing	717
marihuana;	718
(L) A procedure for testing, using post-decarboxylation or	719
other similarly reliable methods, delta-9 tetrahydrocannabinol	720
concentration levels of plants and products for purposes of	721
determining compliance with this chapter and rules adopted under	722
it;	723
(M) Requirements and procedures for the issuance,	724
administration, and enforcement of corrective action plans	725
issued under this chapter;	726
(N) A procedure for conducting annual inspections of, at a	727
minimum, a random sample of hemp cultivation license holders to	728
verify that plants are not being cultivated in violation of this	729
chapter or rules adopted under it;	730
(O) A procedure for conducting annual inspections of, at a	731
minimum, a random sample of hemp processing license holders to	732
verify that such license holders are not operating in violation	733
of this chapter or rules adopted under it;	734
(P) A procedure for complying with enforcement procedures	735
required under federal law;	736
(Q) A procedure for the effective disposal of all of the	737
following:	738
(1) Plants, whether growing or not, cultivated in	739

violation of this chapter or rules adopted under it;	740
(2) Products derived from plants cultivated in violation of this chapter or rules adopted under it;	741 742
(3) Products produced in violation of this chapter or rules adopted under it.	743 744
(R) Requirements and procedures governing the production, storage, and disposal of hemp byproducts.	745 746
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.	747 748 749 750 751 752 753
(S) Procedures for sharing information regarding hemp cultivation license holders with the secretary of the USDA;	754 755
(T) A setback distance requirement that specifies the distance that a hemp cultivation license holder shall locate hemp plants from a location where <u>medical marijuana or adult-use marijuana</u> is being cultivated. The requirement does not apply to a hemp cultivation license holder with regard to a <del>medical</del> marijuana cultivator that locates <u>medical marijuana or adult-use marijuana</u> within the established setback distance requirement after the hemp cultivation license holder begins operation.	756 757 758 759 760 761 762 763
(U) Annual reporting requirements and procedures for hemp cultivation license holders and hemp processing license holders;	764 765
(V) Recordkeeping and documentation maintenance requirements and procedures for hemp cultivation license holders	766 767

and hemp processing license holders;	768
(W) Fees for the laboratory testing of plants and products;	769 770
(X) Standards for the testing and labeling of hemp and hemp products;	771 772
(Y) Requirements prohibiting the processing of hemp in a building used as a personal residence or on land that is zoned for residential use;	773 774 775
(Z) Production standards and manufacturing practices for processing hemp;	776 777
(AA) Procedures and requirements for the transportation and storage of both hemp and hemp products;	778 779
(BB) Any other requirements or procedures necessary to administer and enforce this chapter.	780 781
<b><u>Sec. 2953.321.</u></b> (A) As used in this section:	782
<u>(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.</u>	783 784 785
<u>(2) "Official records" and "prosecutor" have the same meanings as in section 2953.31 of the Revised Code.</u>	786 787
<u>(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</u>	788 789 790 791 792 793 794

requesting an expungement of the record of conviction. 795

(C) Any person who is eligible under division (B) of this 796  
section to file an application for expungement may apply to the 797  
sentencing court for the expungement of the record of 798  
conviction. The person may file the application at any time on 799  
or after the effective date of this section. The application 800  
shall do all of the following: 801

(1) Identify the applicant, the offense for which the 802  
expungement is sought, the date of the conviction of or plea of 803  
guilty to that offense, and the court in which the conviction 804  
occurred or the plea of guilty was entered; 805

(2) Include evidence that the offense was a violation of 806  
division (C) (3) or (7) of section 2925.11 of the Revised Code, 807  
that the conviction or plea of guilty occurred prior to the 808  
effective date of this section, and that the conduct that was 809  
the basis of the violation involved possession of not more than 810  
fifteen grams of hashish and not more than two and one-half 811  
ounces of marihuana other than hashish; 812

(3) Include a request for expungement of the record of 813  
conviction of that offense under this section. 814

(D) Upon the filing of an application under division (C) 815  
of this section and the payment of the fee described in division 816  
(H) of this section if applicable, the court shall set a date 817  
for a hearing and shall notify the prosecutor for the case of 818  
the hearing on the application. The prosecutor may object to the 819  
granting of the application by filing an objection with the 820  
court prior to the date set for the hearing. The prosecutor 821  
shall specify in the objection the reasons for believing a 822  
denial of the application is justified. The court shall direct 823

its regular probation officer, a state probation officer, or the 824  
department of probation of the county in which the applicant 825  
resides to make inquiries and written reports as the court 826  
requires concerning the applicant. The court shall hold the 827  
hearing scheduled under this division. 828

(E) At the hearing held under division (D) of this 829  
section, the court shall do both of the following: 830

(1) Determine whether the applicant has, prior to the 831  
effective date of this section, been convicted of or pleaded 832  
guilty to a violation of division (C) (3) or (7) of section 833  
2925.11 of the Revised Code and whether the conduct that was the 834  
basis for the violation involved possession of not more than 835  
fifteen grams of hashish and not more than two and one-half 836  
ounces of marihuana other than hashish; 837

(2) If the prosecutor has filed an objection in accordance 838  
with division (D) of this section, consider the reasons against 839  
granting the application specified by the prosecutor in the 840  
objection. 841

(F) The court shall order the expungement of all official 842  
records pertaining to the case and the deletion of all index 843  
references to the case and, if it does order the expungement, 844  
shall send notice of the order to each public office or agency 845  
that the court has reason to believe may have an official record 846  
pertaining to the case if the court, after complying with 847  
division (E) of this section, determines that the applicant, 848  
prior to the effective date of this section, had been convicted 849  
of or pleaded guilty to a violation of division (C) (3) or (7) of 850  
section 2925.11 of the Revised Code and that the conduct that 851  
was the basis for the violation involved possession of not more 852  
than fifteen grams of hashish and not more than two and one-half 853

ounces of marihuana other than hashish. 854

(G) The proceedings in the case that is the subject of an 855  
order issued under division (F) of this section shall be 856  
considered not to have occurred and the conviction or guilty 857  
plea of the person who is the subject of the proceedings shall 858  
be expunged. The record of the conviction shall not be used for 859  
any purpose, including, but not limited to, a criminal records 860  
check under section 109.572 of the Revised Code. The applicant 861  
may, and the court shall, reply that no record exists with 862  
respect to the applicant upon any inquiry into the matter. 863

(H) Upon the filing of an application under this section, 864  
the applicant, unless indigent, shall pay a fee of fifty 865  
dollars. The court shall pay thirty dollars of the fee into the 866  
state treasury, with half of that amount credited to the 867  
attorney general reimbursement fund created by section 109.11 of 868  
the Revised Code, and shall pay twenty dollars of the fee into 869  
the county general revenue fund. 870

**Sec. 3376.07.** A state institution of higher education, 871  
private college, athletic association, conference, or other 872  
group or organization with authority over intercollegiate 873  
athletics may prohibit a student-athlete from entering into a 874  
contract providing compensation to the student-athlete for use 875  
of the student-athlete's name, image, or likeness if under the 876  
contract the student-athlete's name, image, or likeness is 877  
associated with any of the following: 878

(A) Any company that manufactures, markets, or sells, or 879  
brand that is associated with, a controlled substance, marihuana 880  
product, medical marijuana product, adult-use marijuana product, 881  
alcoholic product, tobacco product, electronic smoking device, 882  
vapor product, or product or device that consists of or contains 883

nicotine that can be ingested into the body; 884

(B) Any ~~medical~~-marijuana cultivator, processor, 885  
laboratory, or ~~retail~~-dispensary licensed under Chapter 3796. or 886  
3780. of the Revised Code or under the laws of another state; 887

(C) Any business engaged in the sale, rental, or 888  
exhibition for any form of consideration of adult entertainment 889  
that is characterized by an emphasis on the exposure or display 890  
of sexual activity; 891

(D) Any casino or entity that sponsors or promotes 892  
gambling activities; 893

(E) Any other category of companies, brands, or types of 894  
contracts that are similar to those described in divisions (A) 895  
to (D) of this section that the institution or college 896  
communicates to the student-athlete before the student-athlete 897  
enrolls at the institution or college. 898

**Sec. 3780.01. Definitions.** 899

~~(A) As used in this chapter:~~ 900

~~(1) "Adult use cannabis" or "cannabis" or "marijuana" means~~ 901  
~~marihuana as defined in section 3719.01 of the Revised Code.~~ 902

~~(2) "Adult use cannabis operator" means a level I adult use~~ 903  
~~cultivator, a level II adult use cultivator, a level III adult~~ 904  
~~use cultivator, an adult use processor, and an adult use~~ 905  
~~dispensary.~~ 906

~~(3) "Adult use~~ 907

(A) "Adult-use marijuana," "certificate of operation," 908  
"licensed dispensary," "marijuana," and "provisional license" 909  
have the same meanings as in section 3796.01 of the Revised 910



<u>Code.</u>	911
(B) <u>Adult-use consumer</u> " means <del>and an</del> individual who is at least twenty-one years of age.	912 913
<del>(4) "Adult use cultivator" means a level I adult use cultivator or a level II adult use cultivator.</del>	914 915
<del>(5)(C) "Adult use <u>Adult-use dispensary</u>" means a person licensed before the effective date of this amendment to distribute, transfer, or sell adult-use marijuana pursuant <del>section 3780.15 of the Revised Code,</del> to this chapter and any rules promulgated thereunder to sell adult use cannabis as authorized.</del>	916 917 918 919 920
<del>(6) "Adult use extract" or "extract" means a substance obtained by separating or concentrating cannabinoids and other compounds from any part of the adult use cannabis plant by physical or chemical means, intended to be refined for use as an ingredient in an adult use cannabis product or as a standalone adult use cannabis product.</del>	921 922 923 924 925 926
<del>(7)(D) "Adult use <u>Adult-use processor</u>" means a person licensed before the effective date of this amendment to process adult-use marijuana pursuant <del>section 3780.14 of the Revised Code,</del> to this chapter and any rules promulgated thereunder to manufacture adult use cannabis as authorized.</del>	927 928 929 930 931
<del>(8)(E) "Adult use <u>Adult-use testing laboratory</u>" means an independent laboratory located <u>in this state</u> that has been issued a license by the division of cannabis control to have custody and use of adult use cannabis for scientific purposes and for purposes of instruction, research, or analysis <u>licensed before the effective date of this amendment to test adult-use marijuana pursuant to this chapter and any rules promulgated thereunder.</u></del>	932 933 934 935 936 937 938 939

- ~~(9) "Advertising" means any written or verbal statement, illustration, or depiction created to induce sales through the use of or a combination of letters, pictures, objects, lighting effects, illustrations, videos, sounds, or other similar means. "Advertisement" includes brochures, promotional and other marketing materials consistent with section 3780.21 of the Revised Code.~~ 940-946
- ~~(10) "Applicant" means an individual or person who files an application for a license pursuant to this chapter.~~ 947-948
- ~~(11) "Certificate of operation" means a certification of operation or license issued by either the department of commerce or the state board of pharmacy to a person pursuant to Chapter 3796 of the Revised Code and Chapter 3796 of the Administrative Code.~~ 949-953
- ~~(12)(F) "Confidential information" means information that is not a public record for purposes of section 149.43 of the Revised Code.~~ 954-956
- ~~(13) "Cultivate" means to grow, harvest, package, and transports adult use cannabis pursuant to this chapter.~~ 957-958
- ~~(14) "Cultivation area" means the boundaries of the enclosed areas in which adult use cannabis is cultivated during the vegetative stage and flowering stage of the cultivation process. For purposes of calculating the cultivation area square footage, enclosed areas used solely for the storage and maintenance of mother plants, clones, or seedlings shall not be included.~~ 959-964
- ~~(15) "Cultivation facility" means a facility where an adult use cultivator or a level III adult use cultivator is authorized to operate.~~ 965-967
- ~~(16) "Dispensary" means a person who has a certificate of~~ 968

~~operation to operate a dispensary under Chapter 3796 of the~~ 969  
~~Revised Code and Chapter 3796 of the Administrative Code.~~ 970

~~(17) "Disqualifying offense" means:~~ 971

~~(a) A conviction or plea of guilty, including conspiracy to~~ 972  
~~commit, attempt to commit, or aiding and abetting another in~~ 973  
~~committing, the following:~~ 974

~~(i) Any offense set forth in Chapters 2925, 3719, or 4729 of the~~ 975  
~~Revised Code, the violation of which constitutes a felony or a~~ 976  
~~misdemeanor of the first degree;~~ 977

~~(ii) Any theft offense set forth under division (K) in section~~ 978  
~~2913.01 of the Revised Code, the violation of which constitutes~~ 979  
~~a felony;~~ 980

~~(iii) Any violation for which a penalty was imposed under~~ 981  
~~section 3715.99 of the Revised Code;~~ 982

~~(iv) A crime of moral turpitude as defined in section 4776.10 of~~ 983  
~~the Revised Code; or~~ 984

~~(v) A violation of any former law of this state, any existing or~~ 985  
~~former law of another state, any existing or former law~~ 986  
~~applicable in a military court or Indian tribal court, or any~~ 987  
~~existing or former law of any nation other than the United~~ 988  
~~States that is or was substantially equivalent to any of the~~ 989  
~~offenses listed in paragraphs (a) (iv) to (a) (iv) of this~~ 990  
~~definition.~~ 991

~~(b) Any first degree misdemeanor offense listed in paragraphs~~ 992  
~~(a) (i) to (a) (v) of this definition will not automatically~~ 993  
~~disqualify an applicant from licensure if the applicant was~~ 994  
~~convicted of or pleaded guilty to the offense more than five~~ 995  
~~years before the date the application for licensure is filed.~~ 996

~~(c) Notwithstanding paragraph (a) or (b) of this definition, no  
misdemeanor offense, including misdemeanors of the first degree,  
related to cannabis possession, cannabis trafficking, illegal  
cultivation of cannabis, illegal use or possession of drug  
paraphernalia or cannabis drug paraphernalia, or other cannabis  
related crimes shall be considered a disqualifying offense.~~ 997  
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~~(18) "Director" means the director of the department of  
commerce.~~ 1003  
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~~(19) "Level I adult use (G) "Adult-use cultivator" mean either  
means a person who has a certificate of operation as a level I  
cultivator and who is licensed before the effective date of this  
amendment to cultivate adult-use marijuana pursuant to section  
3780.12 of the Revised Code, this chapter and any rules  
promulgated thereunder to cultivate adult use cannabis as  
authorized, or a person who is licensed as a level I adult use  
cultivator pursuant to section 3780.12 of the Revised Code, this  
chapter and any rules promulgated thereunder to cultivate adult  
use cannabis as authorized, and either person may operate up to  
one hundred thousand square footage of space designated as the  
cultivation area in the application which may be increased if a  
request for expansion is approved by the division of cannabis  
control.~~ 1005  
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~~(20) "Level II adult use cultivator" mean either a person who  
has a certificate of operation as a level II cultivator and who  
is licensed pursuant to section 3780.12 of the Revised Code,  
this chapter and any rules promulgated thereunder to cultivate  
adult use cannabis as authorized, or a person who is licensed as  
a level II adult use cultivator pursuant to section 3780.12 of  
the Revised Code, this chapter and any rules promulgated  
thereunder to cultivate adult use cannabis as authorized, and~~ 1019  
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~~either person may operate up to fifteen thousand square footage of space designated as the cultivation area in the application which may be increased if a request for expansion is approved by the division of cannabis control.~~ 1027  
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~~(21) "Level III adult use cultivator" means a person licensed pursuant section 3780.13 of the Revised Code, this chapter and any rules promulgated thereunder to cultivate adult use cannabis as authorized.~~ 1031  
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~~(22) "Level I cultivator" means a person who has a certificate of operation to operate as a level I cultivator under Chapter 3796 of the Revised Code and Chapter 3796 of the Administrative Code.~~ 1035  
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~~(23) "Level II cultivator" means a person who has a certificate of operation to operate as a level II cultivator under Chapter 3796 of the Revised Code and Chapter 3796 of the Administrative Code.~~ 1039  
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~~(24) "License" means a license by the division of cannabis control to a license applicant pursuant to chapter 3780 of the Revised Code and the rules adopted thereunder.~~ 1043  
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~~(25) "License applicant" means an individual or person who applies for a license under this chapter.~~ 1046  
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~~(26) "License holder" or "Licensee" means an adult use cannabis operator, adult use testing laboratory or an individual who is licensed under the provisions of chapter 3780 of the Revised Code.~~ 1048  
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~~(27) "Manufacture" means the process of converting harvested plant material into adult use extract by physical or chemical means for use as an ingredient in an adult use cannabis product.~~ 1052  
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~~(28) "Medical provisional license" means a provisional license issued by either the department of commerce or the state board of pharmacy to a person pursuant to Chapter 3796 of the Revised Code and Chapter 3796 of the Administrative Code.~~ 1055  
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~~(29) "Minor cannabinoid" means any cannabinoid other than CBD, CBDA, Delta-9 THC or Delta 9 THCa, including any isomer, analogue, or derivative thereof, and any other cannabinoid that naturally occurs in cannabis, regardless of whether that cannabinoid may be naturally or synthetically derived, which may be used as an ingredient in adult use products.~~ 1059  
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~~(30) "Mother plant" means an adult use cannabis plant that is cultivated or maintained for the purpose of generating clones, and that will not be used to produce plant material for sale to an adult use processor or an adult use dispensary unless the plant is transferred into the cultivation area of the facility.~~ 1065  
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~~(31) "Paraphernalia" means any equipment, products, or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing cannabis, or for ingesting, inhaling, or otherwise introducing cannabis into the human body.~~ 1070  
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~~(32) (H) "Person" includes, but is not limited to, an individual or a combination of individuals; a sole proprietorship, a firm, a company, a joint venture, a partnership of any type, a joint-stock company, a corporation of any type, a corporate subsidiary of any type, a limited liability company, a business trust, or any other business entity or organization; an assignee; a receiver; a trustee in bankruptcy; an unincorporated~~ 1078  
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association, club, society, or other unincorporated entity or 1085  
organization; entities that are disregarded for federal income 1086  
tax purposes; and any other nongovernmental, artificial, legal 1087  
entity that is capable of engaging in business. 1088

~~(33) "Primary residence" means the residence of an individual in 1089  
which the individual's habitation is fixed and to which, 1090  
whenever the person is absent, the person has the intention of 1091  
returning. 1092~~

~~(34) "Processor" means a person who has been issued a processing 1093  
certificate of operation pursuant to Chapter 3796 of the Revised 1094  
Code and Chapter 3796 of the Administrative Code. 1095~~

~~(35) "Prohibited facility" means any church, public library, 1096  
public playground, public park, or school, as defined in section 1097  
3796.30 of the Revised Code. 1098~~

~~(36) "Provisional license" means a temporary license issued to 1099  
an applicant for an individual license that establishes the 1100  
conditions that must be met by the licensee before the 1101  
individual is issued a license in accordance with the 1102  
requirements and conditions set forth in chapter 3780 of the 1103  
Revised Code and the rules adopted thereunder. 1104~~

~~(37) "Tetrahydrocannabinol" or "THC" means the sum of the amount 1105  
of delta-9 tetrahydrocannabinol (THC) and 87.7 per cent of the 1106  
amount of delta-9-tetrahydrocannabinolic acid (THCA) present in 1107  
the product or plant material. THC does not include minor 1108  
cannabinoids. (I) "Equivalent license" means: 1109~~

(1) In the case of an adult-use cultivator, a cultivator license 1110  
of the same level issued under Chapter 3796. of the Revised 1111  
Code; 1112

(2) In the case of an adult-use processor, a processor license 1113

issued under Chapter 3796. of the Revised Code; 1114

(3) In the case of an adult-use dispensary, a retail dispensary 1115

license issued under Chapter 3796. of the Revised Code; 1116

(4) In the case of an adult-use testing laboratory, a laboratory 1117

license issued under Chapter 3796. of the Revised Code. 1118

**~~Sec. 3780.10. Adult use cannabis operator and adult use  
testing laboratory licenses.~~** 1119  
1120

~~(A) No person shall operate as an adult use cannabis operator or~~ 1121

~~adult use testing laboratory without a~~ (A) (1) A license issued 1122

by the division of cannabis control pursuant to this 1123

~~chapter~~ section shall be treated, for all purposes, as the 1124

equivalent license under Chapter 3796. of the Revised Code. 1125

(2) The holder of a license issued by the division pursuant to 1126

this section is subject to all procedures, requirements, and 1127

penalties that apply to the holder of the equivalent license 1128

under that chapter. 1129

(3) If a license issued under this section before the effective 1130

date of this amendment is held by the same person and used at 1131

the same location as an equivalent license under Chapter 3796. 1132

of the Revised Code, the division of cannabis control shall 1133

merge the licenses and treat them as the same license for all 1134

purposes, including expiration and renewal. 1135

~~(B) The~~ Subject to division (C) of this section, the following 1136

licenses shall be issued by the division of cannabis control 1137

~~within nine months of the effective date of this section if the~~ 1138

~~license applicant is in compliance with section 3780.11 of the~~ 1139

~~Revised Code and this chapter, and the license applicant has, or~~ 1140

~~the same owners of the license applicant, have,~~ a certificate of 1141

operation or ~~medical~~ provisional license issued under Chapter 1142



3796. of the Revised Code as of the effective date of this 1143  
section December 7, 2023: 1144

~~(1) A dispensary issued a certificate of operation or medical~~ 1145  
~~provisional license shall be issued an adult use dispensary~~ 1146  
~~license under this chapter for the current location of the~~ 1147  
~~dispensary;~~ 1148

~~(2) A level I cultivator issued a certificate of operation or~~ 1149  
~~medical provisional license under Chapter 3796. of the Revised~~ 1150  
~~Code shall be issued under this chapter three adult use retail~~ 1151  
~~dispensary licenses under that chapter at locations designated~~ 1152  
~~in a license application, and one level I adult use cultivator~~ 1153  
~~license for the current location of the level I cultivation~~ 1154  
~~facility; .~~ 1155

~~(3) (2) A level II cultivator issued a certificate of operation~~ 1156  
~~or medical provisional license under Chapter 3796. of the~~ 1157  
~~Revised Code shall be issued under this chapter one adult use~~ 1158  
~~retail dispensary license under that chapter at a location~~ 1159  
~~designated in the license application, and one level II adult~~ 1160  
~~use cultivator license for the current location of the level II~~ 1161  
~~cultivation facility; .~~ 1162

~~(4) (3) A retail dispensary issued a certificate of operation or~~ 1163  
~~medical provisional license under Chapter 3796. of the Revised~~ 1164  
~~Code shall be issued under this chapter one adult use retail~~ 1165  
~~dispensary license under that chapter at a different location as~~ 1166  
~~designated in the license application if the retail dispensary~~ 1167  
~~does not have any common ownership or control with any level I~~ 1168  
~~adult use cultivator, level II adult use licensed cultivator, or~~ 1169  
~~adult use processor license applicant or licensee;~~ 1170

~~(5) A processor issued a certificate of operation or medical~~ 1171

~~provisional license shall be issued under this chapter one adult  
use processor license for the current location of the processor;  
and~~ 1172  
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~~(6) A testing laboratory issued a certificate of operation shall  
be issued under this chapter one adult use testing laboratory  
license for the current location of the testing laboratory.~~ 1175  
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(C) Notwithstanding anything in this section, a license shall 1178  
not be issued pursuant to division (B) of this section to a 1179  
license applicant holding only a related medical provisional 1180  
license unless the medical provisional license holder is issued 1181  
a certificate of operation under Chapter 3796. of the Revised 1182  
Code within two years of the effective date of this section  
December 7, 2023. 1183  
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~~(C) The division of cannabis control shall issue up to forty  
level III adult use cultivator licenses consistent with this  
chapter with preference provided to applicants who have been  
certified as cannabis social equity and jobs program  
participants under the cannabis social equity and jobs program  
pursuant to 3780.19 of this chapter. No person may have any  
ownership or control in more than one level III adult use  
cultivator license under this chapter. No adult use cultivator  
or adult use processor may have any ownership or control in a  
level III adult use cultivator license.~~ 1185  
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~~(D) The division of cannabis control shall issue up to fifty  
additional adult use dispensary licenses in conformity with this  
chapter with preference provided to applicants who have been  
certified as cannabis social equity and jobs program  
participants under the cannabis social equity and jobs program.~~ 1195  
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~~(E) Following twenty-four months from the first date of issuance~~ 1200

~~of an adult use operator license, the division of cannabis control shall review the number of adult use cannabis operator licenses on a biannual basis and may authorize additional licenses after considering:—~~ 1201  
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~~(1) The current and anticipated market growth and consumer demand, including the number of adult use consumers seeking adult use cannabis;—~~ 1205  
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~~(2) The current and projected supply of adult use cannabis produced by licensed adult use cultivators, level III adult use cultivators, and adult use processors; and—~~ 1208  
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~~(3) The geographic distribution of adult use dispensary sites in an effort to ensure adult use customer access to adult use cannabis.—~~ 1211  
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~~(F)(1) The division of cannabis control shall provide a report and recommendation within ninety days of the conclusion of the requirements in division (E) of this section to the director for consideration.—~~ 1214  
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~~(2) The division of cannabis control may adopt rules as necessary to implement this division.—~~ 1218  
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~~(3) The division of cannabis control shall adopt a rule regarding the number of licenses a license holder may hold for each type of license consistent with this chapter. As of the effective date of this section, and notwithstanding any other provision of this chapter, no person shall be issued more than eight adult use dispensary licenses, and not more than one adult use cultivator license, and not more than one adult use processor license at any time, unless authorized by the division of cannabis control after an analysis supporting the licensing pursuant to rule.—~~ 1220  
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~~(G) The division of cannabis control may authorize additional~~ 1230  
~~adult use testing laboratory licenses at any time~~ (D) (1) A person 1231  
seeking licensure under division (B) of this section shall apply 1232  
to the division in the form and manner prescribed by sections 1233  
3796.09 and 3796.10 of the Revised Code. 1234

(2) The division shall not issue a license to an applicant that 1235  
does not meet the corresponding eligibility criteria under 1236  
division (C) of section 3796.09 or division (C) of section 1237  
3796.10 of the Revised Code. 1238

(3) Applications for licensure under division (B) of this 1239  
section are not subject to the evaluation, prioritization, 1240  
ranking, and lottery provisions in divisions (B), (D), and (E) 1241  
of section 3796.09, or divisions (B), (D), and (E) of section 1242  
3796.10 of the Revised Code, as applicable. The division shall 1243  
issue a license to each eligible applicant. 1244

(4) A provisional license issued under this section is not 1245  
transferable. 1246

**Sec. 3780.22. Tax levied on adult use consumers.** 1247

(A) For the purpose of supporting social equity issues, 1248  
providing funds to support jobs and economic development, 1249  
providing funding for host communities who have ~~adult use-~~ 1250  
licensed dispensaries in their jurisdiction to support these 1251  
communities, funding education and treatment for individuals 1252  
with cannabis and other addiction issues, and defraying the 1253  
costs of regulation and administering the tax, there shall be an 1254  
~~adult use~~ adult-use tax on the sale of ~~adult use cannabis~~ adult- 1255  
use marijuana by ~~adult use-~~ licensed ~~dispensaries to adult use-~~ 1256  
~~consumers in accordance with this chapter.~~ 1257

(B) The rate of the ~~adult use~~ adult-use tax shall be ten per 1258

cent. The ~~adult-use~~adult-use tax applies and is ~~collectable~~collectible when the sale is made, regardless of the time when the price is paid, or when the ~~adult-use cannabis~~adult-use marijuana is delivered.

(C) The ~~adult-use~~adult-use tax is in addition to the tax levied or collected under Chapter 5739. of the Revised Code on ~~adult-use cannabis~~adult-use marijuana sales by ~~adult-use~~licensed dispensaries ~~to adult-use consumers~~.

(D) The tax authorized under division (A) of this section shall be collected consistent with Chapter 5739. of the Revised Code, but the tax commissioner shall adopt rules the commissioner deems necessary to administer the ~~adult-use~~adult-use tax including the licensure, filing, collection, distribution, refund, assessment, bad debt, liability of unpaid taxes, recordkeeping, and any penalty related to the ~~adult-use~~adult-use tax consistent with this chapter.

**Sec. 3780.23. Funds created.**

(A) For the purpose of receiving and distributing, and accounting for, revenue received from the ~~adult-use~~adult-use tax levied by section 3780.22 of the Revised Code, the following funds are created in the state treasury:

- (1) The ~~adult-use~~adult-use tax fund;
- (2) The cannabis social equity and jobs fund;
- (3) The host community cannabis fund;
- (4) The substance abuse and addiction fund; and
- (5) The division of cannabis control and tax commissioner fund.

(B) All monies collected from the tax levied under this chapter

shall be deposited into the ~~adult use~~ adult-use tax fund. 1286

(C) Unless otherwise authorized under this chapter or rule, the 1287  
director of budget and management shall transfer amounts to each 1288  
fund as follows: 1289

(1) Thirty-six per cent to the cannabis social equity and jobs 1290  
~~fund to be used to implement the requirements of 3780.19 of the~~ 1291  
~~Revised Code;~~ 1292

(2) Thirty-six per cent to the host community cannabis fund for 1293  
the benefit of municipal corporations or townships that have 1294  
~~adult use licensed~~ dispensaries, and the municipal corporations 1295  
or townships may use such funds for any approved purpose. 1296  
Distributions to municipal corporations or townships shall be 1297  
based on the percentage of ~~adult use~~ adult-use tax attributable 1298  
to each municipal corporation or township~~7~~. 1299

(3) Twenty-five per cent to the substance abuse and addiction 1300  
~~fund to support the efforts of the department of mental health~~ 1301  
~~and addiction services to alleviate substance and opiate abuse~~ 1302  
~~and related research in the state under section 3780.30 of the~~ 1303  
~~Revised Code;~~ and 1304

(4) Three per cent to the division of cannabis control and tax 1305  
commissioner fund to support the operations of the division of 1306  
cannabis control and to defray the cost of the department of 1307  
taxation for administering the tax levied under section 3780.22 1308  
of the Revised Code. 1309

Payments under ~~of~~ this section shall be made by the end of the 1310  
month following the end of each quarterly period. The tax 1311  
commissioner shall make the data available to the director of 1312  
the office of budget and management for this purpose and the 1313  
director of budget and management shall transfer amounts to the 1314

funds in this section as required. The tax commission may serve 1315  
as agent of the municipal corporations or townships only for the 1316  
purposes of division (C) (2) of this section as promulgated by 1317  
rule. 1318

**Sec. 3780.31. Confidentiality.** 1319

(A) The following information submitted, collected, or gathered 1320  
under this chapter is confidential and not subject to disclosure 1321  
by any state agency or political subdivision as a public record 1322  
under section 149.43 of the Revised Code: 1323

(1) Social security numbers, passport numbers, or federal tax 1324  
identification numbers; 1325

(2) Home addresses and telephone numbers; 1326

(3) Birth certificates; 1327

(4) Driver's license numbers; 1328

(5) Dates of birth; 1329

(6) Places of birth; 1330

(7) The personal financial information and records, including 1331  
tax returns and information, and records of criminal 1332  
proceedings; 1333

(8) Any information concerning a victim of domestic violence, 1334  
sexual assault, or stalking; 1335

(9) Electronic mail addresses; 1336

(10) Internet ~~Protocol~~-protocol addresses or similar addresses; 1337

(11) Any trade secret, and patents, or exclusive licenses; 1338

(12) Client records and ~~adult-use~~-adult-use consumer identifying 1339  
information; and 1340

(13) Security information, including risk prevention plans, 1341  
detection and countermeasures, location of vaults or other money 1342  
and/or cannabis storage areas, emergency management plans, 1343  
security and surveillance plans, equipment and usage protocols, 1344  
and theft and fraud prevention plans and countermeasures. 1345

(B) Notwithstanding any other law, upon written request, the 1346  
division of cannabis control shall provide the following 1347  
information, except as provided in this chapter: 1348

(1) The amount of tax paid to the state by any license holder; 1349  
and 1350

(2) A copy of a letter providing the reasons for the denial of 1351  
an applicant's license, but with confidential information 1352  
redacted. 1353

(C) An individual who holds, held, or has applied for a license 1354  
under this chapter may waive the confidentiality requirements of 1355  
division (A) of this section. 1356

(D) Confidential information received by the division of 1357  
cannabis control from another jurisdiction relating to an 1358  
individual who holds, held, or has applied for a license under 1359  
this chapter is confidential and not subject to disclosure as a 1360  
public record under section 149.43 of the Revised Code. 1361

(E) After giving reasonable notice to the applicant, the current 1362  
or former provisional license holder, or the current or former 1363  
license holder, the division of cannabis control may share any 1364  
information gathered pursuant to this chapter with, or disclose 1365  
the information to, the inspector general, any appropriate 1366  
prosecuting authority, any law enforcement agency, or any other 1367  
appropriate governmental or licensing agency, but the agency 1368  
that receives the information shall comply with the same 1369



requirements regarding confidentiality required under Ohio law. 1370

(F) The division of cannabis control, and any entity under 1371  
contract with the division of cannabis control, shall not make 1372  
public any information reported to or collected by the division 1373  
of cannabis control under this chapter that identifies or would 1374  
tend to identify any ~~adult-use~~ adult-use consumer, or tend to 1375  
show any ~~adult-use~~ adult-use consumer's purchase history. 1376

**Sec. 3796.01.** (A) As used in this chapter: 1377

(1) "Marijuana" means marihuana as defined in section 1378  
3719.01 of the Revised Code. 1379

(2) "Medical marijuana" means marijuana that is 1380  
cultivated, processed, dispensed, tested, possessed, or used for 1381  
a medical purpose in accordance with this chapter. "Medical 1382  
marijuana" does not include adult-use marijuana or homegrown 1383  
marijuana. 1384

(3) "Academic medical center" has the same meaning as in 1385  
section 4731.297 of the Revised Code. 1386

(4) "Drug database" means the database established and 1387  
maintained by the state board of pharmacy pursuant to section 1388  
4729.75 of the Revised Code. 1389

(5) "Physician" means an individual authorized under 1390  
Chapter 4731. of the Revised Code to practice medicine and 1391  
surgery or osteopathic medicine and surgery. 1392

(6) "Qualifying medical condition" means any of the 1393  
following: 1394

(a) Acquired immune deficiency syndrome; 1395

(b) Alzheimer's disease; 1396

(c) Amyotrophic lateral sclerosis;	1397
(d) Cancer;	1398
(e) Chronic traumatic encephalopathy;	1399
(f) Crohn's disease;	1400
(g) Epilepsy or another seizure disorder;	1401
(h) Fibromyalgia;	1402
(i) Glaucoma;	1403
(j) Hepatitis C;	1404
(k) Inflammatory bowel disease;	1405
(l) Multiple sclerosis;	1406
(m) Pain that is either of the following:	1407
(i) Chronic and severe;	1408
(ii) Intractable.	1409
(n) Parkinson's disease;	1410
(o) Positive status for HIV;	1411
(p) Post-traumatic stress disorder;	1412
(q) Sickle cell anemia;	1413
(r) Spinal cord disease or injury;	1414
(s) Tourette's syndrome;	1415
(t) Traumatic brain injury;	1416
(u) Ulcerative colitis;	1417
(v) Any other disease or condition added by the state	1418
medical board under section 4731.302 of the Revised Code.	1419

- (7) "State university" has the same meaning as in section 3345.011 of the Revised Code. 1420  
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- (8) "Adult-use consumer" means an individual who is at least twenty-one years of age. 1422  
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- (9) "Adult-use marijuana" means marijuana that is cultivated, processed, dispensed, or tested for, or possessed or used by, an adult-use consumer in accordance with this chapter. "Adult-use marijuana" includes marijuana cultivated, processed, dispensed, or tested for, or possessed or used by, an adult-use consumer before the effective date of this amendment in accordance with Chapter 3780. of the Revised Code, as that chapter existed immediately prior to the effective date of this amendment. "Adult-use marijuana" does not include medical marijuana or homegrown marijuana. 1424  
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- (10) "Church" has the meaning defined in section 1710.01 of the Revised Code. 1434  
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- (11) "Public library" means a library provided for under Chapter 3375. of the Revised Code. 1436  
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- (12) "Public park" means a park established by the state or a political subdivision of the state, including a county, township, municipal corporation, or park district. 1438  
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- (13) "Public playground" means a playground established by the state or a political subdivision of the state, including a county, township, municipal corporation, or park district. 1441  
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- (14) "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. 1444  
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<u>(15) "Public place" has the same meaning as in section</u>	1448
<u>3794.01 of the Revised Code.</u>	1449
<u>(16) "Ohio investigative unit" means the investigative</u>	1450
<u>unit maintained by the department of public safety under section</u>	1451
<u>5502.13 of the Revised Code.</u>	1452
<u>(17) "Homegrown marijuana" means marijuana cultivated,</u>	1453
<u>grown, processed, or possessed by an adult-use consumer in</u>	1454
<u>accordance with section 3796.04 of the Revised Code. "Homegrown</u>	1455
<u>marijuana" includes marijuana cultivated, grown, processed, or</u>	1456
<u>possessed before the effective date of this amendment under</u>	1457
<u>former section 3780.28 of the Revised Code, as that section</u>	1458
<u>existed immediately prior to the effective date of this</u>	1459
<u>amendment. "Homegrown marijuana" does not include medical</u>	1460
<u>marijuana or adult-use marijuana.</u>	1461
<u>(18) "Provisional license" means a temporary license</u>	1462
<u>issued by the division of cannabis control to an applicant for a</u>	1463
<u>cultivator, processor, retail dispensary, or laboratory license</u>	1464
<u>under this chapter or Chapter 3780. of the Revised Code that</u>	1465
<u>establishes the conditions that must be met before the</u>	1466
<u>provisional license holder may engage in the activities</u>	1467
<u>authorized by section 3796.18, 3796.19, 3796.20, or 3796.21 of</u>	1468
<u>the Revised Code.</u>	1469
<u>(19) "Certificate of operation" means a certificate issued</u>	1470
<u>by the division to the holder of a provisional license that</u>	1471
<u>authorizes the recipient to engage in the activities authorized</u>	1472
<u>by section 3796.18, 3796.19, 3796.20, or 3796.21 of the Revised</u>	1473
<u>Code.</u>	1474
<u>(20) "Licensed cultivator" means the holder of a current,</u>	1475
<u>valid license issued pursuant to this chapter or Chapter 3780.</u>	1476

of the Revised Code to engage in the activities authorized by 1477  
section 3796.18 of the Revised Code. 1478

(21) "Licensed processor" means the holder of a current, 1479  
valid license issued pursuant to this chapter or Chapter 3780. 1480  
of the Revised Code to engage in the activities authorized by 1481  
section 3796.19 of the Revised Code. 1482

(22) "Licensed dispensary" means the holder of a current, 1483  
valid license issued pursuant to this chapter or Chapter 3780. 1484  
of the Revised Code to engage in the activities authorized by 1485  
section 3796.20 of the Revised Code. 1486

(23) "Licensed laboratory" means the holder of a current, 1487  
valid license issued pursuant to this chapter or Chapter 3780. 1488  
of the Revised Code to engage in the activities authorized by 1489  
section 3796.21 of the Revised Code. 1490

(24) "License holder" means the holder of a current, valid 1491  
license issued by the division of cannabis control under this 1492  
chapter or Chapter 3780. of the Revised Code. 1493

(B) As used in the Revised Code, the "division of 1494  
marijuana control" means the division of cannabis control and 1495  
the "superintendent of marijuana control" means the 1496  
superintendent of cannabis control. Whenever the division of 1497  
marijuana control or the superintendent of marijuana control is 1498  
referred to or designated in any statute, rule, contract, grant, 1499  
or other document, the reference or designation shall be deemed 1500  
to refer to the division of cannabis control or the 1501  
superintendent of cannabis control, as indicated by context. 1502

(C) Notwithstanding any conflicting provision of Chapter 1503  
3719. of the Revised Code or the rules adopted under it, for 1504  
purposes of this chapter, ~~medical~~ marijuana is a schedule II 1505

controlled substance. 1506

**Sec. 3796.02.** There is hereby established a division of 1507  
~~marijuana-cannabis~~ control in the department of commerce under 1508  
the supervision and direction of the superintendent of cannabis 1509  
control as established under section 121.04 of the Revised Code. 1510  
The ~~medical-marijuana~~ control program is hereby established in 1511  
the division of ~~marijuana-cannabis~~ control. The division shall 1512  
provide for the licensure of ~~medical-marijuana~~ cultivators, 1513  
processors, retail dispensaries, and laboratories that test 1514  
~~medical-marijuana~~. The division shall also provide for the 1515  
registration of patients and their caregivers. The division 1516  
shall administer the ~~medical-marijuana~~ control program. 1517

**Sec. 3796.03.** (A) The division of ~~marijuana-cannabis~~ 1518  
control shall adopt rules establishing standards and procedures 1519  
for the ~~medical-marijuana~~ control program. 1520

All rules adopted under this section shall be adopted in 1521  
accordance with Chapter 119. of the Revised Code. 1522

(B) The rules shall do all of the following: 1523

(1) Establish application procedures and fees for ~~licenses~~ 1524  
~~it issues under this chapter~~licensure; 1525

(2) Specify both of the following: 1526

(a) The conditions that must be met to be eligible for 1527  
licensure; 1528

(b) ~~In accordance with section 9.79 of the Revised Code,~~ 1529  
~~the~~The criminal offenses for which that disqualify an applicant 1530  
~~will be disqualified from licensure pursuant to that~~ 1531  
~~section~~being a license holder, which shall include, at minimum, 1532  
any felony offense. 1533

- (3) Establish, in accordance with section 3796.05 of the Revised Code, the number of ~~cultivator licenses and retail dispensary licenses~~ licensed cultivators that will be permitted at any one time; 1534  
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- (4) Establish a license renewal schedule, renewal procedures, and renewal fees such that the holder of more than one license renews all licenses on the same date; 1538  
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- (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; 1541  
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- (6) Establish standards under which a license suspension may be lifted; 1545  
1546
- (7) Establish procedures for registration of medical marijuana patients and caregivers and requirements that must be met to be eligible for registration; 1547  
1548  
1549
- (8) Establish training requirements for employees of ~~retail-licensed dispensaries;~~ 1550  
1551
- (9) ~~Specify if a cultivator, processor, retail dispensary, or laboratory that is licensed under this chapter and that existed at a location before a school, church, public library, public playground, or public park became established within five hundred feet of the cultivator, processor, retail dispensary, or laboratory, may remain in operation or shall relocate or have its license revoked by the division~~ Establish standards prohibiting a person from using gifts, samples, or other free or discounted goods or services to induce or reward a license holder for business or referrals; 1552  
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- (10) Specify, by form and tetrahydrocannabinol content, a 1562

maximum ninety-day supply of medical marijuana that may be 1563  
possessed; 1564

(11) Specify the paraphernalia or other accessories that 1565  
may be used in the administration ~~to a registered patient of~~ 1566  
medical marijuana, adult-use marijuana, and homegrown marijuana; 1567

(12) Establish procedures for the issuance of patient or 1568  
caregiver identification cards; 1569

(13) Specify the forms or methods of using medical 1570  
marijuana and adult-use marijuana that are attractive to 1571  
children; 1572

(14) Specify both of the following: 1573

(a) Subject to division (B) (14) (b) of this section, the 1574  
criminal offenses for which a person will be disqualified from 1575  
employment with a license holder; 1576

(b) Which of the criminal offenses specified pursuant to 1577  
division (B) (14) (a) of this section will not disqualify a person 1578  
from employment with a license holder if the person was 1579  
convicted of or pleaded guilty to the offense more than five 1580  
years before the date the employment begins. 1581

(15) Establish a program to assist medical marijuana 1582  
patients who are veterans or indigent in obtaining medical 1583  
marijuana in accordance with this chapter; 1584

(16) Establish, in accordance with section 3796.05 of the 1585  
Revised Code, standards and procedures for the testing of 1586  
medical marijuana and adult-use marijuana by a licensed 1587  
~~laboratory licensed under this chapter.~~ 1588

(C) In addition to the rules described in division (B) of 1589  
this section, the division may adopt any other rules it 1590



considers necessary for the program's administration and the 1591  
implementation and enforcement of this chapter. 1592

(D) When adopting rules under this section, the division 1593  
shall consider standards and procedures that have been found to 1594  
be best practices relative to the use and regulation of medical 1595  
marijuana, adult-use marijuana, and homegrown marijuana. 1596

**Sec. 3796.032.** This chapter does not authorize the 1597  
division of ~~marijuana~~ cannabis control to oversee or limit 1598  
research conducted at a state university, academic medical 1599  
center, or private research and development organization that is 1600  
related to marijuana and is approved by an agency, board, 1601  
center, department, or institute of the United States 1602  
government, including any of the following: 1603

(A) The agency for health care research and quality; 1604

(B) The national institutes of health; 1605

(C) The national academy of sciences; 1606

(D) The centers for medicare and medicaid services; 1607

(E) The United States department of defense; 1608

(F) The centers for disease control and prevention; 1609

(G) The United States department of veterans affairs; 1610

(H) The drug enforcement administration; 1611

(I) The food and drug administration; 1612

(J) Any board recognized by the national institutes of 1613  
health for the purpose of evaluating the medical value of health 1614  
care services. 1615

**Sec. 3796.04.** (A) Notwithstanding any conflicting 1616

provision of the Revised Code, an adult-use consumer may do all 1617  
of the following: 1618

(1) Cultivate, grow, and possess not more than six 1619  
homegrown marijuana plants at the adult-use consumer's primary 1620  
residence, if all of the following apply: 1621

(a) Not more than six homegrown marijuana plants are 1622  
cultivated or grown at a single residence; 1623

(b) Cultivation or growing of homegrown marijuana takes 1624  
place only within a secured closet, room, greenhouse, or other 1625  
enclosed area in or on the grounds of the residence that 1626  
prevents access by individuals under twenty-one years of age, 1627  
and which is not visible by normal unaided vision from a public 1628  
space; 1629

(c) Cultivation or growing of homegrown marijuana does not 1630  
take place at a residence that is a type A family child care 1631  
home or type B family child care home, as those terms are 1632  
defined in section 5104.01 of the Revised Code; 1633

(d) Cultivation or growing of homegrown marijuana does not 1634  
take place at a residence occupied pursuant to a rental 1635  
agreement that prohibits the activities otherwise authorized by 1636  
this section. 1637

(2) Process homegrown marijuana by manual or mechanical 1638  
means; 1639

(3) Store homegrown marijuana and adult-use marijuana at 1640  
the adult-use consumer's primary residence; 1641

(4) Use homegrown marijuana grown, cultivated, and 1642  
processed at the adult-use consumer's primary residence; 1643

(5) Possess any paraphernalia or accessories that may be 1644

used in the administration of adult-use marijuana or homegrown 1645  
marijuana. 1646

(B) No person shall give, sell, or transfer homegrown 1647  
marijuana to any other person, with or without remuneration. 1648

(C) This section does not authorize any person to: 1649

(1) Cultivate, grow, or process homegrown marijuana except 1650  
at the person's primary residence; 1651

(2) Use, cultivate, process, transfer, or transport adult- 1652  
use marijuana or homegrown marijuana before reaching twenty-one 1653  
years of age; 1654

(3) Process homegrown by hydrocarbon-based extraction; 1655

(4) Sell, or profit from, homegrown marijuana; 1656

(5) Cultivate, grow, or possess homegrown marijuana on 1657  
behalf of another person. 1658

(D) The total amount of homegrown marijuana and adult-use 1659  
marijuana possessed by an adult-use consumer shall not exceed: 1660

(1) Two and one-half ounces of plant material, excluding 1661  
any seeds, live plants, or clones being cultivated, grown, or 1662  
processed in accordance with this section; 1663

(2) Fifteen grams of extract. 1664

(E) Subject to divisions (B), (C), and (D) of this 1665  
section, an adult-use consumer shall not be subject to arrest or 1666  
criminal prosecution for engaging in any of the activities 1667  
described in division (A) of this section. 1668

(F) This section does not authorize an adult-use consumer 1669  
to operate a vehicle, streetcar, trackless trolley, watercraft, 1670  
or aircraft while under the influence of marijuana. 1671

**Sec. 3796.05.** (A) When establishing the number of 1672  
cultivator licenses that will be permitted at any one time, the 1673  
division of ~~marijuana~~ cannabis control shall consider ~~both~~ all 1674  
of the following: 1675

(1) The population of this state; 1676

(2) The number of patients seeking to use medical 1677  
marijuana; 1678

(3) The number of adult-use consumers seeking to use 1679  
adult-use marijuana. 1680

~~(B) When establishing the number of retail dispensary~~ 1681  
~~licenses that will~~ (B) (1) Not more than three hundred fifty 1682  
licensed dispensaries shall be permitted to operate in this 1683  
state at any one time, the division shall consider all of the 1684  
following: 1685

~~(1) The population of this state;~~ 1686

~~(2) The number of patients seeking to use medical~~ 1687  
~~marijuana;~~ 1688

~~(3) The geographic distribution of dispensary sites in an~~ 1689  
~~effort to ensure patient access to medical marijuana.~~ 1690

(2) (a) The division may revoke a dispensary license for 1691  
failure to secure a certificate of operation within eighteen 1692  
months after issuance of a provisional license. 1693

(b) The holder of a provisional license may apply to the 1694  
division for not more than two six-month extensions of the 1695  
deadline prescribed by division (B) (2) (a) of this section. The 1696  
division shall approve the extension if the provisional license 1697  
holder demonstrates that the provisional license holder has made 1698  
a good-faith effort to become operational. 1699

(3) When issuing retail dispensary licenses, the division shall ensure that the geographic distribution of dispensary sites does not result in the oversaturation of any geographic area. 1700  
1701  
1702  
1703

(4) The division shall not, on or after the effective date of this amendment, issue a retail dispensary license for, or approve the relocation of a licensed dispensary to, a location or facility: 1704  
1705  
1706  
1707

(a) That is within one mile of another licensed dispensary; 1708  
1709

(b) For which a permit has been issued under Chapter 4303. of the Revised Code to sell beer and intoxicating liquor, as those terms are defined in section 4301.01 of the Revised Code. 1710  
1711  
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(C) When establishing standards and procedures for the testing of medical marijuana and adult-use marijuana, the division shall do all of the following: 1713  
1714  
1715

(1) Specify when testing must be conducted; 1716

(2) Determine the minimum amount of medical marijuana or adult-use marijuana that must be tested; 1717  
1718

(3) Specify the manner in which testing is to be conducted in an effort to ensure uniformity of medical marijuana products ~~processed for and dispensed to patients~~ and adult-use marijuana products; 1719  
1720  
1721  
1722

(4) Specify the manner in which test results are provided. 1723

**Sec. 3796.06.** (A) Only the following forms of medical marijuana may be dispensed under this chapter: 1724  
1725

(1) Oils; 1726

(2) Tinctures;	1727
(3) Plant material;	1728
(4) Edibles;	1729
(5) Patches;	1730
(6) Any other form approved by the division of <del>marijuana</del> <u>cannabis</u> control under section 3796.061 of the Revised Code.	1731 1732
(B) <u>Only the following forms of adult-use marijuana may be dispensed under this chapter:</u>	1733 1734
<u>(1) Any form in which medical marijuana may be dispensed;</u>	1735
<u>(2) Extracts;</u>	1736
<u>(3) Drops;</u>	1737
<u>(4) Lozenges;</u>	1738
<u>(5) Smoking or combustible products;</u>	1739
<u>(6) Vaporization products;</u>	1740
<u>(7) Beverages;</u>	1741
<u>(8) Pills;</u>	1742
<u>(9) Capsules;</u>	1743
<u>(10) Suppositories;</u>	1744
<u>(11) Oral pouches;</u>	1745
<u>(12) Oral strips;</u>	1746
<u>(13) Oral and topical sprays;</u>	1747
<u>(14) Salves;</u>	1748
<u>(15) Lotions or similar cosmetic products;</u>	1749

<u>(16) Inhalers;</u>	1750
<u>(17) Seeds;</u>	1751
<u>(18) Live plants;</u>	1752
<u>(19) Clones.</u>	1753
<u>(C) With respect to the methods of using medical</u>	1754
<u>marijuana, adult-use marijuana, and homegrown marijuana, all of</u>	1755
<u>the following apply:</u>	1756
(1) The smoking or combustion of medical marijuana is	1757
prohibited.	1758
(2) The <u>smoking, combustion, and vaporization of adult-use</u>	1759
<u>marijuana and homegrown marijuana, and the vaporization of</u>	1760
<u>medical marijuana, is permitted only in a private residence that</u>	1761
<u>is not either of the following:</u>	1762
<u>(a) A type A family child care home or type B family child</u>	1763
<u>care home, as those terms are defined in section 5104.01 of the</u>	1764
<u>Revised Code;</u>	1765
<u>(b) A residential premises occupied pursuant to a rental</u>	1766
<u>agreement that prohibits smoking, combustion, or vaporization of</u>	1767
<u>marijuana.</u>	1768
(3) The division may approve additional methods of using	1769
medical marijuana, other than smoking or combustion, under	1770
section 3796.061 of the Revised Code.	1771
<del>(C)</del> <u>(D) (1) Any form or method of using adult-use marijuana</u>	1772
<u>or medical marijuana that is considered attractive to children,</u>	1773
<u>as specified in rules adopted by the division, is prohibited.</u>	1774
<u>(2) Adult-use marijuana or medical marijuana shall not be</u>	1775
<u>dispensed or sold in a form or shape that bears the likeness or</u>	1776

contains the characteristics of a realistic or fictional human, 1777  
animal, or fruit, including artistic, caricature, or cartoon 1778  
renderings. 1779

~~(D) With respect to tetrahydrocannabinol content, all of~~ 1780  
~~the following apply:~~ 1781

~~(1) Plant material shall have a~~ (E) (1) Except as otherwise 1782  
provided in division (F) (1) of this section, the 1783  
tetrahydrocannabinol content of medical marijuana dispensed or 1784  
sold to patients or caregivers shall not more than thirty-five 1785  
exceed: 1786

- (a) Thirty-five per cent for plant material; 1787
- (b) Seventy per cent for extracts. 1788

~~(2) Extracts shall have a~~ Except as otherwise provided in 1789  
division (F) of this section, the tetrahydrocannabinol content 1790  
of adult-use marijuana dispensed or sold to adult-use consumers 1791  
shall not more than seventy exceed: 1792

- (a) Thirty-five per cent for plant material; 1793
- (b) Seventy per cent for extracts. 1794

(3) The amount of tetrahydrocannabinol in adult-use 1795  
marijuana dispensed or sold to adult-use consumers, other than 1796  
adult-use marijuana intended for consumption by vaporization or 1797  
combustion, shall not exceed either of the following: 1798

- (a) Ten milligrams per serving; 1799
- (b) One hundred milligrams per package. 1800

(F) The division may adopt rules, in accordance with 1801  
Chapter 119. of the Revised Code, that do either or both of the 1802  
following: 1803



(1) Allow, notwithstanding divisions (E) (1) (b) and (E) (2) 1804  
(b) of this section, medical marijuana or adult-use marijuana 1805  
extracts intended for use or consumption by vaporization to be 1806  
dispensed or sold to registered patients and caregivers or 1807  
adult-use consumers, as applicable, with a tetrahydrocannabinol 1808  
content in excess of seventy per cent; 1809

(2) Establish, subject to division (E) (3) of this section, 1810  
tetrahydrocannabinol content limits for adult-use marijuana 1811  
dispensed or sold to adult-use consumers, as a percentage by 1812  
weight, content per unit, or content per package. 1813

(G) No person shall knowingly give, sell, or distribute 1814  
adult-use marijuana or homegrown marijuana to a person under 1815  
twenty-one years of age. 1816

(H) No person under the age of twenty one shall knowingly 1817  
purchase, use, or possess adult-use marijuana or homegrown 1818  
marijuana. 1819

**Sec. 3796.061.** (A) Any person may submit a petition to the 1820  
~~state~~ ~~division of marijuana~~ cannabis control requesting that a 1821  
form of or method of using medical marijuana be approved for the 1822  
purposes of section 3796.06 of the Revised Code. A petition 1823  
shall be submitted to the division in a manner prescribed by the 1824  
division. A petition shall not seek to approve a method of using 1825  
medical marijuana that involves smoking or combustion. 1826

(B) On receipt of a petition, the division shall review it 1827  
to determine whether to approve the form of or method of using 1828  
medical marijuana described in the petition. The division may 1829  
consolidate the review of petitions for the same or similar 1830  
forms or methods. In making its determination, the division 1831  
shall consult with one or more experts and review any relevant 1832

scientific evidence. 1833

(C) The division shall approve or deny the petition in 1834  
accordance with any rules adopted by the division under this 1835  
section. The division's decision is final. 1836

(D) The division may adopt rules as necessary to implement 1837  
this section. The rules shall be adopted in accordance with 1838  
Chapter 119. of the Revised Code. 1839

Sec. 3796.062. (A) No person shall transport marijuana 1840  
other than adult-use marijuana, medical marijuana, or homegrown 1841  
marijuana in a motor vehicle. 1842

(B) No person shall transport adult-use marijuana or 1843  
medical marijuana in a motor vehicle unless either or both of 1844  
the following apply: 1845

(1) The adult-use marijuana or medical marijuana is in the 1846  
original, unopened packaging in which it was dispensed or sold; 1847

(2) The adult-use marijuana or medical marijuana is stored 1848  
in the trunk of the motor vehicle or, if the motor vehicle does 1849  
not have a trunk, behind the last upright seat of the motor 1850  
vehicle or in an area not normally occupied by the driver or 1851  
passengers and not easily accessible by the driver. 1852

(C) No person shall transport homegrown marijuana in a 1853  
motor vehicle unless the homegrown marijuana is stored in the 1854  
trunk of the motor vehicle or, if the motor vehicle does not 1855  
have a trunk, behind the last upright seat of the motor vehicle 1856  
or in an area not normally occupied by the driver or passengers 1857  
and not easily accessible by the driver. 1858

(D) No person shall transport marijuana paraphernalia in a 1859  
motor vehicle unless either or both of the following apply: 1860

(1) The marijuana paraphernalia is in the original, 1861  
unopened packaging in which it was dispensed or sold; 1862

(2) The marijuana paraphernalia is stored in the trunk of 1863  
the motor vehicle or, if the motor vehicle does not have a 1864  
trunk, behind the last upright seat of the motor vehicle or in 1865  
an area not normally occupied by the driver or passengers and 1866  
not easily accessible by the driver. 1867

**Sec. 3796.07.** The ~~department of commerce~~ division of 1868  
cannabis control shall establish and maintain an electronic 1869  
database to monitor medical marijuana and adult-use marijuana 1870  
from its seed source through its cultivation, processing, 1871  
testing, and dispensing. The ~~department~~ division may contract 1872  
with a separate entity to establish and maintain all or any part 1873  
of the electronic database on behalf of the department. 1874

The electronic database shall allow for information 1875  
regarding medical marijuana and adult-use marijuana to be 1876  
updated instantaneously. Any licensed cultivator, licensed 1877  
processor, retail-licensed dispensary, or licensed laboratory 1878  
licensed under this chapter shall submit to the ~~department~~ 1879  
division any information the ~~department~~ division determines is 1880  
necessary for maintaining the electronic database. 1881

Information reported or collected under this section, 1882  
including all data contained in the electronic database, is 1883  
confidential and is not a public record for the purposes of 1884  
section 149.43 of the Revised Code. The ~~department~~ division and 1885  
any entity under contract with the ~~department~~ division shall not 1886  
make public any information reported to or collected by the 1887  
~~department~~ division under this ~~division~~ section that identifies 1888  
or would tend to identify any specific patient, caregiver, or 1889  
adult-use consumer. Information or data that does not identify a 1890

specific patient, caregiver, or adult-use consumer may be 1891  
released in summary, statistical, or aggregate form. 1892

**Sec. 3796.09.** (A) An entity that seeks to cultivate ~~or,~~ 1893  
~~process medical marijuana,~~ or to conduct laboratory testing of 1894  
medical marijuana and adult-use marijuana shall file an 1895  
application for licensure with the ~~department~~ division of 1896  
~~commerce~~ cannabis control. The entity shall file an application 1897  
for each location from which it seeks to operate. Each 1898  
application shall be submitted in accordance with rules adopted 1899  
under section 3796.03 of the Revised Code. 1900

(B) The division shall evaluate and prioritize 1901  
applications for licensure under this section according to the 1902  
applicant's eligibility, suitability, and ability to operate. 1903

(C) The ~~department~~ division shall not issue a license to 1904  
an applicant ~~if~~ unless all of the following ~~conditions~~ 1905  
eligibility requirements are met: 1906

(1) The report of the criminal records check conducted 1907  
pursuant to section 3796.12 of the Revised Code with respect to 1908  
the application demonstrates that the person subject to the 1909  
criminal records check requirement has not been convicted of or 1910  
pleaded guilty to any of the disqualifying offenses specified in 1911  
rules adopted under ~~section 9.79~~ and division (B) (2) (b) of 1912  
section 3796.03 of the Revised Code. 1913

(2) ~~The~~ If the application is for a cultivator or 1914  
processor license, the applicant demonstrates that ~~it does not~~ 1915  
none of its current or prospective owners, officers, board 1916  
members, administrators, employees, agents, or affiliates who 1917  
may significantly influence or control the applicant's 1918  
activities have an ownership or investment interest in or 1919

compensation arrangement with <del>any</del> <u>either</u> of the following:	1920
(a) A <u>licensed</u> laboratory <del>licensed under this chapter;</del>	1921
(b) An applicant for a license to conduct laboratory testing.	1922 1923
(3) <del>The</del> <u>If the application is for a cultivator or processor license, the applicant demonstrates that it does not</u>	1924
<u>none of its current or prospective owners, officers, board</u>	1925
<u>members, administrators, employees, agents, or affiliates who</u>	1926
<u>may significantly influence or control the applicant's</u>	1927
<u>activities share any corporate officers or employees with any</u>	1928
<u>either of the following:</u>	1929 1930
(a) A <u>licensed</u> laboratory <del>licensed under this chapter;</del>	1931
(b) An applicant for a license to conduct laboratory testing.	1932 1933
(4) The applicant demonstrates that it will not be located within five hundred feet of a school, church, public library, public playground, or public park.	1934 1935 1936
(5) The information provided to the <del>department</del> <u>division</u> pursuant to section 3796.11 of the Revised Code demonstrates that the applicant is in compliance with the applicable tax laws of this state.	1937 1938 1939 1940
(6) <u>The applicant demonstrates sufficient liquid capital and ability to meet financial responsibility requirements;</u>	1941 1942
(7) <u>The applicant demonstrates that the municipal corporation or township in which the applicant's cultivation, processing, or laboratory facility will be located has not passed a moratorium or taken any other action that would prohibit the applicant from operating there;</u>	1943 1944 1945 1946 1947

<u>(8) The application does not contain false, misleading, or</u>	1948
<u>deceptive information and does not omit material information;</u>	1949
<u>(9) The applicant pays any fee required by the division;</u>	1950
<u>(10) The applicant meets all other licensure eligibility</u>	1951
<u>conditions established in rules adopted under section 3796.03 of</u>	1952
<u>the Revised Code.</u>	1953
<del>(C)</del> <u>(D) If the number of eligible applicants exceed the</u>	1954
<u>number of available licenses, the division shall use an</u>	1955
<u>impartial and evidence-based process to rank the eligible</u>	1956
<u>applicants. The ranking process shall take into account all of</u>	1957
<u>the following:</u>	1958
<u>(1) The applicant's business plan;</u>	1959
<u>(2) The applicant's operations plan;</u>	1960
<u>(3) The applicant's security plan;</u>	1961
<u>(4) The applicant's financial plan;</u>	1962
<u>(5) The applicant's principal place of business;</u>	1963
<u>(6) The proposed location of the cultivation, processing,</u>	1964
<u>or laboratory facility;</u>	1965
<u>(7) The applicant's plan for generating job and economic</u>	1966
<u>development in this state;</u>	1967
<u>(8) The applicant's environmental plan;</u>	1968
<u>(9) Employment practices, including any plans to inform,</u>	1969
<u>hire, or educate residents of the state, veterans, disabled</u>	1970
<u>persons, women, or minorities;</u>	1971
<u>(10) The criminal records of all persons subject to the</u>	1972
<u>criminal records check requirement;</u>	1973

<u>(11) The civil and administrative history of the applicant</u>	1974
<u>and persons associated with the applicant;</u>	1975
<u>(12) Any other eligibility, suitability, or operations-</u>	1976
<u>based determination specified in this chapter or rules adopted</u>	1977
<u>by the division thereunder.</u>	1978
<u>(E) (1) If the division uses a lottery system to issue</u>	1979
<u>licenses under this section, the applicants shall be grouped</u>	1980
<u>into the following distinct categories:</u>	1981
<u>(a) Highly exceeds;</u>	1982
<u>(b) Exceeds;</u>	1983
<u>(c) Meets;</u>	1984
<u>(d) Does not meet.</u>	1985
<u>(2) The division shall group the applicants such that the</u>	1986
<u>number of applicants in each of the highly exceeds, exceeds, and</u>	1987
<u>meets categories is roughly equal, unless doing so is not</u>	1988
<u>possible while conforming to an impartial and evidence-based</u>	1989
<u>process. Applicants that do not meet the eligibility</u>	1990
<u>requirements prescribed by division (C) of this section shall be</u>	1991
<u>placed in the does not meet category.</u>	1992
<u>(3) In conducting the lottery, the division shall give</u>	1993
<u>applicants in the exceeds category double odds of being selected</u>	1994
<u>as compared to applicants in the meets category. The division</u>	1995
<u>shall give applicants in the highly exceeds category double the</u>	1996
<u>odds of being selected as compared to applicants in the exceeds</u>	1997
<u>category. An applicant grouped in the does not meet category is</u>	1998
<u>ineligible for licensure.</u>	1999
<u>(F) The <del>department</del>-division shall issue not less than</u>	2000
<u>fifteen per cent of cultivator, processor, or laboratory</u>	2001

licenses to entities that are owned and controlled by United States citizens who are residents of this state and are members of one of the following economically disadvantaged groups: Blacks or African Americans, American Indians, Hispanics or Latinos, and Asians. If no applications or an insufficient number of applications are submitted by such entities that meet the conditions set forth in division ~~(B)~~(C) of this section, the licenses shall be issued according to usual procedures.

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

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

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

**Sec. 3796.10.** (A) An entity that seeks to dispense at retail medical marijuana and adult-use marijuana shall file an application for licensure with the division of ~~marijuana~~



cannabis control. The entity shall file an application for each 2032  
location from which it seeks to operate. Each application shall 2033  
be submitted in accordance with rules adopted under section 2034  
3796.03 of the Revised Code. 2035

(B) The division shall evaluate and prioritize 2036  
applications for licensure under this section according to the 2037  
applicant's eligibility, suitability, and ability to operate. 2038

(C) The division shall not issue a license to an applicant 2039  
~~if unless~~ all of the following conditions are met: 2040

(1) The report of the criminal records check conducted 2041  
pursuant to section 3796.12 of the Revised Code with respect to 2042  
the application demonstrates that the person subject to the 2043  
criminal records check requirement has not been convicted of or 2044  
pleaded guilty to any of the disqualifying offenses specified in 2045  
rules adopted under ~~section 9.79 and~~ division (B) (2) (b) of 2046  
section 3796.03 of the Revised Code. 2047

(2) The applicant demonstrates that ~~it does not~~ none of 2048  
the applicant's current or prospective owners, officers, board 2049  
members, administrators, employees, agents, or affiliates who 2050  
may significantly influence or control the applicant's 2051  
activities have an ownership or investment interest in or 2052  
compensation arrangement with ~~any either~~ of the following: 2053

(a) A licensed laboratory ~~licensed under this chapter;~~ 2054

(b) An applicant for a license to conduct laboratory 2055  
testing. 2056

(3) The applicant demonstrates that ~~it does not~~ none of 2057  
the applicant's current or prospective owners, officers, board 2058  
members, administrators, employees, agents, or affiliates who 2059  
may significantly influence or control the applicant's 2060

activities share any corporate officers or employees with any 2061  
either of the following: 2062

(a) A licensed laboratory licensed under this chapter; 2063

(b) An applicant for a license to conduct laboratory 2064  
testing. 2065

(4) The applicant demonstrates that it the proposed 2066  
location of the applicant's retail dispensary facility will not 2067  
be located within five hundred feet of a school, church, public 2068  
library, public playground, or public park. 2069

(5) The applicant demonstrates that the proposed location 2070  
of the applicant's retail dispensary facility is not either of 2071  
the following: 2072

(a) Located within one mile of another licensed 2073  
dispensary; 2074

(b) Issued a permit under Chapter 4303. of the Revised 2075  
Code to sell beer and intoxicating liquor, as those terms are 2076  
defined in section 4301.01 of the Revised Code. 2077

(6) The information provided to the division pursuant to 2078  
section 3796.11 of the Revised Code demonstrates that the 2079  
applicant is in compliance with the applicable tax laws of this 2080  
state. 2081

~~(6)~~-(7) The applicant demonstrates sufficient liquid 2082  
capital and ability to meet financial responsibility 2083  
requirements; 2084

(8) The applicant demonstrates that the municipal 2085  
corporation or township in which the retail dispensary facility 2086  
will be located has not passed a moratorium or taken any other 2087  
action that would prohibit the applicant from operating there; 2088

<u>(9) The application does not contain false, misleading, or</u>	2089
<u>deceptive information and does not omit material information;</u>	2090
<u>(10) The applicant pays any fee required by the division;</u>	2091
<u>(11) The applicant meets all other licensure eligibility</u>	2092
<u>conditions established in rules adopted under section 3796.03 of</u>	2093
<u>the Revised Code.</u>	2094
<u><del>(C)</del>(D) If the number of eligible applicants exceed the</u>	2095
<u>number of available licenses, the division shall use an</u>	2096
<u>impartial and evidence-based process to rank the eligible</u>	2097
<u>applicants. The ranking process shall take into account all of</u>	2098
<u>the following:</u>	2099
<u>(1) The applicant's business plan;</u>	2100
<u>(2) The applicant's operations plan;</u>	2101
<u>(3) The applicant's security plan;</u>	2102
<u>(4) The applicant's financial plan;</u>	2103
<u>(5) The applicant's principal place of business;</u>	2104
<u>(6) The proposed location of the retail dispensary</u>	2105
<u>facility;</u>	2106
<u>(7) The applicant's plan for generating job and economic</u>	2107
<u>development in this state;</u>	2108
<u>(8) The applicant's environmental plan;</u>	2109
<u>(9) Employment practices, including any plans to inform,</u>	2110
<u>hire, or educate residents of the state, veterans, disabled</u>	2111
<u>persons, women, or minorities;</u>	2112
<u>(10) The criminal records of all persons subject to the</u>	2113
<u>criminal records check requirement;</u>	2114

(11) The civil and administrative history of the applicant 2115  
and persons associated with the applicant; 2116

(12) Any other eligibility, suitability, or operations- 2117  
based determination specified in this chapter or rules adopted 2118  
by the division thereunder. 2119

(E) (1) If the division uses a lottery system to issue 2120  
licenses under this section, the applicants shall be grouped 2121  
into the following distinct categories: 2122

(a) Highly exceeds; 2123

(b) Exceeds; 2124

(c) Meets; 2125

(d) Does not meet. 2126

(2) The division shall group the applicants such that the 2127  
number of applicants in each of the highly exceeds, exceeds, and 2128  
meets categories is roughly equal, unless doing so is not 2129  
possible while conforming to an impartial and evidence-based 2130  
process. Applicants that do not meet the eligibility 2131  
requirements prescribed by division (C) of this section shall be 2132  
placed in the does not meet category. 2133

(3) In conducting the lottery, the division shall give 2134  
applicants in the exceeds category double the odds of being 2135  
selected as compared to applicants in the meets category. The 2136  
division shall give applicants in the highly exceeds category 2137  
double the odds of being selected as compared to applicants in 2138  
the exceeds category. An applicant grouped in the does not meet 2139  
category is ineligible for licensure. 2140

(F) The division shall issue not less than fifteen per 2141  
cent of retail dispensary licenses to entities that are owned 2142

and controlled by United States citizens who are residents of 2143  
this state and are members of one of the following economically 2144  
disadvantaged groups: Blacks or African Americans, American 2145  
Indians, Hispanics or Latinos, and Asians. If no applications or 2146  
an insufficient number of applications are submitted by such 2147  
entities that meet the conditions set forth in division (B) of 2148  
this section, the licenses shall be issued according to usual 2149  
procedures. 2150

As used in this division, "owned and controlled" means 2151  
that at least fifty-one per cent of the business, including 2152  
corporate stock if a corporation, is owned by persons who belong 2153  
to one or more of the groups set forth in this division, and 2154  
that those owners have control over the management and day-to- 2155  
day operations of the business and an interest in the capital, 2156  
assets, and profits and losses of the business proportionate to 2157  
their percentage of ownership. 2158

~~(D)~~ (G) A license expires according to the renewal 2159  
schedule established in rules adopted under section 3796.03 of 2160  
the Revised Code and may be renewed in accordance with the 2161  
procedures established in those rules. Applications for renewal 2162  
are not subject to the evaluation, prioritization, ranking, and 2163  
lottery provisions in divisions (B), (D), and (E) of this 2164  
section. The division shall not deny an application for renewal 2165  
based solely on the location of the applicant's existing 2166  
dispensary facility in proximity to other license holders. 2167

(H) A provisional license issued under this section is not 2168  
transferable. 2169

**Sec. 3796.11.** (A) (1) Notwithstanding section 149.43 of the 2170  
Revised Code or any other public records law to the contrary or 2171  
any law relating to the confidentiality of tax return 2172

information, upon the request of the division of ~~marijuana~~ 2173  
cannabis control, the department of taxation shall provide to 2174  
the division all of the following information: 2175

(a) Whether an applicant for licensure under this chapter 2176  
is in compliance with the applicable tax laws of this state; 2177

(b) Any past or pending violation by the applicant of 2178  
those tax laws, and any penalty imposed on the applicant for 2179  
such a violation. 2180

(2) The division shall request the information only as it 2181  
pertains to an application for licensure that the division, as 2182  
applicable, is reviewing. 2183

(3) The department of taxation may charge the division a 2184  
reasonable fee to cover the administrative cost of providing the 2185  
information. 2186

(B) Information received under this section is 2187  
confidential. Except as otherwise permitted by other state law 2188  
or federal law, the division shall not make the information 2189  
available to any person other than the applicant for licensure 2190  
to whom the information applies. 2191

**Sec. 3796.12.** (A) As used in this section, "criminal 2192  
records check" has the same meaning as in section 109.572 of the 2193  
Revised Code. 2194

(B) (1) As part of the application process for a license 2195  
issued under this chapter, the division of ~~marijuana~~cannabis 2196  
control shall require each of the following to complete a 2197  
criminal records check: 2198

(a) An administrator or other person responsible for the 2199  
daily operation of the entity seeking the license; 2200

(b) An owner or prospective owner, officer or prospective officer, or board member or prospective board member of the entity seeking the license. 2201  
2202  
2203

(2) If a person subject to the criminal records check requirement does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent of the bureau of criminal identification and investigation has requested information about the person from the federal bureau of investigation in a criminal records check, the division shall request that the person obtain through the superintendent a criminal records request from the federal bureau of investigation as part of the criminal records check of the person. Even if a person presents proof of having been a resident of this state for the five-year period, the division may request that the person obtain information through the superintendent from the federal bureau of investigation in the criminal records check. 2204  
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(C) The division shall provide the following to each person who is subject to the criminal records check requirement: 2220  
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(1) Information about accessing, completing, and forwarding 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 and the standard impression sheet to obtain fingerprint impressions prescribed pursuant to division (C)(2) of that section; 2222  
2223  
2224  
2225  
2226  
2227

(2) Written notification that the person is to instruct the superintendent to submit the completed report of the criminal records check directly to the division. 2228  
2229  
2230

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

(E) The report of any criminal records check conducted by the bureau of criminal identification and investigation in 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:

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

(2) The members and staff of the division;

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

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

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

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

(1) Access, complete, or forward to the superintendent of the bureau of criminal identification and investigation the form prescribed pursuant to division (C) (1) of section 109.572 of the



Revised Code or the standard impression sheet prescribed 2259  
pursuant to division (C) (2) of that section; 2260

(2) Instruct the superintendent to submit the completed 2261  
report of the criminal records check directly to the division. 2262

**Sec. 3796.13.** (A) Each person seeking employment with ~~an~~ 2263  
~~entity licensed under this chapter~~ a license holder shall comply 2264  
with sections 4776.01 to 4776.04 of the Revised Code. Except as 2265  
provided in division (B) of this section, such an entity shall 2266  
not employ the person unless the person has submitted a criminal 2267  
records check under those sections. The license holder shall not 2268  
employ the person unless the report of the resulting criminal 2269  
records check shall demonstrate demonstrates that the person has 2270  
not been convicted of or pleaded guilty to any of the 2271  
disqualifying offenses specified in rules adopted under division 2272  
(B) (14) (a) of section 3796.03 of the Revised Code ~~if the person~~ 2273  
~~is seeking employment with an entity licensed by the division of~~ 2274  
~~marijuana control under this chapter.~~ 2275

(B) An ~~entity~~ entity license holder is not prohibited by division 2276  
(A) of this section from employing a person if the disqualifying 2277  
offense the person was convicted of or pleaded guilty to is one 2278  
of the offenses specified in rules adopted under division (B) 2279  
(14) (b) of section 3796.03 of the Revised Code and the person 2280  
was convicted of or pleaded guilty to the offense more than five 2281  
years before the date the employment begins. 2282

**Sec. 3796.14.** (A) The division of ~~marijuana~~ cannabis 2283  
control may do any of the following for any reason specified in 2284  
rules adopted under section 3796.03 of the Revised Code: 2285

(1) Suspend, suspend without prior hearing, revoke, or 2286  
refuse to renew a license ~~it~~ or registration issued under this 2287

~~chapter or a license or a registration the state board of~~ 2288  
~~pharmacy issued prior to the transfer of regulatory authority~~ 2289  
~~over the medical marijuana control program to the~~ 2290  
~~division~~ Chapter 3780. of the Revised Code; 2291

(2) Refuse to issue a license; 2292

(3) Impose on a license holder a civil penalty in an 2293  
amount to be determined by the division. 2294

(4) ~~With respect to a suspension of a retail dispensary~~ 2295  
~~license without prior hearing, the division may utilize a~~ 2296  
~~telephone conference call to review the allegations and take a~~ 2297  
~~vote.~~ The division shall suspend a dispensary license without 2298  
prior hearing only if it finds clear and convincing evidence 2299  
that continued distribution of medical marijuana and adult-use 2300  
marijuana by the license holder presents a danger of immediate 2301  
and serious harm to others. The suspension shall remain in 2302  
effect, unless lifted by the division, until the division issues 2303  
its final adjudication order. If the division does not issue the 2304  
order within ninety days after the adjudication hearing, the 2305  
suspension shall be lifted on the ninety-first day following the 2306  
hearing. 2307

The division's actions under division (A) of this section 2308  
shall be taken in accordance with Chapter 119. of the Revised 2309  
Code. 2310

(B) ~~The~~ Subject to division (E) of this section, the 2311  
division and the Ohio investigative unit may inspect all of the 2312  
following for any reason specified in rules adopted under 2313  
section 3796.03 of the Revised Code without prior notice to the 2314  
applicant or license holder: 2315

(1) The premises of a license holder or an applicant for 2316

~~licensure or holder of a current, valid cultivator, processor,~~ 2317  
~~retail dispensary, or laboratory license issued under this~~ 2318  
~~chapter;~~ 2319

(2) All records maintained pursuant to this chapter by a license holder ~~of a current license.~~ 2320  
2321

(C) Whenever it appears to the division, from its files, 2322  
upon complaint, or otherwise, or to the Ohio investigative unit, 2323  
from an inspection or investigation authorized by this section, 2324  
that any person or entity has engaged in, is engaged in, or is 2325  
about to engage in any practice declared to be illegal or 2326  
prohibited by this chapter or the rules adopted under this 2327  
chapter, or when the division believes it to be in the best 2328  
interest of the public, adult-use consumers, or medical 2329  
marijuana patients, the division may do any of the following: 2330

(1) Investigate the person or entity as authorized 2331  
pursuant to this chapter or the rules adopted under this 2332  
chapter; 2333

(2) Issue subpoenas to any person or entity for the 2334  
purpose of compelling either of the following: 2335

(a) The attendance and testimony of witnesses; 2336

(b) The production of books, accounts, papers, records, or 2337  
documents. 2338

(D) If a person or entity fails to comply with any order 2339  
of the division or the unit or a subpoena issued by the division 2340  
or the unit pursuant to this section, a judge of the court of 2341  
common pleas of the county in which the person resides or the 2342  
entity may be served, on application of the division or the 2343  
unit, shall compel obedience by attachment proceedings as for 2344  
contempt, as in the case of disobedience with respect to the 2345

requirements of a subpoena issued from such court or a refusal 2346  
to testify in such court. 2347

(E) The Ohio investigative unit shall not inspect or 2348  
investigate the premises of any person under this section unless 2349  
either or both of the following apply: 2350

(1) The person inspected or investigated is a license 2351  
holder and either or both of the following apply: 2352

(a) The division of cannabis control requests the unit to 2353  
inspect or investigate. 2354

(b) The inspection or investigation involves alleged 2355  
criminal activity. 2356

(2) The unit is invited by local law enforcement having 2357  
jurisdiction over the person inspected or investigated. 2358

**Sec. 3796.15.** (A) The division of ~~marijuana~~ cannabis 2359  
control and the Ohio investigative unit shall enforce this 2360  
chapter, or cause it to be enforced. ~~If Subject to division (E)~~ 2361  
of section 3796.14 of the Revised Code, if the division or the 2362  
unit has information that this chapter or any rule adopted under 2363  
this chapter has been violated, it shall investigate the matter 2364  
and take any action as it considers appropriate. 2365

~~(B) Nothing in this chapter shall be construed to require~~ 2366  
~~the division to enforce minor violations if the division~~ 2367  
~~determines that the public interest is adequately served by a~~ 2368  
~~notice or warning to the alleged offender.~~ 2369

~~(C)~~ If the division suspends, revokes, or refuses to renew 2370  
any license or registration issued under this chapter or Chapter 2371  
3780. of the Revised Code, and determines that there is clear 2372  
and convincing evidence of a danger of immediate and serious 2373

harm to any person, the division may place under seal all 2374  
medical marijuana, adult-use marijuana, and homegrown marijuana 2375  
owned by or in the possession, custody, or control of the 2376  
affected license holder or registrant. Except as otherwise 2377  
provided in this division, the division of ~~marijuana~~cannabis 2378  
control shall not dispose of the medical marijuana, adult-use 2379  
marijuana, or homegrown marijuana sealed under this division 2380  
until the license holder or registrant exhausts all of the 2381  
holder's or registrant's appeal rights under Chapter 119. of the 2382  
Revised Code. The court involved in such an appeal may order the 2383  
division, during the pendency of the appeal, to sell medical 2384  
marijuana or adult-use marijuana that is perishable. The 2385  
division shall deposit the proceeds of the sale with the court. 2386

**Sec. 3796.16.** (A) (1) The division of ~~marijuana~~cannabis 2387  
control shall attempt in good faith to negotiate and enter into 2388  
a reciprocity agreement with any other state under which a 2389  
medical marijuana registry identification card or equivalent 2390  
authorization that is issued by the other state is recognized in 2391  
this state, if the division determines that both of the 2392  
following apply: 2393

(a) The eligibility requirements imposed by the other 2394  
state for that authorization are substantially comparable to the 2395  
eligibility requirements for a patient or caregiver registration 2396  
and identification card issued under this chapter. 2397

(b) The other state recognizes a patient or caregiver 2398  
registration and identification card issued under this chapter. 2399

(2) The division shall not negotiate any agreement with 2400  
any other state under which an authorization issued by the other 2401  
state is recognized in this state other than as provided in 2402  
division (A) (1) of this section. 2403

(B) If a reciprocity agreement is entered into in 2404  
accordance with division (A) of this section, the authorization 2405  
issued by the other state shall be recognized in this state, 2406  
shall be accepted and valid in this state, and grants the 2407  
patient or caregiver the same right to use, possess, obtain, or 2408  
administer medical marijuana in this state as a patient or 2409  
caregiver who was registered and issued an identification card 2410  
under this chapter. 2411

(C) The division may adopt any rules as necessary to 2412  
implement this section. 2413

**Sec. 3796.17.** The division of ~~marijuana~~cannabis control 2414  
shall establish a toll-free telephone line to respond to 2415  
inquiries from adult-use consumers, medical marijuana patients, 2416  
caregivers, and health professionals regarding adverse reactions 2417  
to ~~medical~~ marijuana and to provide information about available 2418  
services and assistance. The division may contract with a 2419  
separate entity to establish and maintain the telephone line on 2420  
behalf of the division. 2421

**Sec. 3796.18.** ~~(A)~~(A) (1) Notwithstanding any conflicting 2422  
provision of the Revised Code and except as provided in division 2423  
(B) of this section, a licensed cultivator, including the holder 2424  
of a current, valid cultivator license issued ~~under this chapter~~ 2425  
before the effective date of this amendment, may do either of 2426  
the following: 2427

~~(1)~~(a) Cultivate medical marijuana and adult-use 2428  
marijuana; 2429

~~(2)~~(b) Deliver or sell medical marijuana and adult-use 2430  
marijuana to one or more licensed processors. 2431

(2) A licensed cultivator engaging in the activities 2432

authorized by this chapter shall do so respecting both medical 2433  
marijuana and adult-use marijuana. 2434

(B) A licensed cultivator license holder shall not 2435  
cultivate medical marijuana or adult-use marijuana for personal, 2436  
family, or household use or on any public land, including a 2437  
state park as defined in section 154.01 of the Revised Code. 2438

(C) A licensed cultivator shall identify, package, and 2439  
label all medical marijuana and adult-use marijuana products in 2440  
accordance with this chapter and any rules adopted thereunder 2441  
before delivering or selling the products to a licensed 2442  
processor. 2443

(D) The division of cannabis control shall issue the 2444  
following types of cultivation licenses: 2445

(1) (a) A level I cultivator license that, except as 2446  
otherwise provided in division (D) (1) (b) of this section, 2447  
authorizes the license holder to operate a cultivation area of 2448  
up to twenty-five thousand square feet. 2449

(b) At the discretion of the division, a level I 2450  
cultivator that is fully utilizing the cultivation area 2451  
permitted under the license may request and receive one or more 2452  
expansions to that cultivation area so long as the resulting 2453  
total cultivation area, including all expansions, does not 2454  
exceed seventy-five thousand square feet. 2455

(2) (a) A level II cultivator license that, except as 2456  
otherwise provided in divisions (D) (2) (b) and (c) of this 2457  
section, authorizes the license holder to operate a cultivation 2458  
area of up to three thousand square feet. 2459

(b) At the discretion of the division, a level II 2460  
cultivator that is fully utilizing the cultivation area 2461

permitted under the license may request and receive one or more 2462  
expansions to that cultivation area. Except as otherwise 2463  
provided in division (D) (2) (c) of this section, the resulting 2464  
total cultivation area, including all expansions, shall not 2465  
exceed nine thousand square feet. 2466

(c) At the discretion of the division, a level II 2467  
cultivator that is fully utilizing an expanded cultivation area 2468  
under the license, which is not less than nine thousand square 2469  
feet, may request and receive one or more additional expansions 2470  
to that cultivation area, so long as the resulting total 2471  
cultivation area, including all expansions, does not exceed 2472  
fifteen thousand square feet. 2473

**Sec. 3796.19.** ~~(A)~~ (A) (1) Notwithstanding any conflicting 2474  
provision of the Revised Code, a licensed processor, including 2475  
the holder of a current, valid processor license issued ~~under~~ 2476  
~~this chapter~~ before the effective date of this amendment, may do 2477  
any of the following: 2478

~~(1)~~ (a) Obtain medical marijuana and adult-use marijuana 2479  
from one or more licensed cultivators; 2480

~~(2)~~ (b) Subject to division (B) of this section, process 2481  
medical marijuana ~~obtained from one or more licensed cultivators~~ 2482  
and adult-use marijuana into a form described in section 3796.06 2483  
of the Revised Code; 2484

~~(3)~~ (c) Deliver or sell processed medical marijuana and 2485  
adult-use marijuana to one or more licensed ~~retail~~ dispensaries. 2486

(2) A licensed processor engaging in the activities 2487  
authorized by this chapter shall do so respecting both medical 2488  
marijuana and adult-use marijuana. 2489

(B) ~~When processing medical marijuana, a~~ A licensed 2490



processor shall do ~~both~~all of the following before delivering 2491  
or selling medical marijuana or adult-use marijuana to a 2492  
licensed dispensary: 2493

(1) Package the medical marijuana or adult-use marijuana 2494  
in accordance with child-resistant effectiveness standards 2495  
described in 16 C.F.R. 1700.15(b) on September 8, 2016; 2496

(2) Label the ~~medical marijuana~~ packaging with the 2497  
product's tetrahydrocannabinol and cannabidiol content; 2498

(3) Comply with any packaging or labeling requirements 2499  
established in rules adopted by the division of ~~marijuana~~ 2500  
cannabis control under ~~section~~ sections 3796.03 and 3796.32 of 2501  
the Revised Code. 2502

**Sec. 3796.20.** ~~(A)~~(A) (1) Notwithstanding any conflicting 2503  
provision of the Revised Code, a licensed dispensary, including 2504  
the holder of a current, valid retail dispensary license issued— 2505  
~~under this chapter, or previously issued by the state board of~~ 2506  
pharmacy before the effective date of this amendment, may do 2507  
~~both of~~ the following: 2508

~~(1)~~(a) Obtain medical marijuana and adult-use marijuana 2509  
from one or more licensed processors; 2510

~~(2)~~(b) Dispense or sell medical marijuana in accordance 2511  
with division (B) of this section; 2512

(c) Dispense or sell adult-use marijuana in accordance 2513  
with division (C) of this section. 2514

(2) A licensed dispensary engaged in the activities 2515  
authorized by this chapter shall do so respecting both medical 2516  
marijuana and adult-use marijuana. 2517

(B) When dispensing or selling medical marijuana, a 2518

licensed ~~retail~~-dispensary shall do all of the following: 2519

(1) Dispense or sell only upon a showing of a current, 2520  
valid, government-issued identification card and in accordance 2521  
with a written recommendation issued by a physician holding a 2522  
certificate to recommend issued by the state medical board under 2523  
section 4731.30 of the Revised Code; 2524

(2) Report to the drug database the information required 2525  
by section 4729.771 of the Revised Code; 2526

(3) Label the package containing medical marijuana with 2527  
the following information: 2528

(a) The name and address of the licensed processor and 2529  
~~retail~~the licensed dispensary; 2530

(b) The name of the patient and caregiver, if any; 2531

(c) The name of the physician who recommended treatment 2532  
with medical marijuana; 2533

(d) The directions for use, if any, as recommended by the 2534  
physician; 2535

(e) The date on which the medical marijuana was dispensed; 2536

(f) The quantity, strength, kind, or form of medical 2537  
marijuana contained in the package. 2538

(4) Maintain an adequate supply of medical marijuana 2539  
products to meet typical patient demand for those products. 2540

(C) When dispensing or selling adult-use marijuana, a 2541  
licensed dispensary shall do all of the following: 2542

(1) Dispense or sell adult-use marijuana only to adult-use 2543  
consumers who present a current, valid, government-issued 2544  
identification card demonstrating proof that the adult-use 2545

consumer is twenty-one years of age or older; 2546

(2) Dispense or sell not more than the amount of adult-use marijuana that may be legally possessed by an adult-use consumer under section 3796.221 of the Revised Code to the same adult-use consumer in the same day; 2547  
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2549  
2550

(3) Ensure that the label of the package containing adult-use marijuana includes all of the following information, in accordance with rules adopted by the division of cannabis control: 2551  
2552  
2553  
2554

(a) The name and address of the licensed processor and licensed dispensary; 2555  
2556

(b) A statement that the use of adult-use marijuana by individuals under twenty-one years of age is both harmful and illegal; 2557  
2558  
2559

(c) The quantity, strength, kind, or form of adult-use marijuana contained in the package. ~~When operating a licensed retail dispensary, both of the following apply:~~ 2560  
2561  
2562

~~(1)~~ (D) (1) A licensed dispensary shall use only employees who have met the training requirements established in rules adopted under section 3796.03 of the Revised Code. 2563  
2564  
2565

(2) A licensed dispensary shall not make public any information ~~it~~ the licensed dispensary collects that identifies or would tend to identify any specific medical marijuana patient or adult-use consumer. 2566  
2567  
2568  
2569

(3) A licensed dispensary shall prominently display both of the following: 2570  
2571

(a) A statement that the use of adult-use or homegrown marijuana by individuals under twenty-one years of age is both 2572  
2573

<u>harmful and illegal;</u>	2574
<u>(b) Information about the addictive qualities of marijuana</u>	2575
<u>and the potential negative health consequences associated with</u>	2576
<u>the use of marijuana.</u>	2577
<u>(E) No person shall own or operate more than eight</u>	2578
<u>licensed dispensaries.</u>	2579
<b>Sec. 3796.21.</b> (A) Notwithstanding any conflicting	2580
provision of the Revised Code, <u>a licensed laboratory, including</u>	2581
the holder of a current, valid laboratory license issued <del>under</del>	2582
<del>this chapter may</del> <u>before the effective date of this amendment,</u>	2583
<u>shall do both of the following:</u>	2584
(1) Obtain medical marijuana <u>and adult-use marijuana</u> from	2585
one or more <u>licensed cultivators, licensed processors, and</u>	2586
<del>retail-licensed dispensaries licensed under this chapter;</del>	2587
(2) Conduct <del>medical marijuana</del> testing in the manner	2588
specified in rules adopted under section 3796.03 of the Revised	2589
Code.	2590
(B) When testing medical marijuana <u>or adult-use marijuana,</u>	2591
a licensed laboratory shall do both of the following:	2592
(1) Test <del>the marijuana</del> for potency, homogeneity, and	2593
contamination;	2594
(2) Prepare a report of the test results.	2595
<b>Sec. 3796.22.</b> (A) Notwithstanding any conflicting	2596
provision of the Revised Code, a patient registered under this	2597
chapter who obtains medical marijuana from a <del>retail-licensed</del>	2598
dispensary <del>licensed under</del> <u>in accordance with</u> this chapter may do	2599
<del>both</del> <u>all</u> of the following:	2600

(1) Use medical marijuana;	2601
(2) Possess medical marijuana, subject to division (B) of this section;	2602 2603
(3) Possess any paraphernalia or accessories <u>that may be used in the administration of medical marijuana, as specified in rules adopted under section 3796.03 of the Revised Code.</u>	2604 2605 2606
(B) The amount of medical marijuana possessed by a registered patient shall not exceed a ninety-day supply, as specified in rules adopted under section 3796.03 of the Revised Code.	2607 2608 2609 2610
(C) A registered patient shall not be subject to arrest or criminal prosecution for doing <del>any</del> <u>either</u> of the following in accordance with this chapter:	2611 2612 2613
(1) Obtaining, using, or possessing medical marijuana;	2614
(2) Possessing any paraphernalia or accessories <u>that may be used in the administration of medical marijuana, as specified in rules adopted under section 3796.03 of the Revised Code.</u>	2615 2616 2617
(D) This section does not authorize a registered patient to operate a vehicle, streetcar, trackless trolley, watercraft, or aircraft while under the influence of <del>medical</del> marijuana.	2618 2619 2620
<b>Sec. 3796.221.</b> (A) <u>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:</u>	2621 2622 2623 2624
(1) <u>Use adult-use marijuana;</u>	2625
(2) <u>Possess adult-use marijuana, subject to divisions (B) and (C) of this section;</u>	2626 2627

(3) Possess any paraphernalia or accessories that may be 2628  
used in the administration of adult-use marijuana. 2629

(B) The amount of adult-use marijuana possessed by an 2630  
adult-use consumer shall not exceed: 2631

(1) Two and one-half ounces of plant material; 2632

(2) Fifteen grams of extract. 2633

(C) An adult-use consumer shall store adult-use marijuana 2634  
possessed in accordance with this section in its original 2635  
packaging at all times the adult-use marijuana is not actively 2636  
being used. 2637

(D) Subject to divisions (B) and (C) of this section, an 2638  
adult-use consumer is not subject to arrest or criminal 2639  
prosecution for engaging in any of the activities described in 2640  
division (A) of this section. 2641

(E) This section does not authorize an adult-use consumer 2642  
to operate a vehicle, streetcar, trackless trolley, watercraft, 2643  
or aircraft while under the influence of marijuana. 2644

**Sec. 3796.24.** (A) The holder of a license, as defined in 2645  
section 4776.01 of the Revised Code, is not subject to 2646  
professional disciplinary action solely for engaging in 2647  
professional or occupational activities related to medical 2648  
marijuana. 2649

(B) Unless there is clear and convincing evidence that a 2650  
child is unsafe, the use, possession, or administration of 2651  
medical marijuana in accordance with this chapter shall not be 2652  
the sole or primary basis for any of the following: 2653

(1) An adjudication under section 2151.28 of the Revised 2654  
Code determining that a child is an abused, neglected, or 2655

dependent child;	2656
(2) An allocation of parental rights and responsibilities	2657
under section 3109.04 of the Revised Code;	2658
(3) A parenting time order under section 3109.051 or	2659
3109.12 of the Revised Code.	2660
(C) Notwithstanding any conflicting provision of the	2661
Revised Code, the use or possession of medical marijuana in	2662
accordance with this chapter shall not be used as a reason for	2663
disqualifying a patient from medical care or from including a	2664
patient on a transplant waiting list.	2665
(D) Notwithstanding any conflicting provision of the	2666
Revised Code, the use, possession, administration, cultivation,	2667
processing, testing, or dispensing of medical marijuana in	2668
accordance with this chapter shall not be used as the sole or	2669
primary reason for taking action under any criminal or civil	2670
statute in the forfeiture or seizure of any property or asset.	2671
(E) Notwithstanding any conflicting provision of the	2672
Revised Code, a person's status as a registered patient or	2673
caregiver is not a sufficient basis for conducting a field	2674
sobriety test on the person or for suspending the person's	2675
driver's license. To conduct any field sobriety test, a law	2676
enforcement officer must have an independent, factual basis	2677
giving reasonable suspicion that the person is operating a	2678
vehicle under the influence of marijuana or with a prohibited	2679
concentration of marijuana in the person's whole blood, blood	2680
serum, plasma, breath, or urine.	2681
(F) Notwithstanding any conflicting provision of the	2682
Revised Code, a person's status as a registered patient or	2683
caregiver shall not be used as the sole or primary basis for	2684

rejecting the person as a tenant unless the rejection is	2685
required by federal law.	2686
(G) This chapter does not do any of the following:	2687
(1) Require a physician to recommend that a patient use	2688
medical marijuana to treat a qualifying medical condition;	2689
(2) Permit the use, possession, or administration of	2690
medical marijuana, <u>adult-use marijuana, or homegrown marijuana</u>	2691
other than as authorized by this chapter;	2692
(3) Permit the use, possession, or administration of	2693
medical marijuana, <u>adult-use marijuana, or homegrown marijuana</u>	2694
on federal land located in this state;	2695
(4) Require any public place to accommodate a registered	2696
patient's use of medical marijuana <u>or an adult-use consumer's</u>	2697
<u>use of adult-use marijuana or homegrown marijuana;</u>	2698
(5) <del>Prohibit</del> <u>Subject to section 3796.06 of the Revised</u>	2699
<u>Code, prohibit any public place from accommodating a registered</u>	2700
patient's use of medical marijuana <u>or an adult-use consumer's</u>	2701
<u>use of adult-use marijuana or homegrown marijuana, other than by</u>	2702
<u>smoking, combustion, or vaporization;</u>	2703
(6) Restrict research related to marijuana conducted at a	2704
state university, academic medical center, or private research	2705
and development organization as part of a research protocol	2706
approved by an institutional review board or equivalent entity.	2707
<b>Sec. 3796.27.</b> (A) As used in this section:	2708
(1) "Financial institution" means any of the following:	2709
(a) Any bank, trust company, savings and loan association,	2710
savings bank, or credit union or any affiliate, agent, or	2711



employee of a bank, trust company, savings and loan association, 2712  
savings bank, or credit union; 2713

(b) Any money transmitter licensed under sections 1315.01 2714  
to 1315.18 of the Revised Code or any affiliate, agent, or 2715  
employee of such a licensee. 2716

(2) "Financial services" means services that a financial 2717  
institution is authorized to provide under Title XI, sections 2718  
1315.01 to 1315.18, or Chapter 1733. of the Revised Code, as 2719  
applicable. 2720

(B) A financial institution that provides financial 2721  
services to any ~~cultivator, processor, retail dispensary, or~~ 2722  
~~laboratory licensed under this chapter~~ license holder shall be 2723  
exempt from any criminal law of this state an element of which 2724  
may be proven by substantiating that a person provides financial 2725  
services to a person who possesses, delivers, or manufactures 2726  
marijuana or marijuana derived products, including section 2727  
2925.05 of the Revised Code and sections 2923.01 and 2923.03 of 2728  
the Revised Code as those sections apply to violations of 2729  
Chapter 2925. of the Revised Code, if the ~~cultivator, processor,~~ 2730  
~~retail dispensary, or laboratory~~ license holder is in compliance 2731  
with this chapter and the applicable tax laws of this state. 2732

(C) (1) Notwithstanding section 149.43 of the Revised Code 2733  
or any other public records law to the contrary, upon the 2734  
request of a financial institution, the division of ~~marijuana-~~ 2735  
cannabis control shall provide to the financial institution all 2736  
of the following information: 2737

(a) Whether a person with whom the financial institution 2738  
is seeking to do business is a ~~cultivator, processor, retail-~~ 2739  
~~dispensary, or laboratory licensed under this chapter~~ license 2740

<u>holder;</u>	2741
(b) The name of any other business or individual affiliated with the person;	2742 2743
(c) An unredacted copy of the application for a license under this chapter <u>or Chapter 3780. of the Revised Code</u> , and any supporting documentation, that was submitted by the person;	2744 2745 2746
(d) If applicable, information relating to sales and volume of product sold by the person;	2747 2748
(e) Whether the person is in compliance with this chapter;	2749
(f) Any past or pending violation by the person of this chapter, and any penalty imposed on the person for such a violation.	2750 2751 2752
(2) The division may charge a financial institution a reasonable fee to cover the administrative cost of providing the information.	2753 2754 2755
(D) Information received by a financial institution under division (C) of this section is confidential. Except as otherwise permitted by other state law or federal law, a financial institution shall not make the information available to any person other than the customer to whom the information applies and any trustee, conservator, guardian, personal representative, or agent of that customer.	2756 2757 2758 2759 2760 2761 2762
<b>Sec. 3796.28.</b> (A) Nothing in this chapter does any of the following:	2763 2764
(1) Requires an employer to permit or accommodate an employee's use, possession, or distribution of <del>medical</del> marijuana;	2765 2766 2767

(2) Prohibits an employer from refusing to hire, 2768  
discharging, disciplining, or otherwise taking an adverse 2769  
employment action against a person with respect to hire, tenure, 2770  
terms, conditions, or privileges of employment because of that 2771  
person's use, possession, or distribution of ~~medical~~-marijuana; 2772

(3) Prohibits an employer from establishing and enforcing 2773  
a drug testing policy, drug-free workplace policy, or zero- 2774  
tolerance drug policy; 2775

(4) Interferes with any federal restrictions on 2776  
employment, including the regulations adopted by the United 2777  
States department of transportation in Title 49 of the Code of 2778  
Federal Regulations, as amended; 2779

(5) Permits a person to commence a cause of action against 2780  
an employer for refusing to hire, discharging, disciplining, 2781  
discriminating, retaliating, or otherwise taking an adverse 2782  
employment action against a person with respect to hire, tenure, 2783  
terms, conditions, or privileges of employment related to 2784  
~~medical~~-marijuana; 2785

(6) Affects the authority of the administrator of workers' 2786  
compensation to grant rebates or discounts on premium rates to 2787  
employers that participate in a drug-free workplace program 2788  
established in accordance with rules adopted by the 2789  
administrator under Chapter 4123. of the Revised Code. 2790

(B) A person who is discharged from employment because of 2791  
that person's use of ~~medical~~-marijuana shall be considered to 2792  
have been discharged for just cause for purposes of division (D) 2793  
of section 4141.29 of the Revised Code and shall be ineligible 2794  
to serve a waiting period or to be paid benefits for the 2795  
duration of the individual's unemployment as described in 2796

division (D) (2) of that section if the person's use of ~~medical-~~ 2797  
marijuana was in violation of an employer's drug-free workplace 2798  
policy, zero-tolerance policy, or other formal program or policy 2799  
regulating the use of ~~medical-~~marijuana. 2800

(C) It is not a violation of division (A), (D), or (E) of 2801  
section 4112.02 of the Revised Code if an employer discharges, 2802  
refuses to hire, or otherwise discriminates against a person 2803  
because of that person's use of ~~medical-~~marijuana if the 2804  
person's use of ~~medical-~~marijuana is in violation of the 2805  
employer's drug-free workplace policy, zero-tolerance policy, or 2806  
other formal program or policy regulating the use of ~~medical-~~ 2807  
marijuana. 2808

**Sec. 3796.29.** ~~The~~ (A) Except as otherwise provided in 2809  
divisions (B) and (C) of this section, the legislative authority 2810  
of a municipal corporation may adopt an ordinance, or a board of 2811  
township trustees may adopt a resolution, to prohibit, or limit 2812  
the number of, licensed cultivators, licensed processors, or 2813  
~~retail-licensed dispensaries licensed under this chapter~~ within 2814  
the municipal corporation or within the unincorporated territory 2815  
of the township, respectively. 2816

(B) The legislative authority of a municipal corporation 2817  
shall not adopt an ordinance, and a board of township trustees 2818  
shall not adopt a resolution, that prohibits or limits the 2819  
operations of a person licensed before the effective date of 2820  
this amendment under this chapter or Chapter 3780. of the 2821  
Revised Code. This division does not prohibit the enforcement of 2822  
a municipal ordinance or township resolution adopted before the 2823  
effective date of this amendment. 2824

(C) This section does not authorize the legislative 2825  
authority of a municipal corporation or a board of township 2826

trustees to adopt an ordinance or resolution limiting research 2827  
related to marijuana conducted at a state university, academic 2828  
medical center, or private research and development organization 2829  
as part of a research protocol approved by an institutional 2830  
review board or equivalent entity. 2831

**Sec. 3796.30.** (A) Except as otherwise provided in ~~division~~ 2832  
~~(B) of this section~~, no ~~medical marijuana licensed~~ cultivator, 2833  
licensed processor, ~~retail licensed~~ dispensary, or licensed 2834  
~~laboratory that tests medical marijuana~~ shall be located within 2835  
five hundred feet of the boundaries of a parcel of real estate 2836  
having situated on it a school, church, public library, public 2837  
playground, or public park. 2838

(B) If the relocation of a facility used by a licensed 2839  
cultivator, licensed processor, ~~retail licensed~~ dispensary, or 2840  
licensed laboratory licensed under this chapter to conduct 2841  
activities authorized by this chapter results in the ~~cultivator,~~ 2842  
~~processor, retail dispensary, or laboratory facility~~ being 2843  
located within five hundred feet of the boundaries of a parcel 2844  
of real estate having situated on it a school, church, public 2845  
library, public playground, or public park, the division of 2846  
~~marijuana cannabis control~~ shall revoke the license ~~it~~ 2847  
previously issued ~~to the cultivator, processor, retail~~ 2848  
~~dispensary, or laboratory~~ to the operators of that facility. 2849

~~(B)~~ (C) This section does not apply to research related to 2850  
marijuana conducted at a state university, academic medical 2851  
center, or private research and development organization as part 2852  
of a research protocol approved by an institutional review board 2853  
or equivalent entity. 2854

(D) This section does not apply to a facility used by a 2855  
licensed cultivator, licensed processor, licensed dispensary, or 2856

licensed laboratory, if that facility is operational at the time 2857  
a school, church, public library, public playground, or public 2858  
park relocates, or is established, on a parcel of real estate, 2859  
the boundaries of which are within five hundred feet of that 2860  
operational facility. 2861

~~(C) As used in this section and sections 3796.03 and~~ 2862  
~~3796.12 of the Revised Code:—~~ 2863

~~"Church" has the meaning defined in section 1710.01 of the~~ 2864  
~~Revised Code.—~~ 2865

~~"Public library" means a library provided for under~~ 2866  
~~Chapter 3375. of the Revised Code.—~~ 2867

~~"Public park" means a park established by the state or a~~ 2868  
~~political subdivision of the state including a county, township,~~ 2869  
~~municipal corporation, or park district.—~~ 2870

~~"Public playground" means a playground established by the~~ 2871  
~~state or a political subdivision of the state including a~~ 2872  
~~county, township, municipal corporation, or park district.—~~ 2873

~~"School" means a child care center as defined under~~ 2874  
~~section 5104.01 of the Revised Code, a preschool as defined~~ 2875  
~~under section 2950.034 of the Revised Code, or a public or~~ 2876  
~~nonpublic primary school or secondary school.—~~ 2877

**Sec. 3796.32.** (A) As used in this section, "business day" 2878  
has the same meaning as in section 3901.81 of the Revised Code. 2879

(B) The division of cannabis control may adopt rules 2880  
regulating the advertisement of medical marijuana and adult-use 2881  
marijuana to prevent advertisements that are false, misleading, 2882  
targeted to minors, attractive to minors, promote excessive use, 2883  
promote illegal activity, are obscene or indecent, contain 2884

depictions of marijuana use, or promote marijuana as an 2885  
intoxicant. 2886

(C) Any rules the division adopts regulating the 2887  
advertisement of adult-use marijuana shall be at least as 2888  
stringent as the most stringent federal or state laws or rules 2889  
governing the advertisement of tobacco or alcohol. 2890

(D) The division may, at any time, conduct an audit of an 2891  
applicant's or license holder's published advertisements to 2892  
ensure that the applicant or license holder complies with this 2893  
chapter and associated rules. 2894

(E) No person shall package, advertise, or otherwise 2895  
market adult-use marijuana or medical marijuana using any 2896  
graphic, picture, or drawing that bears any resemblance to a 2897  
cartoon character, or any fictional character or popular culture 2898  
figure whose target audience is children or youth. 2899

(F) (1) No person shall advertise medical marijuana or 2900  
adult-use marijuana using names, logos, signs, or materials that 2901  
have not been submitted to, and approved by, the division in 2902  
accordance with rules adopted under this section. 2903

(2) The division shall either approve or deny such names, 2904  
logos, signs, or materials within ten business days after 2905  
receiving the submission. 2906

(3) If the division does not deny a submission within ten 2907  
business days, the submitted names, logos, signs, or materials 2908  
shall be considered approved. 2909

(G) No person shall place or maintain, or cause to be 2910  
placed or maintained, an advertisement for marijuana or 2911  
marijuana products within five hundred feet of the boundaries of 2912  
a parcel of real estate having situated on it a school, church, 2913

public library, public playground, public park, a game arcade 2914  
where admission is not restricted to persons aged twenty-one 2915  
years or older, or a business where the placement of the 2916  
advertisement targets or is attractive to children or youth. 2917

(H) No person shall place or maintain, or cause to be 2918  
placed or maintained, an advertisement that asserts or suggests 2919  
that adult-use marijuana has any health or therapeutic benefits. 2920

(I) If the division determines that a person has violated 2921  
this section or any rule adopted in accordance with this 2922  
section, the division may require the person to stop using the 2923  
advertisement or proceed with any enforcement action it deems 2924  
necessary or proper, as outlined in this chapter and associated 2925  
rules. 2926

**Sec. 3796.99.** (A) (1) Whoever violates division (C) (2) of 2927  
section 3796.06 of the Revised Code as an operator of the 2928  
vehicle, streetcar, trackless trolley, watercraft, or aircraft 2929  
is subject to section 1547.11, 4511.19, or 4561.15 of the 2930  
Revised Code, as applicable. 2931

(2) Whoever violates division (C) (2) of section 3796.06 of 2932  
the Revised Code as a passenger of the vehicle, streetcar, 2933  
trackless trolley, watercraft, or aircraft shall be sentenced as 2934  
follows: 2935

(a) Except as otherwise provided in division (A) (2) (b), 2936  
(c), (d), or (e) of this section, the offender is guilty of a 2937  
misdemeanor of the first degree. The court shall sentence the 2938  
offender to a mandatory jail term of three consecutive days. The 2939  
court may impose a jail term in addition to the three-day 2940  
mandatory jail term. However, in no case shall the cumulative 2941  
jail term imposed for the offense exceed six months. In 2942



addition, the court shall impose upon the offender a fine of not 2943  
less than three hundred seventy-five and not more than one 2944  
thousand seventy-five dollars. The court shall impose a class 2945  
seven suspension of the offender's license, permit, or 2946  
privileges from the range specified in division (A) (7) of 2947  
section 4510.02 of the Revised Code. 2948

(b) Except as otherwise provided in division (A) (2) (c), 2949  
(d), or (e) of this section, an offender who, within ten years 2950  
of the offense, previously has been convicted of or pleaded 2951  
guilty to one violation of division (C) (2) of section 3796.06 of 2952  
the Revised Code as a passenger of a vehicle, streetcar, 2953  
trackless trolley, watercraft, or aircraft is guilty of a 2954  
misdemeanor of the first degree. The court shall sentence the 2955  
offender to a mandatory jail term of ten consecutive days. The 2956  
court may impose a jail term in addition to the ten-day 2957  
mandatory jail term. However, in no case shall the cumulative 2958  
jail term imposed for the offense exceed six months. In 2959  
addition, notwithstanding the fines set forth in Chapter 2929. 2960  
of the Revised Code, the court shall impose upon the offender a 2961  
fine of not less than five hundred twenty-five and not more than 2962  
one thousand six hundred twenty-five dollars. The court shall 2963  
impose a class six suspension of the offender's license, permit, 2964  
or privileges from the range specified in division (A) (6) of 2965  
section 4510.02 of the Revised Code. 2966

(c) Except as otherwise provided in division (A) (2) (d) or 2967  
(e) of this section, an offender who, within ten years of the 2968  
offense, previously has been convicted of or pleaded guilty to 2969  
two violations of division (C) (2) of section 3796.06 of the 2970  
Revised Code as a passenger of a vehicle, streetcar, trackless 2971  
trolley, watercraft, or aircraft is guilty of a misdemeanor of 2972  
the first degree. The court shall sentence the offender to a 2973

mandatory jail term of thirty consecutive days. The court may 2974  
impose a jail term in addition to the thirty-day mandatory jail 2975  
term. Notwithstanding the jail terms set forth in sections 2976  
2929.21 to 2929.28 of the Revised Code, the additional jail term 2977  
shall not exceed one year, and the cumulative jail term imposed 2978  
for the offense shall not exceed one year. In addition, 2979  
notwithstanding the fines set forth in Chapter 2929. of the 2980  
Revised Code, the court shall impose upon the offender a fine of 2981  
not less than eight hundred fifty and not more than two thousand 2982  
seven hundred fifty dollars. The court shall impose a class five 2983  
suspension of the offender's license, permit, or privileges from 2984  
the range specified in division (A) (5) of section 4510.02 of the 2985  
Revised Code. 2986

(d) Except as otherwise provided in division (A) (2) (e) of 2987  
this section, an offender who, within ten years of the offense, 2988  
previously has been convicted of or pleaded guilty to three 2989  
violations of division (C) (2) of section 3796.06 of the Revised 2990  
Code as a passenger of a vehicle, streetcar, trackless trolley, 2991  
watercraft, or aircraft is guilty of a felony of the fourth 2992  
degree. Notwithstanding the prison terms set forth in Chapter 2993  
2929. of the Revised Code, the court shall sentence the offender 2994  
to a mandatory prison term of one, two, three, four, or five 2995  
years. Additionally, notwithstanding section 2929.18 of the 2996  
Revised Code, the court shall impose a fine of not less than one 2997  
thousand three hundred fifty nor more than ten thousand five 2998  
hundred dollars. The court shall impose a class four suspension 2999  
of the offender's license, permit, or privileges from the range 3000  
specified in division (A) (4) of section 4510.02 of the Revised 3001  
Code. 3002

(e) An offender who previously has been convicted of or 3003  
pleaded guilty to a felony violation of division (C) (2) of 3004

section 3796.06 of the Revised Code as a passenger of a vehicle, 3005  
streetcar, trackless trolley, watercraft, or aircraft, 3006  
regardless of when the violation and the conviction or guilty 3007  
plea occurred, is guilty of a felony of the third degree. 3008  
Notwithstanding the prison terms set forth in Chapter 2929. of 3009  
the Revised Code, the court shall sentence the offender to a 3010  
mandatory prison term of one, two, three, four, or five years. 3011  
Additionally, notwithstanding section 2929.18 of the Revised 3012  
Code, the court shall impose a fine of not less than one 3013  
thousand three hundred fifty nor more than ten thousand five 3014  
hundred dollars. The court shall impose a class three suspension 3015  
of the offender's license, permit, or privileges from the range 3016  
specified in division (A) (3) of section 4510.02 of the Revised 3017  
Code. 3018

(B) Except as otherwise provided in division (A) of this 3019  
section, whoever violates division (C) (2) of section 3796.06 of 3020  
the Revised Code is guilty of a minor misdemeanor. 3021

(C) (1) (a) Except as provided in division (C) (1) (b) of this 3022  
section, whoever violates division (G) of section 3796.06 of the 3023  
Revised Code is guilty of a misdemeanor of the first degree. 3024

(b) An offender who has previously been convicted of, or 3025  
pleaded guilty to, a violation of division (G) of section 3026  
3796.06 of the Revised Code, is guilty of a felony of the fifth 3027  
degree. 3028

(2) The division of cannabis control shall immediately 3029  
revoke the license of any license holder under this chapter or 3030  
Chapter 3780. of the Revised Code who is found guilty of, or who 3031  
pleads guilty or no contest to, violating division (G) of 3032  
section 3796.06 of the Revised Code. 3033

(D) Whoever violates division (B) of section 3796.221 or 3034  
division (A) (1) or (D) of section 3796.04 of the Revised Code is 3035  
guilty of possession of marijuana under section 2925.11 of the 3036  
Revised Code. 3037

(E) Whoever engages in any of the activities described in 3038  
section 3796.18, 3796.19, 3796.20, or 3796.21 of the Revised 3039  
Code without the proper license is guilty of trafficking in 3040  
marijuana under section 2925.03 of the Revised Code or illegal 3041  
cultivation of marijuana under section 2925.04 of the Revised 3042  
Code. 3043

(F) Whoever violates division (C) (2) of section 3796.20 of 3044  
the Revised Code is guilty of trafficking in marijuana under 3045  
section 2925.03 of the Revised Code. 3046

(G) (1) Except as otherwise provided in divisions (G) (2) to 3047  
(4) of this section, whoever violates division (H) of section 3048  
3796.06 of the Revised Code by knowingly showing or giving false 3049  
information concerning the individual's name, age, or other 3050  
identification for the purpose of purchasing or otherwise 3051  
obtaining adult-use marijuana from a licensed dispensary is 3052  
guilty of a misdemeanor of the first degree. 3053

(2) Except as otherwise provided in divisions (G) (3) and 3054  
(4) of this section, whoever violates division (H) of section 3055  
3796.06 of the Revised Code by knowingly presenting to a 3056  
licensed dispensary a false, fictitious, or altered 3057  
identification card, a false or fictitious driver's license 3058  
purportedly issued by any state, or a driver's license issued by 3059  
any state that has been altered, is guilty of a misdemeanor of 3060  
the first degree and, notwithstanding division (A) (2) of section 3061  
2929.28 of the Revised Code, shall be fined not less than two 3062  
hundred fifty dollars and not more than one thousand dollars. 3063

(3) (a) Except as otherwise provided in division (G) (4) of 3064  
this section, an offender who has previously been convicted of 3065  
or pleaded guilty to a violation of division (H) of section 3066  
3796.06 of the Revised Code by knowingly presenting to a 3067  
licensed dispensary a false, fictitious, or altered 3068  
identification card, a false or fictitious driver's license 3069  
purportedly issued by any state, or a driver's license issued by 3070  
any state that has been altered, is guilty of a misdemeanor of 3071  
the first degree and, notwithstanding division (A) (2) of section 3072  
2929.28 of the Revised Code, shall be fined not less than five 3073  
hundred dollars nor more than one thousand dollars. 3074

(b) (i) The court also may impose a class seven suspension 3075  
of the offender's driver's or commercial driver's license or 3076  
permit, or nonresident operating privilege, from the range 3077  
specified in division (A) (7) of section 4510.02 of the Revised 3078  
Code. 3079

(ii) The court, in lieu of suspending the offender's 3080  
temporary instruction permit, probationary driver's license, or 3081  
driver's license, instead may order the offender to perform a 3082  
determinate number of hours of community service, with the court 3083  
determining the actual number of hours and the nature of the 3084  
community service the offender shall perform. 3085

(4) (a) An offender who has previously been convicted of or 3086  
pleaded guilty to two or more violations of division (H) of 3087  
section 3796.06 of the Revised Code by knowingly presenting to a 3088  
licensed dispensary a false, fictitious, or altered 3089  
identification card, a false or fictitious driver's license 3090  
purportedly issued by any state, or a driver's license issued by 3091  
any state that has been altered, is guilty of a misdemeanor of 3092  
the first degree and, notwithstanding division (A) (2) of section 3093

2929.28 of the Revised Code, shall be fined not less than five 3094  
hundred dollars nor more than one thousand dollars. 3095

(b) (i) The court also may impose a class six suspension of 3096  
the offender's driver's or commercial driver's license or permit 3097  
or nonresident operating privilege from the range specified in 3098  
division (A) (6) of section 4510.02 of the Revised Code, and the 3099  
court may order that the suspension or denial remain in effect 3100  
until the offender attains the age of twenty-one years. 3101

(ii) The court, in lieu of suspending the offender's 3102  
temporary instruction permit, probationary driver's license, or 3103  
driver's license, instead may order the offender to perform a 3104  
determinate number of hours of community service, with the court 3105  
determining the actual number of hours and the nature of the 3106  
community service the offender shall perform. 3107

(5) The financial sanctions required by divisions (G) (2) 3108  
to (4) of this section are in lieu of the financial sanctions 3109  
described in division (A) (2) of section 2929.28 of the Revised 3110  
Code but are in addition to any other sanctions or penalties 3111  
that may apply to the offender, including other financial 3112  
sanctions under that section or a jail term under section 3113  
2929.24 of the Revised Code. 3114

(H) (1) Except as otherwise provided in division (H) (2) of 3115  
this section, whoever violates division (H) of section 3796.06 3116  
of the Revised Code by knowingly soliciting another person to 3117  
purchase adult-use marijuana from a licensed dispensary is 3118  
guilty of a misdemeanor of the fourth degree. 3119

(2) An offender who has previously been convicted of or 3120  
pleaded guilty to a violation of division (H) of section 3796.06 3121  
of the Revised Code by knowingly soliciting another individual 3122

to purchase adult-use marijuana from a licensed dispensary is 3123  
guilty of a misdemeanor of the second degree. 3124

(I) Whoever violates division (A), (B), or (C) of section 3125  
3796.062 of the Revised Code is guilty of a minor misdemeanor. 3126

(J) Whoever violates division (D) of section 3796.062 of 3127  
the Revised Code is guilty of illegal use or possession of 3128  
marijuana drug paraphernalia under section 2925.141 of the 3129  
Revised Code. 3130

**Sec. 4729.80.** (A) If the state board of pharmacy 3131  
establishes and maintains a drug database pursuant to section 3132  
4729.75 of the Revised Code, the board is authorized or required 3133  
to provide information from the database only as follows: 3134

(1) On receipt of a request from a designated 3135  
representative of a government entity responsible for the 3136  
licensure, regulation, or discipline of health care 3137  
professionals with authority to prescribe, administer, or 3138  
dispense drugs, the board may provide to the representative 3139  
information from the database relating to the professional who 3140  
is the subject of an active investigation being conducted by the 3141  
government entity or relating to a professional who is acting as 3142  
an expert witness for the government entity in such an 3143  
investigation. 3144

(2) On receipt of a request from a federal officer, or a 3145  
state or local officer of this or any other state, whose duties 3146  
include enforcing laws relating to drugs, the board shall 3147  
provide to the officer information from the database relating to 3148  
the person who is the subject of an active investigation of a 3149  
drug abuse offense, as defined in section 2925.01 of the Revised 3150  
Code, being conducted by the officer's employing government 3151

entity. 3152

(3) Pursuant to a subpoena issued by a grand jury, the 3153  
board shall provide to the grand jury information from the 3154  
database relating to the person who is the subject of an 3155  
investigation being conducted by the grand jury. 3156

(4) Pursuant to a subpoena, search warrant, or court order 3157  
in connection with the investigation or prosecution of a 3158  
possible or alleged criminal offense, the board shall provide 3159  
information from the database as necessary to comply with the 3160  
subpoena, search warrant, or court order. 3161

(5) On receipt of a request from a prescriber or the 3162  
prescriber's delegate approved by the board, the board shall 3163  
provide to the prescriber a report of information from the 3164  
database relating to a patient who is either a current patient 3165  
of the prescriber or a potential patient of the prescriber based 3166  
on a referral of the patient to the prescriber, if all of the 3167  
following conditions are met: 3168

(a) The prescriber certifies in a form specified by the 3169  
board that it is for the purpose of providing medical treatment 3170  
to the patient who is the subject of the request; 3171

(b) The prescriber has not been denied access to the 3172  
database by the board. 3173

(6) On receipt of a request from a pharmacist or the 3174  
pharmacist's delegate approved by the board, the board shall 3175  
provide to the pharmacist information from the database relating 3176  
to a current patient of the pharmacist, if the pharmacist 3177  
certifies in a form specified by the board that it is for the 3178  
purpose of the pharmacist's practice of pharmacy involving the 3179  
patient who is the subject of the request and the pharmacist has 3180



not been denied access to the database by the board. 3181

(7) On receipt of a request from an individual seeking the 3182  
individual's own database information in accordance with the 3183  
procedure established in rules adopted under section 4729.84 of 3184  
the Revised Code, the board may provide to the individual the 3185  
individual's own prescription history. 3186

(8) On receipt of a request from a medical director or a 3187  
pharmacy director of a managed care organization that has 3188  
entered into a contract with the department of medicaid under 3189  
section 5167.10 of the Revised Code and a data security 3190  
agreement with the board required by section 5167.14 of the 3191  
Revised Code, the board shall provide to the medical director or 3192  
the pharmacy director information from the database relating to 3193  
a medicaid recipient enrolled in the managed care organization, 3194  
including information in the database related to prescriptions 3195  
for the recipient that were not covered or reimbursed under a 3196  
program administered by the department of medicaid. 3197

(9) On receipt of a request from the medicaid director, 3198  
the board shall provide to the director information from the 3199  
database relating to a recipient of a program administered by 3200  
the department of medicaid, including information in the 3201  
database related to prescriptions for the recipient that were 3202  
not covered or paid by a program administered by the department. 3203

(10) On receipt of a request from a medical director of a 3204  
managed care organization that has entered into a contract with 3205  
the administrator of workers' compensation under division (B) (4) 3206  
of section 4121.44 of the Revised Code and a data security 3207  
agreement with the board required by section 4121.447 of the 3208  
Revised Code, the board shall provide to the medical director 3209  
information from the database relating to a claimant under 3210

Chapter 4121., 4123., 4127., or 4131. of the Revised Code 3211  
assigned to the managed care organization, including information 3212  
in the database related to prescriptions for the claimant that 3213  
were not covered or reimbursed under Chapter 4121., 4123., 3214  
4127., or 4131. of the Revised Code, if the administrator of 3215  
workers' compensation confirms, upon request from the board, 3216  
that the claimant is assigned to the managed care organization. 3217

(11) On receipt of a request from the administrator of 3218  
workers' compensation, the board shall provide to the 3219  
administrator information from the database relating to a 3220  
claimant under Chapter 4121., 4123., 4127., or 4131. of the 3221  
Revised Code, including information in the database related to 3222  
prescriptions for the claimant that were not covered or 3223  
reimbursed under Chapter 4121., 4123., 4127., or 4131. of the 3224  
Revised Code. 3225

(12) On receipt of a request from a prescriber or the 3226  
prescriber's delegate approved by the board, the board shall 3227  
provide to the prescriber information from the database relating 3228  
to a patient's mother, if the prescriber certifies in a form 3229  
specified by the board that it is for the purpose of providing 3230  
medical treatment to a newborn or infant patient diagnosed as 3231  
opioid dependent and the prescriber has not been denied access 3232  
to the database by the board. 3233

(13) On receipt of a request from the director of health, 3234  
the board shall provide to the director information from the 3235  
database relating to the duties of the director or the 3236  
department of health in implementing the Ohio violent death 3237  
reporting system established under section 3701.93 of the 3238  
Revised Code. 3239

(14) On receipt of a request from a requestor described in 3240

division (A) (1), (2), (5), or (6) of this section who is from or 3241  
participating with another state's prescription monitoring 3242  
program, the board may provide to the requestor information from 3243  
the database, but only if there is a written agreement under 3244  
which the information is to be used and disseminated according 3245  
to the laws of this state. 3246

(15) On receipt of a request from a delegate of a retail 3247  
dispensary licensed under Chapter 3796. of the Revised Code who 3248  
is approved by the board to serve as the dispensary's delegate, 3249  
the board shall provide to the delegate a report of information 3250  
from the database pertaining only to a patient's use of medical 3251  
marijuana, if both of the following conditions are met: 3252

(a) The delegate certifies in a form specified by the 3253  
board that it is for the purpose of dispensing medical marijuana 3254  
for use in accordance with Chapter 3796. of the Revised Code. 3255

(b) The retail dispensary or delegate has not been denied 3256  
access to the database by the board. 3257

(16) On receipt of a request from a judge of a program 3258  
certified by the Ohio supreme court as a specialized docket 3259  
program for drugs, the board shall provide to the judge, or an 3260  
employee of the program who is designated by the judge to 3261  
receive the information, information from the database that 3262  
relates specifically to a current or prospective program 3263  
participant. 3264

(17) On receipt of a request from a coroner, deputy 3265  
coroner, or coroner's delegate approved by the board, the board 3266  
shall provide to the requestor information from the database 3267  
relating to a deceased person about whom the coroner is 3268  
conducting or has conducted an autopsy or investigation. 3269

(18) On receipt of a request from a prescriber, the board 3270  
may provide to the prescriber a summary of the prescriber's 3271  
prescribing record if such a record is created by the board. 3272  
Information in the summary is subject to the confidentiality 3273  
requirements of this chapter. 3274

(19) (a) On receipt of a request from a pharmacy's 3275  
responsible person, the board may provide to the responsible 3276  
person a summary of the pharmacy's dispensing record if such a 3277  
record is created by the board. Information in the summary is 3278  
subject to the confidentiality requirements of this chapter. 3279

(b) As used in division (A) (19) (a) of this section, 3280  
"responsible person" has the same meaning as in rules adopted by 3281  
the board under section 4729.26 of the Revised Code. 3282

(20) The board may provide information from the database 3283  
without request to a prescriber or pharmacist who is authorized 3284  
to use the database pursuant to this chapter. 3285

(21) (a) On receipt of a request from a prescriber or 3286  
pharmacist, or the prescriber's or pharmacist's delegate, who is 3287  
a designated representative of a peer review committee, the 3288  
board shall provide to the committee information from the 3289  
database relating to a prescriber who is subject to the 3290  
committee's evaluation, supervision, or discipline if the 3291  
information is to be used for one of those purposes. The board 3292  
shall provide only information that it determines, in accordance 3293  
with rules adopted under section 4729.84 of the Revised Code, is 3294  
appropriate to be provided to the committee. 3295

(b) As used in division (A) (21) (a) of this section, "peer 3296  
review committee" has the same meaning as in section 2305.25 of 3297  
the Revised Code, except that it includes only a peer review 3298

committee of a hospital or a peer review committee of a 3299  
nonprofit health care corporation that is a member of the 3300  
hospital or of which the hospital is a member. 3301

(22) On receipt of a request from a requestor described in 3302  
division (A) (5) or (6) of this section who is from or 3303  
participating with a prescription monitoring program that is 3304  
operated by a federal agency and approved by the board, the 3305  
board may provide to the requestor information from the 3306  
database, but only if there is a written agreement under which 3307  
the information is to be used and disseminated according to the 3308  
laws of this state. 3309

(23) Any personal health information submitted to the 3310  
board pursuant to section 4729.772 of the Revised Code may be 3311  
provided by the board only as authorized by the submitter of the 3312  
information and in accordance with rules adopted under section 3313  
4729.84 of the Revised Code. 3314

(24) On receipt of a request from a person described in 3315  
division (A) (5), (6), or (17) of this section who is 3316  
participating in a drug overdose fatality review committee 3317  
described in section 307.631 of the Revised Code, the board may 3318  
provide to the requestor information from the database, but only 3319  
if there is a written agreement under which the information is 3320  
to be used and disseminated according to the laws of this state. 3321

(25) On receipt of a request from a person described in 3322  
division (A) (5), (6), or (17) of this section who is 3323  
participating in a suicide fatality review committee described 3324  
in section 307.641 of the Revised Code, the board may provide to 3325  
the requestor information from the database, but only if there 3326  
is a written agreement under which the information is to be used 3327  
and disseminated according to the laws of this state. 3328

(26) On receipt of a request from a designated 3329  
representative of the division of ~~marijuana~~cannabis control in 3330  
the department of commerce, the board shall provide to the 3331  
representative information from the database relating to an 3332  
individual who, or entity that, is the subject of an active 3333  
investigation being conducted by the division. 3334

(B) The state board of pharmacy shall maintain a record of 3335  
each individual or entity that requests information from the 3336  
database pursuant to this section. In accordance with rules 3337  
adopted under section 4729.84 of the Revised Code, the board may 3338  
use the records to document and report statistics and law 3339  
enforcement outcomes. 3340

The board may provide records of an individual's requests 3341  
for database information only to the following: 3342

(1) A designated representative of a government entity 3343  
that is responsible for the licensure, regulation, or discipline 3344  
of health care professionals with authority to prescribe, 3345  
administer, or dispense drugs who is involved in an active 3346  
criminal or disciplinary investigation being conducted by the 3347  
government entity of the individual who submitted the requests 3348  
for database information; 3349

(2) A federal officer, or a state or local officer of this 3350  
or any other state, whose duties include enforcing laws relating 3351  
to drugs and who is involved in an active investigation being 3352  
conducted by the officer's employing government entity of the 3353  
individual who submitted the requests for database information; 3354

(3) A designated representative of the department of 3355  
medicaid regarding a prescriber who is treating or has treated a 3356  
recipient of a program administered by the department and who 3357

submitted the requests for database information. 3358

(C) Information contained in the database and any 3359  
information obtained from it is confidential and is not a public 3360  
record. Information contained in the records of requests for 3361  
information from the database is confidential and is not a 3362  
public record. Information contained in the database that does 3363  
not identify a person, including any licensee or registrant of 3364  
the board or other entity, may be released in summary, 3365  
statistical, or aggregate form. 3366

(D) A pharmacist or prescriber shall not be held liable in 3367  
damages to any person in any civil action for injury, death, or 3368  
loss to person or property on the basis that the pharmacist or 3369  
prescriber did or did not seek or obtain information from the 3370  
database. 3371

**Sec. 4735.18.** (A) Subject to section 4735.32 of the 3372  
Revised Code, the superintendent of real estate, upon the 3373  
superintendent's own motion, may investigate the conduct of any 3374  
licensee. Subject to division (E) of this section and section 3375  
4735.32 of the Revised Code, the Ohio real estate commission 3376  
shall impose disciplinary sanctions upon any licensee who, 3377  
whether or not acting in the licensee's capacity as a real 3378  
estate broker or salesperson, or in handling the licensee's own 3379  
property, is found to have been convicted of a felony or a crime 3380  
of moral turpitude, and may impose disciplinary sanctions upon 3381  
any licensee who, in the licensee's capacity as a real estate 3382  
broker or salesperson, or in handling the licensee's own 3383  
property, is found guilty of: 3384

(1) Knowingly making any misrepresentation; 3385

(2) Making any false promises with intent to influence, 3386

persuade, or induce;	3387
(3) A continued course of misrepresentation or the making	3388
of false promises through agents, salespersons, advertising, or	3389
otherwise;	3390
(4) Acting for more than one party in a transaction except	3391
as permitted by and in compliance with section 4735.71 of the	3392
Revised Code;	3393
(5) Failure within a reasonable time to account for or to	3394
remit any money coming into the licensee's possession which	3395
belongs to others;	3396
(6) Dishonest or illegal dealing, gross negligence,	3397
incompetency, or misconduct;	3398
(7) (a) By final adjudication by a court, a violation of	3399
any municipal or federal civil rights law relevant to the	3400
protection of purchasers or sellers of real estate or, by final	3401
adjudication by a court, any unlawful discriminatory practice	3402
pertaining to the purchase or sale of real estate prohibited by	3403
Chapter 4112. of the Revised Code, provided that such violation	3404
arose out of a situation wherein parties were engaged in bona	3405
fide efforts to purchase, sell, or lease real estate, in the	3406
licensee's practice as a licensed real estate broker or	3407
salesperson;	3408
(b) A second or subsequent violation of any unlawful	3409
discriminatory practice pertaining to the purchase or sale of	3410
real estate prohibited by Chapter 4112. of the Revised Code or	3411
any second or subsequent violation of municipal or federal civil	3412
rights laws relevant to purchasing or selling real estate	3413
whether or not there has been a final adjudication by a court,	3414
provided that such violation arose out of a situation wherein	3415



parties were engaged in bona fide efforts to purchase, sell, or 3416  
lease real estate. For any second offense under this division, 3417  
the commission shall suspend for a minimum of two months or 3418  
revoke the license of the broker or salesperson. For any 3419  
subsequent offense, the commission shall revoke the license of 3420  
the broker or salesperson. 3421

(8) Procuring a license under this chapter, for the 3422  
licensee or any salesperson by fraud, misrepresentation, or 3423  
deceit; 3424

(9) Having violated or failed to comply with any provision 3425  
of sections 4735.51 to 4735.74 of the Revised Code or having 3426  
willfully disregarded or violated any other provisions of this 3427  
chapter; 3428

(10) As a real estate broker, having demanded, without 3429  
reasonable cause, other than from a broker licensed under this 3430  
chapter, a commission to which the licensee is not entitled, or, 3431  
as a real estate salesperson, having demanded, without 3432  
reasonable cause, a commission to which the licensee is not 3433  
entitled; 3434

(11) Except as permitted under section 4735.20 of the 3435  
Revised Code, having paid commissions or fees to, or divided 3436  
commissions or fees with, anyone not licensed as a real estate 3437  
broker or salesperson under this chapter or anyone not operating 3438  
as an out-of-state commercial real estate broker or salesperson 3439  
under section 4735.022 of the Revised Code; 3440

(12) Having falsely represented membership in any real 3441  
estate professional association of which the licensee is not a 3442  
member; 3443

(13) Having accepted, given, or charged any undisclosed 3444

commission, rebate, or direct profit on expenditures made for a principal;	3445 3446
(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;	3447 3448 3449 3450 3451
(15) Having acted in the dual capacity of real estate broker and undisclosed principal, or real estate salesperson and undisclosed principal, in any transaction;	3452 3453 3454
(16) Having guaranteed, authorized, or permitted any person to guarantee future profits which may result from the resale of real property;	3455 3456 3457
(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;	3458 3459 3460
(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;	3461 3462 3463
(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;	3464 3465 3466 3467 3468 3469 3470 3471
(20) Having offered real property for sale or for lease without the knowledge and consent of the owner or the owner's	3472 3473

authorized agent, or on any terms other than those authorized by 3474  
the owner or the owner's authorized agent; 3475

(21) Having published advertising, whether printed, radio, 3476  
display, or of any other nature, which was misleading or 3477  
inaccurate in any material particular, or in any way having 3478  
misrepresented any properties, terms, values, policies, or 3479  
services of the business conducted; 3480

(22) Having knowingly withheld from or inserted in any 3481  
statement of account or invoice any statement that made it 3482  
inaccurate in any material particular; 3483

(23) Having published or circulated unjustified or 3484  
unwarranted threats of legal proceedings which tended to or had 3485  
the effect of harassing competitors or intimidating their 3486  
customers; 3487

(24) Having failed to keep complete and accurate records 3488  
of all transactions for a period of three years from the date of 3489  
the transaction, such records to include copies of listing 3490  
forms, earnest money receipts, offers to purchase and 3491  
acceptances of them, records of receipts and disbursements of 3492  
all funds received by the licensee as broker and incident to the 3493  
licensee's transactions as such, and records required pursuant 3494  
to divisions (C) (4) and (5) of section 4735.20 of the Revised 3495  
Code, and any other instruments or papers related to the 3496  
performance of any of the acts set forth in the definition of a 3497  
real estate broker; 3498

(25) Failure of a real estate broker or salesperson to 3499  
furnish all parties involved in a real estate transaction true 3500  
copies of all listings and other agreements to which they are a 3501  
party, at the time each party signs them; 3502

(26) Failure to maintain at all times a special or trust bank account in a depository of a state or federally chartered institution located in this state. The account shall be noninterest-bearing, separate and distinct from any personal or other account of the broker, and, except as provided in division (A) (27) of this section, shall be used for the deposit and maintenance of all escrow funds, security deposits, and other moneys received by the broker in a fiduciary capacity. The name, account number, if any, and location of the depository wherein such special or trust account is maintained shall be submitted in writing to the superintendent. Checks drawn on such special or trust bank accounts are deemed to meet the conditions imposed by section 1349.21 of the Revised Code. Funds deposited in the trust or special account in connection with a purchase agreement shall be maintained in accordance with section 4735.24 of the Revised Code.

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

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

(28) Having failed to put definite expiration dates in all	3533
written agency agreements to which the broker is a party;	3534
(29) Having an unsatisfied final judgment or lien in any	3535
court of record against the licensee arising out of the	3536
licensee's conduct as a licensed broker or salesperson;	3537
(30) Failing to render promptly upon demand a full and	3538
complete statement of the expenditures by the broker or	3539
salesperson of funds advanced by or on behalf of a party to a	3540
real estate transaction to the broker or salesperson for the	3541
purpose of performing duties as a licensee under this chapter in	3542
conjunction with the real estate transaction;	3543
(31) Failure within a reasonable time, after the receipt	3544
of the commission by the broker, to render an accounting to and	3545
pay a real estate salesperson the salesperson's earned share of	3546
it;	3547
(32) Performing any service for another constituting the	3548
practice of law, as determined by any court of law;	3549
(33) Having been adjudicated incompetent by a court, as	3550
provided in section 5122.301 of the Revised Code. A license	3551
revoked or suspended under this division shall be reactivated	3552
upon proof to the commission of the removal of the disability.	3553
(34) Having authorized or permitted a person to act as an	3554
agent in the capacity of a real estate broker, or a real estate	3555
salesperson, who was not then licensed as a real estate broker	3556
or real estate salesperson under this chapter or who was not	3557
then operating as an out-of-state commercial real estate broker	3558
or salesperson under section 4735.022 of the Revised Code;	3559
(35) Having knowingly inserted or participated in	3560
inserting any materially inaccurate term in a document,	3561

including naming a false consideration; 3562

(36) Having failed to inform the licensee's client of the 3563  
existence of an offer or counteroffer or having failed to 3564  
present an offer or counteroffer in a timely manner, unless 3565  
otherwise instructed by the client, provided the instruction of 3566  
the client does not conflict with any state or federal law; 3567

(37) Having failed to comply with section 4735.24 of the 3568  
Revised Code; 3569

(38) Having acted as a broker without authority, impeded 3570  
the ability of a principal broker to perform any of the duties 3571  
described in section 4735.081 of the Revised Code, or impeded 3572  
the ability a management level licensee to perform the 3573  
licensee's duties; 3574

(39) Entering into a right-to-list home sale agreement. 3575

(B) Whenever the commission, pursuant to section 4735.051 3576  
of the Revised Code, imposes disciplinary sanctions for any 3577  
violation of this section, the commission also may impose such 3578  
sanctions upon the broker with whom the salesperson is 3579  
affiliated if the commission finds that the broker had knowledge 3580  
of the salesperson's actions that violated this section. 3581

(C) The commission shall, pursuant to section 4735.051 of 3582  
the Revised Code, impose disciplinary sanctions upon any foreign 3583  
real estate dealer or salesperson who, in that capacity or in 3584  
handling the dealer's or salesperson's own property, is found 3585  
guilty of any of the acts or omissions specified or comprehended 3586  
in division (A) of this section insofar as the acts or omissions 3587  
pertain to foreign real estate. If the commission imposes such 3588  
sanctions upon a foreign real estate salesperson for a violation 3589  
of this section, the commission also may suspend or revoke the 3590

license of the foreign real estate dealer with whom the 3591  
salesperson is affiliated if the commission finds that the 3592  
dealer had knowledge of the salesperson's actions that violated 3593  
this section. 3594

(D) The commission may suspend, in whole or in part, the 3595  
imposition of the penalty of suspension of a license under this 3596  
section. 3597

(E) A person licensed under this chapter who represents a 3598  
party to a transaction or a proposed transaction involving the 3599  
sale, purchase, exchange, lease, or management of real property 3600  
that is or will be used in the cultivation, processing, 3601  
dispensing, or testing of medical marijuana or adult-use 3602  
marijuana under Chapter 3796. of the Revised Code, or who 3603  
receives, holds, or disburses funds from a real estate brokerage 3604  
trust account in connection with such a transaction, shall not 3605  
be subject to disciplinary sanctions under this chapter solely 3606  
because the licensed person engaged in activities permitted 3607  
under this chapter and related to activities under Chapter 3796. 3608  
of the Revised Code. 3609

**Sec. 4743.09.** (A) As used in this section: 3610

(1) "Durable medical equipment" means a type of equipment, 3611  
such as a remote monitoring device utilized by a physician, 3612  
physician assistant, or advanced practice registered nurse in 3613  
accordance with this section, that can withstand repeated use, 3614  
is primarily and customarily used to serve a medical purpose, 3615  
and generally is not useful to a person in the absence of 3616  
illness or injury and, in addition, includes repair and 3617  
replacement parts for the equipment. 3618

(2) "Facility fee" means any fee charged or billed for 3619

telehealth services provided in a facility that is intended to 3620  
compensate the facility for its operational expenses and is 3621  
separate and distinct from a professional fee. 3622

(3) "Health care professional" means: 3623

(a) An advanced practice registered nurse, as defined in 3624  
section 4723.01 of the Revised Code; 3625

(b) An optometrist licensed under Chapter 4725. of the 3626  
Revised Code to practice optometry; 3627

(c) A pharmacist licensed under Chapter 4729. of the 3628  
Revised Code; 3629

(d) A physician assistant licensed under Chapter 4730. of 3630  
the Revised Code; 3631

(e) A physician licensed under Chapter 4731. of the 3632  
Revised Code to practice medicine and surgery, osteopathic 3633  
medicine and surgery, or podiatric medicine and surgery; 3634

(f) A psychologist, independent school psychologist, or 3635  
school psychologist licensed under Chapter 4732. of the Revised 3636  
Code; 3637

(g) A chiropractor licensed under Chapter 4734. of the 3638  
Revised Code; 3639

(h) An audiologist or speech-language pathologist licensed 3640  
under Chapter 4753. of the Revised Code; 3641

(i) An occupational therapist or physical therapist 3642  
licensed under Chapter 4755. of the Revised Code; 3643

(j) An occupational therapy assistant or physical 3644  
therapist assistant licensed under Chapter 4755. of the Revised 3645  
Code; 3646



(k) A professional clinical counselor, independent social worker, independent marriage and family therapist, art therapist, or music therapist licensed under Chapter 4757. of the Revised Code;	3647 3648 3649 3650
(l) An independent chemical dependency counselor licensed under Chapter 4758. of the Revised Code;	3651 3652
(m) A dietitian licensed under Chapter 4759. of the Revised Code;	3653 3654
(n) A respiratory care professional licensed under Chapter 4761. of the Revised Code;	3655 3656
(o) A genetic counselor licensed under Chapter 4778. of the Revised Code;	3657 3658
(p) A certified Ohio behavior analyst certified under Chapter 4783. of the Revised Code;	3659 3660
(q) A certified mental health assistant licensed under Chapter 4772. of the Revised Code.	3661 3662
(4) "Health care professional licensing board" means any of the following:	3663 3664
(a) The board of nursing;	3665
(b) The state vision professionals board;	3666
(c) The state board of pharmacy;	3667
(d) The state medical board;	3668
(e) The state board of psychology;	3669
(f) The state chiropractic board;	3670
(g) The state speech and hearing professionals board;	3671

- (h) The Ohio occupational therapy, physical therapy, and athletic trainers board; 3672  
3673
- (i) The counselor, social worker, and marriage and family therapist board; 3674  
3675
- (j) The chemical dependency professionals board. 3676
- (5) "Health plan issuer" has the same meaning as in section 3922.01 of the Revised Code. 3677  
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- (6) "Telehealth services" means health care services provided through the use of information and communication technology by a health care professional, within the professional's scope of practice, who is located at a site other than the site where either of the following is located: 3679  
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- (a) The patient receiving the services; 3684
- (b) Another health care professional with whom the provider of the services is consulting regarding the patient. 3685  
3686
- (B) (1) Each health care professional licensing board shall permit a health care professional under its jurisdiction to provide the professional's services as telehealth services in accordance with this section. Subject to division (B) (2) of this section, a board may adopt any rules it considers necessary to implement this section. All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code. Any such rules adopted by a board are not subject to the requirements of division (F) of section 121.95 of the Revised Code. 3687  
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- (2) (a) Except as provided in division (B) (2) (b) of this section, the rules adopted by a health care professional licensing board under this section shall establish a standard of 3697  
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3699

care for telehealth services that is equal to the standard of 3700  
care for in-person services. 3701

(b) Subject to division (B)(2)(c) of this section, a board 3702  
may require an initial in-person visit prior to prescribing a 3703  
schedule II controlled substance to a new patient, equivalent to 3704  
applicable state and federal requirements. 3705

(c)(i) A board shall not require an initial in-person 3706  
visit for a new patient whose medical record indicates that the 3707  
patient is receiving hospice or palliative care, who is 3708  
receiving medication-assisted treatment or any other medication 3709  
for opioid-use disorder, who is a patient with a mental health 3710  
condition, or who, as determined by the clinical judgment of a 3711  
health care professional, is in an emergency situation. 3712

(ii) Notwithstanding division ~~(B)~~(C) of section 3796.01 of 3713  
the Revised Code, medical marijuana shall not be considered a 3714  
schedule II controlled substance. 3715

(C) With respect to the provision of telehealth services, 3716  
all of the following apply: 3717

(1) A health care professional may use synchronous or 3718  
asynchronous technology to provide telehealth services to a 3719  
patient during an initial visit if the appropriate standard of 3720  
care for an initial visit is satisfied. 3721

(2) A health care professional may deny a patient 3722  
telehealth services and, instead, require the patient to undergo 3723  
an in-person visit. 3724

(3) When providing telehealth services in accordance with 3725  
this section, a health care professional shall comply with all 3726  
requirements under state and federal law regarding the 3727  
protection of patient information. A health care professional 3728

shall ensure that any username or password information and any 3729  
electronic communications between the professional and a patient 3730  
are securely transmitted and stored. 3731

(4) A health care professional may use synchronous or 3732  
asynchronous technology to provide telehealth services to a 3733  
patient during an annual visit if the appropriate standard of 3734  
care for an annual visit is satisfied. 3735

(5) In the case of a health care professional who is a 3736  
physician, physician assistant, or advanced practice registered 3737  
nurse, both of the following apply: 3738

(a) The professional may provide telehealth services to a 3739  
patient located outside of this state if permitted by the laws 3740  
of the state in which the patient is located. 3741

(b) The professional may provide telehealth services 3742  
through the use of medical devices that enable remote 3743  
monitoring, including such activities as monitoring a patient's 3744  
blood pressure, heart rate, or glucose level. 3745

(D) When a patient has consented to receiving telehealth 3746  
services, the health care professional who provides those 3747  
services is not liable in damages under any claim made on the 3748  
basis that the services do not meet the same standard of care 3749  
that would apply if the services were provided in-person. 3750

(E) (1) A health care professional providing telehealth 3751  
services shall not charge a patient or a health plan issuer 3752  
covering telehealth services under section 3902.30 of the 3753  
Revised Code any of the following: a facility fee, an 3754  
origination fee, or any fee associated with the cost of the 3755  
equipment used at the provider site to provide telehealth 3756  
services. 3757

A health care professional providing telehealth services 3758  
may charge a health plan issuer for durable medical equipment 3759  
used at a patient or client site. 3760

(2) A health care professional may negotiate with a health 3761  
plan issuer to establish a reimbursement rate for fees 3762  
associated with the administrative costs incurred in providing 3763  
telehealth services as long as a patient is not responsible for 3764  
any portion of the fee. 3765

(3) A health care professional providing telehealth 3766  
services shall obtain a patient's consent before billing for the 3767  
cost of providing the services, but the requirement to do so 3768  
applies only once. 3769

(F) Nothing in this section limits or otherwise affects 3770  
any other provision of the Revised Code that requires a health 3771  
care professional who is not a physician to practice under the 3772  
supervision of, in collaboration with, in consultation with, or 3773  
pursuant to the referral of another health care professional. 3774

(G) It is the intent of the general assembly, through the 3775  
amendments to this section, to expand access to and investment 3776  
in telehealth services in this state in congruence with the 3777  
expansion and investment in telehealth services made during the 3778  
COVID-19 pandemic. 3779

**Sec. 4776.01.** As used in this chapter: 3780

(A) "License" means an authorization evidenced by a 3781  
license, certificate, registration, permit, card, or other 3782  
authority that is issued or conferred by a licensing agency to a 3783  
licensee or to an applicant for an initial license by which the 3784  
licensee or initial license applicant has or claims the 3785  
privilege to engage in a profession, occupation, or occupational 3786

activity, or, except in the case of the state dental board, to 3787  
have control of and operate certain specific equipment, 3788  
machinery, or premises, over which the licensing agency has 3789  
jurisdiction. 3790

(B) Except as provided in section 4776.20 of the Revised 3791  
Code, "licensee" means the person to whom the license is issued 3792  
by a licensing agency. "Licensee" includes a person who, for 3793  
purposes of section 3796.13 of the Revised Code, has complied 3794  
with sections 4776.01 to 4776.04 of the Revised Code and has 3795  
been determined by the division of ~~marijuana~~ cannabis control, 3796  
as the applicable licensing agency, to meet the requirements for 3797  
employment. 3798

(C) Except as provided in section 4776.20 of the Revised 3799  
Code, "licensing agency" means any of the following: 3800

(1) The board authorized by Chapters 4701., 4717., 4725., 3801  
4729., 4730., 4731., 4732., 4734., 4740., 4741., 4747., 4751., 3802  
4753., 4755., 4757., 4759., 4760., 4761., 4762., 4772., 4774., 3803  
4778., 4779., and 4783. of the Revised Code to issue a license 3804  
to engage in a specific profession, occupation, or occupational 3805  
activity, or to have charge of and operate certain specific 3806  
equipment, machinery, or premises. 3807

(2) The state dental board, relative to its authority to 3808  
issue a license pursuant to section 4715.12, 4715.16, 4715.21, 3809  
or 4715.27 of the Revised Code; 3810

(3) The division of ~~marijuana~~ cannabis control, relative 3811  
to its authority under Chapter 3796. of the Revised Code and any 3812  
rules adopted under that chapter with respect to a person who is 3813  
subject to section 3796.13 of the Revised Code; 3814

(4) The director of agriculture, relative to the 3815

director's authority to issue licenses under Chapter 928. of the 3816  
Revised Code. 3817

(D) "Applicant for an initial license" includes persons 3818  
seeking a license for the first time and persons seeking a 3819  
license by reciprocity, endorsement, or similar manner of a 3820  
license issued in another state. "Applicant for an initial 3821  
license" also includes a person who, for purposes of section 3822  
3796.13 of the Revised Code, is required to comply with sections 3823  
4776.01 to 4776.04 of the Revised Code. 3824

(E) "Applicant for a restored license" includes persons 3825  
seeking restoration of a license under section 4730.14, 4730.28, 3826  
4731.222, 4731.281, 4759.062, 4759.063, 4760.06, 4760.061, 3827  
4761.06, 4761.061, 4762.06, 4762.061, 4772.08, 4772.082, 3828  
4774.06, 4774.061, 4778.07, or 4778.071 of the Revised Code. 3829  
"Applicant for a restored license" does not include a person 3830  
seeking restoration of a license under section 4751.33 of the 3831  
Revised Code. 3832

(F) "Criminal records check" has the same meaning as in 3833  
section 109.572 of the Revised Code. 3834

**Sec. 4796.25.** This chapter does not apply to any of the 3835  
following: 3836

(A) Licenses issued under Chapter 3796. or Chapter 3780. 3837  
of the Revised Code; 3838

(B) Licenses issued pursuant to rules prescribed under 3839  
Section 5 of Article IV, Ohio Constitution; 3840

(C) Commercial fishing licenses issued under section 3841  
1533.342 of the Revised Code; 3842

(D) Licenses issued under Chapter 4506. of the Revised 3843

Code;	3844
(E) Physician certificates to recommend treatment with medical marijuana issued under section 4731.30 of the Revised Code;	3845 3846 3847
(F) Money transmitter licenses issued under section 1315.04 of the Revised Code;	3848 3849
(G) Lottery sales agent licenses issued under section 3770.05 of the Revised Code;	3850 3851
(H) Licenses issued under Chapter 3905. of the Revised Code;	3852 3853
(I) Fantasy contest operator licenses issued under section 3774.02 of the Revised Code;	3854 3855
(J) Teledentistry permits issued under section 4715.43 of the Revised Code;	3856 3857
(K) Physician training certificates issued under section 4731.291 of the Revised Code;	3858 3859
(L) Podiatrist training certificates issued under section 4731.573 of the Revised Code;	3860 3861
(M) Licenses issued under Chapter 4740. of the Revised Code;	3862 3863
(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.	3864 3865 3866 3867
<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	3868 3869 3870



pertaining to the licensing of drivers of motor vehicles. 3871

The department shall compile, analyze, and publish 3872  
statistics relative to motor vehicle accidents and the causes of 3873  
them, prepare and conduct educational programs for the purpose 3874  
of promoting safety in the operation of motor vehicles on the 3875  
highways, and conduct research and studies for the purpose of 3876  
promoting safety on the highways of this state. 3877

(B) The department shall administer the laws and rules 3878  
relative to trauma and emergency medical services specified in 3879  
Chapter 4765. of the Revised Code and any laws and rules 3880  
relative to medical transportation services specified in Chapter 3881  
4766. of the Revised Code. 3882

(C) The department shall administer and enforce the laws 3883  
contained in Chapters 4301. and 4303. of the Revised Code and 3884  
enforce the rules and orders of the liquor control commission 3885  
pertaining to retail liquor permit holders. 3886

(D) The department shall administer the laws governing the 3887  
state emergency management agency and shall enforce all 3888  
additional duties and responsibilities as prescribed in the 3889  
Revised Code related to emergency management services. 3890

(E) The department shall conduct investigations pursuant 3891  
to Chapter 5101. of the Revised Code in support of the duty of 3892  
the department of job and family services to administer the 3893  
supplemental nutrition assistance program throughout this state. 3894  
The department of public safety shall conduct investigations 3895  
necessary to protect the state's property rights and interests 3896  
in the supplemental nutrition assistance program. 3897

(F) The department of public safety shall enforce 3898  
compliance with orders and rules of the public utilities 3899

commission and applicable laws in accordance with Chapters 3900  
4905., 4921., and 4923. of the Revised Code regarding commercial 3901  
motor vehicle transportation safety, economic, and hazardous 3902  
materials requirements. 3903

(G) Notwithstanding Chapter 4117. of the Revised Code, the 3904  
department of public safety may establish requirements for its 3905  
enforcement personnel, including its enforcement agents 3906  
described in section 5502.14 of the Revised Code, that include 3907  
standards of conduct, work rules and procedures, and criteria 3908  
for eligibility as law enforcement personnel. 3909

(H) The department shall administer, maintain, and operate 3910  
the Ohio criminal justice network. The Ohio criminal justice 3911  
network shall be a computer network that supports state and 3912  
local criminal justice activities. The network shall be an 3913  
electronic repository for various data, which may include arrest 3914  
warrants, notices of persons wanted by law enforcement agencies, 3915  
criminal records, prison inmate records, stolen vehicle records, 3916  
vehicle operator's licenses, and vehicle registrations and 3917  
titles. 3918

(I) The department shall coordinate all homeland security 3919  
activities of all state agencies and shall be a liaison between 3920  
state agencies and local entities for those activities and 3921  
related purposes. 3922

(J) The department shall administer and enforce the laws 3923  
relative to private investigators and security service providers 3924  
specified in Chapter 4749. of the Revised Code. 3925

(K) The department shall administer criminal justice 3926  
services in accordance with sections 5502.61 to 5502.66 of the 3927  
Revised Code. 3928

(L) The department shall administer the Ohio school safety 3929  
and crisis center and the Ohio mobile training team in 3930  
accordance with sections 5502.70 to 5502.703 of the Revised 3931  
Code. 3932

(M) The department shall coordinate security measures and 3933  
operations, and may direct the department of administrative 3934  
services to implement any security measures and operations the 3935  
department of public safety requires, at the Vern Riffe Center 3936  
and the James A. Rhodes state office tower. 3937

Notwithstanding section 125.28 of the Revised Code, the 3938  
director of public safety may recover the costs of directing 3939  
security measures and operations under this division by either 3940  
issuing intrastate transfer voucher billings to the department 3941  
of administrative services, which the department shall process 3942  
to pay for the costs, or, upon the request of the director of 3943  
administrative services, the director of budget and management 3944  
may transfer cash in the requested amount from the building 3945  
management fund created under section 125.28 of the Revised 3946  
Code. Payments received or cash transfers made under this 3947  
division for the costs of directing security measures and 3948  
operations shall be deposited into the state treasury to the 3949  
credit of the security, investigations, and policing fund 3950  
created under section 4501.11 of the Revised Code. 3951

(N) The department shall assist the division of cannabis 3952  
control in enforcing Chapter 3796. of the Revised Code, as 3953  
provided in that chapter. 3954

**Sec. 5502.13.** The department of public safety shall 3955  
maintain an investigative unit in order to conduct 3956  
investigations and other enforcement activity authorized by 3957  
Chapters 3796., 4301., 4303., 5101., 5107., and 5108. and 3958

sections 2903.12, 2903.13, 2903.14, 2907.09, 2913.46, 2917.11, 3959  
2921.13, 2921.31, 2921.32, 2921.33, 2923.12, 2923.121, 2925.11, 3960  
2925.13, 2927.02, and 4507.30 of the Revised Code. The director 3961  
of public safety shall appoint the employees of the unit who are 3962  
necessary, designate the activities to be performed by those 3963  
employees, and prescribe their titles and duties. 3964

**Sec. 5502.14.** (A) As used in this section, "felony" has 3965  
the same meaning as in section 109.511 of the Revised Code. 3966

(B) (1) Any person who is employed by the department of 3967  
public safety and designated by the director of public safety to 3968  
enforce Title XLIII of the Revised Code, and the rules adopted 3969  
under it, Chapter 3796. of the Revised Code and the rules 3970  
adopted under that chapter, and the laws and rules regulating 3971  
the use of supplemental nutrition assistance program benefits 3972  
shall be known as an enforcement agent. The employment by the 3973  
department of public safety and the designation by the director 3974  
of public safety of a person as an enforcement agent shall be 3975  
subject to division (D) of this section. An enforcement agent 3976  
has the authority vested in peace officers pursuant to section 3977  
2935.03 of the Revised Code to keep the peace, to enforce all of 3978  
the following: 3979

(a) All applicable laws and rules on any retail liquor 3980  
permit premises, or on any other premises of public or private 3981  
property, where a violation of Title XLIII of the Revised Code 3982  
or any rule adopted under it is occurring, ~~and to enforce all;~~ 3983

(b) All applicable laws and rules on persons and premises 3984  
licensed under Chapter 3796. or 3780. of the Revised Code and, 3985  
if invited by local law enforcement having jurisdiction, on any 3986  
other public or private property where a violation of Chapter 3987  
3796. or any rule adopted under that chapter is occurring; 3988

(c) All laws and rules governing the use of supplemental 3989  
nutrition assistance program benefits, women, infants, and 3990  
children's coupons, electronically transferred benefits, or any 3991  
other access device that is used alone or in conjunction with 3992  
another access device to obtain payments, allotments, benefits, 3993  
money, goods, or other things of value, or that can be used to 3994  
initiate a transfer of funds, pursuant to the supplemental 3995  
nutrition assistance program established under the Food and 3996  
Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) or any 3997  
supplemental food program administered by any department of this 3998  
state pursuant to the "Child Nutrition Act of 1966," 80 Stat. 3999  
885, 42 U.S.C.A. 1786. Enforcement agents, in enforcing 4000  
compliance with the laws and rules described in this division, 4001  
may keep the peace and make arrests for violations of those laws 4002  
and rules. 4003

(2) In addition to the authority conferred by division (B) 4004  
(1) of this section, an enforcement agent also may execute 4005  
search warrants and seize and take into custody any contraband, 4006  
as defined in section 2901.01 of the Revised Code, or any 4007  
property that is otherwise necessary for evidentiary purposes 4008  
related to any violations of the laws or rules described in 4009  
division (B)(1) of this section. An enforcement agent may enter 4010  
public or private premises where activity alleged to violate the 4011  
laws or rules described in division (B)(1) of this section is 4012  
occurring. 4013

(3) Enforcement agents who are on, immediately adjacent 4014  
to, or across from retail liquor permit premises or premises 4015  
licensed under Chapter 3796. or 3780. of the Revised Code and 4016  
who are performing investigative duties relating to ~~that~~ those 4017  
premises, enforcement agents who are on premises that are not 4018  
liquor permit premises or premises licensed under Chapter 3796. 4019

or 3780. of the Revised Code but on which a violation of Title 4020  
XLIII or Chapter 3796. of the Revised Code or any rule adopted 4021  
under ~~it~~ that title or chapter allegedly is occurring, and 4022  
enforcement agents who view a suspected violation of Title XLIII 4023  
or Chapter 3796. of the Revised Code, of a rule adopted under 4024  
~~it~~ that title or chapter, or of another law or rule described in 4025  
division (B) (1) of this section have the authority to enforce 4026  
the laws and rules described in division (B) (1) of this section, 4027  
authority to enforce any section in Title XXIX of the Revised 4028  
Code or any other section of the Revised Code listed in section 4029  
5502.13 of the Revised Code if they witness a violation of the 4030  
section under any of the circumstances described in this 4031  
division, and authority to make arrests for violations of the 4032  
laws and rules described in division (B) (1) of this section and 4033  
violations of any of those sections. 4034

(4) The jurisdiction of an enforcement agent under 4035  
division (B) of this section shall be concurrent with that of 4036  
the peace officers of the county, township, or municipal 4037  
corporation in which the violation occurs. 4038

(C) Enforcement agents of the department of public safety 4039  
who are engaged in the enforcement of the laws and rules 4040  
described in division (B) (1) of this section may carry concealed 4041  
weapons when conducting undercover investigations pursuant to 4042  
their authority as law enforcement officers and while acting 4043  
within the scope of their authority pursuant to this chapter. 4044

(D) (1) The department of public safety shall not employ, 4045  
and the director of public safety shall not designate, a person 4046  
as an enforcement agent on a permanent basis, on a temporary 4047  
basis, for a probationary term, or on other than a permanent 4048  
basis if the person previously has been convicted of or has 4049

pleaded guilty to a felony. 4050

(2) (a) The department of public safety shall terminate the 4051  
employment of a person who is designated as an enforcement agent 4052  
and who does either of the following: 4053

(i) Pleads guilty to a felony; 4054

(ii) Pleads guilty to a misdemeanor pursuant to a 4055  
negotiated plea agreement as provided in division (D) of section 4056  
2929.43 of the Revised Code in which the enforcement agent 4057  
agrees to surrender the certificate awarded to that agent under 4058  
section 109.77 of the Revised Code. 4059

(b) The department shall suspend the employment of a 4060  
person who is designated as an enforcement agent if the person 4061  
is convicted, after trial, of a felony. If the enforcement agent 4062  
files an appeal from that conviction and the conviction is 4063  
upheld by the highest court to which the appeal is taken or if 4064  
no timely appeal is filed, the department shall terminate the 4065  
employment of that agent. If the enforcement agent files an 4066  
appeal that results in that agent's acquittal of the felony or 4067  
conviction of a misdemeanor, or in the dismissal of the felony 4068  
charge against the agent, the department shall reinstate the 4069  
agent. An enforcement agent who is reinstated under division (D) 4070  
(2) (b) of this section shall not receive any back pay unless the 4071  
conviction of that agent of the felony was reversed on appeal, 4072  
or the felony charge was dismissed, because the court found 4073  
insufficient evidence to convict the agent of the felony. 4074

(3) Division (D) of this section does not apply regarding 4075  
an offense that was committed prior to January 1, 1997. 4076

(4) The suspension or termination of the employment of a 4077  
person designated as an enforcement agent under division (D) (2) 4078

of this section shall be in accordance with Chapter 119. of the 4079  
Revised Code. 4080

**Sec. 5713.30.** As used in sections 5713.31 to 5713.37 and 4081  
5715.01 of the Revised Code: 4082

(A) "Land devoted exclusively to agricultural use" means: 4083

(1) Tracts, lots, or parcels of land totaling not less 4084  
than ten acres to which, during the three calendar years prior 4085  
to the year in which application is filed under section 5713.31 4086  
of the Revised Code, and through the last day of May of such 4087  
year, one or more of the following apply: 4088

(a) The tracts, lots, or parcels of land were devoted 4089  
exclusively to commercial animal or poultry husbandry, 4090  
aquaculture, algaculture meaning the farming of algae, 4091  
apiculture, the cultivation of hemp by a person issued a hemp 4092  
cultivation license under section 928.02 of the Revised Code, 4093  
the production for a commercial purpose of timber, field crops, 4094  
tobacco, fruits, vegetables, nursery stock, ornamental trees, 4095  
sod, or flowers, or the growth of timber for a noncommercial 4096  
purpose, if the land on which the timber is grown is contiguous 4097  
to or part of a parcel of land under common ownership that is 4098  
otherwise devoted exclusively to agricultural use. 4099

(b) The tracts, lots, or parcels of land were devoted 4100  
exclusively to biodiesel production, biomass energy production, 4101  
electric or heat energy production, or biologically derived 4102  
methane gas production if the land on which the production 4103  
facility is located is contiguous to or part of a parcel of land 4104  
under common ownership or leasehold that is otherwise devoted 4105  
exclusively to agricultural use, provided that (i) at least 4106  
fifty per cent of the feedstock used in the production is 4107



agricultural feedstock, (ii) at least twenty per cent of the 4108  
agricultural feedstock used in the production is derived from 4109  
parcels of land under common ownership or leasehold, and (iii) 4110  
none of the feedstock used in the production consists of human 4111  
waste. As used in this division, "agricultural feedstock" means 4112  
manure and food waste, and "human waste" includes sludge as 4113  
defined in section 6111.01 of the Revised Code. 4114

(c) The tracts, lots, or parcels of land are eligible 4115  
conservation land. 4116

(2) Tracts, lots, or parcels of land totaling less than 4117  
ten acres that, during the three calendar years prior to the 4118  
year in which application is filed under section 5713.31 of the 4119  
Revised Code and through the last day of May of such year, were 4120  
devoted exclusively to commercial animal or poultry husbandry, 4121  
aquaculture, algaculture meaning the farming of algae, 4122  
apiculture, the cultivation of hemp by a person issued a hemp 4123  
cultivation license under section 928.02 of the Revised Code, 4124  
the production for a commercial purpose of field crops, tobacco, 4125  
fruits, vegetables, timber, nursery stock, ornamental trees, 4126  
sod, or flowers where such activities produced an average yearly 4127  
gross income of at least twenty-five hundred dollars during such 4128  
three-year period or where there is evidence of an anticipated 4129  
gross income of such amount from such activities during the tax 4130  
year in which application is made, or were eligible conservation 4131  
land; 4132

(3) Tracts, lots, or parcels of land, or portions thereof 4133  
that, during the previous three consecutive calendar years have 4134  
been designated as land devoted exclusively to agricultural use, 4135  
but such land has been lying idle or fallow for up to one year 4136  
and no action has occurred to such land that is either 4137

inconsistent with the return of it to agricultural production or 4138  
converts the land devoted exclusively to agricultural use as 4139  
defined in this section. Such land shall remain designated as 4140  
land devoted exclusively to agricultural use provided that 4141  
beyond one year, but less than three years, the landowner proves 4142  
good cause as determined by the board of revision. 4143

(4) Tracts, lots, or parcels of land, or portions thereof 4144  
that, during the previous three consecutive calendar years have 4145  
been designated as land devoted exclusively to agricultural use, 4146  
but such land has been lying idle or fallow because of dredged 4147  
material being stored or deposited on such land pursuant to a 4148  
contract between the land's owner and the department of natural 4149  
resources or the United States army corps of engineers and no 4150  
action has occurred to the land that is either inconsistent with 4151  
the return of it to agricultural production or converts the land 4152  
devoted exclusively to agricultural use. Such land shall remain 4153  
designated as land devoted exclusively to agricultural use until 4154  
the last year in which dredged material is stored or deposited 4155  
on the land pursuant to such a contract, but not to exceed five 4156  
years. 4157

"Land devoted exclusively to agricultural use" includes 4158  
tracts, lots, or parcels of land or portions thereof that are 4159  
used for conservation practices, provided that the tracts, lots, 4160  
or parcels of land or portions thereof comprise twenty-five per 4161  
cent or less of the total of the tracts, lots, or parcels of 4162  
land that satisfy the criteria established in division (A) (1), 4163  
(2), (3), or (4) of this section together with the tracts, lots, 4164  
or parcels of land or portions thereof that are used for 4165  
conservation practices. 4166

Notwithstanding any other provision of law to the 4167

contrary, the existence of agritourism on a tract, lot, or 4168  
parcel of land that otherwise meets the definition of "land 4169  
devoted exclusively to agricultural use" as defined in this 4170  
division does not disqualify that tract, lot, or parcel from 4171  
valuation under sections 5713.30 to 5713.37 and 5715.01 of the 4172  
Revised Code. 4173

A tract, lot, or parcel of land taxed under sections 4174  
5713.22 to 5713.26 of the Revised Code is not land devoted 4175  
exclusively to agricultural use. 4176

A tract, lot, parcel, or portion thereof on which medical 4177  
marijuana, adult-use marijuana, or homegrown marijuana, as those 4178  
terms are defined by section 3796.01 of the Revised Code, is 4179  
cultivated or processed is not land devoted exclusively to 4180  
agricultural use. 4181

(B) "Conversion of land devoted exclusively to 4182  
agricultural use" means any of the following: 4183

(1) The failure of the owner of land devoted exclusively 4184  
to agricultural use during the next preceding calendar year to 4185  
file a renewal application under section 5713.31 of the Revised 4186  
Code without good cause as determined by the board of revision; 4187

(2) The failure of the new owner of such land to file an 4188  
initial application under that section without good cause as 4189  
determined by the board of revision; 4190

(3) The failure of such land or portion thereof to qualify 4191  
as land devoted exclusively to agricultural use for the current 4192  
calendar year as requested by an application filed under such 4193  
section; 4194

(4) The failure of the owner of the land described in 4195  
division (A) (3) or (4) of this section to act on such land in a 4196

manner that is consistent with the return of the land to 4197  
agricultural production after three years. 4198

The construction or installation of an energy facility, as 4199  
defined in section 5727.01 of the Revised Code, on a portion of 4200  
a tract, lot, or parcel of land devoted exclusively to 4201  
agricultural use shall not cause the remaining portion of the 4202  
tract, lot, or parcel to be regarded as a conversion of land 4203  
devoted exclusively to agricultural use if the remaining portion 4204  
of the tract, lot, or parcel continues to be devoted exclusively 4205  
to agricultural use. 4206

(C) "Tax savings" means the difference between the dollar 4207  
amount of real property taxes levied in any year on land valued 4208  
and assessed in accordance with its current agricultural use 4209  
value and the dollar amount of real property taxes that would 4210  
have been levied upon such land if it had been valued and 4211  
assessed for such year in accordance with Section 2 of Article 4212  
XII, Ohio Constitution. 4213

(D) "Owner" includes, but is not limited to, any person 4214  
owning a fee simple, fee tail, or life estate or a buyer on a 4215  
land installment contract. 4216

(E) "Conservation practices" are practices used to abate 4217  
soil erosion as required in the management of the farming 4218  
operation, and include, but are not limited to, the 4219  
installation, construction, development, planting, or use of 4220  
grass waterways, terraces, diversions, filter strips, field 4221  
borders, windbreaks, riparian buffers, wetlands, ponds, and 4222  
cover crops for that purpose. 4223

(F) "Wetlands" has the same meaning as in section 6111.02 4224  
of the Revised Code. 4225

(G) "Biodiesel" means a mono-alkyl ester combustible 4226  
liquid fuel that is derived from vegetable oils or animal fats 4227  
or any combination of those reagents and that meets the American 4228  
society for testing and materials specification D6751-03a for 4229  
biodiesel fuel (B100) blend stock distillate fuels. 4230

(H) "Biologically derived methane gas" means gas from the 4231  
anaerobic digestion of organic materials, including animal waste 4232  
and agricultural crops and residues. 4233

(I) "Biomass energy" means energy that is produced from 4234  
organic material derived from plants or animals and available on 4235  
a renewable basis, including, but not limited to, agricultural 4236  
crops, tree crops, crop by-products, and residues. 4237

(J) "Electric or heat energy" means electric or heat 4238  
energy generated from manure, cornstalks, soybean waste, or 4239  
other agricultural feedstocks. 4240

(K) "Dredged material" means material that is excavated or 4241  
dredged from waters of this state. "Dredged material" does not 4242  
include material resulting from normal farming, silviculture, 4243  
and ranching activities, such as plowing, cultivating, seeding, 4244  
and harvesting, for production of food, fiber, and forest 4245  
products. 4246

(L) "Agritourism" has the same meaning as in section 4247  
901.80 of the Revised Code. 4248

(M) "Eligible conservation land" means either of the 4249  
following: 4250

(1) A tract, lot, or parcel devoted to and qualified for 4251  
payments or other compensation under a land retirement or 4252  
conservation program under an agreement with an agency of the 4253  
federal government; 4254

(2) A tract, lot, or parcel that meets at least one of the 4255  
conditions described in divisions (M) (2) (a) to (c) of this 4256  
section and the condition described in division (M) (2) (d) of 4257  
this section. 4258

(a) The land is subject to an agricultural water project 4259  
or nature water project that receives funding from the H2Ohio 4260  
fund created in section 126.60 of the Revised Code. 4261

(b) The land was subject to such a project during the 4262  
immediately preceding calendar year. 4263

(c) The land is or was subject to such a project for the 4264  
current or one of the two immediately preceding tax years and, 4265  
for the current tax year, is subject to either a conservation 4266  
easement held by the state or an agency of the state or a 4267  
conservation easement held by any other person if such easement 4268  
is a condition of a nature water project that is funded through 4269  
the H2Ohio fund. 4270

(d) For the tax year that includes or immediately precedes 4271  
the year in which the land became subject to the project 4272  
described in division (M) (2) (a), (b), or (c) of this section, as 4273  
applicable, the land qualified as land devoted exclusively to 4274  
agricultural use pursuant to other criteria in divisions (A) (1) 4275  
to (4) of this section. 4276

As used in division (M) (2) of this section, "conservation 4277  
easement" has the same meaning as in section 5301.67 of the 4278  
Revised Code. 4279

**Section 2.** That existing sections 9.79, 121.04, 121.08, 4280  
519.21, 715.013, 928.03, 3376.07, 3780.01, 3780.10, 3780.22, 4281  
3780.23, 3780.31, 3796.01, 3796.02, 3796.03, 3796.032, 3796.05, 4282  
3796.06, 3796.061, 3796.07, 3796.09, 3796.10, 3796.11, 3796.12, 4283

3796.13, 3796.14, 3796.15, 3796.16, 3796.17, 3796.18, 3796.19, 4284  
3796.20, 3796.21, 3796.22, 3796.24, 3796.27, 3796.28, 3796.29, 4285  
3796.30, 4729.80, 4735.18, 4743.09, 4776.01, 4796.25, 5502.01, 4286  
5502.13, 5502.14, and 5713.30 of the Revised Code are hereby 4287  
repealed. 4288

**Section 3.** That sections 3780.02, 3780.03, 3780.04, 4289  
3780.05, 3780.06, 3780.07, 3780.08, 3780.09, 3780.11, 3780.12, 4290  
3780.13, 3780.14, 3780.15, 3780.16, 3780.17, 3780.18, 3780.19, 4291  
3780.20, 3780.21, 3780.25, 3780.26, 3780.27, 3780.28, 3780.29, 4292  
3780.30, 3780.32, 3780.33, 3780.34, 3780.35, 3780.36, 3780.90, 4293  
3780.99, and 3796.021 of the Revised Code are hereby repealed. 4294

**Section 4.** (A) All rules adopted by the Division pursuant 4295  
to Chapter 3780. of the Revised Code, as that chapter existed 4296  
immediately before the effective date of this section, and that 4297  
are not in conflict with the requirements of this act, continue 4298  
in effect until repealed or amended by the Division. The 4299  
Director of the Legislative Service Commission shall renumber 4300  
rules adopted under Chapter 3780. of the Revised Code to reflect 4301  
the transfer of authority to Chapter 3796. of the Revised Code, 4302  
as amended by this act. 4303

(B) Any rules that are pending before the Common Sense 4304  
Initiative or the Joint Committee on Agency Rule Review on the 4305  
effective date of this section that were proposed by the 4306  
Division under Chapter 3780. of the Revised Code, as that 4307  
chapter existed immediately before the effective date of this 4308  
section, shall be treated as having been proposed under Chapter 4309  
3796. of the Revised Code. 4310

(C) Notwithstanding any provision of section 121.95 of the 4311  
Revised Code to the contrary, a regulatory restriction contained 4312  
in a rule adopted by the Division of Cannabis Control in 4313

accordance with Chapter 3796. of the Revised Code, as amended by 4314  
this act, during the period beginning on the effective date of 4315  
this section and ending twelve months after that date is not 4316  
subject to sections 121.95 to 121.953 of the Revised Code. 4317

**Section 5.** Section 519.21 of the Revised Code is presented 4318  
in this act as a composite of the section as amended by both 4319  
H.B. 523 and S.B. 75 of the 131st General Assembly. The General 4320  
Assembly, applying the principle stated in division (B) of 4321  
section 1.52 of the Revised Code that amendments are to be 4322  
harmonized if reasonably capable of simultaneous operation, 4323  
finds that the composite is the resulting version of the section 4324  
in effect prior to the effective date of the section as 4325  
presented in this act. 4326