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136th General Assembly

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Sub. S. B. No. 56

Senator Huffman

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

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	224
Code.	225
(H) Each licensing authority shall adopt any rules that it	226
determines are necessary to implement divisions (B) to (F) of	227
this section.	228
(I) Divisions (B) to (K) of this section do not apply to	229
any of the following:	230
(1) Any position for which appointment requires compliance	231
with section 109.77 of the Revised Code or in which an	232
individual may satisfy the requirements for appointment or	233
election by complying with that section;	234
(2) Any position for which federal law requires	235
disqualification from licensure or employment based on a	236
conviction of, judicial finding of guilt of, or plea of guilty	237
to an offense;	238
(3) Community-based long-term care services certificates	239
and community-based long-term care services contracts or grants	240
issued under section 173.381 of the Revised Code;	241
(4) Certifications of a provider to provide community-	242
based long-term care services under section 173.391 of the	243
Revised Code;	244
(5) Certificates of authority to a health insuring	245
corporation issued under section 1751.05 of the Revised Code;	246
(6) Licenses to operate a home or residential care	247
facility issued under section 3721.07 of the Revised Code;	248
(7) Certificates of authority to make contracts of	249
indemnity issued under section 3931.10 of the Revised Code;	250

(8) Supported living certificates issued under section	251
5123.161 of the Revised Code;	252
(9) Certificates to administer medications and perform	253
health-related activities under section 5123.45 of the Revised	254
Code;	255
<u>(10) Licenses issued by the division of cannabis control</u>	256
<u>under Chapters 3780. and 3796. of the Revised Code.</u>	257
(J) Nothing in divisions (B) to (K) of this section	258
prohibits a licensing authority from considering either of the	259
following when making a determination whether to issue a license	260
to an individual:	261
(1) Past disciplinary action taken by the licensing	262
authority against the individual;	263
(2) Past disciplinary action taken against the individual	264
by an authority in another state that issues a license that is	265
substantially similar to the license for which the individual	266
applies.	267
(K) Notwithstanding any provision of the Revised Code to	268
the contrary, if a licensing authority issues a license to an	269
individual after considering a conviction of, judicial finding	270
of guilt of, or plea of guilty to an offense under division (D)	271
of this section, the licensing authority shall not refuse to	272
renew the individual's license based on that conviction,	273
judicial finding of guilt, or plea of guilty.	274
(L) (1) Notwithstanding any provision of the Revised Code	275
to the contrary, subject to division (G) of this section, during	276
the period commencing on the effective date of this amendment	277
<u>April 4, 2023, and ending on the date that is two years after</u>	278
<u>the effective date of this amendment</u> <u>April 4, 2025,</u> no licensing	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 marijuana <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
Sec. 121.08. (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 683
hemp cultivation license or hemp processing license to an 684
applicant that has not complied with those sections. 685

(D) Requirements regarding the experience, equipment, 686
facilities, or land necessary to obtain a hemp cultivation 687
license; 688

(E) Requirements and procedures regarding standards of 689
financial responsibility for each applicant for a hemp 690
processing license. 691

(F) Procedures and requirements for the issuance, renewal, 692
denial, suspension, and revocation of a hemp cultivation license 693
and hemp processing license, including providing for a hearing 694
under Chapter 119. of the Revised Code with regard to such a 695
denial, suspension, or revocation; 696

(G) Grounds for the denial, suspension, and revocation of 697
a hemp cultivation license and of a hemp processing license, 698
including a requirement that the director revoke a hemp 699
cultivation license or hemp processing license, for a period of 700
ten years, of any person who pleads guilty to or is convicted of 701
a felony relating to a controlled substance; 702

(H) A requirement that the director shall not issue a hemp 703
cultivation license or hemp processing license to any person who 704
has pleaded guilty to or been convicted of a felony relating to 705
a controlled substance in the ten years immediately prior to the 706
submission of the application for a license; 707

(I) A requirement that any person that materially 708
falsifies information in an application for a hemp cultivation 709
license or hemp processing license is ineligible to receive 710
either license; 711

(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 741
of this chapter or rules adopted under it; 742

(3) Products produced in violation of this chapter or 743
rules adopted under it. 744

(R) Requirements and procedures governing the production, 745
storage, and disposal of hemp byproducts. 746

For the purposes of this chapter and notwithstanding any 747
provision of law to the contrary, "hemp product" includes a 748
byproduct, produced as a result of processing hemp, that 749
contains a delta-9 tetrahydrocannabinol concentration of more 750
than three-tenths per cent, provided that the byproduct is 751
produced, stored, and disposed of in accordance with rules 752
adopted under division (R) of this section. 753

(S) Procedures for sharing information regarding hemp 754
cultivation license holders with the secretary of the USDA; 755

(T) A setback distance requirement that specifies the 756
distance that a hemp cultivation license holder shall locate 757
hemp plants from a location where medical marijuana or adult-use 758
marijuana is being cultivated. The requirement does not apply to 759
a hemp cultivation license holder with regard to a ~~medical~~ 760
marijuana cultivator that locates medical marijuana or adult-use 761
marijuana within the established setback distance requirement 762
after the hemp cultivation license holder begins operation. 763

(U) Annual reporting requirements and procedures for hemp 764
cultivation license holders and hemp processing license holders; 765

(V) Recordkeeping and documentation maintenance 766
requirements and procedures for hemp cultivation license holders 767

and hemp processing license holders; 768

(W) Fees for the laboratory testing of plants and 769
products; 770

(X) Standards for the testing and labeling of hemp and 771
hemp products; 772

(Y) Requirements prohibiting the processing of hemp in a 773
building used as a personal residence or on land that is zoned 774
for residential use; 775

(Z) Production standards and manufacturing practices for 776
processing hemp; 777

(AA) Procedures and requirements for the transportation 778
and storage of both hemp and hemp products; 779

(BB) Any other requirements or procedures necessary to 780
administer and enforce this chapter. 781

Sec. 2953.321. (A) As used in this section: 782

(1) "Expunge" means to destroy, delete, and erase a record 783
as appropriate for the record's physical or electronic form or 784
characteristic so that the record is permanently irretrievable. 785

(2) "Official records" and "prosecutor" have the same 786
meanings as in section 2953.31 of the Revised Code. 787

(B) If a person, prior to the effective date of this 788
section, was convicted of or has pleaded guilty to a violation 789
of division (C) (3) or (7) of section 2925.11 of the Revised Code 790
and the conduct that was the basis of the violation involved 791
possession of not more than fifteen grams of hashish and not 792
more than two and one-half ounces of marihuana other than 793
hashish, the person may file an application under this section 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

Code. 911

(B) Adult-use consumer" means ~~and an~~ individual who is at 912
least twenty-one years of age. 913

~~(4) "Adult use cultivator" means a level I adult use cultivator~~ 914
~~or a level II adult use cultivator.~~ 915

~~(5)(C) "Adult use Adult-use dispensary" means a person licensed~~ 916
~~before the effective date of this amendment to distribute,~~ 917
~~transfer, or sell adult-use marijuana pursuant section 3780.15~~ 918
~~of the Revised Code, to this chapter and any rules promulgated~~ 919
~~thereunder to sell adult use cannabis as authorized.~~ 920

~~(6) "Adult use extract" or "extract" means a substance obtained~~ 921
~~by separating or concentrating cannabinoids and other compounds~~ 922
~~from any part of the adult use cannabis plant by physical or~~ 923
~~chemical means, intended to be refined for use as an ingredient~~ 924
~~in an adult use cannabis product or as a standalone adult use~~ 925
~~cannabis product.~~ 926

~~(7)(D) "Adult use Adult-use processor" means a person licensed~~ 927
~~before the effective date of this amendment to process adult-use~~ 928
~~marijuana pursuant section 3780.14 of the Revised Code, to this~~ 929
~~chapter and any rules promulgated thereunder to manufacture~~ 930
~~adult use cannabis as authorized.~~ 931

~~(8)(E) "Adult use Adult-use testing laboratory" means an~~ 932
~~independent laboratory located in this state that has been~~ 933
~~issued a license by the division of cannabis control to have~~ 934
~~custody and use of adult use cannabis for scientific purposes~~ 935
~~and for purposes of instruction, research, or analysis~~ 936
~~licensed before the effective date of this amendment to test~~ 937
~~adult-use marijuana pursuant to this chapter and any rules~~ 938
~~promulgated thereunder.~~ 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~~ 997
~~misdemeanor offense, including misdemeanors of the first degree,~~ 998
~~related to cannabis possession, cannabis trafficking, illegal~~ 999
~~cultivation of cannabis, illegal use or possession of drug~~ 1000
~~paraphernalia or cannabis drug paraphernalia, or other cannabis~~ 1001
~~related crimes shall be considered a disqualifying offense.~~ 1002

~~(18) "Director" means the director of the department of~~ 1003
~~commerce.~~ 1004

~~(19) "Level I adult use (G) "Adult-use cultivator" mean either~~ 1005
~~means a person who has a certificate of operation as a level I~~ 1006
~~cultivator and who is licensed before the effective date of this~~ 1007
~~amendment to cultivate adult-use marijuana pursuant to section~~ 1008
~~3780.12 of the Revised Code, this chapter and any rules~~ 1009
~~promulgated thereunder to cultivate adult use cannabis as~~ 1010
~~authorized, or a person who is licensed as a level I adult use~~ 1011
~~cultivator pursuant to section 3780.12 of the Revised Code, this~~ 1012
~~chapter and any rules promulgated thereunder to cultivate adult~~ 1013
~~use cannabis as authorized, and either person may operate up to~~ 1014
~~one hundred thousand square footage of space designated as the~~ 1015
~~cultivation area in the application which may be increased if a~~ 1016
~~request for expansion is approved by the division of cannabis~~ 1017
~~control.~~ 1018

~~(20) "Level II adult use cultivator" mean either a person who~~ 1019
~~has a certificate of operation as a level II cultivator and who~~ 1020
~~is licensed pursuant to section 3780.12 of the Revised Code,~~ 1021
~~this chapter and any rules promulgated thereunder to cultivate~~ 1022
~~adult use cannabis as authorized, or a person who is licensed as~~ 1023
~~a level II adult use cultivator pursuant to section 3780.12 of~~ 1024
~~the Revised Code, this chapter and any rules promulgated~~ 1025
~~thereunder to cultivate adult use cannabis as authorized, and~~ 1026

~~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.~~

~~(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.~~

~~(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.~~

~~(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.~~

~~(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.~~

~~(25) "License applicant" means an individual or person who applies for a license under this chapter.~~

~~(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.~~

~~(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.~~

~~(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 1078
or a combination of individuals; a sole proprietorship, a firm, 1079
a company, a joint venture, a partnership of any type, a joint- 1080
stock company, a corporation of any type, a corporate subsidiary 1081
of any type, a limited liability company, a business trust, or 1082
any other business entity or organization; an assignee; a 1083
receiver; a trustee in bankruptcy; an unincorporated 1084

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 1119

testing laboratory licenses. 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 1173 1174

~~(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 1176 1177

(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 1183
December 7, 2023. 1184

~~(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 1186 1187 1188 1189 1190 1191 1192 1193 1194

~~(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 1196 1197 1198 1199

~~(E) Following twenty-four months from the first date of issuance~~ 1200

~~of an adult use operator license, the division of cannabis-~~ 1201
~~control shall review the number of adult use cannabis operator-~~ 1202
~~licenses on a biannual basis and may authorize additional-~~ 1203
~~licenses after considering:-~~ 1204

~~(1) The current and anticipated market growth and consumer-~~ 1205
~~demand, including the number of adult use consumers seeking-~~ 1206
~~adult use cannabis;-~~ 1207

~~(2) The current and projected supply of adult use cannabis-~~ 1208
~~produced by licensed adult use cultivators, level III adult use-~~ 1209
~~cultivators, and adult use processors; and-~~ 1210

~~(3) The geographic distribution of adult use dispensary sites in~~ 1211
~~an effort to ensure adult use customer access to adult use-~~ 1212
~~cannabis.-~~ 1213

~~(F) (1) The division of cannabis control shall provide a report-~~ 1214
~~and recommendation within ninety days of the conclusion of the-~~ 1215
~~requirements in division (E) of this section to the director for~~ 1216
~~consideration.-~~ 1217

~~(2) The division of cannabis control may adopt rules as-~~ 1218
~~necessary to implement this division.-~~ 1219

~~(3) The division of cannabis control shall adopt a rule-~~ 1220
~~regarding the number of licenses a license holder may hold for-~~ 1221
~~each type of license consistent with this chapter. As of the-~~ 1222
~~effective date of this section, and notwithstanding any other-~~ 1223
~~provision of this chapter, no person shall be issued more than-~~ 1224
~~eight adult use dispensary licenses, and not more than one adult~~ 1225
~~use cultivator license, and not more than one adult use-~~ 1226
~~processor license at any time, unless authorized by the division~~ 1227
~~of cannabis control after an analysis supporting the licensing-~~ 1228
~~pursuant to rule.-~~ 1229

~~(G) The division of cannabis control may authorize additional~~ 1230
~~adult use testing laboratory licenses at any time~~ 1231
(D) (1) A person 1232
seeking licensure under division (B) of this section shall apply 1233
to the division in the form and manner prescribed by sections 1234
3796.09 and 3796.10 of the Revised Code.

(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 1420
3345.011 of the Revised Code. 1421

(8) "Adult-use consumer" means an individual who is at 1422
least twenty-one years of age. 1423

(9) "Adult-use marijuana" means marijuana that is 1424
cultivated, processed, dispensed, or tested for, or possessed or 1425
used by, an adult-use consumer in accordance with this chapter. 1426
"Adult-use marijuana" includes marijuana cultivated, processed, 1427
dispensed, or tested for, or possessed or used by, an adult-use 1428
consumer before the effective date of this amendment in 1429
accordance with Chapter 3780. of the Revised Code, as that 1430
chapter existed immediately prior to the effective date of this 1431
amendment. "Adult-use marijuana" does not include medical 1432
marijuana or homegrown marijuana. 1433

(10) "Church" has the meaning defined in section 1710.01 1434
of the Revised Code. 1435

(11) "Public library" means a library provided for under 1436
Chapter 3375. of the Revised Code. 1437

(12) "Public park" means a park established by the state 1438
or a political subdivision of the state, including a county, 1439
township, municipal corporation, or park district. 1440

(13) "Public playground" means a playground established by 1441
the state or a political subdivision of the state, including a 1442
county, township, municipal corporation, or park district. 1443

(14) "School" means a child care center as defined under 1444
section 5104.01 of the Revised Code, a preschool as defined 1445
under section 2950.034 of the Revised Code, or a public or 1446
nonpublic primary school or secondary school. 1447

(15) "Public place" has the same meaning as in section 1448
3794.01 of the Revised Code. 1449

(16) "Ohio investigative unit" means the investigative 1450
unit maintained by the department of public safety under section 1451
5502.13 of the Revised Code. 1452

(17) "Homegrown marijuana" means marijuana cultivated, 1453
grown, processed, or possessed by an adult-use consumer in 1454
accordance with section 3796.04 of the Revised Code. "Homegrown 1455
marijuana" includes marijuana cultivated, grown, processed, or 1456
possessed before the effective date of this amendment under 1457
former section 3780.28 of the Revised Code, as that section 1458
existed immediately prior to the effective date of this 1459
amendment. "Homegrown marijuana" does not include medical 1460
marijuana or adult-use marijuana. 1461

(18) "Provisional license" means a temporary license 1462
issued by the division of cannabis control to an applicant for a 1463
cultivator, processor, retail dispensary, or laboratory license 1464
under this chapter or Chapter 3780. of the Revised Code that 1465
establishes the conditions that must be met before the 1466
provisional license holder may engage in the activities 1467
authorized by section 3796.18, 3796.19, 3796.20, or 3796.21 of 1468
the Revised Code. 1469

(19) "Certificate of operation" means a certificate issued 1470
by the division to the holder of a provisional license that 1471
authorizes the recipient to engage in the activities authorized 1472
by section 3796.18, 3796.19, 3796.20, or 3796.21 of the Revised 1473
Code. 1474

(20) "Licensed cultivator" means the holder of a current, 1475
valid license issued pursuant to this chapter or Chapter 3780. 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;

(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;

(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;

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

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

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

(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;

(10) Specify, by form and tetrahydrocannabinol content, a

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 of 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
cultivator licenses that will be permitted at any one time, the
division of ~~marijuana~~ cannabis control shall consider ~~both~~ all
of the following:

(1) The population of this state;

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

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

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

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

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

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

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

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

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

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

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

(b) For which a permit has been issued under Chapter 4303. 1710
of the Revised Code to sell beer and intoxicating liquor, as 1711
those terms are defined in section 4301.01 of the Revised Code. 1712

(C) When establishing standards and procedures for the 1713
testing of medical marijuana and adult-use marijuana, the 1714
division shall do all of the following: 1715

(1) Specify when testing must be conducted; 1716

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

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

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

Sec. 3796.06. (A) Only the following forms of medical 1724
marijuana may be dispensed under this chapter: 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 marijuana	1731
<u>cannabis</u> control under section 3796.061 of the Revised Code.	1732
(B) <u>Only the following forms of adult-use marijuana may be</u>	1733
<u>dispensed under this chapter:</u>	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
<u>(1) The smoking or combustion of medical marijuana is</u>	1757
<u>prohibited.</u>	1758
<u>(2) The 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
<u>(3) The division may approve additional methods of using</u>	1769
<u>medical marijuana, other than smoking or combustion, under</u>	1770
<u>section 3796.061 of the Revised Code.</u>	1771
(C) <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 any <u>either</u> of the following:	1920
(a) A <u>licensed</u> laboratory licensed under this chapter;	1921
(b) An applicant for a license to conduct laboratory testing.	1922 1923
(3) The <u>If the application is for a cultivator or</u>	1924
<u>processor license, the applicant demonstrates that it does not</u>	1925
<u>none of its current or prospective owners, officers, board</u>	1926
<u>members, administrators, employees, agents, or affiliates who</u>	1927
<u>may significantly influence or control the applicant's</u>	1928
<u>activities share any corporate officers or employees with any</u>	1929
<u>either of the following:</u>	1930
(a) A <u>licensed</u> laboratory licensed under this chapter;	1931
(b) An applicant for a license to conduct laboratory testing.	1932 1933
(4) The applicant demonstrates that it will not be located	1934
within five hundred feet of a school, church, public library,	1935
public playground, or public park.	1936
(5) The information provided to the department <u>division</u>	1937
pursuant to section 3796.11 of the Revised Code demonstrates	1938
that the applicant is in compliance with the applicable tax laws	1939
of this state.	1940
(6) <u>The applicant demonstrates sufficient liquid capital</u>	1941
<u>and ability to meet financial responsibility requirements;</u>	1942
(7) <u>The applicant demonstrates that the municipal</u>	1943
<u>corporation or township in which the applicant's cultivation,</u>	1944
<u>processing, or laboratory facility will be located has not</u>	1945
<u>passed a moratorium or taken any other action that would</u>	1946
<u>prohibit the applicant from operating there;</u>	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
<u>(C)(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 department 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 2002
States citizens who are residents of this state and are members 2003
of one of the following economically disadvantaged groups: 2004
Blacks or African Americans, American Indians, Hispanics or 2005
Latinos, and Asians. If no applications or an insufficient 2006
number of applications are submitted by such entities that meet 2007
the conditions set forth in division ~~(B)~~(C) of this section, the 2008
licenses shall be issued according to usual procedures. 2009

As used in this division, "owned and controlled" means 2010
that at least fifty-one per cent of the business, including 2011
corporate stock if a corporation, is owned by persons who belong 2012
to one or more of the groups set forth in this division, and 2013
that those owners have control over the management and day-to- 2014
day operations of the business and an interest in the capital, 2015
assets, and profits and losses of the business proportionate to 2016
their percentage of ownership. 2017

~~(D)~~(G) A license expires according to the renewal 2018
schedule established in rules adopted under section 3796.03 of 2019
the Revised Code and may be renewed in accordance with the 2020
procedures established in those rules. Applications for renewal 2021
are not subject to the evaluation, prioritization, ranking, and 2022
lottery provisions in divisions (B), (D), and (E) of this 2023
section. The division shall not deny an application for renewal 2024
based solely on the location of the applicant's existing 2025
facility in proximity to other license holders. 2026

(H) A provisional license issued under this section is not 2027
transferable. 2028

Sec. 3796.10. (A) An entity that seeks to dispense at 2029
retail medical marijuana and adult-use marijuana shall file an 2030
application for licensure with the division of ~~marijuana~~ 2031

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

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

(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.

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

(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;

(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.

(D) Each person who is subject to the criminal records 2231
check requirement shall pay to the bureau of criminal 2232
identification and investigation the fee prescribed pursuant to 2233
division (C) (3) of section 109.572 of the Revised Code for the 2234
criminal records check conducted of the person. 2235

(E) The report of any criminal records check conducted by 2236
the bureau of criminal identification and investigation in 2237
accordance with section 109.572 of the Revised Code and pursuant 2238
to a request made under this section is not a public record for 2239
the purposes of section 149.43 of the Revised Code and shall not 2240
be made available to any person other than the following: 2241

(1) The person who is the subject of the criminal records 2242
check or the person's representative; 2243

(2) The members and staff of the division; 2244

(3) A court, hearing officer, or other necessary 2245
individual involved in a case dealing with either of the 2246
following: 2247

(a) A license denial resulting from the criminal records 2248
check; 2249

(b) A civil or criminal action regarding the ~~medical~~ 2250
marijuana control program or any violation of this chapter. 2251

(F) The division shall deny a license if, after receiving 2252
the information and notification required by this section, a 2253
person subject to the criminal records check requirement fails 2254
to do either of the following: 2255

(1) Access, complete, or forward to the superintendent of 2256
the bureau of criminal identification and investigation the form 2257
prescribed pursuant to division (C) (1) of section 109.572 of the 2258

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 2547
marijuana that may be legally possessed by an adult-use consumer 2548
under section 3796.221 of the Revised Code to the same adult-use 2549
consumer in the same day; 2550

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

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

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

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

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

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

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

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

harmful and illegal; 2574

(b) Information about the addictive qualities of marijuana 2575
and the potential negative health consequences associated with 2576
the use of marijuana. 2577

(E) No person shall own or operate more than eight 2578
licensed dispensaries. 2579

Sec. 3796.21. (A) Notwithstanding any conflicting 2580
provision of the Revised Code, a licensed laboratory, including 2581
the holder of a current, valid laboratory license issued ~~under~~ 2582
~~this chapter may~~ before the effective date of this amendment, 2583
shall do both of the following: 2584

(1) Obtain medical marijuana and adult-use marijuana from 2585
one or more licensed cultivators, licensed processors, and 2586
~~retail-licensed dispensaries licensed under this chapter;~~ 2587

(2) Conduct ~~medical marijuana~~ testing in the manner 2588
specified in rules adopted under section 3796.03 of the Revised 2589
Code. 2590

(B) When testing medical marijuana or adult-use marijuana, 2591
a licensed laboratory shall do both of the following: 2592

(1) Test ~~the marijuana~~ for potency, homogeneity, and 2593
contamination; 2594

(2) Prepare a report of the test results. 2595

Sec. 3796.22. (A) Notwithstanding any conflicting 2596
provision of the Revised Code, a patient registered under this 2597
chapter who obtains medical marijuana from a ~~retail-licensed~~ 2598
~~dispensary licensed under~~ in accordance with this chapter may do 2599
~~both~~ all of the following: 2600

(1) Use medical marijuana; 2601

(2) Possess medical marijuana, subject to division (B) of 2602
this section; 2603

(3) Possess any paraphernalia or accessories that may be 2604
used in the administration of medical marijuana, as specified in 2605
rules adopted under section 3796.03 of the Revised Code. 2606

(B) The amount of medical marijuana possessed by a 2607
registered patient shall not exceed a ninety-day supply, as 2608
specified in rules adopted under section 3796.03 of the Revised 2609
Code. 2610

(C) A registered patient shall not be subject to arrest or 2611
criminal prosecution for doing ~~any~~ either of the following in 2612
accordance with this chapter: 2613

(1) Obtaining, using, or possessing medical marijuana; 2614

(2) Possessing any paraphernalia or accessories that may 2615
be used in the administration of medical marijuana, as specified 2616
in rules adopted under section 3796.03 of the Revised Code. 2617

(D) This section does not authorize a registered patient 2618
to operate a vehicle, streetcar, trackless trolley, watercraft, 2619
or aircraft while under the influence of ~~medical~~ marijuana. 2620

Sec. 3796.221. (A) Notwithstanding any conflicting 2621
provision of the Revised Code, an adult-use consumer who obtains 2622
adult-use marijuana from a licensed dispensary may do all of the 2623
following: 2624

(1) Use adult-use marijuana; 2625

(2) Possess adult-use marijuana, subject to divisions (B) 2626
and (C) of this section; 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, adult-use marijuana, or homegrown marijuana 2691
other than as authorized by this chapter; 2692

(3) Permit the use, possession, or administration of 2693
medical marijuana, adult-use marijuana, or homegrown marijuana 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 or an adult-use consumer's 2697
use of adult-use marijuana or homegrown marijuana; 2698

(5) ~~Prohibit~~ Subject to section 3796.06 of the Revised 2699
Code, prohibit any public place from accommodating a registered 2700
patient's use of medical marijuana or an adult-use consumer's 2701
use of adult-use marijuana or homegrown marijuana, other than by 2702
smoking, combustion, or vaporization; 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

Sec. 3796.27. (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

holder; 2741

(b) The name of any other business or individual 2742
affiliated with the person; 2743

(c) An unredacted copy of the application for a license 2744
under this chapter or Chapter 3780. of the Revised Code, and any 2745
supporting documentation, that was submitted by the person; 2746

(d) If applicable, information relating to sales and 2747
volume of product sold by the person; 2748

(e) Whether the person is in compliance with this chapter; 2749

(f) Any past or pending violation by the person of this 2750
chapter, and any penalty imposed on the person for such a 2751
violation. 2752

(2) The division may charge a financial institution a 2753
reasonable fee to cover the administrative cost of providing the 2754
information. 2755

(D) Information received by a financial institution under 2756
division (C) of this section is confidential. Except as 2757
otherwise permitted by other state law or federal law, a 2758
financial institution shall not make the information available 2759
to any person other than the customer to whom the information 2760
applies and any trustee, conservator, guardian, personal 2761
representative, or agent of that customer. 2762

Sec. 3796.28. (A) Nothing in this chapter does any of the 2763
following: 2764

(1) Requires an employer to permit or accommodate an 2765
employee's use, possession, or distribution of ~~medical~~ 2766
marijuana; 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 3445
principal; 3446

(14) Having offered anything of value other than the 3447
consideration recited in the sales contract as an inducement to 3448
a person to enter into a contract for the purchase or sale of 3449
real estate or having offered real estate or the improvements on 3450
real estate as a prize in a lottery or scheme of chance; 3451

(15) Having acted in the dual capacity of real estate 3452
broker and undisclosed principal, or real estate salesperson and 3453
undisclosed principal, in any transaction; 3454

(16) Having guaranteed, authorized, or permitted any 3455
person to guarantee future profits which may result from the 3456
resale of real property; 3457

(17) Having advertised or placed a sign on any property 3458
offering it for sale or for rent without the consent of the 3459
owner or the owner's authorized agent; 3460

(18) Having induced any party to a contract of sale or 3461
lease to break such contract for the purpose of substituting in 3462
lieu of it a new contract with another principal; 3463

(19) Having negotiated the sale, exchange, or lease of any 3464
real property directly with a seller, purchaser, lessor, or 3465
tenant knowing that such seller, purchaser, lessor, or tenant is 3466
represented by another broker under a written exclusive agency 3467
agreement, exclusive right to sell or lease listing agreement, 3468
or exclusive purchaser agency agreement with respect to such 3469
property except as provided for in section 4735.75 of the 3470
Revised Code; 3471

(20) Having offered real property for sale or for lease 3472
without the knowledge and consent of the owner or the owner's 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 3503
bank account in a depository of a state or federally chartered 3504
institution located in this state. The account shall be 3505
noninterest-bearing, separate and distinct from any personal or 3506
other account of the broker, and, except as provided in division 3507
(A) (27) of this section, shall be used for the deposit and 3508
maintenance of all escrow funds, security deposits, and other 3509
moneys received by the broker in a fiduciary capacity. The name, 3510
account number, if any, and location of the depository wherein 3511
such special or trust account is maintained shall be submitted 3512
in writing to the superintendent. Checks drawn on such special 3513
or trust bank accounts are deemed to meet the conditions imposed 3514
by section 1349.21 of the Revised Code. Funds deposited in the 3515
trust or special account in connection with a purchase agreement 3516
shall be maintained in accordance with section 4735.24 of the 3517
Revised Code. 3518

(27) Failure to maintain at all times a special or trust 3519
bank account in a depository of a state or federally chartered 3520
institution in this state, to be used exclusively for the 3521
deposit and maintenance of all rents, security deposits, escrow 3522
funds, and other moneys received by the broker in a fiduciary 3523
capacity in the course of managing real property. This account 3524
shall be separate and distinct from any other account maintained 3525
by the broker. The name, account number, and location of the 3526
depository shall be submitted in writing to the superintendent. 3527
This account may earn interest, which shall be paid to the 3528
property owners on a pro rata basis. 3529

Division (A) (27) of this section does not apply to brokers 3530
who are not engaged in the management of real property on behalf 3531
of real property owners. 3532

(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 3647
worker, independent marriage and family therapist, art 3648
therapist, or music therapist licensed under Chapter 4757. of 3649
the Revised Code; 3650

(l) An independent chemical dependency counselor licensed 3651
under Chapter 4758. of the Revised Code; 3652

(m) A dietitian licensed under Chapter 4759. of the 3653
Revised Code; 3654

(n) A respiratory care professional licensed under Chapter 3655
4761. of the Revised Code; 3656

(o) A genetic counselor licensed under Chapter 4778. of 3657
the Revised Code; 3658

(p) A certified Ohio behavior analyst certified under 3659
Chapter 4783. of the Revised Code; 3660

(q) A certified mental health assistant licensed under 3661
Chapter 4772. of the Revised Code. 3662

(4) "Health care professional licensing board" means any 3663
of the following: 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
3678

(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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3681
3682
3683

(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
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(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	3845
medical marijuana issued under section 4731.30 of the Revised	3846
Code;	3847
(F) Money transmitter licenses issued under section	3848
1315.04 of the Revised Code;	3849
(G) Lottery sales agent licenses issued under section	3850
3770.05 of the Revised Code;	3851
(H) Licenses issued under Chapter 3905. of the Revised	3852
Code;	3853
(I) Fantasy contest operator licenses issued under section	3854
3774.02 of the Revised Code;	3855
(J) Teledentistry permits issued under section 4715.43 of	3856
the Revised Code;	3857
(K) Physician training certificates issued under section	3858
4731.291 of the Revised Code;	3859
(L) Podiatrist training certificates issued under section	3860
4731.573 of the Revised Code;	3861
(M) Licenses issued under Chapter 4740. of the Revised	3862
Code;	3863
(N) Licenses issued by a political subdivision to an	3864
individual by which the individual has or claims the privilege	3865
to act as a tradesperson as defined in section 4740.01 of the	3866
Revised Code in the political subdivision's jurisdiction.	3867
Sec. 5502.01. (A) The department of public safety shall	3868
administer and enforce the laws relating to the registration,	3869
licensing, sale, and operation of motor vehicles and the laws	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
Revised Code.

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

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

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

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

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

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